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THE SIX BOOKES OF A COMMON-WEALE.

Written by I. BODIN
a famous Lawyer, and a man of great Experience in matters of State.

Out of the French and Latine Copies, done into English, by

RICHARD KNOLES.

LONDON
Impensis G. Bishop. 1606.

Rex & Lex.
TO MY MOST ESPECIALL

good Friend, Sir Peter Manwood, Knight

of the Honourable order of the Bath.

R, gathering matter to continue the liues of the Turkish Emperours, but finding nothing hether-to worthy the writing, more than matters common: such having been the policies of latter times, as to keepe secret the reaons and certaine knowlidge of the doings of great Estates, that if some of the moost wife,mightie, and Honourable, sitting at the helmes of Commonweales, doe not shew the way, posteritie will be defrauded of the moost excellent things that many ages hate before brought forth: and yet succeeding times shall bring to light so much as God in his good time feeth best for the good of the Christian Commonwealth. The Saracim Historiae also to be performed without the light of their owne Chronicles, and the stories of many other countries by them conquered and possesed; a more famous and mightie people, and of longer continuance than the Turkes, and the first planters, spreaders, and maintainers of the Mahometane religion: besides the difficulty of the labour to to weake a body, apace declining, wanting all comfort and helpe but your owne, by the experience of so many yeares spent in the former (and the beginning of this, which you haue long since scene) I doubt (if it please God I liue to performe it) I must write it shortly, as I did the general Historie to my Liues. In the meane tyme hauing had some leisure, and loath to bestowe good houres evill, I thought good to translate these six bookes of Bodin his Commonwealth, which I here commend vnto you. But Sir (my most worthy and onely friend) if beside the divers formes of Commonweales, and such other worthie matter, as is here by the Author set downe, you wish also to see by what lawes and customes they have been also governed, a thing infinite: I in stead of all referre you vnto the reading of the common law of this Realme, which without all doubt in the auntient pruritie thereof, for religious sinceritie, wisdom, power, &e equal and right justice, excelleth all the laws of men that euer yet were, and a knowledge best beseeming the noble gentrie of this land. To make an end, the whole labours of my life haue been and euer shall be comfortable to me, when they may please you, to whom I haue wholly dedicated my selfe. The Lord in his great mercy euer keepe you and all yours. From Sandwich this 18 day of December, 1605.

Yours euer to be commanded,

To the Reader.

Amongst many the great and deep deuices of worldly wisedome, for the maintenance and preserving of humane societie (the ground and stay of mans earthly bliss) the fairest, firmest, and the best, was the framing and forming of Commonweales, wherein people of all estates, sort, and callings, being comprehended, are by many orderly degrees so united and combined together, as that the great are therein ouer honoured, and yet the meanest not neglected, and they in the midst betwixt both, of both according to their places duly respected and regarded: whereof proceedeth the mutuall exchange of all kind and friendly offices, the fairest bond of all good and well ordered Commonweales: every man so finding that which belongeth well unto himselfe, and therefore, together with the common good, wherein every private man's estate is also comprehended and included. But to find out a good and reasonable mean, whereby such multitudes of people, so farre differing in qualitie, estate, and condition, and so hardly to be governed, might yet into one bodie politicke be in such sort united, as that every one of them should in their degree, together with the common good (as members of one and the self-same naturall bodie), have a present feeling of others good and harms, was so hard and difficult a matter, as that the first deuicers thereof were accounted more than men, or at leastwise (as indeed they were) of farre more wisedome and discretion than others; the common sort as then, and yet also not knowing rightly how to governe either themselves or others. Such was Solon amongst the Athenians, Lycurgus amongst the Lacedemonians, Pitacus, and many more in other places; who although by divers and almoet quite contrarie means, aiming at one and the self-same mark, (viz. the quiet common good) to attaine thereunto, framed divers and farre differuent forms and fashions of Commonweales: some of them giving the Soueraigne unto the people in generall, some unto the Nobilitie alone, and some others (better aduised than the rest) unto one most royall Monarch; which both by reason and experience being found the best, is not onely of the more civile nations, but even of the most barbarous people of the world (taught as [should seeme by the onely and mightie governour thereof] in their governments receiu'd. And now whereas of all other arts and professions, and of whatsoever thing els belonging unto the necessitie, use, or ornament of the civile man in particular, so much is by the great and learned wits of all ages set downe, and by writing to all posteritie commended, as may well content euery curiousitie of selfe: yet of this so great, so worthie, and so profitable an argument as is the nature, forme, and essence of all sorts of Estates and Commonweales (wherein the strengthe and power not onely of all the mightie and glorious kingdoms and monarchies that euer yet were, are, or shal bee, but euery the good and welfare of all lawfull humane societie euer also resteth, and a knowledge onely proper unto kings and princes, and such other heroicall minds) so fewe have written, as that it may seeme right strange in so many worlds of yeares, scarce one to haue beene found, which seriously and substantially tooke upon him the handling (I againe say) of this
To the Reader.

so great, so stately, necessary, and profitable an argument; whether it were, for that they, whose wealth gave them leisure to write, did of their own accord in such sort withdraw themselves from learning, as did the more learned (for themselves from the affairs of State; or else that which they excelled both in the one and the other, viz. wealth and learning both, suffered themselves to be so overthrown with the weight of their other business, as that they had no spare time left them for to meditate; or write any thing at all of this so high and material an object, or else that for the difficulty of the matter it sate they abstained to meddle therewith. Which unto the auctent writers seemed so great, as that they which had gained the fame, were still accounted the only wise men of the world. Long and many years agoe Plato, Xenophon, and Aristotle, and in the memorie of our fathers, Sir Thomas Moore (sometimes Lord Chancellour of this land) all men of great fame and learning (and besides them not many more whose works in the space of 2000 years ever came to light) took this so noble and weightie an argument in hand; which they yet so passed through (Aristotle onely excepted,) as that in their most grave and learned discourses is to be scene a certaine imaginarie forme of a perfect Commonwealth, by themselves diversely fantasied (such as indeed sooner was, either yet ever shall be,) rather than any true shape or fashion of such a perfect Estate and Commonwealth, as both indeed been, or yet reasonably may be set downe for an example for others to imitate and conforme themselves unto. So that according to these great and learned mens high and stately conceits, was never yet any Commonwealth framed, neither yet any great matter from their absolute imaginations drawn, for the bountie and profit of such Estates and Commonweales as have indeed since been, and wherein we now live, Which I say not in anything to impair or diminish the fame and credit of these so renowned and excellent men (whose memoriall line for ever) but only that the strong opinion concinced of the great knowledge of them, so grave and learned ancients, and especially in matters of State, wherein they as schoolemen had but little or no experience, might not be altogether prejudicial unto the honourable and reasonable endeavors of some others of our times, no lesse, yea and happily better acquainted with the studies and affairs of Estates and Commonwealthes than were they. For if the true value of things bee to be deemed by the necessary and profitable use thereof, I see not what should let, but that the six books of Io. Bodin de Repub, wherein bee (being himselfe a most famous Civi- nian, and a man much employed in the publicke affairs both of his Prince and Coun- try,) so orderly and exactly profecteth all forms and fashions of Commonwealthes, with the good and euill, the perfections and imperfections incident into the same, and many other matters and questions most necessarie to be knowne for the maintenance and preservation of them, may well be compared, yea and happily better without cause also preferred before any of them, which have as yet taken so great an Argument upon them. Which books by him for the common goo of his native countrey onely, first written in French, and since times printed in three yeeres space, a thing not common at such time as that mightie kingdome began now after the long and bloody civile wares againe to take breath, were by him afterwards for the publicke benefit of the rest of the Christian Kingdomes and Commonwealthes turned into Latine also: which to doe he was the rather mov'd, for that (as bee himselfe faeth) at the time of his employment here in England, he certainly under stood one Oly- bius a Frenchman, privately in noble mens houses in London, and another likewise in the V- niversitie at Cambridge, with great obscuritie and difficulty thereto interprete those his books of a Commonwealth, then written but in French onely: which was as much as in him lay to make the same common unto all men, the chiefes scope and drift of him in the whole Worte being to make the subiects obedient unto the magistrates, the magistrates unto the Princes, and the Princes unto the lawes of God and Nature, Which his so good and Chris-
To The Reader.

Hian an intent and purpoze in some part to further, I out of those his French and Latine copies hau into our owne vulgar translated that shon here seau: seeking therein the true sense and meaning of the Author, rather than precisely following the strict rules of a nice Translato: in observing the very words of the Author; a thing by me which followed neither the one nor other copie alone, but the true sense of both together, was not poasibly to bee performed.  And albeit that this the Authors so worthie a worke, even at the first publishing thereof (and since also) was by some more maliciously than deservely impugned, as namely by Serre and Ferrier both Frenchmen by one Frankbcrget a Germaine, Albergat an Italian, and by Possouimus his pamphlets censured; yea, and that some few points thereof were by some Preachers also in Fraunce with greater zede than judgement found fault with: Sufficient is it that Serre after he had with good leave both written and said what he could, was by the French king his expresse and iust command therefore imprisoned, and both the words and scholler-like writings of the rest little or rather nothing at all regarded, the Authors fame even unto this day more and more still increas: ing and their writings saue bearkned after. So that in defence of him, as also of this my Translato: I will use no other Apologie than that which he yet living in few words most mildly used in an Epistle to a friend of his, persuading him no so to put up the matter: Satis opinor, meae scripta, & vitæ antecedentium rationes ab improborum contaminatio: vindicabunt: I suppose (said he) my writings, with the course of my fore-passe life, shall sufficiently defend me from the reproches and slander of envious and malitious men. And so wishing such as of themselves doe nothing, were no lesse courteous in the amending, than they are curious in the finding out of faults in other mens well meant labors; commendings my selfe with these mine endeavours to thine upright and favourable censure, and thee unto the Almightyes protection.

I in briefe bid thee most heartily farewell.
A SUMMARIE TABLE OF ALL
THE CHAPTERS CONTAINED IN
THE SIX BOOKEES OF
I. BODIN.

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Of the power of a Father, and whether it be meet for the Father to have power of life and death over his children, as had the antient Romans. Chap. 4.

Of the power of a Lord or Master over his Slaves, and whether Slaves are to bee suffered in a well ordered Commonweale. Chap. 5.

What a Citizen is, and how much Citizens differ from Citizens, and how much from Strangers: what also is to be understood by the name of a Towne, a Citie, and of a Commonweale. Chap. 6.

Of them that are under protection, and the difference betwixt Allies, Strangers, and Subjects. Chap. 7.

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Of a Prince tributarie or feudatarie: and whether he be a Soueraigne Prince: and of the prerogative of honour amongst Soueraigne Princes. Chap. 9.

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- Of Corporations, and Colledges, Estates and Communities, and what profits or inconueniences ensue thereof unto the Commonweale.  
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FINIS.
THE FIRST BOOKE OF A COMMONWEALE.

CHAP. I.

What the principal end is of a well ordered Commonweale.

Commonweale is a lawfull government of many families, and of that which unto them in common belongeth, with a
puritanqueagutie. This definition omitted by them which have written of a Commonweale, wee haue placed in the first place: for that in all arts and actions, it behouveth vs first to behold the end, and afterward the means to attaine theunto. For a definition is nothing else than the very end and scope of the matter propounded, which if it be not well and clearly grounded, whatsoever you build thereupon must together and in a moment fall. And yet oftentimes it falleth out with many, that having propounded unto themselves certaine ends, yet can they not attaine unto the end by them desired; no more than the vnskillfull archer who shooteth farre and wide from the marke he aimed at, whereas he which shooteth marksman-like, although he misseth somewhat the marke, yet shall he shoot nearer than he, neither shall he want the commendation of a good archer, having performed what a skillfull archer should have done. But he which knoweth not the end of the matter he hath in hand, is as farre from the hope of attaining theunto, as he is from hitting the marke, which shooteth at randon, not knowing whereat. Wherefore let vs well examine the end, and every part of the definition by us before propounded. First we said that a Commonweale ought to be a lawfull or rightfull government; for that the name of a Commonweale is holy, as also to put a difference between the same, and the great assemblies of robbers and pirats, with whom we ought not to haue any part, commercke, societe, or alliance, but vter enmity. And therefore in all wise and well ordered Commonweales, whether question be of the publique faith for the more saftie to bee gien to of leagues offensive or defensive to bee made; of warre to bee denounced, or undertaken, either for the defending of the frontiers of the kingdom, or for the composing of the controversyes and differences of Princes amongst themselves; robbers and pirats are still excluded from all the benefit of the law of Armes. For why? Princes which gouerne their States by their owne lawes, and the lawes of nations, haue alwayes divided their lust and lawfull enemies, from these disordered, which fexeke for nothing but the vter ruine and subjection of Commonweales, and of all ciiuitie societe. For which cause, if ranome promised unto robbers for a mans redemption, bee not vnto them.
accordingly payed, there is no wrong done: for that the lawes of Armes ought neither to be communicated vnto them, neither are they to enjoy the benefit of those lawes, which lawfull enemies being taken prisoners, or free men enjoy. Yea the lawes do permitt him that is taken of robbers, not thereby to loose his libertie: but that he may neverthelesse make his will, and do all other lawfull actes: which for all that was not in former time lawfull for them to doe, which were taken by their iust enemies. For that he which was fallen into the hands of his lawfull enemies, by the law of nations did together with his libertie loose also all such power as he had ouer his owne things. Now if a man should say, that the law comman deth to restore vnto the robber his pawne, his things committed vnto thee upon trust, or what thou haft of him borrowed; or to repossesse him, beeing by force thrust out of a possession, never so unjustly by him obtained; there is thereof a double reason: the one, for that the robber in submitting himself vnto the Magistrat, and shewing his obedience vnto the lawes, in demanding justice, declared to be therein regarded: the other, for that this is not so much done in favour of the theefe or robber, as in hatred of him which would unconsciouly detain the sacred thing left to his trust, or by way of force proceed to the gaining of that which he might by course of justice have otherwise obtained. Of the first whereof we have examples enow, but none more memorable than that of Augustus the Emperor, who caused it to be proclaimed by the sound of the Trumpet, that he would give ten Sesterctes vnto him which should bring vnto him Coracotas, the ring leader of the theees and outlaws in Spaine: which thing Coracotas understanding, of his owne accord presented himself vnto the Emperor, and demanded of him the promised reward: which Augustus caused to be paid vnto him, and so received him into his favour, to the intent that men should not think, that he would take from him his life, to deceiue him of the reward promised; or yet violate the publike faith and securite with him, who of himself offered himself vnto the trial of justice: albeit hee might have justly proceeded against the fellow, and so have executed him. But he that should use such common right towards pirats & robbers, as is to be vned against just enemies, should open a dangerous gap to all vagabonds, to joynes them selves vnto robbers and theees, and afflute their capital actions and confederacie, vnder the vaile of justice. Not for that it is impossible to make a good Prince of a robber, or a good King of a rouer: yea, such a pirat there hath bee ne, who hath better defended to be called a King, than many of them which have carried the regall scepters and diadems, who have no true or probable excuse of the robberies and cruelties which they cause their subiects to endure. As Demetrius the pirat by way of reproach saide to Alexander the great, that he had learned of his father no other occupation than piracie, neither from him received any other inheritance than two small frigots: whereas he which blamed him of piracie, roamed about neverthelesse, and with two great armies robbed the world without controlment, albeit that he had left him by his father the great and flourishing kingdome of Macedon. Which frankspeech so moved Alexander, not to the reuenge of the iuft reproach given him, but vnto commiseration, with a certaine remorse of conscience: in so much that he pardoned Demetrius, & made him general ouer one of his legions. And not to go further for examples, in our age Solymax the great Sultan of the Turks, with great rewards alluerte vnto him Hariademus Anobarbus, Dragut Reis, & Ochiali, three of the most famous pirats of our memory; whom he made his Admirals, and great commandurers at Sea; by their strength to confirm his owne power, and to keepe vnder the other pirats, then roaming all about the seas, and to afflute his trafficke. Truely by such alluements to draw arch pirats into good order, is, and shal be alwaies commendable: not onely to the end, not to make such people through dispai
A to invade the State of other princes, but also by their meanes to ruinate and bring to nauight other pirats, as enemies to mankind: who although they seem to live in nearer so much amitie and friendship together, and with great equalitie to diuide the spoile, (as it is reported of Bar-gules and Vitriatus, the arch pirats) yet for all that they ought not to be of right called societies and amities, or partnerships; but conspiracies, robberies, & pillages: neither is that their equal parting of the spoile, to be termed a lawful division, but a meere robbery: for that the principall point wherein consists the true marke and cognissance of amite in them wanteth, that is to wit, right government, according to the lawes of nature. And that is it, for which the auncient writers have called Common weals, Societies of men assembled to live well and happilie together.

B Which as it may serve for a description of a Citie, so can it not stand for a true definition of a Commonweale, as having in the one part thereof too much, and in the other too little: three principal things especially to bee required in every Commonwealh, wanting in this description, that is to say, the family, the souerainty, and those things which are common to a Citie, or commonweale: joyning hereunto also, that this word, Happily, as they understand it, is not necessarie: for otherwise vertue should have no prize, if the favoursable wind of prospectie still blew not in the poore thereof, which a good man will never content vnto. For a Commonweale may be right well gourned, and yet neither thelese afflicted with pouertie, for taken of friends, befieged by enemies, and overcomen with many calamities: vnto which estate Cisaro himselfe confesseth him to have succed the Commonweale of Marsells in Province to haue fallen, at such time as it was by Caius Caesar triumphed vpon: which he faith to have bene the best ordered and most accomplisshed that ever was in the world, without exception. And so contrariwise it should come to passe, that a Citie, or Commonweale, fruitfull by fiction, abounding in riches, flourishing, and well stowed with people, frequented of friends, feared of enemies, invincible in arms, strong in fortification, proud in buildings, triumphant in glorie, should therefore be rightly gourned, albeit, that it were surcharged with all villanies, and grounded in all manner of vices. And yet neuertheless most certaine it is, that vertue hath not a more capitall enemie, than such a perpetual successe as they call moost happy; which to joine together with honestly, is no leffe difficultie, than to combine things by nature moost contrarie. Wherefore fith that we may without reproach want other things, as also without praife abound therein: but that vertues we cannot without great imputation want; or be with vices polluted without: infamie: it must needs follow, that those things which are thought to make the life of man more blessed, that is to say, riches, wealth, large territories and possicions, not to be of necessitie required vnto well ordered Cities, and commonweales: so that he which will looke further into the matter, must as little as hee may decline from the best or moft perfect state of a Commonweale. For as much as by the goodnes of the end we measure the worth and excellencie, as well of Cities and Commonweales, as of all other things: so that by how much the end of euery Citie, or Commonweale is better or more heaven-like, so much is it to be esteemed worthily to excell the rest. Yet is it not our intent or purpose to figure out the onely imaginary forme and Idea of a Commonweale, without effect, or substance, as have Plato, and Sir Thomas More: Chaucelr of England, vainely imagined: but so neere as we possibly can precisely to follow the best lawes and rules of the most flourishing cities and Commonweales. In which doing, a man is not bee inffly blamed, although hee fully attaine not vnto the end hee aimed at, no more than the good Pilot, by force of temptfull druen out of his course; or the skillfull Physitian overcome with the force of the maladie, are the leffe esteemed: provided, that the one hath yet in the cure well
The chief felicitie of one citizen, and of a whole City, be all one and the felicite, and the chiefe good of both consisteth in those vertues which are proper vnto the mind, and are onely compendious in contemplation (as they which in wisedome are said to haue farre excelled the rest, haue with great agreeement affirmed) it must needs follow also, those citizens and people to enjoy true felicite, which exercising themselves in the sweet knowledge of things natural, humane, and divine, referre all the fruits of their contemplation vnto the almighty God, and great Prince of nature. If we then confesse this to be the principall end of the most blest and happy life of every one in particular, we conclude, that this is the felicite and end also of a Commonweale. But for as much as men of affairs, and Princes, are not in this point agreed, every man measuring his good by the foot of his pleasures and contentiments; and that those which haue had the fame opinion of the chiefe felicite of a man in particular, haue not alwayes agreed, That a good man and a good citizen are not all one; neither that the felicite of one man, and of a whole Commonweale are both alike: this hath made that we haue alwayes had varietie of lawses, customes, and decrees, according to the dures humors and passions of Princes and governours. Most then thinking the life of man to be but base, if his endeavours should bee onely directed vnto necessitie, and not also vnto pleasure, and ornament: they would (I say) account it a miserable thing to dwell in poore cottages courted with turfe, or in strait cabins and lodges to shrowd themselves from the iniury of the weather. But as much as the wife man is in a fort the measure of right and wrong, of truth and falhhood; or as it were an inflexible rule: and they which are thought to excell all others in justice and wisdom, with one consent affirme the chiefe good of every one in particular, and of all in common, to be but one, and the fame: we also putting no difference between a good man, and a good citizen, measure the chiefe felicite and happiness of every particular man, and of all men in general, by that most beautifull and sweet contemplation of high matters, which we before spoke of. Albeit that Aristotle sometimes following the vulgar opinion, seemeth doubtfull in setting downe the chiefe good thing, and not well to agree in opinion with himselfe: as thinking it necessary vnto vertuous actions to ioyne also wealth and power: yet when he reasoneth more subtilly thereof, placing the chiefe good and felicite of man, in Contemplation. Which seemeth to have gien occasion vno Marcus Varro to say, That the felicite of man consisteth in a mixture of action and contemplation together: whereof this may seeme to haue bene the reason. For that as of one simple thing, the felicite is simple: so of things double or compound, the felicite is also double and compound. For the goodnesse of the bodie consisteth in the health, strength, agility, continentie, and beauty thereof: but the goodnesse of the mind, that is to say, of that facultie or power which is the true bond of the bodie and understanding together, consisteth in the due obedience of our desires vnto reason, that is to say, in the action of mortal vertues: whereas the chiefe goodnes and felicite of the understanding and mind it selfe, consisteth in the intellectual vertues, that is to say, Wisedome, Knowledge, and true Religion: Wisedome, concerning worldly affairs: Knowledge, concerning the searching out of the secrets of nature; and Religion, the knowledge of things divine. Of which three vertues, the first feeth the difference between good and cuill, the second between truth and falhood, and the third between true holiness and impietie: and do altogether contain what is to be desired, or to be fled from. In which three vertues, true wisedome consisteth, better than which God hath not given any thing vnto man: For that it cannot be taken from us by theft, consumed by fire, or lost by shipwrack; but is of itselfe sufficient to make men, other-
A wife definate and bare of all other things, happy; and that not every one in particular only, but even altogether also. Yet for all that shall a city be much more blessed and fortunate, which encreased by these virtues, shall have also sufficient territory, and place capable for the inhabitants; a fettyle soyle to plant in, with beasts and cattell sufficient to feed and cloath the people with; and for the maintenance of their health, the sweet disposition of the heaven, temperate and fresh ayre, plentiful and wholesome water, also matter fit for building and fortification, if the country of it seale bee not safe and strong enough against the injuries both of the weather and the enemy. These are the first beginnings of a growing commonweale, &c. That those things be first provided for, without which people can in no wise live; and then after that, such other things as wherewith men liue the more commodiously and better, as medicines to cure diseases, metals wherewith convenient tools may be made for workmen, & atmes for soldiers, not only to repple but also to take reuenge upon the enemy and robber. And for as much as the defiles of men are inflatible, after that those things are provided for which are necessarie, as also those which are profitable; it lusteth vs also to seeketh after, and to abound with vaine delights and pleasures, that so we may more sweetly & pleasantly liue. And as we have no care of nurturing our children, before that they by convenient education being grown, become capable both of speech and reason; no more regard have cities also for the conforming of manners, or searcing after the knowledge of natural and divine things, before they have gotten such things as must needs be had to feed and defend their citizens; but are with meane wisedome content to repple their enemies, and defend their people from intruite. But the man that hath got all things needfull for him to lead a safe and happy life withall, if he be well by nature, and better by education instructed, abhorreth the companie of vaine and wicked men, and better himselfe with the good, and seeketh after their friendship; and afterwards when he seeth himselfe cleane & free from those perturbations and passions which trouble and molest the mind; and hath not set his whole hope upon his vaine pelfe, but at great ease beholdeth the changes and chances of the world, the vn:create and diversifie of mens manners, their divers ages, and conditions; some in the height of power and loue, some in the bottome of calamitie and woe; he then studiously beholde hath the mutations, ritenings, and downfal of Commonweals; and wisedome theneth thinges forepaft, vnto those that are to come. After that, turning himselfe from mens affaires vnto the beautye of nature, he delighteth himselfe in beholding the varietie of nature worke in plants, liuing creatures, and minerals, hee considereth of every one of them, their forme, their strength, and excellencie: yea he seeth the succesful tranmutations of the elements themselves one into another, the singular Antipathie and contagiousne of things, the wonderfull order and consent of causes; whereby the things lowest, are joyned vnto the highest, they in the middle vnto both, and so in breves all to all: as also whereof every thing tooke beginning, whether it returneth againe, when and how it shall take end; what in things is mortal and tranitory, what immortal and eternal; and so by little and little, as it were with the swift wings of contemplation carried vp into heaven, wondreth at the brightnesse of the notable startes; the power, placing, distance, and vnerquall course of the heavenly bodies; and so the good agreement and as it were most sweet harmonie of the whole world, and of every part thereof: so raisith with a wonderfull pleasure, accompanied with a perpetuell desire to see the causes of all things, he is still catted on, vntill hee bee brought vnto God, the first cause, and governour of all this most faire and beautifull worke: wherther when hee is once come, he staith to search furthur, seeing that he is of an infinite and incomprehensible essence, greatnesse, power, wisedome, and beautie, such as cannot either by
tongue be expressed, or by any mind of man conceiv'd: yet so much as in him is her pray'seth, extoll'st, and with great devotion honour'st, that to great brightnes of the divine Majesty, which by such heavenly contemplation draweth him vnto the true glorie, and chief end of all goodnesse. For by these means men seeme in a maner to have obtained the most goodly knowledge of things naturall, ciuitall, and divine, and the very summe of humane felicitie and blifie.

If therefore we judge such a man wise and happy, as hath not gotten store of common wealth and pelfe, but the knowledge and understanding of most excellent things, and remote from the rude capacitie of the vulgar people: how much more happy ought we to judge a commonweale, abounding with a multitude of such citizens, although it be contained with strait bounds, contenme the proud wealth and pleasures of the greatest cities, which measure their greatest felicitie, by their greatest delights, or by their abundant wealth and store, or by the vaniti of their glory? Neither yet for all that doe we make that chief good of a man, or of a commonweale, to be a thing confused, or mixt: For albeit that man be composed of a bodie which is fraile and mortal, and of a soule which is eternall and immortall: yet must it needs be confessed the chief goodnesse of man to rest and be in that part which is more excellent than the rest; that is to say, the Mind. For if it be true (as true it is) that this our bodie is compact and framed of flesh and bones, to sette the soule; and our desites to obey reason: who can doubt the chief felicitie of man wholly to depend of the most excellent vertue thereof, which men call the action of the mind? For although Aristotle, according the opinion of the Stoiks, had placed the chief goodnesse of man in the action of vertue; yet he the same man was of opinion, that the same action was still to bee referred vnto the end of contemplation: otherwife (faith hee) the life of man should bee more blessed than that of the Gods, who not troubled with any actions or businesse, enjoy the sweet fruit of eternall contemplation, with a most affured repose and rest. And yet not willing to follow the doctrine of his maister Plato, and also accounting it a shame to depart from the opinion by himselfe once received and set downe; for as much as he at the first had put the blestede life in action; he afterward with great ambiguity of words, hath placed the chief felicitie of man, in the action of the mind, which is nothing else but contemplation: to the intent he might not seeme to haue put the chief good both of men and commonweales, in things most contrary vnto themselues, motion (I say) and rest, action and contemplation. And yet hee nevertheless seeing men and commonweales to bee subject into motion, and troubled with their necessary affairs, would not plainly put that chief good or happiness which we seeke after, in contemplation onely; which for all that he must of necessite confesse. For all beit that the actions whereby mans life is maintained, as to eat, to drinke, to sleepe, and such like, are so necessarie, as that a man cannot long want them: yet is no man so simple, as in them to put mans chief good or felicitie. The moral vertues also are of much more worth and dignitie than they: for that the mind by them (or by the vertue divine) purged from all perturbations, and affections, may bee filled with the most sweet fruit and cleare light of contemplation. Whereby it is to be understood, the moral vertues to be referred vnto the intellecutall, as vnto their end. Now that can in no wise be called the chief good or happiness, which is referred vnto a farther thing, better and more excellent than it selfe: as the bodie vnto the soule, appetite vnto reason, motion vnto quiet rest, action vnto contemplation. And therefore I suppose that Marcus Varro, who deemed man his chief good to bee mixt, of action and contemplation; might (in mine opinion) have more aptly and better said mans life to haue need of both: yet the chief good and felicitie thereof to consist in contemplation: which
A which the Academicks called the sweet, and the Hebrews the precious death; for that it doth in a sort raiseth the mind of man from out of this fraile and vile bodie, and carrieth the same vp into heaven. Yet neuertheless true it is, that a commonweale cannot long stand if it be quite or long time destitute of those ordinary actions which concerne the pretentation of the peoples welfare, as the administration and execution of justice, the providing of viuals, and such other things necessary for the life of man; no more than can a man long live whose mind is so strongly raiseth with the contemplation of high things, that he forgetteth to eate or drinke, and so suffereth the bodie with hunger and thirst to perish, or for lacke of rest to die.

But as in this fabricke of the world (which we may call the true image of a perfect and most absolute commonweale) the Moone, as the soule of the world, comming noeret vnto the Sunne, seemeth to forake this perqusall and elementarie region; and yet afterwards by the conjunction of the Sunne, filled with a diuine vertue, wonderfully imparts the same vnto these inferiour bodies, so also the soule of this little world, by the force of contemplation raisheth out of the bodie, and in some sort as it were united vnto the great * Sun of vnderstanding, the life of the whole world, wonderfull lighted with diuine vertue, with that celestiall force marvellously strengtheneth the bodie, with all the naturall powers thereof. Yet if the same, become too carefull of the bodie, or too much drowned in the sensuall pleasures thereof, shall forake this diuine Sunne; it shall befall it even as it doth vnto the Moone, which shunning the light of the Sun, and masked with the shadow of the earth, looeth her brightnesse and light, by which defect many foule monsters are engendred, and the whole course of nature troubled: and yet if the Moone should never be seperated from the conjunction of the Sunne, it is most certaine that the whole frame of this elementarie world should in right short time be dissolved and perish. The fame judgement we are to have of a well ordered commonweale; the chiefe end and felicitie whereof consisteth in the contemplative vertues: altho that publique and politickall actions of leffe worth, be first and the fore-runners of the fame, as the provision of things necessarie for the maintenaunce and preservation of the state and people; all which for all that we account faire inferiour vnto the moral vertues, are also they vnto the vertues intellectuall; the end of which, is the diuine contemplation of the fairest and most excellent obiect that can possibly be thought of or imagined. And therefore we see that Almighty God who with great widsom disposed all things, but that especially, for that he appointed only six dones for vs to travell and to do our business in, but the seventh day he consecrated vnto contemplation and most holy rest, which only day of all others he blessed as the holy day of repose and rest, to the intent we should imploy the same in contemplation of his works, in meditation of his law, and giving of him praise. And thus much concerning the principall end and chiefe good of euery man in particular, as also of all men in generall, and of euery well ordered commonweale: the neerer vnto which end they approach, by so much they are the more happie. For as we see in particular men, many degrees of worldly calamitie or blisse, according to the diuers ends of good or bad that they have vnto themselves propounded; so have also commonweales in a sort their degrees of felicitie and miserie, some more, some lesse, according to the diuers ends they have in their government aimed at.

The Lacedemonians are reported to have always bene valiant and couragious men; but in the rest of their actions inuifd and perfidious, if question once were of the common good: for that their education, their laws, customs, and manners, had no other scope or end but to make their people couragious to vndertake all dangers, and painfull to endure all manner of labour and toyle; concerning all such pleasures and delights
delights, as commonly effeminateth the minds of men, and weaken their strength, referring all their thoughts & deeds, to the increasing of their state. But the Roman com-
monweale having flourished in justice, farre palled the Lacedemomians; for that the Romans, besides that they were passing courageous, had propounded also unto themselves true justice, whereunto, as to a mark, they addressed all their actions. Wherefore we must so much as in vs lyeth endeavour our selves to find the meanes to attain or at least wise to come to neer as we possibly can, vnto that felicitie wee have before spoken of, and to that definition of a Commonweale by vs before set downe, Wherefore prosecuting every part of the said definition, let vs first speake of a Familie.

Chap. II.

Of a Familie, and what difference there is betwene a Familie
and a Commonweale.

Familie is the right government of many subjectts or persons vnder the obedience of one and the same head of the family; and of such things as are vnto them proper. The second part of the definition of a Commonweale by vs set downe, concerneth a Familie, which is the true seminairie and beginning of every Commonweale, as also a principall member thereof. So that Aristote following Xenophon, feemeth to me without any probable cause, to have divided the Oeconomical government from the Politicall, and a Citie from a Familie: which can no other wise be done, than if wee should pull the members from the bodie; or go about to build a Citie without houses. Or by the same reason he should have set downe by it selfe a treatise of Colleges, and Corporations; which being neither families nor cities, are yet parts of a Commonweale. Whereas we see the Lawyers, and law makers (whome we ought as guides to follow in reasoning of a Commonweale) to have in the same treatise comprehended the laws and ordinances of a commonweale, corporations, colleges, and families; howbeit that they have otherwise taken the Oeconomical government than did Aristote; who defineth it to be a knowledge for the getting of goods: a thing common vnto corporations and Colleges, as vnto Cities also. Whereas we under the name of a Familie, do comprehend the right government of an house or familie; as also the power and authority the master of the house hath over his people, and the obedience to him due: things not touched in the treatise of Aristote and Xenophon. Wherefore, as a familie well and wisely ordered, is the true image of a Citie, and the domesticall government, in sort like vnto the soueraigne in a Commonweale: so also is the manner of the government of an house or familie, the true model for the government of a Commonweale. And as whilst every particular member of the bodie doit his dutie, wee liue in good and perfect health; so also where every familie is kept in order, the whole citie shall be well and peaceably governed. But if a man shal be croffe and froward vnto his wife, if the wife shall be about to take vpon her the office of her husband, and not shew her self obedient vnto him; if both of them shall account of their children as of servants, and of their servants as of beatles, and of tyrannise over them; if children shall refuse the commands of their parents, and the servants of their maisters; who seeke not no concord to be in that house, no agreement of minds and wils, but all full of strife, brawling and contention: Seeing therefore the way to order well a citie, leaneth & refleeth in the good government of families, as it were vpon certain proper founda-

DIonis.Heri.car.hi.pr.
Audit. A Commonweale, they have such things as unto them in common belongeth, with a puissant souereignty. By the word, Many, you may not in this case understand two, as for most part we do; for seeing that the law requireth at the least three persons to make a College, we according to the Lawyers opinion account three persons also, besides the master of the house, necessary to make a family; be they children, or slaves, or men enfranchised, or free borne men which have voluntarily submitted themselves vnto the master of the house or family, who maketh vp the fourth, and is yet nevertheless a member of the family. But for as much as Families, Colleges, Companies, Cities, and Commonweales, yea, and mankind it selfe would perish and come to end, were it not by marriages (as by certaine Seminaries, or nurseries) preferred and continued, it followeth well that a family cannot be in all points perfect and accomplished without a wife. So that by this account it commeth to passe, there must be five persons at least to make vp an whole and entire family. If therefore there must needs bee three persons, and no fewer, to make a College, and as many to make a family, beside the master of the household and his wife; wee for the same reason say three families and no fewer to be neccessarie for the making of a Citty, or Commonweale, which should be three times five, for three perfect families. Whereupon (in mine opinion) the ancient writers have called fifteene a people, as faith Appuleius, referring the number of fifteene vnto three entire families. For albeit that the master of the family haue three hundred wifes, as had Solomon King of the Hebrews; and fife hundred children, as had Herodotus King of the Parthians by his multitude of wifes; or five hundred slaves, as had Caesar; if they bee all vnder the command of one and the same head of the familie, they are neither to be called a people nor a citie, but by the name of a family onely: Yea although hee haue many children, or servants married, having themselves children also; prouided alwaies, that they be vnder the authority of one head, whom the law calleth father of the family, although he yet crieth in his cradle. And for this cause the Hebrews, who alwaies shew the propriety of things by their names, haue called a family בֶּן בָּנָי not for that a family containeth a thousand persons, as faith one Rabbin, but of the word בֶּן, which signifieth an head, a Prince, or Lord, naming the familie by the chief thereof: better as I suppose than did the Greeks, of σπουδα, or the Latines of Familis. But what should let (may some man say) three Colleges, or many other particular assemblies without a familie to make a Citty, or Commonweale, if they be gouerned by one souereigne command? Truly it maketh a good shew, and yet for all that is it no Commonweale: for that no Colledge, nor bodie politic can long stand without a familie, but must of it selfe perish and come to nought.

Now the law faith, that the people never dieth, but a thousand yeare hence to be the same that it was before: although the vie and profit of any thing granted vnto a commonweale be after an hundred yeare extinguished, and againe reunited vnto the propriety, which propriety should otherwise be vnto the Lord thereof vaine and unprofitable: for it is to be premissed, that all they which now liue wil in the course of an hundred yeares be dead, albeit that by successiue propagation they be immortal; no otherwise than Theseus his ship, which although it were an hundred times changed, yet still retained the old name. But as a ship, if the keele (which strongly beareth vp the prow, the poup, the ribs, and tacklings) be taken away, is no longer a ship, but an euil favoured houre of wood: even so a Commonweale without a souereaintie of power, which vnites in one body all the members and families of the same
I F
sometimes one family may be greater than some common weale.
Plutarch.
The greatest common weale is no more a common weale than the leaft.

The multitude of people no hindrance to the ministe of a common weale, so that they be under one soueraigne command.

There is no more a common weale, neither can by any means long endure. And not to depart from our familie: as a ship may be quite broken up, or altogether consumed with fire; so may also the people be into divers places dispersed, or els be utterly destroyed, the citie or state yet standing whole: for it is neither the walls, neither the persons, that maketh the citie, but the union of the people under the same soueraigne government, albeit that there be in all but three families. For as an Emper is as well to be called a living creature, as an Elephant: so the lawfull government of three families, with a soueraigne power maketh as well a common weale, as a great signiorie. So Rhague one of the least signiories in all Europe, is no leffe a common weale, than are those of the Turkes, the Tartars, or Spaniards, whose Empires are bounded with the same bounds that the course of the Sun is. And as a little family shut vp in a small cottage, is no leffe to be accounted a familie, than that which dwelleth in the greatest and richest house in the citie: so a little king is as well a Soueraigne as the greatest Monarch in the world. So Βίβλες, whose kingdom was contained within the rock of Ιθάκη, is of Homer as well called a King, as Αγαμεμνών: for a great kingdom (as faith Castirotus is no other thing than a great Commonweale, under the government of one chief soueraigne: wherefore if of three families, one of the chief of the families hath soueraigne power over the other two, or two of them together over the third, or all three ioyntly and at one exerçise power and authoritie over the people of the three families: it shal as well be called a Commonweale, as if it in it felie comprehended an infinite multitude of citizens. And by this means it may chaunce, that one familie may sometimes be greater and better peopled then a common weale: as was well said of the familie of Eumelius Tabero, who was head of a family of sixteene of his owne children, all married, whom he had all vsed his power, together with their children and seruants, dwelling in the same house with him. And on the contrary part, the greatest Civie or Monarchie, and the best peopled that is upon the face of the eath, is no more a common weale or citie, than the leaft. Albeit that Άριστοτέλεια faith, the citie of Babylon (whose circuit in a square forme was so great, that it could scarce on foot bee gone about in three days) was to bee called rather a nation, than a common weale, which ought nor, as he faith, to have more than ten thousand citizens in it at the mofs: as if it were any aburditie to call an infinite number of nations, and dwelling in divers places, goerned by one soueraigne command, by the name of a Commonweale. By which means the citie of Rome (more famous than which was never any) should not deserve the name of a Commonweale, which at the foundation thereof had not above 3000 citizens, but in the time of Τιβέριος the Emperor, had ceasd in it fifteen Millions besides an hundred and ten thousand others dispersed almost throughout the world: not accounting the slaves, the number of whom was ten times greater: and yet in this number were not comprised they of the Provinces subject unto the Empire of Rome, neither the confedart citie, or free nations, who had their Commonweales in soueraigne diuided from the Roman Empire. Which soueraigne government is the true foundation and hinge whereupon of the state of a citie turie: whereof all the magistrats, lawes, and ordinances dependeth; and by whose force and power, all colleges, corporations, families, and citizens are brought as it were into one perfect bodie of a Commonweale: albeit that all the subjects thereof be enclosed in one little towne, or in some strait territorie, as the commonweale of Schwitz, one of the leaft of the confedart Cantons of Suisse; not so large as many fams of this * kingdom, nor of greater revenue: or els that the Commonweale hath many large provinces and countries, as had the Persians, which * is reported to have had an hundred twenty seuen provinces from the wettest part of India, unto the sea of Hellespontus: or as is now also the

* France.
* Eftel. cap.x.
* Herodotus.
* Plutarch, in Artax.
A commonweale of the Ethiopians, wherein ar e fittie provinçes, which Pau. Iouius without reasoon calleth kingdomes: albeit that they have not but one king, one king-
dome, one Monarch, one Commonweale, under the puissant soueraignitie of one and
the same Prince whom they call Negus.

But beside that soueraignitie of government thus by vs set downe, as the strong
foundation of the whole Commonweale; many other things besides are of citizens to
be had in common among themselves, as their markets, their churches, their walks,
ways, lawes, decrees, judgments, voyces, customs, theaters, walls, publick buildings,
common palfures, lands, and treasure; and in briefe, rewards, punishments, futes, and
contracts: all which I say are common vnto all the citizens together, or by vs and
profit; or publick for euer yon to efe, or both together. That is also a great com-
munity which ariseth of colleges and corporations of companies, as also of benefits
both gien and receiued. For otherwise a Commonweale cannot be fo much as ima-
gined, which hath in it nothing at all publick or common. Although it may fo be, that
the greatest part of their lands be common vnto the citizens in generall, and the least
part vnto euer yon of them in particular: as by the law of Romulus, called Agraria, all
the lands of Rome, at that time containing eighteene thousand acres, was diuided in
to three equall parts, whereof the first part was assigned for the maintaining of the sa-
crifices; the second for the deflaying of the necessarie charges of the common weale;
and the third was equally diuided among the citizens; who being in number but three
thousand, had to euerie one of them allotted two acres: which equal partage long time
after continued with great indifferencie, for Cincinnatus the Dictator himselfe 260 yeres
after had no more but two acres of land, which hee with his owne hands husbanded.
But howsoever landes may be diuided, it cannot possibly bee, that all things should bee
common amongst citizens; which vnto Plato seemed fo notable a thing, and fo much
to be wished for, as that in his Commonweale he would have all mens wives and chil-
dren common also: for hee deemed it would come to passe that these two words
Mine and Thine, should neuer more be heard amongst his citizens, being in his opi-
inion the caufe of all the discord and euils in a Commonweale. But he understood not
that by making all things thus common, a Commonweale must needs perish: for no
dothing can bee publicke, where nothing is privat: neither can it be imagined there to bee
any thing had in common, if there be nothing to be kept in particular; no more than
if all the citizens were kings, they should at all haue no king; neither any harmony, if
the diversitie and disimilitude of voyces cunningly mixed together, which maketh the
sweet harmony, were all brought vnto one and the same tune. Albeit that such a Com-
monweale should be also against the law of God and nature, which detest not only
insects, adulteries, and inceperable murders, if all women should bee common; but alfo
expressely forbids vs to steale, or so much as to desire any thing that another mans is.
W hereby it cvidently appeareth this opinion for the communitie of all things to bee
erroneous, seeing Commonweales to haue bene to that end founded and appointed by
God, to give vnto them that which is common; and vnto euerie man in privat, that
which vnto him in privat belongeth. Besides that also such a communitie of all things
is impossible, and incomparablye with the right of families: for if in the familie and the
city, that which is proper, and that which is common, that which is publick, and that
which is privat, be confounded; we shall have neither familie nor yet Commonweale.
In so much that Plato himselfe (in all other things most excellent) after he had feene the
notable inconueniences & abfurdis which such a confuted communitie of all things
drew after it, wisely of himselfe departed from that so absurd an opinion, and easily
herited that Commonweale which he had attributed vnto Socrates to be abolished; that,

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herited that Commonweale which he had attributed vnto Socrates to be abolished; that,
so he might more moderately defend his own. But some will say, that the Matlagets had all things in common: yet they which so say, confesse also every one of them to have had his pot,his sword vnto himzelfe, as also must they needs haue their privat apparell and garments also; for outherswife the weaker should bee still spoiled of the stronger,having his garments still taken from him.

Wherefore as a Commonweale is a lawfull government of many families, and of those things which vnto them in common belongeth, with a puissant soueraigne: so is a familie the right government of many sujects or persons, and of such things as are vnto them proper; vnder the rule and command of one and the same head of the familie. For in that especially consisteth the difference betwixt a Commonweale and a Familie: for that the master of a familie hath the government of domestical things, and so of his whole familie with that which is vnto it proper; albeit that every house or family be bound to give something vnto the Commonweale, whether it be by the name of a publicke, taxe,tribute, or other extraordinarie imposition. And it may bee that all the sujects of a Commonweale may live together in common, in manner of Colleges, or companies, as did in ancient time the Lacedemonians, where the men apart from their wifes and families,yed to eat and sleep together by fifteene and twentie in a company: As also in ancient time in Creet, all the citizens of all forts men and women,young and old,rich and poore, always eat and dranke together; and yet for all that,euerie man had his owne proper goods apart, every one of them still contributing what was thought expedient for the defraying of the common charge. Which thing the Anabaptists in our time began to practice in the towne of Munster, having commaunded all things to be * common, excepting their wifes (of whom they might have many) and their apparell, thinking thereby the better to maintaine mutuall louse and concord among them: in which their account they found themselves faire deceived. For they which admit this community of all things, are so farre from this good agreement of citizens among themselves, which they hope thus to maintaine, as that thereby the mutuall love betwixt man and wife, the tender care of parents towards their children,and their dutifullnesse againe towards them, and in briefe the mutuall louse of neighbours and kinsmen among themselves, is quite extinquished; all the kind bond of bloud and kindred (than which none stronger can be imagined for the friendship and good agreement of citizens) being by this meanes taken away. For that which thou shouldst dearly louse must be thine owne,and that also all thine: whereas community is of the Lawyers justly called of it selfe, the mother of contention and discord.

Neither are they lesse deceived, which think greater care to bee haf of things that bee common, then of things that be privat; for wee ordinarily see things in common and publick to be of euery man finally regarded and neglected, except it be to draw some privat and particular profit thereout of. Besides that, the nature of love and friendship is such, that the more common it is, or vnto moe diuided, the lesse force it is of: not unlike to great riuers, which carry great vessels, but being diuided into small branches, the use either so keep back the enemie, neither for burthen: in which maner love also diuided vnto many persons or things, looseneth his force and vertue. So the lawfull and certaine government of a familie, diuideth euery privat mans wifes and children, seruants and goods, from all other mens families; as also that which is vnto euery particular man proper, from that which is to them all common in general, that is to say, from a Commonweale. And withall in euery well gourned Commonweale we see the publick magistrat to haue a certaine especiall care and regard of the privat goods of orphans, of mad men, and of the prodigall: for that it concerneth the Commonweale to haue their goods preferued vnto them to whome they belong, and that they be not embezeled.
A. embeled. As in like case the lawes oftentimes forbideth a man to procure, to alienate, or to pave his own goods or things, except upon certain conditions, as also unto certain persons; for that the presentation of every privat mans goods in particular, is the presentation of the Commonweale in general. And yet nevertheless although lawes be common to all, it is not inconvenient, that but families may have their certaine particular statutes for themselves and their successors, made by the antient heads, of their families, and confirmed unto them by their soueraigne Princes. As we have example in the most honourable nation of the Saxons, amongst whom are many families, which have certaine their owne privat lawes, quite differing both from the lawes of the Empire, and from the common lawes and customs of Saxoniæ. And betwixt the dukes of Bavaria, and the Counties Palatines there are also their particular lawes, as well for the lawfull sucession in the inheritance of their houses, as in the right of the Electorship, which is in these two honourable houses, alterne, by the antient decrees of their predecessors: which lawes & customs the duke of Bavaria, with great instance required to have renewed at the diet of the Empire at Aupsurge, in the yeare 1555, which is not so in the other families of the Electors. Betwixt the houses also of Saxoniæ and Hes, are their domesticall and proper laws confirmed unto them by the Emperor Charles the fourth, and Sigismund. In like maner it was decreed betwixt the houses of Austria, and Bohemia, that for lack of heire male, the one of them should succeed into the inheritance of the other, as we see it is now come to passe. And not to go further than this * Realme, I have seen a charter of the house of Laval granted by the King, and confirmed by the Parliament of Paris, directly contrarie to the customes of Anjou, Britaine, and Mayne, wherein the most part of their inheritance lie: by which Charter the first inheritor (able to succeed) is to enjoy all, being not bound to give any thing unto his coheirs, more than the moueables; with charge, that the heire male shall beare the name of Guy de Laval, or of Guionne, if the bee an inheritrix, and the arnes plain. In like manner in the houses of Banne, Alber, and Rhodez, the daughtres by the antient lawes of their ancestors, were excluded both in direct and collateral line from inheriting, so long as there were any males in what degree fovere; deriving as it were into their families, the law Salique, vulgar unto the Princes of Savoy. Such lawes of families, which the Latines had also, and called them sues familias, were made by their ancestors and chiefe of their families, for the mutuall presentation of their inheritance, name, and antient arnes; which may in some sort well be suffred in some great and antientarces: which privati lawes and customs by vs thus spoken of, have oftentimes preferred from destruction, not onely families, but whole commonweals; which was the cause that in the diet at Aupsurge, in the yeare 1555, the Princes of the Empire after long ciuil warre, widely renewed the antient lawes of great houses and families, as havinge well perceived that by that meane the Empire was to be preferred from ruine, and the state of Almaigne from a generall destruction. Which for all that, is not to take place in other obscure and particuler base families, to the intent that the publick lawes, so much as is possible, should be granted to all men common and the felle fame. For it is not without great cause to bee suffred, that the lawes of privat families should derogat from the commonweals of the country, and so much be off Kerry from the generall lawes and ordinances. Neither are they which come after, by this law of families by their grand-fathers, & great-grand-fathers made, contrary to the common customs and lawes, further bound than they themselves shall thereunto give their consent. For which cause the successors of the house of Albrecht, of Laval, and of Montmorency obtained decrees from the Parliament of Paris, contrary to the antient charters of their predecessors; for that they were contrary unto the customes of those places, when

C. The great benefice which oftentimes commeth unto a Commonweale, by certaine privati lawes and customs granted unto some great and antientarces, & familiars.
question was of the successions of Lual of the Countie of Deux, and of Montmo-
tency, which they would make indiufible, contrarie to the custom of the Viscomptie
of Paris: For it belemeth that the customes of families should be subiect \( \to \) the
laws, in like manner as the heads of families are subiect \( \to \) their soueraigne Princes.
Much leffe are the laws of families and kindreds, allowed by the decrees of the Ro-
mans, to be suffered, least for the priuat the publick should be neglected: as Cam-
illus complained with Lutie, * What (faith he) if the sacred rites of families may not in

time of warre be intermitted, pleafeth it you that the publick sacrifices and Roman
gods should euen in time of peace be forfaken? For it was a law of the twelve tables
conceived in these words, *Sacred priuat Rites, firme be they for ever: which M. Tu-
lius translated into his lawes. And thus much in generall, concerning the fimilitude
and difference of a Common weale and Familie: now let vs discourse also of the sin-
gular parts of a Familie.

**CHAP. III.**

*Of the power of an Husband over his Wife, as also of the mutuall duties betwixt
them: and whether it be expedient to renew the law of diuorcie or not.*

A *LL assemblies of men lawfully ioyned together, whether they be Families, Colledges, Vniuersitie, or Commonweals, are
kept together and preferved by the mutuall duties of comman-
ding and obeying: for as much as that libertie which nature
hath given euery one to live at his owne pleasure, bound
within no lawes, is yet subiect \( \to \) the rule and power of some
other. All which power to command over others, is either
publick or priuat: The power publick, is either free from law, as is theirs which hold
the chiefeft place of soueraignie; or els restrained by law, as is the power of the Ma-
giftrats, who although they command over priuat men, are yet themefelves subiect
\( \to \) the commands and laws of others their superiours. The power priuat, consi-
deth either in the heads of families, or in corporations, or colledges, where all by a gen-
ernall consent, or the greater part, commangeth over the rest. But the domestical
power is of foure kinds: *viz. The power of the Husband over his Wife, the power of
the Father over his children, the power of the Lord over his slaves, and the power of
the head of a Familie over his mercenarioie servants. And for as much as the right and
lawfull governement of euerie Commonweale, Corporation, Colledge, Societie, and
Families dependeth of the due knowledge of commanding and obeying; let vs now
speake of euery part of commanading in such order as is by vs before set downe. For
natural libertie is such, as for a man next \( \to \) God not to be subiect \( \to \) any man living,
neither to suffer the command of any other than of himefelfe; that is to say, of Reason,
which is alwaies conformable \( \to \) the will of God. This natural commandecment
of Reason over our affections and desires, is the first, the greatefe and most anient that
is: for before that one can well command over others, hee must first learn to com-
mand himefelfe, giving \( \to \) Reason the soueraignie of commanad; and \( \to \) his affec-
tions obedience: so shall it come to passe that euerie one shall haue that which of
right \( \to \) him belongeth, which is the first and fairest iustice that is; and that whereof
the common Hebrew proverb grew, That euery mans charitie should first begin of
himelfe: which is no other thing than to keepe our affections obedient \( \to \) Reason.
This is the first law of natural commanad, which God by his expresse commandec-
ment *established, as we see in the speech which God had both \( \to \) her that was the first

*Gen. cap. 2.*
A first * mother of vs all; as also against him who first defiled himself with his brothers blood *. For that command which he had before given the Husband and his Wife, is two wayes to be vnderstood; first literally for the power the Husband hath ouer his Wife, and then morally for the command the soule hath ouer the bodie, and reason ouer affection. For that reasonable part of vnderstanding is in man as the Husband; and Affection as the Woman: For before God had created Eua , it was said of Adam, Male and female created he them *. Wherefore the woman in holy writ is oftentimes taken for affection: but never more than with Salomon , who so liued as a man vnto women most kind: but so vnto, as if he had bene vnto them a sorne enemie, whereas he thought nothing lesse all that his speech being to bee vnderstood of mans unreasonable desires, as well declareth the wife and graue Rabbi Maymon *. Buttleau we the morall discourse vnto Philosophers and Divines to dispute of, and let vs take that which belongeth vnto ciuill policie, and speake of the power the Husband hath ouer the Wife, as proper vnto this our question. By the name of a Wife I understand a liue and lawfull Wife, and not concubine, which is not in the power of him that keepeth her; albeit that the Roman lawes call it marriage, and not concubinage, if the concubine be franke and free: which all nations haue of good right rejected, and as it were by secret consent abrogated, as a thing dishoneste and of euill example. Neither doth this power that the Husband hath ouer his Wife extend vnto her that is but betrothed, vpon whom the betrothed man may not lay his hand; which hath eu er bene lawfull vnto the Husband, both by the Ciui and Canon law: yea if the betrothed man shall lay violent hand, or force her that is to him affianced or betrothed, he shall therefore by right suffer capitall punishment. But what it be of consent of the man and of the woman, contract of marriage be made by words of the present time, before they know one another; for that the law calleth iust marriage: I am for all that opinion the power of an Husband not to be yet gotten by such a contract, except the Wife haue followed her Husband: for as much as by the decrees of the Divines and Canonists (whole authoritie is in this matter the greatest) as often as question is made of the right of marriages, scarce any regard is had of such marriages betwixt man and wife, except it be of fact consumat, by the mutuall cojunction of their bodies: which by the consent of many nations is expressly receiued, as often as question is made of enjoying of such commodities as are to be gained by marriage. But after that lawful cojunction of man and wife (which we haue spoken of) the Wife is in the power of her Husband, except he be a flaua, or the sonne of the maister of the Familie, who haue no authoritie ouer their wines, & much lesse ouer their children, although their married father were manumifed, shoulde yet fall into the power of their grandfather. The reason whereof is, for that a Familie should haue but one head, one maister, and one Lord: whereas otherwise if it shoulde haue many heads, their commandes would be contrarie, one forbidding what another commandeth, to the continuall disturbance of the whole familie. And therefore the woman by condition free, marrying her selue vnto the maister of the families sonne, is in the power of her father in law, as is also the free man marrying himselfe vnto the maister of the families daughter, in the power of another man if he go to dwell in the house of his Father in law: albeit that in all other things he enjoy his right and libertie. Neither seemeth it a thing reasonable, that is by the Roman laws ordained, That the married daughter, except she be before by her Father set at libertie, although she haue forsaken his house and dwell with her Husband, shal not yet for all that be in the power of her Husband, but of her father: A thing contrary vnto the law of natura, which willeth, That euery man shal be maister of his owne house, (as saith Homer) to the end that he may be a law vnto his familie: and re-

*B Gen.cap.3

*R Rabbi Maymon. lib. r. nemo.

† A man hath no power ouer his Concubine, or her that is his vnto her betrothed.

‡ C iij

pugnans
pugnant also unto the law of God, which commandeth the Wife to forfiake father and mother to follow her Husband; and also giveth power unto the Husband to conferme or breake the vowes of his Wife. Wherefore that law of the Romans is worthwhile abrogated, and especially with vs: for that the custom generally exempteth the married woman out of the power of her fathers: as was likewise in the Lacedemonian Commonweale, as Plutarch writeth, where the married woman faith thus; When I was a daughter I did the command of my father, but since that I am married, it is my Husband to whom I owe mine obedience: for otherwise the wife might tread vnder foot the commanndement of her Husband, and acquitt herself when shee saw good vnder the guard of her father. Now the interpreters of this Roman law have vfed many cautions to avoid the absurdities and inconveniences following, if the wife should not be subject to her husband, vntill she were at libertie by her father. Yet in that point the lawes of all people agree with the lawes of God and nature, That the wife ought to be obedient vnto her husband, and not to refuse his commands not repugnant vnto honetie. One Italian Doctor there is of opinion, That the wife is not in the power of her husband: but for that of his assertion so singular and absurd, he hath brought neither reason nor authority, there hath bene none to fond to follow the same. For it is certaine by the law of Romulus, that the husband had not onely the command of his wife, but also power of life and death over her, in foure cases, without any forme of judicall procedes against her: that is to wit, for Adulterie, for suborning of a child, for counterfeiting of false keyes, and for drinking of wine. Howbeit the rigour of those lawes were by the kinde and of husbands by little and little moderated, and the punishment of adulterie committed to the discretion of the patens of the wife: which began to be renewed & again put in practice in the time of Tiberius the Emperor; for that the husband putting away his wife for adulterie, or himselfe attainted with the same crime, the offence remained unpunished, not without the great reproach of their kindred, who in ancient time (after the manner of the Romans) punished the adulterous women with death, or with exile. And albeit that the power of the husband ouer his wife was much diminished, yet yet nevertheless by the oration *which Marcus Cato the Centor made vnto the people in defence of the law Oppia (which tooke from women their habiliments of collours, and forbad them to weare aboue one ounce of gold) it appeareth that the women were at the least in the government of their fathers, their brethren, their husbands, & next kinmen, in such sort, as that without their leave or authoritie, they could make no contract, or yet doe any lawfull act. This Cato the Centor flourished about 550 years after the lawes of Romulus: and 200 years after, Vulpius the Lawyert writeth, That Tutors and Gouerners were wont to be giuen to women and orphans; but when they were married, that then they were in the hand of the man, that is to say in the power of the husband. And if any should say That he dividieth the title of persons that are in the power of others, from them that are in the power of others; it followeth not thereof that wives were in the power of their husbands, but was by him so done, toshow the difference of power the husband hath over his wife, the father over his children, and the lord over his slaves. And what doubt is there but that this word Hand, signifieth oftentimes power and authoritie: the Hebrews, Greeks, & Latines, having alwayes so vfed it, as when they say, The hand of the King; and, To come into the hand of the enemie, And Feitus Pompeius, speaking of the husband bringing home his wife, vseth the word Mancipare, a word proper vnto slaves: which word we yet vse in many our customes and lawes, where question is of the emancipating of women. But to make it plaine, this power of husbands over their wives to have bene common vnto all people, we will by two or three examples declare  

* Numeri. 

The wife by all the lawes of God and man bound to obey her husband. 

For whatsoever a man by Romulus his law had power of life and death over his wife. 

* Tacitus lib. 3. 

* Liui. lib. 33. 

I
clare the same. Olorus King of Thracia compelled the Dacians overcome by their enemies, to sute their wives, in token of extreme feritude, & of the greatest reproach that he could devise to doe them. We read also that by the lawes of the Lombards the Roman was in the same fubjection that the auncient Romans were, and that the husbands had all power of life and death over their wives, which they yet vfed in the time of Balbus, not yet 260. yeares ago. And not to seeke farther, what people had euery so great power over their wives as had our auncestors? The French men ( faith Cesar) have power of life and death over their wives and children, in like manner as over their flaves: and being never so little suspected to haue wrought their husbands death, are to be tortured by their owne kinmen, and being found guiltie are by them to be cruelly executed, without any further autoritie from the Magiftrat. But for drinking of wine it was much more manifest that it was cause sufficient by the Roman lawes for the husband to put his wife to death; wherein all the * auncient writers agree; which was not only the cufome of the Romans, but also (as Theophrastus writeth) of the auncient inhabitants of Marfile in Prouince, and the Milesians, who vfed the fame law against their wives that had drunke wine, judging that the disordered desires of the woman subject to wine, would also make her drunke, and so afterwards an adulterefe. We also find that the power giuen vnto the husband by the law of Romulus to put his wife to death for adulterie, without the authoritie of the Magiftrat, was common to all Greece, as well as to the Romans. For the law of India which gau\nleave alone vnto the father to kill his daughter together with the adulterer, being taken in the deed doing, and not otherwise, was made by Augustus the Emperour aboue fe\n\nten hundred yeares after the law of Romulus: And yet by the same law it was permitted vnto certaine persons to do the same that the father might, against their adulterous wives: a right small punishment being appointed for the husband, who besides the persons in the law excepted, had killed the adulterous taken in the fact. But the publick punishment of adulterie derogateth nothing from the power of the husband, in other forts of corrections over his wife, not extending vnto death, which is vnto husbands forbidden. After that Theodora the Empresse having got the maistrie ouer Iustinian the Emperour her husband, a blockish and unlearned Prince, when she had made all the lawes she could for the advantage of women against their husbands; the amongst others also changed the paine of death for adulterie, into the note of infamie: as did also in auncient time the Athenians, excommunicating the adulterors, with the note also of infamie, as we read in the Pleas of Demoithenes: which feemeth but a thing ridiculous, considering that the note of infamie cannot take any honour from her which hath already loft the fame, and is altogether deformed: so that upon the matter there remaineth altogether unpunished, & that for such a crime as the law of God * punifheth with the most rigorous death that then was, (that is to say with floning,) and which the auncient Egyptians punished at the least with cutting off the nose of the woman, and the mans priuities. But in other crimes which more concerned the husband than the publicke state, and defereed not death, power is by the consent of all men giuen vnto the husband to challege his wife, so that it be sparingly done, and within measure. And to the end that husbands should not abuse the power the law gaued them over their wives, they had an action against their husbands, in case of cuill entreatment, or froward vflage; which was afterward by the law of Iustinian taken away, and a penal\tie decreed against them that had giuen the cause of the seperation; which were especially grounded upon adulterie; and poifoning attempted, but not haung taken effect. Yet notwithstanding the decree of Iustinian, it is by our custome permitted vnto the wife wronged or cuill entreated by her husband, to require seperation. And yet for all 

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* I. lib. 6, Belli Gallici.

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* Diem Hali, lib. 2, Phil. lib. 14, cap. 2, Valer. de init. antit. 
Cecito de nat. lib 1, & de Republic lib 1, Plut. in Problem. Rom. cap. 6, Arnob. lib. 2, aduersus gentes, Teruit in Apolog. cap. 6, Gellius lib. 10, cap. 23, & Alci-\n
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* Lewis, 30, Daniel 13, Deu 24.
No action of iniuria to be admitted between a man & his wife, and why.
The hatred betwixt man and wife of all others most deadly.

that is no action of iniuria to be suffered betwixt the husband and the wife (as some would have it) and that for the honour and dignitie of marriage; which the law hath had in so great regard, that it permiteth not the husband, or any third man to have an action of iniuria against the wife, although she have embeled or purloyned all her husbands movables. But as no loue is greater than that of marriage, (as faith Actemidorus) so is the hatred of all others most deadly; if it once take root betwixt man and wife; as was well declared by Leo Emmanuel from them of Bizance vnto the Athenians, when they in a great assembly had laughed to scorn for his small stature. Why (said he) do you laugh at me a dwarfe? seeing my wife is much leste than my selfe, and scarce so high as my knee; who pleased, although wee lie in a very little bed, yet falling out the one with the other, the great City of Constantinople is too little for ye two? Which his pleasant speech servued well to the matter he had in hand, which was to persuade the Athenians vs peace; which is not cafe to doe betwixt the husband and the wife, especially if one of them hath once fought after the life of the other. And for that cause the law of God concerning diuorcement (which was afterwards common to all people, and yet at this present is vned in Affrick, and in all the east) gaue leave to the husband to put away his wife, if he pleased him not, with charge that he might never take her againe, and yet might well marrie another: which was a meane to kepe the inolent wives in subjection, as also to represse the anger of the wayward husbands; for what woman (except she were an arrant whore) would bee so desirous of a man, as to marry a husband that without any just or probable cause had put away his wife. Now if it shall seeme to any an unreasonale thing, to bee lawfull for a man to put away his wife, for no other cause but for that hee liketh her not, I will not greatly strive, either therefore depart from the law now with vs in vfe. Yet nothing seemeth vnto me more pernitious, than to constraint the parties so in diflike to liue together (except they will) to declare the cause of the diuorcement they desire, & also well prove the same before the Judge: For in so doing, the honor of the one or of both the parties is hazarded, which should not to be if either of them were enforced to prove the cause of the diuorce vnto the Judge. As did in auncient time the Hebrews, and yet do at this present also, as we see in their Pandects, where is described the lawful act of diuorcement, & the bill of diuorce which Rabi Iesiel of Paris gaue vnto his wife the xxix. of October in the yere from the creation of the world 5018. Another example thereof is also extant in the Epitome of the Hebrew Pandects, collected by the Lawer Moses de Maymon in Chaldea, where the Judge of the place hauing seeneth the special procuratio, & the act of him that had put away his wife in the presence of three witnesstes, adiouneth thereunto these words, That he did purely and simply diuorce her, and without any cause shewing, giving them both leave to marry whom they should fee good. In which doing the woman was not dishonourd, but might with faire reputation marrie with another sutable to her owne qualitie. And albeit that the Athenians admitted no diuorce, except the cause were first proued before the Judges: yet seemd it to all good men to be a thing of great daunger, in much that 

* in the yeare of Christ 1140.

* Plut.in Alci.

* Plut.in Emili.
A

The cause seems not sufficient unto the Judge? or be not well proved? is it therefore meet to enforce the parties to live together, in that society which is of all other the straitest, having alwayes the one the other the obiect of their griefs still before their eyes. Truly I am not of that opinion: for seeing themselves brought into extreme sertitude, feare, and perpemplual discord, hereof etnum relate, and oftentimes murthers and poyfonings, for the most part to men vnknowne; as it was discouered in Rome, before the law of diuorce (first made by Sparris Carnilius, about 500. years after the foundation of the citie) a woman being apprehended and convicted for poyfoning her husband, accused other her companions in the fact, who afterward by mutuell accusations apprached seuentie others of the same crime for poyfoning their husbands, who were all therefore executed: which how much the more is it to bee feared where diuorcements are altogether forbidden? For both the Greek and the Roman Emperours, willing to take away the offenfve and easiness of diuorcements, and to amend the auncient custome, ordained no other penaltie than the losse of the dowry, or of the other matrimonial conuenions, vnto the partie that shuld be the cause of the divorcement. Anaxiaphus also suffered diuorcement, by consent of both parties, to bee made without any penaltie or punishment: which was by Iustpinian the Emperour, or rather Theodo- re his wife forbidden. Now of that which we have alreadie said, every man as I suppose, may of himself judge which is most expedient for a Commonweale.

But what change or variety of lawes sooner in such diuersitie of Commonwealths, there was newer law or custome that exempted the wife from the obeyance, and not only from the obeyance but also from the reuerence that she oweth vnto her husband; in such sort that the law permitteth not the wife to use her husband without the leave of the Magistrat. But as nothing is greater, better, or more necessarie for the preservation not of Families only, but of Commonweals also, than the honest obedience of wives towards their husbands, as faith: Euripides: so becometh it not the husband vnder the shadoe of this power, to make a flauce of his wife. And whereas Marcus Var- ro is of opinion that slaves ought rather to be corrected with words than with stripes; much more ought the wife to be, whom both God and mens law doth call his house fellow. So Homer bringing in Jupiter reproving his wife Iuno, and feeing her rebellions, vouched so great threats, but proceeded vnto no further extremities. And Cat. commonly reputed to be a tworne enemie vnto women, did never beat his wife, repecting that to be as a facrilege; but vsed so to maintaine the power and dignite of a husband, as that he had his wife alwaies at command; which he thall never do which of a maister is become her companion, & afterward her servant, & of a servant her very flauce. As was of old objected vnto the Lacedemonians, who called their wives their Ladies and Mistresse: which the Romans did also, not the private men only, but even their Emperors themselves, in the declaration of their Empire: who at length together with their domesticall government lost also their publike soueraigne. Albeit that such women as take pleasure in commandung their effeminat husbands, are like vnto them that had rather to guide the blind, than to follow the wife and cleere sighted.

Now the lawe of God, and the holy tounge, which hath named all things according to the true nature and propitiect theeof, calleth the husband Husbod, that is to say, Lord and maister, to shew that vnto him belongeth the soueraigne to command. The lawes also of all nations, to abate the pride of women, and to make men know that they ought to excell their wives in wisedome and vertue, have ordained that the honor and glorie of the wife should depend of her husband, as of the Sunne: in such sort that if the husband be noble, he enobleth his base wife; but if the wife being nobly borne marry a man of base degree, she loofeth her nobilitie, albeit that of auncient time

B

C

Diuorcements necesarie.

Wives take carefull rather with words then with stripes.

D

Plut. in Laco-

nian.

Arif. lib. 2.

Polite.

Transquillus in

Cladio.

The authoritie

and power of the

husband over

his wife.

E

C iii
there have bene many and yet are, which take their nobilitie and gentrie from their mothers, and not from their fathers; as the Lycians, the Delphians, the Xanthiques, the Lienfes, and the Capadocians: whether it were for the uncertainty of their fathers, or for that they had lost all their nobilitie in the warres; as in Campanne, where the wives (for the cause aforesaid) enoble their base husbands and their children; as also among the Indians in Calcut, the kings enue yet, and the Nobilitie which they call Naires have scarce at any time their owne children inheritors of their kingdom or goods, but the children of noble women although they be bastards: yet for all that the interpreters of the law hold, that it ought not so to be done either by custome or decrees; for the general agreement of almost all people to the contrarie, as Herodotus hath long ago written. And therefore it is most right that the wife should follow the Condition, Country, Family, Dwelling, and beginning of her husband: and in case that her husband be an exiled or banished man, yet is the wife bound to follow him, wherein all the interpreters both of the Canon and Civill law agree. All lawes and customes also have made the husband maister of his wives actions, and to take the profit of all the lands and goods that to her befall: and suffer not the wife to stand in judgement either as plaintiff or defendant, without the authoritie of her husband; or at least without the authoritie of the Judge who may give her authortie so to do in the absence of her husband, or he refusing so to doe. All vndoubtfull arguments to shew the authoritie., power, and command that the husband hath ower his wife, by the lawes both of God and man: as also of the subjection, reverence, and obedience which the woman oweth unto her husband, in all honour and things lawfull. Yet I doubt not, but that women in their matrimoniai contracts have sometimes vied to covenant not to be in any thing subject unto their husbands: but for as much as such covenants and agreements are contrarie to the lawes both of God and man, as also vnto publick honesty, they are not to be observed and kept, in such sort, as that no man can thereunto to be bound by oath.

**CHAP. III.**

Of the power of a Father, and whether it be meet for the Father to have power of life and death over his children, as had the antient Romans.

He right government of the Father and the children, consisteth in the good use of the power which God (himselfe, the Father of nature) hath given to the Father over his owne children: or the law ouer them whose man adopthe for children vnto himselfe: and in the obedience, foue, and reverence of the children towards their Fathers. This word Power, is common vnto all such as have power to command over others, either publickly or privately. So the Prince (faith Senec.) hath power over his subjectes, the Magiftrat over priuati men, the Father ouer his children, the Maister ouer his schollers, the Captaine ouer his fouldiers, and the Lord ouer his flaues. But of all these the right and power to command, is not by nature given to any besse the Father, who is the true Image of the great and Almightye God the Father of all things, as faith Proclus the Academick. Plato also hauing firt in certaine chapters set downe lawes concerning the honour of God, faith them to bee as a Pre-face to the reverence which the child oweth vnto the Father, vnto whom next vnto God he is beholden for his life, and for whatsoever things he hath in this world. And as the Father is by nature bound to nourish his children according to his abilitie, and to instruct them in all civilitie and vertue: so the children also when they are once grown up...
Of a Commonweal.

A  Then doth the first commandement of the second table, which alone of all the ten Commandements preserveth a reward unto children which honour their parents: although no reward be vnto him due that doth but his dutie: and so much the lesse, for that there is no more religious a decree in all the lawes both of God and man; neither any curse greater in holy writ, than against him who wickedly laughed at the naked privities of his Father. Neither is it mauell if wee in holy Scripture read * of the contentions and strife of the sonsnes among themselves, for the getting and forgaining their Fathers blessing; as they which feared more their curse than death: As young Tarquinius who cast off by his Father, slew himselfe for sorrow. And that is it why Plato faid, that above all things we must haue care of the cursings and blessings that the Fathers giue vnto their children: for that there is no prayer that God doth more readily heareth, than that of the Father towards his children. If children then bee so straitly bound to obey and reuerence their parents? what punishment then defendeth they that are vnto them disobedient, irreuerent, or injurious? what punishment can be great enough for him which shall presume to lay violent hand upon his Father or Mother? for against him that shall murder either of them, there was never yet Judge or law maker that could devise torment sufficient for a fact so execrable: although that by the law Pompeia, a punishment be appointed rather new and strange, than fit for such a crime. And albeit that we haue scene one in our memorie (who had causd his Father to be slaine) some with hot yron tongs, afterwards broken vpon the wheele, and so at last (being yet alive) burnt; yet was there no man which did not more abhorre the wickednesse of his villainie, than the horror of his punishment, and which said not that he had deferved more than he had yet suffered. Also the wife Solon, when hee had made lawes for the Athenians, being asked why he had appointed no punishment against him which had killed his Father; answered, That he thought there was no man so wicked as to commit so horrible a fact: which was grauely answered: for the wise law maker should never make mention of an offence which is not at all, or but very little knowne, for eare he should not seeme so much to forbid the fact, as to put the wicked in remembrance thereof. But if the crime be great and executable, he must neither colour it by sufferance, as forgotten, neither point it out vnto the eye with his finger; but by circumstancies and propoundment of the punishments of like facts, deterre the wicked from such hainous offences. As we see the law of God hath not appointed any punishment against him that murdereth his Father or his Mother, neither against him that beateth either the one or the other (as doth the law Sempis, which condemneth them to death for such a crime) yet giueth it full power and authoritie vnto the Father and Mother to stone the disobedient child, so that it be done in the presence of the magistrat, to whom for all that it belongeth not to enquire of the truth thereof, or to examine the matter: which was so deceedt leaft the Father should in his anger secreetly kill his sonne. As was one in hunting slaine by his Father, whose wife he had defiled: which thing when Adrian the Emperor had vnderstood, said, That so to kill was not the part of a Father, but of a thief or murtherrer: for that the greatest profit of punishment is, that it be exemplarie vnto all. Another part of the law of God * will.
leth, That the child which reuileth his Father or mother should die the death: the examination whereof is not left vnto the parents, but to the Judges themselves, to the intent that the offence should not remaine unpunished. For so great is the love of the father and of the mother towards their children, that they would neuer (if they might) permit the Judges to determine of the life of their children, although they had bene of them mortally wounded. As not long agoe it happened with vs, that a Father having receiued a deadly wound of his sone, whom he would have lightly corrected; and fearing least his sone apprehended by the magistrats should die for it, ceased not even to his laft galpe to criе out vnto his fon, by specie flight to save his life: whom for all that being afterward taken, and confessing the fact, the Judges condemned to be hanged from an high beame for a time by the feet, with a great stone about his neck, and so afterwards to be burnt quicke. We have also another example of our time, of a Mother who would rather endure to be reuiled, wronged, beaten, and troden vnder foot by her owne sone, than to complaine of him vnto the Judge; vntill that at length he in most beastly manner discharged his bellie into her pottage: with which fowle fact the Judge mowed, condemned him to make her an honorable amends, and to ask her forgiuenesse: from which sentence he appealed vnto the parliament of Toulouze, where the former sentence was reuerfed as not just, and the sone condemned to be burnt quicke; the most wretched mother in vaine complaining and crying out against the rigor of the lawes and severity of the Judges, protesting that she did pardon him, and that she had not of him received any injuriue at all. And Seneca speaking of a Father who but thrust his sone out of his house; O with what griefe (faith he) doth the Father cut off his owne limes! what sithes doth he fetch in the cutting! how often doth he mounce for those limes cut off! and how often doth he wish to have them againe!

All this that I have saide, and the examples of fresh memorie by me produced, serue to shew that it is needfull in a well ordered Commonweale, to restore vnto parents the power of life and death over their children, which by the law of God and nature is giuen them, the most aumtient law that euer was common vnto the Perfiains, vnto the people of the vppet Asia, as also vnto the Romans, the Hebrews, the Celtes, and in vfe in all the Western Indies, vntill they were conquered by the Spaniards: otherwise wee must neuer hope to fee the good orders, honour, vertue, or aumtie glory of Commonweals establised. For Justinian the Emperour deciueeth vs in saying that no people had such power over their children as had the Romans: For we have the law of God, which ought to be holy and inuiolat among all people; wee haue the testimonies of the Histories both Greeke and Latine, whereby it is sufficently to be understood, the Hebrews, Celtes, and Perfiains to haue had the fame power over their children that the Romans had. The French men (faith Casar) haue power of life and death over their wives and children, as well as over their slaves. And although by the law of Romulus power was giuen vnto the husband, for suerte caues oneley to kill his wife: yet nevertheless by the fame law, full power was giuen vnto the Father to disposse of the life and death of his children, without condition or exception thereunto adioyned; and that whatsoever they got, was not theirs, but their Fathers: Which power the Romans had not onely over their owne children, but also over the children of other men by them adopted. Which power was about 260 yeares after ratified and amplified by the lawes of the xij Tables, which gaue power also vnto the Father to sell his children: and in case they had afterward redeemed themselves, or were fet at libertie by such as had bought them, they might yet fell them againe, and so the third time. The like whereof in all points is to be found in the Western islands, as we read in the Historie
A of the Indies. And yet at this present amongst the Moscounis and Tartars (whom the ancient Historiographers called the Asian Seythians) it is lawfull for the Father to fell his sonne fourte times, after which if he shall redeem himselfe he is free free. By means of this fatherly power the Romans long flourished in all honour and vertue, and oftentimes was his Commonwealth thereby deliver'd from most imminent destruction, when the fathers drew out of the Consititories their owne sons being Tribunæ, publishing laws tending to sedition. As amongst others Cassius threw his sonne headlong out of the Consitiorie, publishing the law Agrarista (for the diuision of lands) in the behoofe of the people, and afterward by his owne privat judgement put him to death, the magistrats, Sergeants, &c. people standing thereat astonied, & not daring to withstand his fatherly authoritie, although they wold with all their power have had that law for the diuision of lands. Which is sufficient proofe, this power of the father not only to have bene sacred and inviolable, but also to have bene lawfull for him either by right or wrong to dispose of the life and death of his children, even contrary to the will of the magistrats and people. Also when Pompeius the Tribune of the people, had for divers causes accused Torquatus into the people, and amongst other things had charg'd him that he too much oppressed his sonne with countrey labour; so it fell out that the sonne himselfe going unto the Tribune, and finding him in bed, setting his dagger into his throat, caused him to sweare to desist from further prosecuting of the accusation against his father. So the Tribune complying againe into the Consitiorie left he might seeme to vie collusion with Torquatus, whom he had before accused, now exculp'd himselfe into the people for not presenting his accusation, by the oath extorted from him; which the people understanding, would not suffer him to proceed therein any farther. By which two examples a man may judge that the Romans in their estate, made greater reckoning of the power of the father, than of the laws themselves, which they called Sacred: by which the head of him was vowe'd to Jupiter, who had onely attempted in offensive manner, but to touch the * most holy Tribunæ bodie. For they were of opinion that domestical justice and power of fathers, were the most sure and firm foundation of lawes, honour, vertue, pietie, where with a Commonwealth ought to flourish. Neither was it maruell if in the Roman

B

Commonwealth we see such rare examples of reverend dutie of children towards their parents, as are not els where to be read of: one I have amongst a thousand already spoken of: and another such there is, as that Painters even unto these times vfe there with to embellish their Tables: that is to wit, of the daughter which secretely gave sucke vnto her father condemned to be pined to death (which later suffreth the healthfull man to live past the fourth day) which act of piety the Gaoler having perceived, gave the magistrats to understand thereof; which by them reported vnto the people, not only obtained her fathers patton, but also found such grace as that in the felle fame place in perpetuall remembrance of the fact, they built a Temple dedicated vnto Pietie. Yea the very unreasonabell beasts have a natural feeling of this kind dutie, and are

C

seen to feed their parents now grown weake with age: but especially the Storke, which the holy tongue * (which nameeth things according to their secret proprieties) calleth Chafida, that is to say, dutifull and charitable; for so much as thee norvitheth her father and mother in their age. And albeit that the father be in dutie bound to instruct his children in all vertues, but especially in the feare of God: yet if hee shall forget his dutie, are not the children therefore excused of theirs: albeit that Solon the lawmaker contrary to reason, hath by his lawes acquited the sonne from the nourishing of his father, if hee have taught him no trade or occupation whereby to get his living. But the right instruction of children (though nothing can be deuised more profitable of
or better in a Commonweale) dependeth of that fatherly power which I haue before spoken of. For publike justice takest no knowledge of the disobediencie & vnrne-


terrettice of children toward their parents, neither of their other vices, which disorde-


red libetie bringeth their young yeres vnto, as dicinc, drunkenessfie, whoredome: and 

albeit that punishment be appointed against such offences, yet nevertheless the poore 

parents carefull of their reputation and credit, neuer are to complaine of their children 

vnto the Magistrat, neither accuse them; and yet the power to punish them is taken 

from them: so that children now standing in no feare of their parents, and much leffe of 

God doe for moft part escape the judgement of the magistrat, who commonly pun-

ished but flaines and such others of base condition.

But impossible it is that the foundation of a Commonweale being euill laid, (that is 
to say, the bringing vp of children and families) any thing that is firme and fence should 
be thereupon built. Besides that, the contention, strife, and discord, which we daily see 
amongst brethren and sisters, were easie appeased and extinguiished whilst the father 
yet lived, their marriages not taking from him this power over them: and albeit that 
he had fet at libetie them that were married, & departed out of his house, to keep house 
by themselves, (which they easie did not) yet nevertheless the remembrance of the re-

uended duty they ought vnto their parents for euer remained fast imprinted in the harts 
and minds of the children. Wherefore should we see then maruell the magistrat to be 
troubled with so many futes, and those for moft part betwixt the husband and the 
wife, betwixt brethren and sisters; yea and that more, is betwixt parents and their chil-


dren: but that the wife, the children, and leuantis, are all loaft from the domesticall 
power of their ancestors. So the fatherly power being by little & little diminifhed vp-
on the declination of the Roman Empire; so also shortly after vanished away their an-
tient vternee, & al the glorie of their Commonweal: and so in place of piecie & ciuitie, 
enfued a million of vices and villanies. The first flakes, and beginning of taking away 
the power of life and death from parents, proceed from the ambition of the Magistrats, 
who seeking to encrease their jurisdiction, & by little and little drawing vnto them the 
deciding of all matters, extinguished all domesticall powers: which happened especially 
after the death of (Augustus Caesar) at which time wee read the magistrats to have 
borne almoft alwayes occupied in punishing of such as had murthered their parents. 
As we read in Seneca, who directing his speech vnto Nero, saith, We have seene more 
murtherers of their parents executed in five yeres of thy father, than were euer in all 
ages accused since the foundation of Rome. Now to him that will looke nearer into 
the matter, it is no doubt, but that if one or two that haue murthered their fathers haue 
bene executed, ten others have escaped mans punishment; the health and life of pa-

rents being subiect to a thousand daungeres, except their children either by the feare of 
God, or the goodnesse of their owne nature, be kept within the bounds of their dutie; 
neither ought it seeme strange vnto any man, that Nero made no confience to kill 
his mother, neither repeated him to have killed her, for that it was a thing common: 
the caufe whereof Seneca giueneth not, which was, for that the father to chastize his son 
must then go to the magistrat to accuse him, which the auncient Romans could never 
endure. For Quintus Fulnius the Senator in the time of Cicerone the owne authority 
put to death his sonne, for taking part in the conspiracie of Cateline. And in the time 
of Augustus, Tattius the Senator being about to proceed against his sonne in a capitall 
crime, requestt Augustus home to his house, who being come thither, tooke not vpon 
him the place of a Judge, (as saith Seneca) but of a privat man, as come only to give 
counfell. We see also, that by the law Pompeia, made against patricides, all they which 
are next of kinne are bound to the penaltie of the law, except the father. Yet it suffici-

ently
A
tently appeareth, that in the time of \textit{Ulpian} and \textit{Paul} the Lawyers, the power that fathers had of life and death over their children lay then in a sort buried and forgotten; for that one of them faith, The father must accuse his sonne before the Judge: and the other, That the children are not of right to complained, if they be by their fathers disinherited, considering that in ancient time (faith he) they might put them to death. Both of them flourished in the time of \textit{Alexander Severus}. And yet is there no express law to be found which hath taken from parents the power of life and death, before the time of \textit{Constantine}, the great: neither did that law of \textit{Constantine} directly in express terms abrogate the old laws: \textit{Diocletian}, the Emperor but a little before \textit{Constantine} having decreed that the Judge ought to give such sentence against the sonne as the father was willing vnto. Now it is manifest by the law, that a positive law cannot bee abrogated by any custome, be it never so old; except it be repealed by a contrary law, carrying express derogation with it: otherwise being in force and readie to be againe put in force: in so much that it was necessitie that certaine lawes of the xij. tables by long custome out of force, yet for all that should by a new law bee abrogated: which was done at the motion of \textit{Abbonius}, in whose time the fathers power of life and death, yet kept their children with the compasse of their dutie. But when the children in the time of \textit{Constantine} had by the sufferance of their fathers by little and little shaken off that power and authoritie of their fathers, they obtained also of the same Emperour, That of their mothers inheritance: their fathers should have but the vse and profit, and they themselves the proprietie, which their fathers might not alienate. And afterwards they likewise obtained of \textit{Theodosius} the yonger, That the proprietie of all manner of goods in generall howsoever they came by them, should belong vnto the sonnes, the vse and profit thereof onely being left vnto the fathers; so that they could not alienate the proprietie, neither in any sort dispose thereof: yet and with vs not onely the vse and profit of such goods, but not so much as the bare vse is left vnto the father, which hath so puffed vp the hearts of the children, as that they oftentimes command their parents, by necessitie constrained to obey them, or to die for hunger.\textit{Infinitus} also would not that children should be set at libertie by their parents, without their owne consent: that is to say, without some bountie which the father ought to give vnto his sonne: when as yet for all that in old time emancipation or setting at libertie, was the reward of the children kindneffe and dutifullnes towards his parents. Hereof proceeded that filthy buying and selling of emancipation betwixt fathers and their children: in so much that such things as the father had giuen vnto the sonne, for reward of his emancipation, remained vnto him for gaine; neither was he bound to communicate the same with his brethren, or to have any whis the lesse therefore of his fathers inheritance, except the same were expressely comprehended in the lawfull act of emancipation: which they also yet vse amongst vs, which have the Roman decree, for lawes. But if the sonne hath learned any gains full trade, or is by trafficke in merchandize become rich, and giueth sometimbers vnto his father that seteth him at libertie, it is counted vnto the father for the right he should have in the goods of his sonne dying before him, so that he can claime no part therein, although it be not at all expressed in the act of the sonnes emancipation; or yet be expressely that such gift vnto the father yet living, should be no lese wherefore he should have the whole right of the lawfull inheritance, his sonne dying before him. For why? that whatsoever is that is giuen to the father, is accounted as giuen him for his lawfull part: so that by this means the father is in vowe rate than the sonne, who for all that both by the lawes of God and man is bound to nourish his parents so long as they live, the father not being bound by the law of \textit{Romulus} to nourish his sonne, but untill he be fourteen yeares old. And al-
though Lawyers goe farther, neuerthelesse to make it plaine that parents are not bound to feed their children, it was neuer by any law permitted for children to sue their parents for their food, but by the leave of the magistrat by humble request before obtained. Besides all these indignities, Lustine hath exempted all Senators, Bishops, & Confuls from the power of their fathers: as in like case them also which enter into houses of Religion. And in countries also where we see Statute laws, besides those we have spoken of, they have also exempted out of their fathers powers them that are married, or have become out of their fathers houses by the space of ten yeares: which hath caused the Italian Lawyers to write that the French men are not in the power of their fathers: as in truth there remaineth nothing thereof, but the imaginarie shadow, when as the father authoriseth his children vnto lawfull acts, as to redeem lands of inheritance, which the father himself hath fold, or to take a poiffession doublefull, or for the trade or traffique of marchandise: in which case the Judge without the kings letters roayall at the request of the father may set at libertie his sonne. And albeit that Philip of Valois set at libertie his sonne John, to glie vnto him the dutchie of Normandie: yet such his emancipation serveth to no purpose, no more than those which were ordinarily made; seeing that neither the gier, neither he to whom the thing was giuen, neither the thing it selfe giuen, were subject vnto the Roman ciuill law: nor that the fathers (in counties gourned by customs) had any thing to do with the goods of their children.

But the fathers thus dispoiled of their power, and of the goods got by their children, it is yet by many demanded, If the sonne may of right defend him selfe, or withstand his father, offering him violence? Neither haue there wanted some which were of opinion, That the sonne might of right to do: as if in that there were no difference whether the father or any other should offer him violence. But if it be so that the foulard which had onely broken the vine truncheon of his Capitaine, beating him by right or wrong, was by the law of armes to be put to death: then what punishment deftreceth the sonne which layeth hand vpon his father? Yet some haue passed further, and written that the sonne might kill his father, if he were an enemie vnto the Commonwealth. But in mine opinion that is not unlawfull onely for any man to doe, but impietie also for any man to write: for these men in so doing propound not onely pardon vnto patricides, but glie leaue also vnto others to presume to doe the like, secretly encouraging them to commit so detestable a fact, under the colour of the publick profit: whereas an ancient author faith, That no fault so great canby the father be committed, as that the same shoulde with his muter be reuenged. O what a number of fathers should be found enemies vnto the Commonwealth, if these resolutions should take place? And what father is there which in the time of ciuill warre could escape the hands of his murderous child? For men know well that in such warres the weakest goeth to the vels, and they that get the upper hand make all traitors whom they lift. And in other wars not onely they are judged traitors which have giuen vnto their enemies help and counsel, but also they which haue sold them armour, come, or other victuals. As by the laws of England, to aid the enemie in any fort whatsoever, is accounted high treason. Which points of treason I see not to be distinguished by thee interpretors of the Roman law. But by these resolutions, that is come to passe which posteritie will not beleeue: as that a banished man of Venice, hauing brought to Venice his owne fathers head, who was banished as well as him selfe, demanded and obtained also in reward of his so execrable a murther, the honours and rewards by the Venetian lawes due; viz. His returne into his countrey his goods, his children, and the liberties of the citee, before taken from him. But happily it had beene better that the citie of Venice had
had bene swallowed vp with the sea, than to have given a reward vnto so great and detestable a villanie. 

Henrie the second the French kinge rooke in good part the excuse of Maximilian king of Bohemia in the yeare 1557: in that he had refused to give false conduct vnto the duke of Wittenberg, ambassadour for the French; confessing that it was indeed against the law of nations, but that yet nevertheless he durft do no other for disobeying of his father. Now if it be lawfull to violate the lawes of nations rather than to disobey our father in so small a matter; what suff excufe can there bee, or reason given for the killing of ones father? Wherefore I thus resolve, That there can be no suff cause for which a man may lawfully lay violent hand vpon his father. And albeit that such killing of ones father be in it selfe a fowle fact, yet Fowler is the reward thereof, but of all other things most fowle and pernicious it is to allow reward for the fame, for that by sounding such rewards for killing of a mans father, neither brethren can be in sattisfie from being murthered by their brethren; neither the nightest kinisme for being slaine one by another. As indeed it chanceth in the yeare 1567 that Sampetre Corfe was slaine by his owne cousin germaine; for which he had given him in reward ten thousand crownes, which the Senat and people of Genua had causeth to be leuted for him. But how much better were it to follow the example of Cicero, who thought it better as it were in silence to passe ouer the selfe same questions moued by the two auncient Philosophers Antiochus and Antipater, as a place too flipprie and daunegrous. Joyninge hereunto also, that the law of the Romans it selfe forbiddeth any reward to be propounded vnto banished men for the killing of theeues: howbeit that Adrian the Emperor would have him pardoned that had killed a theefe. Wherefore I thus conclude, That princes and law makers should meaurne the power and authoritye of parents, according to the law of God; whether they be their lawfull, or natural children, or both together; so that they be not conceaved in inceft, for such the lawes both of God and man haue alwayes had in detestatian.

Now if some shall object it to be a thing dangerous, least some sivtie or prodigall fathers should abuse the goods or lives of their children, vnder colour of their fatherly power: to him I answer, that the lawes haue for such men prouided guardians, and taken from them that power ouer another man, considering that they have not power ouer themselves. And if the father be not fencleffe or mad, hee will neuer without cause kill his sonne, seeing that he willingly chauffeth him not though he defiere the fame. For so great is the love and affection of parents towards their children, that the law never presumed that they would do any thing to their disgrace, but all to their honour and profit. Wherefore the parents are euer thought to bee free from all fraud in their childrens affairs, whom to encreafe with riches and honor, they doubt not oftentimes to forget the lawes both of God and man. And for this cause the Father hauing slaine his sonne, is not by the law Pompeia subiect to the paine of parricides: for why? the law presupmeth that he would not without good and just cause so doe; and hath privityly given power vnto him to kill the adulterer and his daughter found in the fact together. All most certaine and undoubted arguments, whereby it is to be vnderstood, that parents cannot abuse the power of life and death ouer their children; neither that if they could, yet would they. But haply some man will say, there have bene many which have abused the fame to the unworthy death of their children; yet bring no example thereof: Let vs grant some such to haue bene: should therfore a good law gier one a good law vnmade for the inconueniences which some few times ensue thereof? It being a common laying in the law, That of such things as feldome happen the lawmaker ought to take no care. And where euer was there a law so iust, so natural, or so necessarie, that was not subject vnto many inconueniences? So that he which
would abrogat all laws for some few absurdities ensuing of them, should not leave one of them, as Cato the greater wisely reasoned. In briefe (I say) that the natural love of fathers and mothers toward their children, is impossible and incompatible with so great cruelty, as is the wanton killing of their children; and that the greatest torment that a father can endure, is to have either by right or wrong killed his sonne. As in fact it chanced in our memorie, in the countrey of Arnion, that a father desiring to chastifie his sonne, whom running from him he could not overtake, bating by chance without any such purpose flaine him with a blow upon the head, with an hard clod of earth which he threw after him, forthwith for griefe hung himselfe, although no man knew any thing thereof. Which things the antient Egyptian lawgivers well understanding, appointed no other punishment against him that had wrongfully or without cause slaine his sonne, but for the space of three daies after to bee shut vp together with the dead bodie of his sonne so by him slaine: For they thought it a thing detestable, for the death of the sonne to take away the life of the father, from whom he had received his. Yet might one say, that if fathers had the power of life and death over their children, they might constrain them to do something hurtfull vnto the Commonweale: Whereunto I aunswered first, that that is not to be presumed; and then that although it were so, yet that the lawes had therefore wisely provided, having at all times exempted the children out of the power of their fathers, in that which concerned the publick State. As also Fabius Gorges gaue vs well to understand, who being Confid, and seeing his father a privat man mounted on horseback comming towards him, commanded him by one of his sergents to alight, which he did, doing honour vnto his sonne, and bidding him in such fort to proceed to defend the Consuls dignitie. And so late hath it bene from wife fathers to command their children any thing that might be hurtfull to the Commonweale, as that there have bene some of them found to have put them to death for transgressing the publick lawes: as first did Brutus his two sonses, and after him L. Torgustus the Consul, who having caused his sonne to triumph in his campe for vanquishing his enemies in combat, presently after caused his head to be struck off, for that he had fought with him contrary to his commandement and contrary to the law of armes. There is yet one objection concerning the children goods, which if they should be in the full dispofition of the fathers, they might without cause disinherit some, and enrich others: whereunto mine aunswere is, That the lawes have therefore also provided, by offering justice vnto children disinherit; and propounding the causes of lawfull disinherit. Howbeit that the antient law of the Romans is more commendable, which never permitted the child by way of action to impugne his fathers will and testament; but onely by the way of request, and speaking of his dead father in all humilitie all honour and reverence, leaving all the matter vnto the discretion and conscience of the Judge. But after that the Pretors, who could not make any man heire vnto his father, yet by their decrees gaue possession of the goods (the force of which possession, was almost the same that it was to be appointed heire,) & that the magistrates had bound certain definite portions vnto the children; then forthwith began the parents by little and little to be condemned of their children, & their death by them longed for. Which thing was the cause that one of the Ephori of the Lacedemonians made a law* concerning the making of Testaments, whereby it was lawfull for every man to bequeath his goods as he pleased (when as before, the libertie of making of Wills was by long outcume taken away;) alledgeing that the pride and insolencie of children against their parents was so by the fear of disinherit to be refrayned. But if any man shall account it better for inheritances to be conferred by the appointment of the lawes than by Testament, I will not strive with him
him therefore, seeing it is by the law of God set downe that children should not by affection and flatterie rather than by their kind duties preventing their fathers inheritances, spoyle themselves of their mutuall and brotherly love: but yet why should we not the same divine law which giueth vnto the father the power of life and death over his children.

We have before said, fathers to have had that power of life and death over them also whom they had adopted: in like manner as they had over them whom they had in lawfull marriage begotten: and although the lawes of adoption were by the new lawes of Inuiniuus almost abrogated; yet I think no man doubtest but that the law of adoption was of so auntient right, & so common also almost vnto all people, as that it defeneth to be againe called into vfe. We see the most auntient people to have had it in singular estimation: as we read Iacob him selfe to have adopted Ephraim and Manasses: his nephews, (although he had twelve children yet living, who had diuers others also) & gave them part of the land which hee had by force of armes conquered. Which to have bane before also in vfe with the Egyptians, is manifest by Moses, whom the kings daughter adopted for her owne. We see also Theseus to have bene solemnly adopted by Egeus king of Athens, who made him his successor in the State, albeit that he was but his base fonne: After which time all the Athenians which had base children by Athenian women, were constrained to adopt them, and to cause them to be registred as their lawfull children, and to leave them their part and portion of their goods as they did vnto the test of their children. For why? they accounted none a baftard but him that was begotten of a father or a mother, being a stranger: albeit she were a woman of neuer so great honour. As also all the people of the East made little or no difference between the children that they had by their wives and their handmaids. For Iacob the Patriarch made like reckoning of those which hee had by his wives, and of those which he had by his handmaids: although that Sara had brought out of his fathers house the child begotten by the handmaid, *least he should have had part in the lawfull inheritance. And Diodorus *also writeth, The children of the Egyptians begotten of their bondwomen, to have had as great prerogatie as the rest that were begot in lawfull marriage. For why? it was lawfull for them to have as many wives as they would: as it was also vnto the Persians & all the people of Asia: and almost onely the Germans of all the barbarous nations (as saith Tacitus) had euery one of them but one wife. Thus having confirmed the matter by course of historie, it followed by conseqence all the children of one and the same father to have bene in his power, were they adoptive or not. But the Romans of auntient time made no more account of their base children than of more strangers: neither were they compelled to adopt them, as were the Athenians, neither to bequeath them any thing by their will, neither had they any power vnto them. Which severitie of the lawes was yet moderated in the raigne of Theodosius and Arcadius. And after ward it was ordained by the Emperour Zeno, that such base children should be accounted for legitimat, by the marriage of their father afterwards enusing with their mother. And that more is, Anastasius decreed that all baftards should by adoption be reputed legitimat: but first Inuinius, and after him Inuinius abrogated that decree, and shut the gate against baftards, to the end that euery man should desite to have lawfull wives and children; and that auntient houses, and the rights of sucessions and inheritances should not bee altered and troubled by the adoption of baftards: the rights of adoption necessithelesse yet still remaining, which had bene receiued to supplie the defect of nature; and whereof the auntient Romans had had so great esiete, as that the adoptive fathers had the same power of life and death over their adoptive children, that they had over their
owne: which was the true cause that women could not adopt children before the
edit published by Diodotus, considering that they themselves were in the perpetually
power of their parents, husbands, or erect kinsmen: as also in Greece it was not lawful
for them to adopt, as writeth the Orator Iulius. So then the right of adoptions, enno-
bled by the Romans (and especially after that they had extended the frontiers of their
Empire more than ever before) other people also had it to much the more in regard:
the Goths, (I say) the Germans, the French, the Saliens; as we see in the lawes of the
Ripuaires, where they use the word Adfamin for adopter: holding their adoptive chil-
deren in the same degree that they did their owne natural and lawfull children, in the
tight of their succession into their inheritance: For by the auntient custome of the
Romans they were both indifferently called vnto their fathers inheritances as his
heirs. For so we read in Cæsiodorus, that Theodoris king of the Gothes, adopted the
king of the Heules: and that Luitprand king of the Lombards adopted the sonne of
Charles prince of France, by cutting his haire, although he had fonnies of his owne in
lawfull marriage begotten: as did in auntient time Africanus king of the Numidians,
adopting Ingruthis his bafe sonne, albeit he had two lawfull children of his owne, and
leaving his kigndome equally divided amongst them three: when as yet the first and
chiefe cause of adoptions was to supple the defect of nature; that he to whom nature
had altogether denied children, or at least wife male children, might by the authority
of the law hauet that defect supplied. As Scipio Africanus hauing no more children
but Cornelius the mother of the Gracchi, adopted the sonne of Paulus Emilius, after-
wards called Africanus the younger, whom he left the inheritor not of his name only,
but of his goods also. And so also Cæsar the Dictator, hauing no children of his
foute wifes, more than Iulia, which was married to Pompeius, adopted Octavian his fis-
ters sonne, whom by his will he made heire of three parts, with charge that he should
bear his name; whereby his owne fathers name was taken away, and hee knowne by
the name of his adoptive father. And he againe hauing no children but Iulia (whome
he called the Imposfume of his house) adopted Cædes and Lucius his sisters fonnies
bought at home of their father Agrippa, according to the auntient manner: who after-
ward dead also without issue, he adopted Tibérius, who adopted Calliulus: so did Cla-
dius adopt Nero, vnto whom Galba succeeding without children, adopted Piso before
his armie, which custome was afterwards kept in the adoption of * Aurelianus the
Emperour; as would Infinian the Emperour have adopted Cofroe king of Perfiæ,
which he refused; supposing (though yet fallly) the way vnto the Empire to bee by
that meane shut vp. * We read also that the Emperour Nero for lacke of children
adopted Trajan; & he Adrian; who afterward adopted Antonius Pius; and not con-
tented to have adopted so good a man, charged him also whilst he yet lived, to adopt
Aelius Verus, and Marcus Aurelius, surnamed the Philosopher, to the intent the Em-
pire should not want the most vertuous Emperours that ever were. But this laft ha-
ving begot Commodus heire apparent to the Empire, (but the most vittious man that
might be) was about to have adopted another more worthie of the Empire, had hee
not bene otherwise perswaded by his friends. For that almost no man vped to adopt
others, if he had legitimat children of his owne. For which cause Claudius the Em-
perour was euiil spoken of, for being perswaded by the inticement of Agrippina his second
wife, he had adopted Nero her sonne, hauing fonnies and one daughter by his former
bed, who were afterwards slaine by Nero. But to leaue straungers which are infinite,
and to come to our owne demetical examples: Lessure duke of Aniow and brother to
king Charles, was for want of heire adopted by Ioane (who of her incontinencie was in
reproach called Lupa) who in the right of that adoption left vnto him the kingdome of
Naples,
A Naples, having rejected her nephew Alphonfus, king of Aragon, whom she had before by consent of the * Pope adopted. Afterwards also Rene of Anjou, Lewis his nephew, * Martinus, V. was adopted by Isane the younger queen of Naples for want of children. And at the same time as it were, that is to say, in the yere 1408, Henry duke of Pomeran was adopted by Margaret D'volmar, queen of Denmark, Sweden, &c. Norway, to succeed her in the same kingdoms. And not long after, Henry the first king of England was adopted, not by Charles the fifth but his wif, but by his wife: who by her new son in law, caused Charles her owne sonne to be denounced incapable of the Crowne, albe it that he were a right wife and vertuous Prince. But Justinian the Empetor willing to remedie such abuses, ordained that adoptive children should neuer the lesse not faile to enjoy the inheritance of their owne natural or lawfull fathers; for that their adoptive fathers would oftentimes upon small occasion cast them off againe, whereby it came to passe that they went without the inheritance of both their fathers: yet did he wrongfully take away the right of the fathers power, which was the onely mark of adoption, which taken away, nothing more remained. Now it were much better to prohibit adoptions to them, which had fomes either natural or legitimat: & in cafe they had none, that the adoptive children should succeed in all the right of their owne natural and lawfull children. Truely by our custome it is lawfull for euery man to adopt: yet no prejudice is thereby made unto the next of kin, or them which should lawfully inherit: for that more cannot be givn or bequeathed unto the adoptive sonne, than to him that is a mere stranger: and yet that the father might for all that receive the profit of the adoption; whereas Scipio Africanus the Great, in his time complained in the Oration which he had vnto the people of his Censurship: as also after the publication of the law Iulius Papicius, which gave great priveledges vnto them which had children: they which had none adopted some (to have the benefit of the laws, to be capable of some Magiftracie or office:) and in short time after they had once gained that they fought for, cast of those their adoptive children againe, so abusing the law. As contrariwise Clodius being a noble man borne, caused himselfe to be adopted by a man of base condition, that so discharged of his Nobilitie, hee might be made Tribune of the * people; but having got that office, caused himselfe presently to be fet at libertie by his adoptive father: Which the Senat understanding, decreed that from theeneforth they which were adopted should not enjoy the priveledge of any publick office: neither that any man should vnder the colour of such children as hee had adopted obtaine any magiftracie or honour vnto himselfe: neither hinder substution made for want of children; neither to have the benefit of any conditionall legacies, or covenants made or conceived in hope of children: nor that for such adoptive children, such donations should be void, as were by the law it felte to be reuoked when the donator had any children, either natural or legitimat: nor that by the adoption of male children, women should be kept from their lawfull inheritance, from which they by the law are wont by the male children to bee excluded: neither that the word

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Sonnes added vnto the lawes, testaments, or other lawfull acts was to be extended vnto them whome we adopt: all which deceitis it is good to cut off, and yet not to extinguish the right of adoptions; and at the leaft to leave vnto the adoptive father his fatherly power, to keepe in obedience his adoptive sonne. And thus much of the second part of a Fametie, concerning the power of a father over his children, and of their mutuall duties. Now let us likewise speake of the third part also.
Of the power of a Lord or Master over his Slaves, and whether Slaves are to be suffered in a well ordered Commonweale.

He third part of the government of a Familic dependeth of the power of the Lord oues his Slaves, and of the Master over his seruants; and in their mutual duties one toward another. For the very name of a Familic, came of Famulus and Famulatio, for that it had in it a great number of Slaves; and so of the greatest part of them that are in subjection in the Familic, men call all the whole househol d a Familic; or else for that there was no greater means to gather wealth than by Slaves and seruants, which the Latines call Famuli, the ancients not without cause have called this multitude of Slaves and seruants a Familic. And Seneca willing to shew of what moderation a Master ought to be toward his Slaves, faith our ancestors have called the head of a Familic, Father of the Familic, and not Lord. And for that the whole world is full of Slaves, excepting certaine countries in Europe (which since also by little and little receive them) it is needful here to reason of the power of Lords and Masters over their Slaves, and of the profits and disprofits which may redound unto a Commonweale, if slavery should again be called into use: a question of great moment not for Families and societie onely, but for all Commonweals also in general.

Now every Slave is either natural, that is to wit, begotten of a woman Slave, or made a Slave by law of armes; or by some crime committed (whose mett call a slave to punishment) or one which hath for money departed with his libertie, or hath plaid away his libertie, as did in ancient time the Almancs: or else such an one as hath voluntarily vowed himselfe to be a perpetuall Slave vnto another man; as was the manner of the Hebrewes. The prisoner in warre was Slave vnto the vanquishers, who was not bound to put him to his ranfone, if it were not otherwise agreed vpon; as it was in ancient time in Greece, that the Barbarian prisoner taken in warre, might bee put to the chayne, and kept as a Slave; but as for the Greeke, that he should be set at libertie in paying for himselfe a pound of gold. The like law almost was made amongst the Polonians, * where it was decreed by the States, That all enemies taken prisoners in just wars, should remaine Slaves vnto the vanquishers, except the king would pay two Florins for every head. But he that had paid the ranfone of any prisoner, was bound to set him at libertie, having againe receiv'd his money: otherwise he might keepe him, not as his Slave, but as his prisoner; according to the most ancient law of the Greeks, which from them derived vnto the Romans, was afterward in use with all nations. As for debtors, prisoners vnto their creditors, although it were lawfull by the law of the twelve Tables, to divide them in pieces amongst their creditors, giving to some more, some lesse, according to the proportion of every mans debt, if they were not able to pay: yet for all that if it was, that if he had one creditor, he could not take from him his life, and much leffe his libertie, a thing much dearer than life. For the father might well fell, chop, and change his children, yes and take away their lives also, but yet could not take away their libertie: for the good and noble hart would alwaies rather chuse to dye honestly, than unworthily to serve as a base Slave. And that is what fore the law of the twelve Tables (which adjudged the debtor not able to pay, vnto the creditor) was shortly after at the request of Petilian Tribune of the people, taken away, and a decree made, That from that time forward the debtor should no more bee adjudged vnto his creditor, or divided in pieces among his creditors, neither by them for his debt be detained, yet referring vnto the creditor power to seize vpon his goods,
A or by other way of justice to come by his debt, so as he law he might by reason: which law continued firm and inuiolat 700 years, vn to the time of Droclesian, who cauall the fame law afterward to be published vpon paine of death.

And thus much concerning all forts of flaves: for as for them which are taken by theives or pirates, or by false titles are sold for slaves, they continue nevertheless free, and in terms of right may do all lawfull acts. As for other domestical servants, which for wages or without wages do their fervice, they cannot by contract or agreement whatsoever, doe any thing prejudiciall to their libertie: neither in receiving any legacies vpon condition be it never fo little fervice: neither can the slave himselfe when he is manumifed, promise vnto his lord that hath let him at libertie, any thing prejudiciall vnto his libertie, other than the fervices ordinary & agreeable vnto all such as are enfranchised. And this is it for the Arreftes of the Parlement of Paris have oftimes disanulling the contracts of servants free borne, which have bound themselves vpon a paine to fervice certaine yeares: which nevertheless they yet do in Engeland & Scotland, where the maillets after the terme of fervice expired, comming befor the Judges of the places, enfranchise their servants, and give them power to wearre their caps; which was the auguent mark of a flave newly enfranchifed, to cover his haire head vntill his haire were growne: which gau occasiion vnto Brutus after that Cesar was flaine, to cause certaine money to be coined * with the imprefion of a cap vpon it; as having fet at libertie the people of Rome. And after the death of Nero, the common people went vp and downe the streets with caps vpon their heads, in signe of their libertie. And king Eumenes after the death of Mitridates, comming to Rome, and with his cap on his head entering the Senat, acknowledged himselfe to hold his libertie by the people of Rome. Now albeit that domesticall servants be not slaves, and that they may do such acts of libertie as free men may, see it in judgement or out of judgement; yet are they not as simple mercinaries men which labour for their dailies wages, ouer whomhe he that hath hired them hath neither power nor command, nor any manner of correction, as the maifters hath ouer his domestical servants, who owe service, honor, and obedience vnto their masters, fo long as they are in his house, and may with moderate discretion chafftice and correct them. For domesticall servants ought to reverence their maifters, and do them all honest service and duties: whereof, for that they have a mutuall comportment one of them towards the other, and belong vnto moral discipline, we will not in this place reason.

But as concerning Slaves, there are two great difficulties, not yet resolued vpon: the one, Whether libertie be natural & profitable to a Commonweale, or contrarie vnto nature, and unprofitable; the other, What power the lord of right ought to have ouer his flave. Concerning the first point, Aristotle is of opinion that the libertie of slaves is of right natural: and to prove the fame, We see (faith he) some naturally made to serve and obey, and others to command and gouerne. But Lawyers, who measure the law not by the discourses or decrees of Philosophers, but according to the common sense and capacite of the people, hold libertie to be directly contrarie vnto nature; and do what they can to maintaine libertie, still interlocking such things as are obfcur and doubfull (whether it be in the lawes, or in testaments, in covenants, or judgements) so in favour of libertie, as that they give no way either to lawes or to testaments: And if so be that the force of the lawes be fo great and to plaine as that they may not swarue from them; yet do they protest that butterneffe of the lawes to displeafe them, calling it hard and cruel. But of these two opinions wee must chuse the better. Now many reasons there bee to prove that libertie is profitable vnto the Commonweale, and also agreeable vnto nature: For every thing that is contrarie vn.
to nature, is of no long continuance: and if you would force it against nature, yet will it of itself again returne vnto the natural course thereof: as is plainly seene in all natural things. But servitude seemeth to have taken the beginning thereof immediately after the general deluge; and even so, loone as any forme of a Commonwealth was to be scene, and so hath always euery since continued: and although servitude in these latter times was left off, for about three or four hundred yeares, yet is it now againe approved, by the great agreement and consent of almost all nations; yea the people of the West Indies, which are three times greater than all Europe, who never heard the lawes of God or man, have alwaies bene fully of slaves; neither hath there bene any Commonwealth in the world, which hath not had slaves in it: yea the holiest men that ever liued have vfed them: yea and that more is, in every Commonwealth the lord had power over the goods, the life and death of his slue, except some few, where the Princes and lawmakers haue something moderated this power. Now like it is not, that all people and nations in euery place, so many kings and princes, so many lawmakers (men for their vettue and experience most famous) would with so great consent, and so many worlds of yeares, have received slaves, if it had bene a thing repugnant vnto reaon and nature. And what can be more agreeing vnto cuttisfie and natural reason, than after victorie obtained, to faue them whom thou hast taken prisoners in just warre, to giue them meat, drinke, and cloathing, & with great charitie to releue them: & for so great benefits to exact of them only their service & labor? is it not much better than in cold blood to kill them? And this was the first beginning of slaves. Now whereas it agreeeth also with the lawes of God and man, that he that hath not wherewith to pay for the fault by him committed, should be punished in his body; is it not better and more cuttisfie to haue him kept to labour in the publicke works? whereof such were also called sawants to paine, another kind of servitude. In like fort, he that shall vniuitly lie in wait for another mans goods, life, or flate; what doubt is there but that he is a verie theefe and robber, and defcretueth death? Then is it not contrary vnto nature, to sawe him for labour, in stead of putting him to death: for the word Servant, commeth of sawning, albeit that some vnskilfull Grammarians reprehend Infinite in so saying. Now if it were contrary vnto nature, that one man should have power of life and death over another, there should be neither kingdoms nor seignories, which were not contrary vnto nature, seeing that kings and monarques have the same power over their subieccc, be they lords or slaves, if they once fall into any capital crime.

These arguments have some good shew to proue that servitude is natural, profitable, and honest, but it may well be answerred. I confesse that servitude is well agreeing vnto nature, when a strong man, rich and ignorant, yeeldeth his obedience and service vnto a wife, discreet and feeble poor man; but for wife men to ferue fools, men of understanding to ferue the ignorant, and the good to ferue the bad; what can bee more contrary vnto nature, except a man should thinke it reasonable for a wife counsellour to be outruled by his foolishe Prince; or a sober and temperate servant to bee gouerned by his bedlem and riotous Maister. As for them that thinke it a charitable cuttisfie, in vniuit warres to haue faued the liues of their prisoners whom they might haue killed, it is the charitie of theues and pirats, who brag themselves to haue gien life vnto them whom they have not depraied of life. For oftentimes it commeth to passe in vniuit warres, (as are for most part those that are made by the mightie) that good men are most miserably and shamefully enforced to ferue the wicked. And if the vanquished haue wrongfully and without cause (as theues) made warre, why then put they them not to death? why take they not of them exemplatif punishment? why take they them
them then vnto mete, seeing that they are theues. As for that which is said, That seruitude could not have continued so long if it had bene contrarie vnto nature: true it is in things merely naturall, which according to their naturall proprietie follow the immutable ordinance of God: but having quen vnto man the choice of good & euill, it chanueth oftentimes to the contrarie; him to chuse the worste, contrarie to the law both of God and nature: in whom his corrupt opinion hath so great power, that it paffeth in force of a law, of greater power than nature it selfe: in such sort, that there was never so great impietie or wickednesse, which hath not bene esteemed for vertue and godlinesse. Let one example serue for many. We know right well that there can be no more cruell or detestable a thing than to sacrifie men, and yet there are almost no people which have not vfed so to doe, who all for many ages coueted the same with the valle of piety and religion: as yet vnto this out age they of Peru and Brafulles doe, and certaine other people vpon the riuer of Plat; vnto which so profhane sacrifies our auncestors for all that with great devotion reforted. With like piety and devotion on the Thracians also vfed to kill their fathers and mothers, grown weake with age, and so afterwards did eat them, to the end they should not languish with sicknes, nor being dead become meate for worms; as they aunificed the Persia king. Neither must we say that there were none but the auncient Galls that sacrificed men; which indeed they did vnto the time of Tiberius the Emperour: for long time before, the Amoritis and Ammonitis vfed to sacrifie their children: neither was it a solemnitie among the Barbarians onely, as generally among the Seythes (as Plutarch written), but also among the Greeks (in whom ciuilitie not onely refuted, but euem from whom it was vnto all other nations derived): for Achilles (as Homer reporteth) sacrificed vnto his dead friend Patroclus with the slaughter of men. *Themistocles also in the Perian ware, sacrificed three men; as did the Perian king at the same time twelue: neither could Jupiter Lucius (as is reported) be otherwise appeased but by the slaughter of man, led by the ambiguity of an old Oracle, and of the Greeke word sar, which without accent signifieth either Light, or a Man. *M. Tullius detesteth our auncestors, for that they sacrificed with mans bloud: but that he spake as an Orator, and as best serued his caufe; for M. Varro attributeth it to all the people of Italie: as also the manner of vowing in the saccd spring time to haue bene, that whatsoever man or beast was that yere sufforbe should be sacrificed. A man might alfo bring for example * Iephte general of the armie of the Israelites, who is reported to haue sacrificed his daughter vnto almightie God, much about the same time that Agamemnon king of the Greeks sacrificed his daughter Iphigenia * (whereof some well learned men haue made Tragedies) although that he sacrificed nothing vnto God but the virginitie of his daughters; as the Hebrew text plainly declareth; and as Rabbi Levi, and the other Hebrew interpreters all agree. Howbeit other people did the like with great piety and devotion: which proueth well that we must not measure the law of nature by mens actions, bee they never so old and inueretar: neither thereof conclude, that the seruile estate of slaues is of right naturall: as also much leffe to attributeth it to charity, or to courtezie, that the people in auncient time fauced their prisoners, taken in warres, whom they might haue slaine; to draw a greater gaine and profit from them as from beasts. For who is hee that would spare the life of his vanquished enemie, if he could get a greater profit by his death than by sparing his life? Of a thousand examples I will produce but one. At the siefe of Jerusalem vnder the conduct of Tephzian, a Roman boullier hauing found gold in the entrails of a Jew that was slaine, made his companions therwith acquainted, who forthwith cut the throats of their prisoners, to see if they had also swallowd any of their crownes; so that in a moment there were slaine * about twentie thousand of those * Iephe, in bello Indaiso.
The miserable estate and condition of slaves.

What should I rehearse the executable and profuse filthiness of both sexes, which the poore slaves heretofore were and yet are enforced to endure and suffer? But as for cruelty shewed upon them, it is incredible that we read, and that a man might speak of, if but the thousand part thereof were written: for Authors would thereof say nothing, if good occasion were not guen; and we have not but the histories of the most civill people that euert were in the world. For they were enforced to till the ground in chains (as yet they do in Barbarie,) and to lie in dungeons, the ladders being drawn vp from them, as they yet do in all the East, for seare they should be lost, or that they should set fire on the house, or otherwise kill their masters. Now as for euery light offence of the flave, except he were of great price, it was so rigorously punished, as that to have broken a glass was vnto him death: as for example, the Emperour Augustus being at supper in the house of Pedius Pollio, it chanced one of the flaves to break a glass; who having done no other fault but that (as faith Seneca) was forthwith drawn vp into a pond of Lampros, which were fed with mans flesh: whereat the poore flave crying out, fled into the feet of Augustus, entreating him, not for his life, but that hee might not after he was put to death be eaten vp of those fishes, for hee found himselfe worthis of death for the flave he had broken; but the common opinion was, that the soule of the drowned never pass'd out into the Elysian fields; or els that it died together with the body; as Symphoritus writ of his companions falling to Alexandria, who in a tempset sodainly rifen, seeing the outrageous violence of the Sea, drew their swords to cut their owne throats, so to give way vnto the soule, which they thought owtherwise to be in danger to be drowned together with the body: so much the poore flave feared to be eaten vp of the fishes. But Augustus mowed with compassion (as faith Seneca;) pardoned the flave, causing all the rest of the glasses to be broken, and the pond to be filled vp. Yet Dion the Historiographer, reporting the same historie, faith that Augustus could not obtaine pardon of Pollio for his flave, neither to have commanded the pond of Lempries to have bene filled vp, than which nothing was more prouious amongst the Remans: which for all that leemeth to have bene more probable, seeing that Seneca confesseth Augustus to have bene therewith contented, neither to have bene therefore angrie with his friend Pollio. And to shew that this was no new matter more than two hundred yeares before, Quintus Flaminini a Senator of Rome, caused one of his slaves to be flaine, for no other cause but to gratifie and please his Bardache, which
which said that he had neuer seene a man slaine. Now if it chaunced the maister to be slaine in his house, by whomsoever it was, all the slaves that at the same time were vnder the same roofe, were put to death euery mothers son. As chanced at the murther of Pedevius great Pretor of Rome, when question was made of putting to death all his slaves, following (as faith Tacitus) the antiquit custome, the common people being for the moost part men enfranchised, fell in mutiny, for that they knew well the murthirer was but one, & yet neuerthelesse there must be put to death 400 of his slaves, all innocent of the fact: neuerthelesse the matter being debated in the Senat, it was there resolved, That the ancient custome should be kept, & so accordingly all the slaves were put to death. Yet passe the murthirer of slaves, enforced to kill one another in the lifts, or to be borne with wild beasts, so to give pleasure vnto the people, and to breed in them a contempt of death. And although the law Petronia had forbidden slaves without cause to be cast vnto the wild beasts; yet was it neuer obserued, no more than the edict of the emperour Nero, who was the first that appointed commissioners to heare the complaints of slaves: and after him the emperour Adrian ordained that inquisition should be made against such as had maliciously without cause slaine their slaves: howbeit that long time before they were culpable as murthirers, by the law Cornelia: but that was holden in no regard, and all that the poore slaves could do to save themselves from the fury of their masters, was to flie vnto the images of the gods, or of the emperours. For neither the temple of Diana in Rome, which king Servius (himselfe the sonne of a slave) had appointed as a sanctuarie for slaves; neither the image of Romulus, which the Senat had of long time appointed for the felie same purpose; neither the Sepulcher of Theseus at Athens; neither the image of Ptolemeu at Cyrene; neither the temple of Diana at Ephesiu, could defend the slaves from the fury of their angrie lords and masters. Howbeit that by the law of the Ephesians the slave which without just cause had fled vnto the temple of Diana, was againe restored vnto his master, being before sworne not therefore to entreat him euell: but if the cause of his flight were just, then was he taken from his master and made servant to Diana: except women, who might not enter into her temple. But Tiberius of all other tyrants that ever were, the most craftie in his old age, appointed his image for a sanctuarie, propounding capitall punishment vnto all such as should by violence draw any slave from the same, to the intent that by that means the slaves might for the least occasion come to accuse their masters, yea euen of high treason. Insomuch that as Seneca writeth, a certaine Senator fearing to bee betrayed of his slave, cranted pardon of Tiberius for that he had but bene about to touch his chamber pot with a ring upon his finger, where in the image of Tiberius was engraven. In such sort, that the images of the emperours, but especially of tyrants were as staves to entangle the magistrates in, who oftentimes secretly murthirer their slaves, for hauing recourse vnto the images, so soone as they were returned thence. But the law of God had therefor much more better provided, appointing euery mans house for a sanctuarie vnto the slaine flying from his master, forbidding to restore him againe vnto his master whilst he was yet in choller. For all masters are not of like discretion to Plato, which said to his slave, That he would sharply have corrected him, but that he was angrie; whereas the Germans (as Tacitus faith) never punish their servaunts or children but in their rage, and that as if they were their enemies. Thus we see the liues of masters not well affur'd against their slaves; and the liues of slaves much lesse against their masters. For who could affurne himselfe of his life, or of his goods in the time of the tyrannie of Sylia, who had propose of thirtie Selcetties vnto free men, and vnto bond men liberty, as a reward if they should discover their masters, or bring in the head of any one of them that were by him proscibed? In which feate the citizens were, vn-
till that three score thousand of them being slain, and to the state in a manner againe appeaied, a certaine slave yet presented vmto Sylua the head of his lord & master, whom Sylua for so doing according to his promise set at liberty, but by and by after cauH him to be caft headlong from the rocke Tarpicia. At such time also as persecution grew hot against the Christians, there was no Christian master but was in daunger of his life, or els glad to set at libertie his slaves. But the seare of persecution once ceasing, the lords and masters themselves became tyrants over their slaves.

So the state of Families and Commonweals is alwaies in daunger of trouble and ruine, by the conspiracie of slaves combining themselves together: all Histories being full of sorteile rebellions and warres. And albeit that the Romans were right great and mighty, yet so it was that they could not let the slaves to rise against the state in all the townes of Italie except Messana: and afterwards for all the lawes they could make, they could not prevent but that three score thousand slaves rise in rebellion under the conduct of Spartanus, who in battaile one threet three armies of the Romans. For it is most certain, that in euery country whatsoever, there was at least ten slaves for one free man: as it is easie to judge by the musters taken in Athens, where for twenty thousand citizens were found ten thousand strangers, and foure hundred thousand slaves. And Italie (victorious over all nations) had many moe, as a man may perceive by the Oration of Casius the Senator, whereby he persuaded the Senate for the confirming of Sylua his decree: We haue at home (said he) whole nations of slaves much differing among themselues in manners, fashions, language, and religion. And namely Casius alone had five hundred slaves, who daily brought in vmto him the profit of their gainfull arts and trades; besides them whome he employed in his ordinacie and domesticall service. Milo also in one day at libertie 300 slaves, leaft they should have bene put to torture to depose concerning the death of Clodius Tribune of the people. And that multitude of slaves was it for which the Roman Senate, decreeing to put a difference in the habit of slaves, to the intent to have them knowne from free men: one of the grassest Senators diduaded the same, shewing the daunger like to ensue thereof; if the slaves should begin to enter into the number of themselues; for that so they might easily dispatch themselfes of their masters, for the easinesse of their rising into rebellion, and the difference of their habits. Vmto which daunger Africke & some part of Spaine should be subject, if there were such a multitude of slave as in times past: for that they marked their slaves in the face, which they did not in auentite time, except such of them as were villanous and slaunderous, who were therof called Stigmatics who at any time being manumifed, could for all that neuer enjoy the full fruit of their libertie or the privielege of citizens: marking the rest upon their armes. And this was it for which the Lacedemonians seeing their slaves to multiply exceedingly above the citizens (for the hope their masters gave them of libertie which could get most children, and for the profit every man drew out of them in particular) made a decree that three thousand of them such as had the most able bodies should bee taken vp for the warres: who likewise preffed out, they forthwith caufed to be all in one night slaine, and that so sodainly and fecretly, as that no man knew what was become of them, more than they which had the doing of the matter.

Now this seare that Cities and Commonweals had of their slaves, was the caufe that they neuer dureft suffer them to beate armes, or to be enrolled in their musters, and that upon paine of death: and if by necessitie they were constrained to take their slaves, they at the same time freely set them at libertie. As did Scipio Africanus the Greater, who after the great overthrow of Cannas manumifed 300 of his slaves, al able bodies. Howbeit that Florus writeth, That armes were giuen to 8000 slaves, which we also read
to have bene done in the confederat warre. But Cleomenes king of Lacedemonia finding himselfe able to withstaine and the multitude of his enemies, as also of his slaves, his citizens being for the most part slaves; in his great necessities proclaimed liberty to all such slaves as were able to pay five crownes for their heads: in which doing he promised himselfe both of souldiers and money. Yea not so much as the effeminat people of Asia vied their slaves in warres, except the Parthians, who might not by their lawes manumite their slaves, whom they made almost so much as of their children: whereby they grew into such a multitude, that in their armies wherewith they put to flight the power of M. Antonius, consisting of five thousand men, there was but 4500 free men, as we read in Justin: yet had they no cause to rebell, being of their masters so well entreated. But as for other people, they were so mistrustfull of their slaves, as that sometimes they would not have them to sete in their gallyes before they were enfranchised: as did Augustus, who at one time set at libertie twenty thousand to sete him in his gallyes. And for feare they had least they should confpire together against the state, to keep them alwaies busie in other mechanickall arts, Lycurgus amongst the Lacedemonians, and Numia Pompeius in Rome, forbade their owne citizeanes to vie any manuall occupation: And yet they could not to well provide, but that ever there was some one or other desperat man, who propounding libertie vnto slaves, still robbed the State. As Viriatus the Pitar, who made himselfe king of Portugall; Cipus, Sparsus, Tacfarinas, and Simon the fon of Gorbon captain of the Iewes, who all of base companions made themselfes great lords, by guing libertie vnto the slaves that followed them. And the ciulli warres yet continuing betwixt Augustus and M. Antonius, was not to be seene, but fugitive slaves still on the one side or the other; in such sort, that after the discomfiture of Sex-Pompeius, there were found thirtie thousand slaves which had taken part with him, who me Augustus causd to be apprehended through his dominions, and by a prefixed day to be againe relestred vnto their masters, commanding the rest to bee hanged that had no masters to lay claime vnto them; as we read in Appian. And in truth the power of the Arabians grew by no other meanes: For as soone as Homar one of Mahometes liuientains, had begun to raise warre in Arabia, and promiséd libertie vnto the slaves that should follow him, he drew such a number after him, that in few yeares they made themselfes lords of all the East. The fame of which libertie, and the conquestes made by those slaves, so encouraged the slaves of Europa, that they began to take vp armes, first in Spaine in the yeare 781, and afterward in France in the time of Charlemagne, and of Lewes the godly; as is to bee seene by their Edicts then made against the conspiracie of slaves. And after that also Lothaire the sonne of Lewes, having lost two battelles against his brethren, called the slaves vnto his aid with promise of libertie: who afterwards gave the ouerthrow vnto their masters in the yeare 852. When sodainly this fire took such hold in Germanie, where the slaves having taken vp armes, so troubled the state of the German princes and cities, that Lewes king of Almain was constrained to raile all his forces to subdue them.

And this was the cause that the Christian princes by little and little releasted their subjects, and enfranchised their slaves, referring onely vnto themselfes certaine feruices, and the auncient right of succession, if their enfranchisèd slaves should chance to die without issue: a custome yet in use in all the lower Germanie; as in many places in France, and England also. For as yet many remembrances of bondage remaine in the Christian Commonwealth: as is to bee seen in the lawes of the Lombards & Ripuaries whereby slaves could not have their free libertie, or alienat their goods, vnill they had bene twice manumised: and ofentimes the lord or master ioynd vnto the act of enfranchiment, That it was done for the health of his soule. For they which first laid the

A. Apian in bellis exhib. 
B. E. ij
C. Iudaic0.
D. bellis
E. Christian princes by little and little releasted their slaves.
foundation of the Christian Commonweale, had nothing in more regard, than to
find the means how Christian slaues might be set at liberty: so that in hope thereof ma-
y of them oftentimes became Christians: & their masters for the health of their souls
were content so to enfranchise them. Wee also read in the Histories of Africk, how
that Paulinus bishop of Nolo, after hee had sold all his goods to redeeme Christian
slaues, at last (which a man would wonder at) sold himselfe also vnto the Vandales for
his brethren. And hereof came the manumission of slaues made in churches before the
bishops. Whereof, in the raigne of Constantine the Great, enuised such a multitude of
poore and needie men, who had nothing but their libertie to live vpon (of whome
the most part would do nothing, and the rest could do nothing) as that cities were
with nothing more charged than with them. Hereof, began the almes-houses, and
hospitals, for the reliefe of little children, of the aged, of the sick, and of them that could
not labour, to be erected and endowed by the Christian princes, at the requests of the
bishops. Hereof S. Basill in his sermons complaineth, that the cities and gronings of
the poore and weake were in the Churches confounded and mingled with the fongs
and prayers of the Priests. Much about which time Julian the Apostata in despite of
the Christians * exhorted the Pagan bishops by the example of the Christians to the
building and endowing of almes-houses and hospitals for the reliefe of their poore.
And for that poore men set at libertie, did oftentimes lay forth their children to bee
brought vp of the charitie and liberalitie of the Christians: Gratian made a law, That
the children so exposed and left vnto the world, should be slaues vnto them that had
so nourished and brought them vp. And not long after, Valens the Emperour by an
Edict gaue power to euerie man to take vp the vagrant and idle persons, and to cause
them to serve them as slaues; forbidding also and that vpon paine of death, any to goe
into the woods or deserts there to live as Hermits; of whom hee caufed a great num-
ber which had contrarie to his Edict to gone out, to be executed; to the intent to cut
off idlenesse, and to draw euerie man vnto labour. But after that Idolatrie began to
decay, and the Christian religion to encrease; the multitude of slaues began also to di-
minishe; and yet much more after the publishing of the law of Mahomet, who set at li-
bertie all them of his religion. To the imitation of whome, the Christians also fo frankly
set at libertie their slaues, as that all servitude and slauerie seemed in that age to have
bene but vp with the West Indians, wherein the Christians had taken off from their
necks all bondage, about the yeare 1250; yet for all that, there were slaues in Ita-
lie in the yeare 1212, it is evident, as well by the lawes of William king of Sicilie, and
Frederick the second Emperour; as also by the decrees of the bishops of Rome, Alex-
ander (I say) the third, Valban the third, and Innocentius the third, concerning the mar-
riages of slaues, which the Lawyers call Contabernia, or keeping of companie together:
which Alexander was chosen Pope in the yeare 1158, Valban in the yeare 1185, and
Innocentius in the yeare 1188. Whereby it is evident, the Christian Common-
weale to have bene elee of slaues since the yeare 1250, or there about. For Bartholus
who flourished in the yeare 1300, writeth that there were no slaues in his time; and
that by Christian lawes men might no more sell themselues, understanding the Edicts
made by the Christian princes: which when Nicholas the Sicilian, otherwise called the
Abbot of Panormo had learned of Bartholus, he thought it a thing well worth the no-
ting. Neuerthelesse we read in the Historie of Polonia, that euerie prifoner taken in
good warre, was then and long time after slave vnto him that had taken him, if the king
would not pay two Florins for his head, as I haue before faid: and yet at this present
the subjectes bound vnto the soyle whereon they were borne, which they call Konetos,
are in the power of their lords, who may at their pleasure kill them, and not bee called
in
A into question therefore: and if so be that they kill another man's subject, then are they acquired by paying ten crownes: the one moiety to the lord, and the other moiety unto the heirs: so as we read in the lawes of Polonia; which are the like in the kingdoms of Denmarke, Sweden, and Norway. But it is more than 400 yeares agoe, since that Fraunte suffered in it any true flaues: For as for that which we read in our histories, that Lewis Huitin, who came to the crowne in the yeare 1313 (the selfe same time that Bartholus liued) set at libertie all flaues for money, to defray the charges of his warres: which is, as I take it, to be understood of manumitted men, which we call Mort-maines, whom we even yet at this present see to be set at libertie by the kings roayl letters patents, from that bond of seruitude wherby they are prohibited to marrie a wife, or to alienat their goods out of the territorys of their Patron. So also we are to understand the edict of Charles the first the French king, wherein in cities cery 70 familiers, in country villages euertie hundred familiers, and every 200 heads of flaues, were be charged with a man at armes; which they should not have done if they had bene in the possession of another man, & accounted as another mans goods. So it is also to be understood that is written of Humbert Daphine, who at the same time by one edict enfranchised all the flaues of Dauphine, and commanded the same to be enrolled in the publick acts and lawes of the country. The same curtseyed Theobald count of Blois towards his flaues, in the yeare 1435. To this also belongeth that which we read of Sugerius abbot of the couenant of S. Dionysius, who set at libertie his manumitted flaues, so that they changed their dwelling. And also the antient decree of the Parliament of Paris, whereby it was permitted to the bishop of Chalons, by the content of his Chapter, to enfranchise his flaues: Charles the seuenthe also comming to the crowne in the yeare 1430 enfranchised divers persons of servile condition: And in our memorie king Henry the second by his letters patents enfranchised them of Bourbonois, in the yeare 1549. By whose example also the duke of Sauoy did the like in all his countrys, in the yeare 1561. All which we see done in the great favours of libertie. Whereas otherwise the Prince, of his owne lawfull power could not enfranchise another mans flau, and much leffe the magistrat, what intercessions forer the people should make: neither could he so much as give vnto him that was by another man enfranchised, so much as leaute to wear a ring of gold, without the content of his patron: For Commodus the Emperour by his edict tooke from all them their rings of gold, who had obtained that priuilege of the prince without leave of their Patron: neither would he haue it any thing preudiciall vnto the Patron, that his enfranchised flau had obtained of the prince this priuledge, albeit that the prince had restored him to the stat of a free borne man: which was a far greater matter than to have obtained the priuledge to wear a ring of gold: which albeit it belonged vnto the prince onely to grant, yet so it was neuerthelesse in the time of Tertullian, that the patrons in a manner got that power vnto themselves, guinge vnto their enfranchised flaues a ring of gold and a white gowne, in stead of iron quies and whips, causinge them to arriue to fit downe at the table with them, and to beate their name. And at last Tittinus himselfe by a generall edict restored all them that had bene flaues enfranchised vnto the state of free borne men, so that for the confirmation thereof they needed not afterwards any the princes charter: Which law for all that we vse not: for in this realme he must of necessitie obtaine the prince his letters patents, which he alwaies vied to restore vnto manumitted men: and of servile condition, the state of free borne men, and to blot out all the flaine of their old flauetie; which letters were wont to be both requested and obtained without the leave of the patron: who for all that may lay hands vpon such goods of his enfranchised flau as were got before he was set at libertie wherefoere they be; as not long since
was adjudged by the court of Paris: as for such things as they get afterwards they may hold them to themselves; and having no children, by their last will and testament bequeath them upon whom they please. I have seen the Lord of the White Rocke in Galconge claim to have not only a right over his manumised subjects, and also that they were bound to trimme his vines, to till his grounds, to mow his meadows, to reap and thresh his corn, to carry & recarry whatsoever he should command them, to repaire his decayed house, to pay his ransom, and also the four accustomed payments vied in this realme; but also that if without his leave they should change their dwelling places wherein they were borne, or depart out of his land, he might lead them home againe in an halter: vnto all which the aforefaid subjects his manumised people yielded, vowing vnto the last, which by a decree of the Parlement of Tholouse was cut off, as prejudicial vnto the right of libertie. Truly they whose the Polonians call Kings, are not compelled to do their patrons so great service; but yet suffer things much grievous: for that any man may kill them for the small payment of ten crowns, and their lord may do for nothing. And in former time it was lawfull amongst the Indians by all meanes to tyrannise vpon their servants, which were in number infinit, yea and to kill them also; vntill that Charles the fift by a law which he made commanded then all to be free. But in Fraunce, although there be some remembrance of old servitude, yet is it not lawfull there to make any slave, or to buy any of others: In much that the slaves of strangers so foone as they set their foot within Fraunce become franke & free, as was by an old decree of the court of Paris determined against an ambassador of Spain, who had brought a slave with him into France. And I remember that of late a Genua marchant having brought with him vnto Tholouse a slave whom he had brought in Spain, the hoast of the house understanding the matter, persuaded the slave to appeale vnto his libertie. The matter being brought before the magiftrats, the marchant was called for; the Attorney general out of the records showed certaine antient priuileges giuen (as is fayd) vnto them of Tholouse by Theodosius the Great, wherein he had granted, That slaves so foone as they came into Tholouse should be free. The marchant allegging for himfelfe that he had truly bought his slave in Spain, and so was afterward come to Tholouse, from thence to goe home to Genua, and fo not to be bound to the lawes of Fraunce. In the end hee requir'd that if they would needs daile so hardly with him, as to set at libertie another mans slave, yet they should at leaft restore vnto him the money hee colt him: whereunto the Judges aunswered, That it was a matter to be confidered of. In the mean time the marchant fearing least he should loose both his dutifull slave and his money also, of himfelfe set him at libertie, yet covenanting with him that he should leue him so long as he lived. Yet for all that, those priuileges which they of Tholouse boast to haue bene granted them by Theodosius, seeme not to haue bene so, seeing that Narbona a true Colonie of the Romans, and the most antient that was in Fraunce, Leitone, Nyfmes, Vienne, Lyons, Ailes, Romans, and many others, which were also Roman Colonies, no not Rome it selfe the vvere feast of the Empire, had not any such priuilege. And thus much concerning the enfranchizing of slaves.

But now here might a man say, If it be fo that the Mahometans haue enfranchised all the slaves of their religion, which hath couste in all Afia, and almost in all Africke, with a good part of Europe also; and the Chriftians haue semblably done the like (as we haue before showed:) how commeth it to passe that yet the world is so full of slaves and slauerie? For the Iewes may not by their lawes haue any slave of their own nation, neither by the lawes of the Chriftians may they haue any Christian. Truely all in that auiuer from the law of God: For the law of God forbiddeth any slave to be
be made by the order of the Israelites amongst themselves, except that any of them
shall of his owne accord give himselfe in bondage to another, and suffer his care to be
bored through a poit with an aule: truely it adiugeth the debtors vnto the creditors,
and suffereth the Jewes to bee fold for povertie: yet the same law comman-
deth them at the euenth yeare to be set at libertie. And although a man haue en-\ntrale himselfe, and suffered himselfe to be thucht through the care with an aule, insomuch
that he be bound to perpetual servitute: yet neiuerthelesse all the interpretors of
the law affyrne, That in the yeare of Jubilee he shall againe recouer his libertie, except he
had taker againe serue than become free. But such bond-flaues as were borne of
those kind of slaues which had of their owne accord given themselues into bondage,
they were in the fiftth yeare to be set fre: at which time the law by the sound of
trumpet denounceth libertie vnto all manner of slaues. Yet doth the law permit them
to haue strangers, of another nation and religion than their owne, in perpetuall bond-
dage; and that their povertie and nephews might vfe the same right against strangers,
that strangers might against the Israelites: than which kind of slaues Iulian the
Emperor writeth none to haue bene better. You see (faith he: ) how willingly the
Syrians fette other nations: and contrariwise what a loye of libertie is in the people
of the Celtes. But the Jewes when they had bought any strange bond-slaues of the
Christians, or of the Pagans, they instruccted them in their owne religion, and so circ-
cumcised them: which thing Traian by a speciall law forbad: and albeit that they had
yielded vnto their lords or maisters religion, yet neiuerthelesse they enforced them
still to serue: Whereas by the law it was provisit, that such strangers as being cir-
cumcised had recevied the law of God, should enjoy the same priuileges and benefits
that the naturall citizens did. The same law (faith it) shalle be vsto the stranger & the citizen.
That is it God by the Prophet Jeremie complaineth of, slaues not to be set at libertie
according to the law: and therefore a moft heauie bondage to hang ouer the
maisters heads from their enemies. Hereupon also Philip the French king drave the
Jewes out of his kingdom, confiscating their goods, for that contrarie vsto the law
they circumcised Christians, and tooke them vnto themselues into bondage for slaues.
The like deceit we see the Mahometans to vfe, whose manner is to circumcise and to
instruct in their religion such Christians as they haue taken in warre, or bought of pi-
rats, or at least wise their children, whom neiuerthelesse they compell to serue with all
their children and povertie. Whose example the Portingals following, compell the
bondmen whom they have bought out of Africk, to aboue the Mahometan religion,
and instructing them in the Christian religion, cause them neiuerthelesse with their
children and offpring to serue them in perpetuall slaueerie: so that now whole droues
of slaues are fold and that openly in all parts of Portogall, as if they were beasts. In like
manner the Spanishs hauing brought the Negros vsto the Christian religion, keep e
them neiuerthelesse and all their povertie for slaues. And albeit that Charles the fift
had by a generall edict made in the yeare 1540 set at libertie all the slaues of the West
Indies, neiuerthelesse a fedition there rizing through the courteunffe and insolencie of
them that were in greatest power, Gonzales Fizarre governor of that prouince revolted
from Charles: whole power when Lagasca had discomfited, and for publike example
had causedit him to be beheaded together with the chiefe men of that rebellion, hee
according to the edict, set at libertie all the slaues; yet with condition, that thev should
still serue their patrors. And yet for all that it could not be brought to passe, but that
Lagasca returning into Spaine, these late enfranchised men fell againe into their slaue-
ricie: and especially for the profit which their lords and maisters were in hope to haue by
the selling of them: to the imitation of the Portuengs, who first called in againe Servi-
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tude, now for many worlds of yeares buried in forgetfulness in Europe; and are in short time like enough to disperfe the same over all Europe, as it is now alreadie begun in Italie. For now a good while agoe Africa and Asia, and the Eastern part of Europ also have accustomed to noughti and bring vp in every cite, stocks of flaues, in like manner as if they were beasts, and of them to make a great marchandize and gaine. For within this hundred yeare the Tartars (a kind of Scythian people) in great number with fire and sword entyng into the borders of Mofcoua, Lituania, and Polonia, carried away with them three hundred thousand Chriftians into captivity. And not long age euin in our memorie, Simon Baffa havynge taken the Isle of Gozo neere vnto Malta, led away with him 6300 Chriftians, and all the inhabitants of Tripolis in Barbatie, which he fold in Gracia. So that it is not to be marvelled that the captaine of the Turkes Imagaries, and either of his Chauncellors (whome they call Cadeletquiers) vie cectice one of them at their entrance into their office to receiue of the prince three hundred flaues. For as concerning the Turkes Pretorian fouldiers, and those youths which are taken from the Chriftians as tribute, and are called tribute children, I never accounted them for flaues; seeing that they are enroled in the princes families, and that they alone enjoy the great officers, honours, priefhoods, authoritie and honour; which nobilitie extendeth also vnto their nephews in the fourthe degree, and all their posteritie afterward being accounted base, except by their vertue and noble acts they mainaine the honour of their grandfathers: For the Turkes almoft alone of all other people measure true nobilitie by vertue, and not by diuerity or the antiquitie of their stocke; so that the farther a man is from vertue, so much the farther he is (with them) from nobilitie.

Wherefore seeing it is proued by the examples of so many worlds of years, so many inconueniencies of rebellions, fortiue wartes, conspiracies euertions and chaunges to haue happened vnto Commonweals by flaues: so many murthers, cruelties, and detestable villanies to haue bene committted vpon the perffons of flaues by their lords and masters: who can doubt to affyrme it to be a thing most permittious and daungerous to haue brought them into a Commonweale; or haue caft them off, to receiue them againe? Now if any man shall say, That the rigour of the lawes may by forbidding, and sentence punishment moderate the cruelty of masters ouer their flaues: W hat law can there be more iust, more strong, and indifferent, or better than the laws of God, which hath so wisely proued as to forbid to chastifie flaues with whips (which the Roman lawes permitted) and wilte the flauе to be enfranchised, if his master shal brake any lim of him? which law Constantine the Emperor afterward approued. But who shall profecute the suite against the lord for the death of the flauе? who shall heate the complaint? who shall exact due punishment therefore? shall he that hath nothing to do therewith consider that tyrants hold it for a rule in policie, That one cannot be too seuerely vnto his subiects, so to kepe them low and obedient. But the Spaniards (some will say) entreat their flaues courteously, teach them, and bring them vp, yea and that much more kindly than they do their hired servans: and they againe on their part servue their lords and masters with all chearfulness and loue, incredible. But concerning the Spaniards it is a common saying, That there are no masters more courteous than they at the first; as generally all beginnings are pleasing: so also it is most certain, That there is no greater loue, than the loue of a good flauе towards his lord: proued that it meet with an humor agreeing with it selfe. For which cause the law of God (in mine opinion) hath so wisely proued that no man should sever a perpetuall servitude, but he which having serued seven yeares: and so well tafted the humor and disposition of his master or creditor, had consented to bee his flauе for euer. But
Of A Commonweale.

A	

in that there are so few men one like unto another; and contrariwise the variety and natural disposition of them infinite, what law giveth can unto them all prescribe one general law, or rule. The ancient proverb, which faith, so many flames, so many enemies in a man's house, showeth right well what friendship, faith and loyalty a man may look for of his slaves. Of a thousand examples of antiquity I will recite but one, which happened in the time of Julius Caesar, who reporteth, That a slave seeing his lord absented, barred the gates, and having shamefully abused his mistresses, bound her, took his maisters three children, and going up to the highest place of the house, seeing his maister comming home, first cast downe vnto him upon the pavement one of his children, and after that another: the woeful father all dismayed, and fearing least he should throw downe the other like wise, with prayers and tears befought the slave to spare him that was yet left, promising him forgiveness for that hee had already done, and libertie also, if he would but spare that third. Which his request the slave yielded vnto, vpon condition that he should cut off his owne nose, which he chose rather to do, than to loose his child. But this done, the slave neuertheless cast downe the third child also; and so at last to take that revenge of himself, which his lord thought to have done, cast headlong downe himself also. And not to be tedious, I omit poisionings, murders, burnings, and many other mischiefs oftentimes euery where done by slaves. But these inconueniences, you will say, are counteraided and reconciled with other mutuall profits; for that by receivings in of slaves we cut off the infinit number of vagabonds and bankrupts, who after they have devoured all, would pay their creditors with bills. & that by that means might be driven away such a multitude of rogues & naughtie doers, which eat up whole towns, and as drones sucke the honey from the bees: ioyne vnto this, that of such idle mates, theues and pirates furnish themselves; besides that, famine and euil provision for the poore, draw into towns all popular diseases; for the poore we must nourish and not kill, although it be in a sort to kill them, to refuse to nourish them (as faith, S. Ambrose,) these reasons beare some show of truth. For as concerning debtors, if they be not able to pay, God's law commandeth them to be adjusit to their creditors for seuen yeares, but yet not into perpetuall bondage: howbeit that the law of the twelue tables, practised in all the Welt Indies, and in the greatest part of Atrie, will that they remaine still prisoners vnto the creditors, vntill they be fully satisfied. For they which have taken away from debtors in ciuill cases the benefit, to leave vnto their creditors all such goods as they had, and command them to be committed not to their creditors, but to prison, as the Turkes do; seeme to mee to take away not onely from the creditors, but also from the debtors, all power to keepe themselves, yea, and their liues also, as taking from them the means for them to travell, and to gaine to acquit themselves. But as for the euens and pirates, there was never in any time more than when the multitude of slaves was encreased: For that the slave not able to endure flauerie, and at length breaking from his maister, was alwaies constrained to be a thiefe or a pirat, not being able to endure his maister, neither to shew himself being marked, nor to liue having nothing to liue vpon. A better example whereof cannot be than that of Spartacus the senfor, who at one time assembed out of the varie bowels of Italia three score thousand slaves, when as at the same time aboue fourscore thousand pirates with nine hundred faile of ships were routing out all the Mediterrane, and had with so great forces taken 400 cities vpon the sea coast; as that the Roman Empire was both by land and sea as it were betet with theuens and robbers. But the wise law giveth is not hee that driueth robbers out of the Commonwealth, but he that suffereth them not therein to enter: which may easily bee done without that direfull flauerie, so dreadfull vnto slaves and cities; by erecting in euery towne and citie

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An horrible example of the cruelty of a faithles slave.

Reasons for the maintaining of flauerie in a Commonwealth.

The same reason confirms.
tie publick houses for poore children, where they may leaerne divers trades and occupations, as they do in Paris, Lions, and Venice, and other well governed towns, where Seminaries of Artizans are brought up to the great benefit of the Commonweale. But in such places as wherein slaves are now alreadie receiv'd, I am not of opinion to have them altogether and at one time set at libertie, as Charles the Emperour did at Peru: for that so they hauing nothing to live upon, nor occupation to gaine by, and delighted with the sweetnesse of idlenesse and libertie, would take no paines in such fort that the most part of them died for hunger: but the best way is, by little and little to enfranchise them, hauing before their enfranchisement taught them some occupation whereby to relieve themselves. Now if some shall say, That no man is a good master, but he that hath before been a good servant: I say that to be an opinion euill grounded, although it be right auntient: for there is nothing that doth more discourage and overthrow, (and if I may so fay) a bastardise a good and noble mind, than futilities; or that doth more abate the naturall maiestie of good natures to command over others, than to have bene once a slave. Salomon alfo the maister of wisedom faith in his Proverbs, That there is nothing more intollerable, than when a slave is become a maister, or a handmaid a mistrefse: which he referreth not only vnto a more milific fence: as when our intemperat defiers beate rule oute our reason: but vnto him alfo which sodainely passeth from one extremitie to another; as from fentiment to command. But if it be true that reason and the law of God is alwaies and euerywhere where to take place, and that it was not but vpp only within the bounds of Palesine: why should not that law so profitably & so wisely made by God himselfe, concerning flauers & libertie, stand in force, rather than that which was by mans wisedom devised? Howbeit that the Tartars (which are by many thought to bee descended from the ten tribes of Israel) have alwaies enfranchized their slaves at the end of seven yeres: yet with condition that they should depart out of their country: which condition was first by Papian (the great lawyer) receiv'd, but afterwards by him againe receiv'd: but beeing joyned vnto enfranchisements, is accounted as if it were not written at all. And this much concerning the power of a maister ouer his slave, and whether slaves are to be sufferr'd in a well ordered Commonweale. But now that we haue sufficently, & yet alfo as briefly as was vnto vs possible, entreated of a Familie, & of all the parts thereof, which is the foundation of the whole commonweale: let vs now likewiie alfo speake of a Citizen & a City.
A of Families, of that concerneth them all in general, he then loatheth the title of master, head, and lord, to be a companion, equal, and fellowlike with others, leaving his families to enter into a City, and his domestical affairs to entertain of publick; and in stead of a lord calleth himselfe a Citizen, which is no other in proper termes than a free subject holding of the sovereignty of another man. For before there was either City or citizen, or any forme of a Commonweale amongst men, every master of a family was a master in his owne house, having power of life and death over his wife and children: but after that force, violence, ambition, covetousness, and desire of revenge had armed one against another, the issues of warres and combats giving victorie unto the one side, made the other to become vnto them slaves: and amongst them that overcame, he that was chosen cheefe and capitaine, vnder whose conduct and leading they had obtained the victorie, kept them also in his power and command as his faithfull and obedient subjects, and the other as his slaves. Then that full and entire libertie by nature giuen to euery man, to live as himselfe best pleased, was altogether taken from the vanquished, and in the vanquishers themselues in some measure also diminuished, in regard of the conquerour; for that now it concerned euery man in privat to yeld his obedience vnto his cheefe souveraigne; and he that would not abate any thing of his libertie, to live vnder the lawes and commandement of another, lost all. So the word of Lord and Servant, of Prince and Subject, before unkowne vnto the world, were first brought into vs. Yea Reason, and the vertie light of nature, leadeth vs to beleue very force and violence to have giuen course and beginning vnto Commonweals. And albeite that there were no reason therefore, it shall be hereafter declared by the vn doubted testimonies of the most credible historiographers, that is to say, of Thucydides, Platarch, Cesar, & alfo by the lawes of Solon. That the first men that bare rule, had no greater honour and vertue, than to kill, maffacre and rob men, or to bring them in slauerie. These be the words of Platarch. Yet haue we more alfo the witnesse of the sacred history, where it is said, that Nimroth the nephew of Cham, was the first that by force and violence brought men into his subjection, establishing his kingdom in the countrey of Assyria: and for this cause they called him the Mighty hunter, which the Hebrews interpret to be a theefe and robber. Which thing alfo Phile the Jew, and Josephus by their testimonies confirme, viz. Nimroth by his wealth and power to have first exercised tyrannie. Wherein it appeareth Demothenes, Arifotol, and Cicero, to haue mistaken themselues, in following the errour of Herodotus, who faith, That the first kings were chosen for their justitie and vertue; and haue hereof signified vnto vs I wot not what heroicall and golden worlds: an opinion by me by most certaine arguments and testimonies elswhere refelled; seeing that the first Cities and Commonweals, long before the time of Abram were full of slaves: as also not long agoe the Westerner islands did swarne with them at such time as the Spaniards subdued them: a thing that could not possibly be, but by extreme violent forcing the free lawes of nature. And it is not yet past feuentie yeares that the people of Googa in Africke had neuer felt or heard of any king or lord whatsoever, untill that one amongst them a travellor had in his trauell seene and noted the maiestie of the king of Tombut: and thereupon conceiving a desite to make himselfe a king also in his owne countrey, hee at first to begin withhall, killed a rich merchant; and so possiued of his hordes armes and marchandise, divided them amongst his nie kinsfolks and friends, acquainted with his purpose; by whose aid he by force and violence subdued now some, and after others, killing the richest, and easeing upon their goods: in such sort that his sonne became rich with the robberies of his father, made himselfe king, whose successor hath so continued after him in great power, as we read in Leo of Africke. This was the beginning of the
the kings of Gaoga, which in short time greatly encreased.

And thus much concerning the beginning of Commonweals, which may serve to manifest the definition of a Citizen, by vs before set down, to be true, which is no other thing to say, but a free subject holding of the sovereign right of another man. A free subject I say, for albeit that a slave be much more subject unto the command of the highest authority than a free man; yet so it is, that all people have always with their common consent agreed, That a slave is no Citizen, and in questions of right is accounted no bodie; which cannot truly be said of mens wves and children, who are free from all servitude and bondage, albeit that their rights and liberties, and the power to dispose of their owne goods, be from them in some sort cut off by the domesticall power: in fort that a man may say, that euerie Citizen is a subject, some small part of his libertie being diminished by the maictie of him to whom he oweth obedience. But euerie subject is not a Citizen, as we haue said of a slave; and may also so say of a stranger, who comming into an other mans cognitio, is not receiued for a Citizen, hauing not any part in the rights and privilege of the Citie; neither is to bee accounted in the number of friends, allies, or coallies, who are not altogether strangers, (as the Lawyer faith) neither enemies also. Howbeit that the Greeks of old called strangers enemies, as also did the Latines, which Cicer hath noted out of the law of the twelue tables; The mildnesse of the word (faith he) mitigating the hardnesse of the thing: and they were called enemies which had confipted against the state. And it may well bee also that those whom we yet by a common word call Hotes, or Hostes, were in ancient time nothing els but strangers. But men haue since corrected the proprietie of words, the forme of speeche still remaining: for the Greeks have called their enemies μοιχιους, as men making warre vpon them; and strangers ξυνοι, which signifieth not pilgrims (as faith Acylus) but strangers, be they another mans subject, or themselves soueraigne in their owne country.

Now amongst them whom we saide to be subjectes vnto publicke empires and soueraigne power; some are naturally some are naturalised; and of them which are naturally some are free borne, some are slaves, and these slaves being set at libertie, in an instant become Citizens, whereas stranger slaves be not so. Yet true it is that the enfranchised slaves in Greece were not admitted to be Citizens, although that they were of the same country, and naturally subjectes. For the request of Demosthenes the Orator, which he made vnto the people after the great overthrow at Cherronea, That all the inhabitants of Athens, as well the enfranchised as others, might be accounted Citizens; was refused and denied, for fear they left the enfranchised men (of whom there was a great multitude) should become lords of their estat, and with the number of voyces exclude the natural Citizens from all honours and promotions; which the greatest number still carried away: which thing the Romans at the first not regarding, had almost before they were aware fallen into the power of the enfranchised men, had not Fabius Maximus in good time foreseene the matter, and thrust the multitude of the enfranchised men, before disperst amongst all the tribes, into foure tribes apart by themselves; to the intent that one and thirtie tribes of the free borne men and auncient Citizens, might still with the number of voices preuaile: for they counted not in Rome their voyces by the poll, as in auncient time they did at Athens, and now doe also at Venice; but by degrees and centuries, in the assemblies of their great estates, and by lines or tribes, in their lesser estates. And for that it so great a matter was without sedition done by the onely wisedome of Fabius the Censor, he tooke the surname of Maximus (or of the Greatest:) in which doing he amended the errors of Appius the Censor, who had disperst the enfranchised and naturalised Citizens (the title of slaves and strangers).
For all the tribes of the free born men: yet afterwards (notwithstanding the order taken by Fabius) it was granted unto the Citizens enfranchised, that they might enroll one of their sons' being five years older or more in the tribe or line of their patron: But when these four tribes of the enfranchised Citizens seemed yet too puissant and strong, it was decreed, that there should by lot one tribe bee drawn out, wherein all the enfranchised Citizens should give their voices. And this was the state of the enfranchised Citizens, vntill the ciuill warre betwixt Marius and Sylla, at which time the people at the motion of Pub. Sulpicius made a law, that the enfranchised Citizens should from that time forward be againe divided amongst all the tribes, which was the first and principal cause of the ruine of that Commonweale. Wherefore as of slaves some are borne, some are made; so also of Citizens some are made, some are borne: the natural lCitizen, is he that is free of that wherein he is borne; whether he be borne but of one of his parents a Citizen, or of both of them Citizens. True it is that of antient time (and yet at this present also in divers Commonweales) to bee a Citizen it was needful to have both father and mother Citizens, as in Greece; otherwife they called them Bailiffs, or Munegres, which were but Citizens on the one side, and could not themselves neither their children be partakers of the greatest benefits or offices in the Commonweale, which they called Archontes, as fiat Demofthenes in his Oration against Nerva, albeit that many (as Themistocles himselfe) were thereinto fecterely entered. But in the time of Pericles four thousand of them were fold slaves who had borne the countenance of Citizens. And Pericles him selfe having lost his children that were right Citizens, made request vnto the people, That his sonne might be enrolled among the Citizens, which sonne he had begot at Athens of his wife being a stranger. We also read that the Romans made a Collonie of foure thousand Spaniards, whom the Romans had begot of Spanish women, for that they were not true Citizens. But afterward it took place that he should be a Citizen whose father was a Citizen: and in many places it is sufficient for the making of a Citizen, that his mother was a Citizen. For the place maketh not the child of a stranger (man or woman) to be a Citizen; and he that was borne in Africk of two Roman citizens is no lefe a Citizen, than if hee had been borne in Rome. Now the made or naturlified Citizen is he who hath submitted himself vnto the soueraignetie of another, and is so received into the number of citizens. For the Citizen of honour only, who for his merits towards the Commonweale, or of speciall favour hath obtained the right and prueledge of a Citizen, cannot of right bee called a Citizen, for that hee hath not put himselfe vnder the power of another command.

Wherefore of many Citizens, be they naturals, or naturlified, or els slaves enfranchised (which are the three means that the law giueth to become a Citizen by) is made a Commonweale, when they are governed by the puissant soueraignetie of one or many rulers: albeit that they differ among themselues in lawes, language, customes, religions, and diuerstie of nations. But if all the citizens be governed by the felteme lawes and customes, it is not onely one Commonweale, but also one very cite, albeit that the citizens be divided in many villages, townes, or provinces. For the enclosure of walls make not a city, (as many have written) no more than the walls of an house make a familie, which may consist of many slaves or children, although they bee farre distant one from another, or in divers countries; provided that they bee all subject unto the command of one head of the familie: So fay we of a City, which may have many towns and villages, which bee the same customes and fashions, as are the Bailiwicks, or Stewards of this realme: And fo the Commonweale may have many cities and provinces which may have divers customes, and yet are not subject unto the command
command of their soueraigne lords, and vnto their edicts and ordinances. And it may also be that every towne and citie may haue certaine privilege in particular, which are not common vnto them of the suburbs; and the suburbs also may haue certaine prerogatives which are not common vnto the villages, not to the inhabitants of the open countrie; who are yet interthelesse subjectes of the same Commonweale, and citizens of their citie; yet are they not for all that burgeffes: for the word citizen hath I know not how a more special signification with vs, than hath the word Burgesse: and is properly the naturall subject, who hath the right of a corporation, or college, or certaine other priveledges, which are not common also vnto the burgeffes. I haue said the natural subject, for that the subject naturallised although hee dwell in the towne, and enjoy the right of a burgeff, is yet called in many places a burgeff: & the other is called a citizen, who enjoyeth a certaine particular priveledge proper vnto free borne citizens. As in Paris there is none but natural citizens, and borne in Paris, that can be Prouos of the marchants. And in Geneva a burgeff cannot be Syndic, or Senator of the prouince counsell of xxv, which a citizen may well be: which is also vnd amongst the Swifiefs, and all the townes of Germanie.

And thus much briefly concerning the difference of subjectes, citizens, burgesses, and strangers; as also concerning a Commonweale, a Citie, and a Towne. But for as much as there is neither Greeke nor Latine, nor any other writer that I have seene, which have vfd these definitions, it is needfull by lawes and by examples to make plaine that which I haue before saide, being otherwise of it felle obscure. For we oftentimes see great quarrels and controversie to arise, as well betwixt princes, as citizens of the same towne or citie amongst themselves. For not understanding the difference of these words, ye a they from whom weere ought to expect the true resolutions of these things, are themselves oftentimes farre wide, mistaking a citizen for a towne, a Commonweale for a citie, and strangers for citizens. But they which write of a Commonweale without knowledge of the law, and of the common right, are like vnto them which go about to build faite high houes, without any foundations at all. Aristotle hath defined vnto vs, A citie to be a multitude of citizens, having all things needfull for them to live well and happily withall: making no difference betwixt a Commonweale and a citie: saying alfo, That it is not a citie if all the citizens dwell not in one and the felie same place: which is absurditie in matter of a Commonweale; as Julius Caesar in his Commentaries well declareth, saying, That euery citie of the Helvetians hath fourre villages, or cantons. Where it appeareth that the word Citie, is a word of right or juridiction, which signifieth not one place or region, as the word Towne, or Citie; which the Latines call Prbm or Prb, that is to say of aratio, or plowing: for that as Varro saith, the compaffe and circuit of cities was marked out with the plough. It is also certaine in question of right, That he which hath carried out of the citie, that which was by the law forbidden to be carried out, and hath carried the same into another citie or towne of the same prouince; is neither to be faide to have carried the thing out of the citie, nor to have offended against the law. Yea the doctors go farther, saying, That hee hath not done contrary vnto the law, that hath transported the thing forbidden into any other citie or towne subject vnto the same prince. And albeit that writers oftentimes confound both, taking sometimes the one for the other, as the Greeks oftentimes vs the word πολις εν τω δήμω, and the Latines the word Civita as for a towne, a citie, or the right of citizens, for that the generall which is the citie, comprehended in it the particular, which is the towne; yet so it is, that they abused not the word εν τω δήμω, as we see that Cicero hath well kept the proprietie both of the one and of the other: for the word

* Aristoteles, Politi, lib.3.cap.6.
* Cicero, ad Atticum.lib.4. εν τω δήμω signifieth properly a towne, whereof came the word εστί, which with the Greeks signifi-
signifieth as much as doth with the Latines \textit{Urbanus}, for that the inhabitants of towns are commonly in their behaviour more civil and gracious, than are the peasants or rude countrymen: for the word \textit{ciuitas}, which we call ciuitall, was not of the ancient Latines received for \textit{Urbanus}, that is to say courteous, or after the manner of the city. And least any man should think them to be rashly confounded, and to be but a question of words, and not of matter: it may be that a towne may be well built and walled, and that more is well stored also with people, and furnished with plente of all things necessary to live withal, & yet for all that be no citie, if it haue not laws and magistrats for to establish them in a right government (as we haue said in the first chapter) but is more truly to be called an Anarchie than a citie. And so contrarywise it may be, that a towne may be in all points accomplished and haue the right of a citie, and of an universitie, and well ruled also with lawes and magistrats; and yet nevertheless shall it not bee a Commonwealth: as we see the townes and cities subject into the signorie of Venice, which are no Commonweals no more than the townces in the provines subject and tributarie unto the citie of Rome were of antiquitie time no Commonweals, neither enjoyed the right or priuilege of Commonweals; but the citie of Rome it selfe onely; which had great priuileges and prerogatives against them all in general, and against every one of them in particular: albeit that the lawes speaking of the other townes, doe oftentimes vfe this word (Citie) but that also vnpriuete, for \textit{Trian} the emperor writing to \textit{Plinit} the younger, Proconsul of Asia, denieth the citie of the Bithynians to have the right of a Commonweale, in being preferred before other priuat cetditos in the right of a pledge, and that truely. For why? that was proper unto the citie of Rome, and to them to whom they had especially giuen this prerogative, as was onely the citie of Antioch in all the Roman Empire. So wee see that a towne may be without a citie, and a citie without a towne, and neither the one nor the other of necessitie a Commonweale: and that more is, one and the same citie may still bee kept in the whole and entire state of a citie, the wals thereof being laid flat with the ground, or it quite abandoned by the citifens; as did the Athenians at the comming of the Persian king, into whom they left their towne, putting all themselfes vpon the sea, after they had put their wives and children in saftie amongst the Trezenians; following therein the counsell of the Oracle, which had answered them, That their citie could not be sau'd but by woorden wals: which \textit{Themistocles} interpreted, That the citie (which consisteth in the lawfull body of citifens) could not be sau'd but by ships. In like manner it happened also unto the inhabitants of Megalopolis, who understanding of the comming of \textit{Cleon}e\textsc{e}s king of Lacedemonia, all voyded their towne, which for all that was no lese a towne than before; yet was it then neither citie, nor Commonweale: in fort that a man might say, That the citie was gone out of the towne. So speake \textit{Pompey} the Great, after he had drawne out of Rome two hundred Senators, and the better part of the citifens, and so leaving the towne vnto \textit{Cesar}, said thus, \textit{Non est in parietibus republ\textsc{e}}, The Commonweale is not in the wals. But forasmuch as it had in it two forts of parrtakers, and that the citifens dividid into two parts had put themselfes vnder the protection of two diuers heads, they now seeme of one Commonweale to haue made two. Wherefore by these words Citie, Towne, Commonweale, Collidge, Court, Parilh, Familiar, are signifieth the right of these things. And as oftentimes it hath bene judged that the church being without the wals of the citie, and the patishioners within the citie, that they should enjoy the right of citifens, as if the parilh were within the compasse of the wals: so also is it to bee judged of a citie. Neither let it seeme vnto any man strange, that I stand something the longer vppon this matter; if he but remember what importance the lacke of knowledge of these things

That the citi-

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things was long ago vnto the Carthaginensians. For at such time as question was made in the Senat of Rome, for the raising of Carthage: the report thereof being bruited abroad, the Carthaginensians sent their ambassadors to Rome, to yeld themselues vnto the mercie of the Romans, and to request the Senat not unworthily to raise that their citie one of the fairest of the world, famous for the noble acts thereof, an ornament of Rome it selfe, and a monument of their most glorious victories. Neuertheless the matter being long and throughly debated in the Senat, it was at last resolved vpon, That for the saeties of the Roman empire Carthage should bee destroyed, as well for the opportunitie of the place, as for the naturall perfidiofness of the Carthaginensians themselfes, who had now alreadie made warre vpon the allies of the Romans, riggd vp a number of ships contrarie to the agreement of peace, and secretely stirred vp their neighbour people vnto rebellion. The matter thus resolved vpon, the Carthaginensian ambassadors were sent for into the Senat, vnto whom aunfwere was given by the Consull, That they should continue in their faith and fidelity vnto the Senat and the people of Rome, and in pawn thereof to deliver vnto the people of Rome three hundred hostages and their ships: in which doing they should have their citie safe, with all their rights, priviledges and liberties, that euer before they had enjoyed. With this aunfwee the ambassadors returned nitely home. But by and by after commission was given vnto Scipio Africanus the yonger, To go in all haste with a fleet to Carthage, and with fire and sword to destroy the towne, fauing the citizens and all other things els that they could carrie out of the towne. Scipio arriving in Africke with his armie, sent Censorinus his lieutenant to Carthage, who after he had received the promised hostages together with the Carthaginensian ships, commanded all the people of Carthage to depart out of the towne, yet with free leave to carrie out with them what they would, and to build them a cite further off from the sea, or elsewhere to their best liking. With this strait command of the lieutenant the Carthaginensians alonifie, appealed vnto the faith of the Senat, & of the people of Rome, saying, That they had promised them that their cite should not be raied: to whom it was aunfwered, That the faith gien vnto them by the Senat should in all points be kept; but yet that the citie was not tied vnto the place, neither vnto the walls of Carthage. So the poore inhabitants were constrained to depart and abandon the towne vnto the fire, which was let vpon it by the Romans, who had not had it so good cheape, had the ambassadors before vnderstood the difference betweene a towne and a cite. As oftentimes it changeth that many embassadors ignorant of the law of armes, and of that which right is, do euyn in matters of state commit many grosse faults. Although that Modestinus writeth, That Carthage was no more a cite after it was raied, and that the vle and proffit left vnto the citie, was in this case extinct above an hundred yeres before: but hee was in the same error wherein the embassadors of the Carthaginensians were, vnto whom all their rights, prerogatives, and priviledges were returned. The like error was committed in the agreement made betwixt the Cantons of Berne and Friburg, in the yere 1505, wherein it was agreed, That the amittie and alliance betwixt those two Commonweals should be for euer, and so long to endure as the walls of both the cities should stand. Neither are we to stay vpon the abuse which is ordinarily committed, or vpon the acts of greatest importance of them, which call, one and the same thing a towne, a cite, and an vnuestite: as some say of Paris, and certaine other places, calling that the citie which is contained in the Isle, and the vnuestite the place wherein the collegdes stand, and all the rest the towne, when as the towne it selfe is contained within the compasse of the walls and suburbs: howbeit that wee herein follow not the proprietie of the law, calling it the towne and suburbs, for the diuets priviledges granted vnto
A vnto them by diuers kings; and the vniuersitie the bodie of all the burgesses of Paris together: but the citie the coniunctio or joyning together of the towne it selfe and the libertie, as also of the men vuing the fame lawses and customes, that is to say the coniunctio of the provosthip and of the countie of Paris together: which abuse is growne, for that of antigenium all the towne was not but the ile inuironed with wal, and the riuer about the wal, so as we read in the Epistle of Iudas, governour of the West empire, who made his ordinarie residence in Paris; the rest of the citie that now is being then in gardens and arable land.

But the fault is much more, to say, That he is not a citizen, which is not partaker of the offices of government, of giuing of voices in the confultations of the people, whereas it be in matters of judgement, or affaires of the state. This is the definition of a citizen, which Aristotle hath left vnto vs by writing, which he afterward correcting himself says it not to haue place put in the popular state only. Now he in another place himselfe confeffeth that definition not to be good which is not general. Small apparence alio there is in that he faith in another place, The noble to be more a citizen then the base, and the inhabitant of the towne rather then the plaine country peasan; and that as for the yong citizens, they as yet but growe as noticies, whilst the elder citizens decay; and that they of the middle age are the entire citizens, and the other but in part. Now the nature of a definition neuer receiued diuision; neither containeth it any thing more or leffe then is in the thing defined. And yet neuerthelesse that description of a citizen that Aristotle hath giuen vnto vs, is defective and lame, not being applyd to be applied euyn vnto the popular estate, seeing that in the Athenian estate it selfe which had no pecte for the libertie and authentie of the people, the fourth ranke or degree of citizens being more then three times as great as all the rest of the people, had no part in the offices of governement, or in judgements. So that if we will receiue the definition of Aristotle, we must needs confeffeth, that the greater part of the naturall burgesses of Athens, were in their owne Commonwealths strangers, vntill the time of Pericles. And as for that which he faith, The noble to be alwaies more citizens then the base and vnable, is vntrue, not onely in the popular estate of the Athenians, but also in the popular Commonwealth of the Swiftes, and namely in Strasbourgh, where the nobles ( in the qualitie of nobles) haue no part in the offices of state and governement.

Wherefore it is better and more truly faid of Plutarch, That they are to bee called citizens that enjoy the rights and priveleges of a citie. Which is to be understood according to the condition and qualitie of euery one; the nobles, as nobles, the commone as commoners; the women and children in like case, according vnto the age, sex, condition, and deferts of euery one of them. For should the members of mens bodie complaine of their estate? Shoule the foote say to the eye, Why am I not Iet aloft in the highest place of the bodie? or is the foot therefore not to be accounted amongst the members of the bodie? Now if Aristotle definition of a citizen should take place, how many seditions, how many ciuill warres, what slaughters of citizens would arise even in the middeft of citie? Truly the people of Rome, for no other cause departed from the Senators, than for that they enjoyed not the same authoritie and priveleges that the nobilitie did; neither could it otherwise be appeased than by the meane of the fable of the members of mens bodie, whereby the grave and wise Senator Agrippa reconciled the people vnto the Senators. For Romulus the founder of the citie of Rome, excluded the people from the great offices of commanund, from the offices of priesthood, and from the augurship; commaundying the same to be bestowed vpon such onely as were descended from them whome he himselfe had chosen into the Senat,
nat, or els from them whome he had afterwards ioyned vnto them. And this new people hauing vanquished their neighbours, enforced many of them to abandon their owne countrey and customes, to become inhabitants and citizens of Rome, as they did the Sabines. Afterwards hauing vanquished the Tusculans, the Volsciants, and Herniques, they agreed together that the vanquished should have part in their offices, and voices also in the assemblies of their estates, without any other change either in their law or customes; who for that caufe were not called citizens, but municipes (as who should say, Men made partakers of their immunities) yet indeed leffe esteemed and honoured than the Romans themselves, albeit that their estate were united vnto that of the Romans. As we see that Cato in Rome did resolve of the uncertain familie of the Sergians in Rome, and to a natural Roman, by way of disgrace object to M. Tullius Cicero, That he was but a new vffart of Arpinas. And that was the caufe that many municipall townes chose rather to vfe the Roman lawes than their owne, to become true citizens of Rome, vntil the time of Titreius the emperour, who vtherly took away the vter shadow of the popular libertie which Augustus the emperour had yet left, having removed the popular assemblies from the people vnto the Senat: at which time the municipall townes of Italie refused the priveledges of the citie of Rome, whereat the emperour Adrian matruelled (as faith And. Gellius) but without caufe, for that they seeing the popular honours and offices to be all in one mans beftowing, they thought it now better to vfe their owne lawes than others.

Thus we see two sortes of citizens differing in priveledges, that is to wit, the Roman citie, and the municipal or countrey citizen. Now the third sort were the Latines, who had at the beginning threescore townes, but were afterward augmented with twelve Latine Colonies, who after long warres made peace with the Romans upon condition, That they should liue after their owne maner and customes, and yet should be made citizens of Rome, whofeouer of them should remove his dwelling into the citie, having yet left behind him some lawfull issue at home in the countrey. Yet when many of them fraudulently abused this agreement, & gave their children vnto the citizens of Rome in adoption, and vnder the colour of feruitude, to the intent that by them forthwith againe set at libertie, they might in a moment enjoy the liberties and priveledges of the citie; order was taken by the law Claudia, confirmed by a decree of the Senat, and edict of the Consuls, That all the Latines which had so by craft obtained the freedome of the citie, should be constrained againe to returne into the Latine cities: which thing was done at the request of the Latine cities themselves. And for that to be vnderstood that Boetius writeth, The Romans sent into the Latin Colonies, to have lost the liberties of the citie: as also that which Titus Livius faith, The Roman Colonies sent to Puteoli and Salent by the decree of the Senat, to haue bene no more citizens: which is not further to be vnderstood or extended, but to their right for gulling of voices, by that means now taken from them. So were they of Reims, of Langres, of Saintonges, of Bourges, of Meaux, and of Autun, free people of France, allies of the Romans, and citizens also, but without voice (as faith Tacitus) before that it was permitted vnto them to haue frates and honourable offices in Rome. And those of Autun were the first that had the privileadge to bee Senators of Rome; and therefore called themselves Brethren vnto the Romans: howbeit that the Auvergnats tooke vnto them the same privileadge & title, as descended from the Troians (as faith Lucan.) Now it is not to be doubted, but that the Roman Colonies were true and natural citizens of Rome, drawne out of the Roman blood, v sing the same lawes, magistrates, and customes; the true markes of a true citizen. But the further that these Colonies were distant from the citie of Rome, the leffe they felt of the glorie and brightnesse of the
A the same, and of the honours and offices which were divided among the citizens and inhabitants of Rome: in so much that the inhabitants of the Roman Colonies at Lyon, Vienne, and Narbone, thought themselves verie happy to have gained but the pruiledges of the Italians, who were at ancient time the allies and confederats of the Romans, enjoying the honourable freedome of citizens, and yet without chaunging either of their owne lawes or customes, or loosing any point of their liberties. And as much as the Romans, holpen by the strenght & power of their friends and allies, had subdued diuers other nations, and yet suffered not those their friends and companions to be admitted to sue for the honours and honourable offices in the citie; therefore the confederats were in all Italie against the Romans, which never tooke end vntill that after much harme on both sides both done and receiued, the libertie of the citie of Rome was by the law Iulia granted vno all Italianes, some few onely excepted. For the cities of Italie were called some Colonies, some Allies, some of them of the Latines, and some of the Italian iurisdiction, and all of them different. And that is it for which Titus Lutius Gaits, Iam inde morum Romanis Colendi socios, ex quibus alios in citiateram, atque eam iurisdictionem accipiant: alios in ea fortuna habentur, et socie esse quam circums titullat. vix. Now since that time the manner of the Romans was to honour their fellowes, of whom some they tooke into the citie, and into like freedome with themselves: others some they had in that estate, as that they had rather to haue them their fellowes, than citizens with them. And hereof proceeded that speech of Tiberius the emperor, in the Oration which he had in the Senat, which is yet seene engraven in brasse in Lyon. Quidergo? Num Italicus Senator provinciali potior est? What then? Is an Italian Senator better than the provincial Senator? As if he would have said them both to haue bene Senatours alike. And yet the same emperor excluded the Frenchmen which had obtained the freedome of the citie of Rome, from fineing for the honours or offices thereof. Whereby it is better to be understood that which Plutarch writeth, Spaine to haue in it 470 townes; that is to wit, 12 Colonies: 3 of citizens of Rome, 47 of them which had the freedome of the Latines: 4 of Allies, 6 of them that were enfranchised, and 260 tributaries. And albeit that the Latines were so straitly allied vnto the Romans, as that they seemed to be verie citizens; yet neiuertheless that they were not so, it is to be well gathered by that saying of Cicero: Nihil acerbus Latins ferre solutos esse quam aliis, quod perraro accidit, a consulibus iuberi ex urbe extime. vix. The Latines vied to take nothing more heauily, than that which but verie seldomtimes happened, To be commanded by the Consuls to void the citie; for as for other strangers we read, them to haue ofteentimes beene driven out of the citie. In briefe, such was the varietie of pruiledges and prerogatives amongst them which were contained within the Roman empire, besides their confederate and free people, as that almoost no one thing was so proper vnto the Roman citizens in general, as that the magistrats and gouernours might not proceed in judgement against them in matters concerning their life and libertie, without the peoples leauie. Which prerogative was by the Tribunitilaw Iulia granted to all the citizens of Rome; after that the people had expulsed their kings, and was called, The holy Law, being ofteentimes after repeated and confirmed by the Valerian Consul lawes, at diuers times made by the Consuls Publius, Marcus, and Lucius, of the honourable families of the Valerians: and laft of all by the Tribunitilaw Sempronia, and Portia, where to meet with the proceedings of the magistrats and gouernours, who encroached vpon the jurisdiccion of the people, and proceeded ofteentimes against the people, without yeelding thereto, there was the penaltie of treafon annexed vnto the law; for that those lawes were ofteentimes brokne by the magistrats. And at such time as Cicero was about to haue commmanded

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the Roman citizens priuie to the conspiracie of Catiline to be strangled in prifon: Cae
far desiring to diffuade the matter in the Senate, said, Our ancestors imitating the ma
ner of the Grecians, did punish and correct their citizens with stripes; and of men con
demned tooke the extremepest punishment: but after that the Commonwealth was
grown strong, the law Portia and other lawes were prouided, whereby for men con
demned banishment was appointed. Which law Cicero having transgreded, was
therefore not onely druen into exile, but also proscripted, his goods confiscate, his
house (as counted to be worth fittie thouand crownes) burnt, and a temple built in the
plot thereof, which the people at the motion of Cloadus their Trible, commanded
be consacrated to Libertie; wherewith the magistrats terrified, durst not but from
that time forward with lesse fecute ite proceed against the Roman citizens, yea even af
ter that the popular state was chaunted. And that is it for which Plinie the younger,
Proconsull of Asia, writing to Traian the emperour, concerning the assemblies made
by the Christians in the night, to the disquiet of his jurisdiction: I have (faith he) many
in prifon amongst whom there are certaine citizens of Rome, whom I have put apart
for to send them vnto Rome. And S. Paul at such time as he was drawne into questio
on, as a feditious person, and a trouble of the common quiet; so foone as he perceived
that Felix the governor would proceed to the trial of his cause, he required to be sent
vnto the emperour; saying, That he was a citizen of Rome, for that his father being of
the tribe of Beniamin, and borne at Tharjis in Caramania, had obtained the right of a
Roman citizen: Which so foone as the governour vnderstrode, he succeded to pro
ceed any further in the matter, and sent him to Rome, saying, This man might have
benefet at libertie, if he had not appealed vnto Cæsar. Whereas otherwise if he had
not bene a citizen of Rome, the governour would have proceeded in the matter, seeing
the countrey of Palestine was before brought into the forme of a province. As in like
cafe Pontius Pilat, governour of the fame countrey, was constrained to condemn
Chrift Iesus as a trubitatiate subiect of his province, whome for all that he seemed to
have bene willing to haue delivered out of the hands of his enemies, and from all pun
ishment, if he could well in so doing have avoided high treafon, which the people
threatned him with:Which the governour fearing least he should seeme to have any
thing therein offended, sent the whole processe of the matter vnto Tiberius the empe
tour (as faith Tertullian.) For if the municipall magistrats of the Iewes had had foue
raigne power and jurisdiction, they would not have sent him back againe vnto the go
vernour, crying That he had defented the death, but that they had not the power to pro
ceed thereunto against him. For the municipall magistrats of provinces had not
any jurisdiction, more than to commit the offenders into safe keeping, for feare of the
present daunger, and to receive cautions, or to give possession, and sometimes to
appoint tutores vnto poore orphans; but in criminal cause, had no power or authori
tie, neither over the citien of Rome, neither over the stranger or municipall subiects,
or over others that were enfranchised; but ouely, over their flaves, whom they might
at the uttermost but with stripes correct. For as for the jurisdiction given to them that
had the defence of townes, they were established by Valentinian three hundred and fift
tie yeares after. Whereby it is to be gathered, all power and authoritie for the execu
tion of justice to have bene given to the Roman governours, and their lieutenants in
their provinces, and taken from the rest. For they but deceived us, which thinke the
Iewes priests, for the qualitie of their priesthood, to have made conscience to con
demne to death our Saviour Christ Jesus, as if by their religion they had bene hindred
so to do; and hereupon have concluded, That churchmen ought not to give judg
ment that carried with it the execution of blood: which proceeded of the igno-
A rance of antiquity: For it is evident that before the land of Palestine was brought into the form of a province, it had but the Senate of the Jews, consisting of 71 persons, composed in part of priests and Levites, who had the power of condemning offenders to death, as the Chaldean interpreter plainly sheweth; and the Hebrew Pandects more plainly than he.

Wherefore this was the greatest and chiefest privilege proper to the citizens of Rome; That they could not by the magistrates be punished either with death or exile, but that they might call from them appeals; which libertie all the citizens of Rome enjoyed. The other Roman subjectts which had not this privilege, were not called citizens; yet thereof it followeth not, that to speake properly they were not indeed citizens; and according to the true signification of a citizen: for they must needs be citizens, or strangers, allies, or enemies, seeing that they were not flaves; for so much as they were contained within the bounds of the Roman empire. But we cannot say that they were allies, for that onely free people which defended the majestie of their estate, were called the fellowes or allies of the Romans; neither could it bee said that they were enemies of strangers, seeing that they were obedient subjectts, and that more is, paid tribute vnto the Roman empire: wee must then conclude that they were citizens; for it were a very absurd thing to say, That the natural subject in his owne countrey, and under the obedience of his foreigne prince, were a stranger. And that is it for which we have said, That the citizen is a free subject, holding of the Sovereignty of another man. But the prerogatives and privileges that some haue more than others, make vs to call some of them citizens, and others tributaries. Yet we read that the emperor Augustus was so jealous of these privileges, that he would not give the right of a Roman citizen vnto French men, for any request that his wife Luise could make vnto him; and for all that, not refusing to cate them from paying of tributes: neither liked he well of it, that his vncle Caesar had together & at once given the freedome of the citie, vnto that legion which he had raised of Frenchmen, and in generall to all the inhabitants of Numicome; and blamed also M. Antoninus, for that he had for money fold the freedome of the citie vnto the Sicilians. Neuertheless the succeeding princes kept not with fo great devotion the rights and privileges of the Roman citizens. Antoninus Pius by a generall edict gave the freedome of the citie of Rome vnto all the citizens of the Roman empire (flaves alwayes excepted) that so the citie of Rome might be the common countrey of all nations. Wherein hee seemed in a sort to imitat the example of Alexander the Great, who called the whole world but one citie, and his camps the chiefest of all. But Antoninus contented himselfe with the Roman world. And albeit that the citie, or rather the grant of the immunities of the citie seemed so to be communicated vnto all, yet were the privileges of citizens diuers, some alwayes enjoying more than others; as is to bee seene not onely in the Commentaries and answers of the great lawyers, which flourished after Antoninus Pius, but also in the edicts of other princes. For Severus more than fiftie yeares after Antoninus was the first that gave the privilege to them of Alexandria, that they might be made Senators of Rome: but the other Egyptians could not be made citizens of Rome, except they had before obtained the freedome of the citie of Alexandria. Which well sheweth, that the greatness of the privileges made not the subiect therefore the more or lesse a citizen. For there is no Commonwealth where the citizen hath so great freedome, but that he is also subject vnto some charge: as also the nobilitie, although with vs exempted from taxes and tallages, are yet bound to take vp arms for the defence of the Commonwealth and others: and that upon paine of their goods, their blood, and life. For otherwise if the largeness of prerogatives and privileges
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ges should make a citizen, then verely straungers and allies were to bee called citizens, seeing that oftentimes greaters and larger privalidges are giuen vnto strangriers or allies, than to citizens themselfes: For why? the freedome of the citie is oftentimes for an honour giuen vnto strangriers, who yet for all that are bound vnto no command or necessarie duties. As the Swiffars gaue the freedome of their citie first to Lemuers the ele-

eth, and so afterwards vnto the reft of the French kings: So Araxerxes king of Perfia, gaue the freedome of the citie vnto Pelopidas (and all his posteritie) entreatyng of alliance with him: So the Athenians made free of their citie Eucagric king of Cypru,

Dionysius the tyrant of Sicilie, and Antigonus and Demetruis kings of Asia. Yea that

more is, the Athenians gaue vnto all them of the Rhodes the freedome of their citie: and the Rhodians with like courtesie vpon the agreement of the league, made all the Athenians citizens of their citie, as we read in Lute: which league was called, The

treatise of Comburgeoise. What manner of league that was made betwixt the Valeifi-

ians, and the fute little Cantons in the yeare 1528: and betwixt the Cantons of Berne and them of Friburg, in the yeare 1565; and againe betwixt them of Geneua & them of Berne in the yeare 1558: the force of which leagues was such, as that there should be a mutuall communication betwixt them both of their citie and amitie: and in cafe that any of the confederats forfaking his owne citie, had rather to goe vnto the citie of his fellowes and confederats, he should presently become a citizen and fubieft of the other citie, without any new choyce or special letters of his naturalization or enfra-

chising. But the freedome of any citie giuen for honour fake vnto any, bindeth no

man vnto the command thereof; but him which forfaketh the dwelling place of his natuittie or citie, that to he may come into the power of another prince: For neither

were those kings whom we haue spoken of; neither Hercules, or Alexander the Great,

when they were made honourable citizens of the: Corinthians, fubieft or bound vnto their commandes; in such sort as that the right of a free citizen was vnto them but as a title of honour. Wherefore seeing it impossible for one and the same perfon to bee a

citizen, a stranger, and an ally; it may well be said that the privalettes make not a citi-

en, but the mutuall obligation of the foueraigne to the fubieft, to whom for the faith and obedience he receiueth, he oweth justice, counsell, aid, and protection, which is not due vnto strangriers.

But some may say, How can it then bee, that the allies of the Romans, and other people gouerning their eftate, were citizens of Rome (as those of Marieilles and of Auffun?) Or what is that which M. Tullius crieth out: O the notable lawes, and of our anceftors by divine inspiration made and set downe, even from the beginning of the Roman name, That none of vs can be the citizen of more than one citie: (for dis-

militude of cities muft also needs haue diversities of lawes) nor that any citizen can against his will be thrust out, or against his will be detained in the citie. For these are the first foundations of our libertie, Every man to bee maller both of keeping and of leaving of his right and libertie in the citie. And yet he the same man, before had laid it to be a thing granted vnto all other people, that euery man might be a citizen of many cities: with which errour (faith he) I my selfe have seene many of our citizens, igno-

rant men, led: to haue at Athens bene in the number of the judges, and of the Areopagi, in certaine tribe, and certaine number, when as they were yet ignorant whether they had obtained the libertie of that citie; and to haue loft this, except they had by the law made for the recouerie of things loft, againe recouered the same. Thus much hee.

But first to that which he wrieth concerning the Athenians, that law of Solons was long before abolisht, which admitted not a stranger to the freedome of a citizen of
of Athens, except he were banished out of his owne countrey: at which law Plutarch wondreth aboute measure; not foreseeing that to have bene done of Solon, to the end (as it is like) That no man should enjoy the immunitie and priveleges of a citizen of Athens, and that popular prerogative which the people had, except he were bound vnto the commannd and lawes of the Athenians. But he which is against his will detained vnder the commannd of a straunge citie, hath without doubt lost the right of his owne citie: which can in no wise be applied vnto those kings whom wee haue before spoken of, or yet to the Rhodians which had ordained the freedome of the Athenians. Wherefore this is it, as I suppose, that M. Tullius meant (for why, hee well agreeth not with himselfe) That he which was indeed a true citizen of Rome, that is to say, which was bound vnto the Senat and the lawes of the people of Rome, could not be bound vnto the commannd of another citie. As Pomponius Attius borne in the citie of Rome, being a Roman citizen, and of the honourable order of the knights, who for his loue towards the Athenians, was thereof called Attius (and vnto whom three of the Roman emperours referred the beginning of their descent) refused the freedome of the citie of Athens offered him by the Athenians; least (as saith Cornelius Nepos) he should haue lost the freedome of the citie of Rome: which is true in regard of the true subiects and citizens; but not in the citizens of honour, which are not indeed subiects: neither in respect of them which are citizens of dyuers citiies, vnder the power of one and the fame prince, a thing lawfull vnto all euen by the Roman law. For although one may be the slave or vaillall of many mailers or lords, yet can no man be the subiect of dyuers foueraigne princes, but by the mutuall consent of the princes; because that these are vnder no mans commannd, as are they vnto whomne feruite is by turne done by slaves, who may by the magistrates be enforced to sell their slave, except the feruite labours, which cannot at once be done to them all, by by turns done by the slave. And this is the point for which we oftentimes see warres betwixt neighbour princes, for the subiects of their frontiers, who not well knowing whom to obey, submit themselves sometimes to the one and sometimes to the other: and oftentimes exempting themselves from the obeisance of both two, are ordinarily invaded and preyed vpon by both the one and the other. As the countrye of W.achie hauing exempted it selfe from the obeisance of the Polonians, hath become subiect vnto the Turkes; and afterwards submitting it selfe vnto the kings of Polonia, payed tribute neuerthelesse vnto the Turke, as I have learned by the leters of Stanilau m Raftertetski sent to the unfaileble of France, bearing date the 17 of August 1553. Neuerthelesse there are many people vpon the frontiers, which haue set themselves at libertie, during the quartells of princes, as it is come to passe in the low countrey of Leige, of Lorraine, & of Burgundie: where there are more than twelue subiects of the French king, or of the empire, or of Spaine, who haue taken vpon them the foueraignitie. Amongst whomme Charles the fift reckoned the Duke of Bouillon, whom he called his vaillall: and for that he was his prifoner in the yere 1556, at the treatie made for the deliuerance of prifoners, hee demanded an hundred thousand pound for ransom; for that he called himselfe a foueraigne prince. But there are well also others beside the Duke of Bouillon: & to go no further than the marchesse of Burgundie, which is called the forbidden country: six princes have ouer their subiects, which the mutual wars betwixt the French and the Burgundians haue by long prescription of time brought forth. And in the borders of Lorraine; the countues of Lune & of Alpremont haue taken vpon them the right and authoritie of foueraignitie. Which hath also happened vpon the borders of England and Scotland, where some particular men haue made themselves great commannders within this twenty or thirty yeres, against the antient agreements. For, for to meet with
such enterprises, the English and the Scots had of antient time agreed, That the Barable ground, (that is to say a certaine part of the countrey so called, upon the frontiers of both realmes, being five miles long, and two miles broad) should neither be tilled, built, or dwelt upon; howbeit that it was lawfull for both people there to feed their cattell: with charge that if after the mane setting, or before the mane rising, any of their beasts were there found, they should be his that so found them: which was one of the articles agreed upon by the states of Scotland, in the yere 1550, and sent to Henrie the second the French king, as was by him provided. But where the foneraigne lords are good friends, as the Swiftiers of the countrey of Lugen, and the other territorys which belong in common to all the lords of the league, whither they send their officers ecuirie Canton by turne: there the subiects are not reputed to bee the subiects of divers soneraigne princes, but of one onely, which commandeth in his orders: in such fort as that one of them seeks not to enroach upon the others. Whereof rise a seditio betwene the seven Cantons Catholick, and the foure Protestants, in the yere 1554, the Catholicks desiring to chaste the inhabitants of Lugen and Louc, which had departed them from the church Catholike: and the Protestants hindring them so to do, and were now upon the point to have taken vp armes the one against the other, if the Cantons of Glaris, and Appenzell, who allow of both religions, had not together with the ambaffadour of the French king, interposed themselves, and so pacified the matter. Now therefore the full and entire citizen or subiect of a soneraigne prince, can bee no more but a citizen of honour of another signiorie. For so when as we read that king Edward the first gave the freedome of citizens vnto all the inhabitants of base Britaine; that is to be understood for them to enjoy the liberties, exemptions and freedoms, that they of the countrey enjoyed. So say we also of the Bernois, and the inhabitants of Gencua, who call themselves by their treaties of alliance, Equall, and by their letters Combourges. For as for that which Cicero faith, That the citizens of Rome might at their pleasure leave their freedome of citizens, to become citizens of another citie: nothing was vnto them therein more lawfull, than that was in like case vnto all other people lawfull also: and that especiallie in a popular estate, where ecuirie is in a manner partaker of the majestie of the state, and doe not easily admit strangers vnto the freedome of citizens. As in Athens, where to make a straunger free of their citie, there mult of necessity 6000 citizens, by their voices in fecter given consent therunto. But in such places and countries as wherein tyrants rule, or which for the barrenness of the soile, or intemperature of the ayre are forstaken by the inhabitants; not onely the citizens, but euen the strangers also are oftentimes by the princes of such places prohibited to depart, as in Morcouver, Tattraria, and Eithiopia; and that so much the more, if they perceive the stranger to be ingenious and of a good spirit, whom they detaine by good deferts, or els by force, if he would depart: in stead whereof hee must buy his deare, or right well descree of the Commonweale, that shall get his freedome of a citizen amongst the Venetians or Ragusians, or such other free states. And although that by the Roman law ecuirie man might give vp his freedome; and that in Spaine it is free for every man to remove elswhere, and to be enrolled into another citie:so that it be done by protestation to the prince: yet hath it and shall bee lawfull to all princes and cities, by the right of their maiestie and power to keepe their citizens at home. And therefore princes in making of their leagues, protest that they will not receive any the subiects or vassalls of their confederats into their protection, freedome, or priuileges, without their expresse consent. Which is conformable vnto the antient clause of the Gaditane confederation reported by * Cicero. Ne quis sacerdorums a populo Romano civium recipiatur, nisi est populus fundus satis effet: id est auctor. * C. That

* Cicero, *De Legibus*, 1, 20.
A none of the confederats should of the people of Rome be receiued for a citizen, except that people so confederat had bene the ground, (that is to say, the author thereof.) For therein lieth the state of that cause: for that Cornelius Balbus was a citizen of a confederate city, & therefore could not contrarie to the league, by Pompeius be made a citizen of Rome without the consent of the confederats. The same Cicero writeth also in the leagues of the French with the Romans to have bene excepted; That none of them should of the Romans be receiued for a citizen. The same laws we yet at this present vfe. For although that the Swifters are with vs joined in a most strict bond of amity & friendship: yet nevertheless is the same clause conceived in that league, which was with them made in the yeare 1520. And againe at such time as the late lefer Cantons of the Swifters made a league of alliance and amitie amongst themselves, it was excepted that no citizens of the confederats should be receiued; or if they should defire the freedome of another citie, they should not otherwise obtaine it, except they would dwell in the countrey, their land and goods remaining as before. And besides these leagues, there is no prince which hath not taken the like order; So that oftentimes the subject dare not so much as to depart out of the countrey without leane, as in England, Scotland, Denmark, and Sweden, the noblemen dare not to goe out of the countrey without leane of the prince; except they would therefore loose their goods: which is also obtented in the realme of Naples, by the custome of the countrey. As also it was forbidden by the emperour Augustus to all Senators to goe out of Italy without his leave, which was alwaies right straitly looked vnto. And by the ordinances of Spaine it is forbidden the Spaniards to passe out of the West Indies, without the leave of the king of Spaine: which was also of ancient time forbidden in Carthage, when Hann. no their great captain had first discouered the islands of the Hellespides. And by the decrees of Milan, it is not lawfull for any subjecte to receive the freedome of any other citie: or to enter into alliancie or league with any other princes or Commonweales, without the expresslie leane of the Senat of Milan. And that more is, we see oftentimes that it is not permitted vnto the subjecte, so much as to change his dwelling place, albeit that he depart not out of the seigniorie and obeyance of his suzeraine prince: as in the dutchie of Milan, the subjecte comming to dwell in the citie of Milan, or within a certaine circuit of Milan, must first haue leane so to doe; and also pay vnto his prince three ducers. We also find that it was in ancient time forbidden the Bithynians (subjectes vnto the Romans) to receive any other subjectes into their towne, or to give vnto them the freedome of a citizen, as they of times did, to decline the jurisdiction of others, or to cause them of paying of customes and tributes due: in which case the law commandeth, That he which hath so changed his dwelling should bear the charges of both places; which was also decreed by the kings, Philip the first, John, Charles the fifth, and Charles the seventh: Howbeit that the decree of Philip the long would, That the Prouost or bailie of the place, alisted with three burgelies, should receive into the freedome of their citie, who soever of the kings subjectes as would, provided, That within a yeare and a day he should in the same citie into which he removed, buy an house of the price of 60 folez. Paris at the least; and to signifie the same by a seargent, vnto the lord vnto whom the jurisdiction of the place wherein he dwelled belonged; and after that, that he should dwell in the same citie whereunto he was received for a citizen, from the first of November vnto the 24 of June; and yet paying the like taxe or tribute that he did before he removed, so long as he dwelleth in that new freedome; and without declining the jurisdiction for any suit commenced against him three months before.

And albeit that it be lawfull for euerie subject to change the place of his dwelling,
yet is it lawful for no man to forfake his native country; and much lesse for them, which are enrolled and tied to the poyle, whomse we call Mort-maines, who of aentent time might not change their dwelling place without speciall leave. And so generally a man may say in teares of right, That the freedome of a citizen is not lost; neither the power of a prince over his subject, for changing of the place or countrie; no more than the va'llall can exempt himselfe from the faith and obedience he oweth vnto his lord; or the lord without iust cause refuse to protect and defend his va'llall, without the consent of one to the other, the bond between them being mutuall & reciprocall. But if the one or the other have gien their expresse or secret consent; or that the subject foraking his prince, hath yeelded himselfe vnto the protection of another prince, by the sufferance of the first, without contradiction, he is no more bound vnto the obedience that he oweth him: neither can otherwise than as a stranger afterwards returne into the former citie. For princes often times by large gifts or priveleges draw into their countries ingenious strangers; whether it be to weaken their neigbour princes, or for the better instruction of their owne people, or to encrease their wealth and power, or els for their immortal fame and glorie which they hope to get in making the towns and cities by them built, more renowned with the multitude of citizens and plentie of all things. So Thesibus by proposing the libertie of the citie to all strangers, made the citie of Athens most famous of all the cities of Greece. So Alexander the Great by granting of great priveleges, left the citie by him built at the mouth of the river Nillus (which he after his owne name called Alexandria) the greatest, and beit traded of all the cities of Egypt. So king Lewis the eleventh gave the priveleges of the citie of Burdeaux to all strangers whether they were friends or enemies (except the English) so that they dwelt within the towne. So Francess the Great, founder of the citie by him built at the mouth of the river Sequana, which they call the Port of Grace, proposing immunitie from all tributes, to all them that should dwell therein, in short time made it a most populos citie. Neither should the citie of London abound with so great wealth, nor such a multitude of citizens, had not Richard king of England proposed vnto strangers all the immunities granted vnto the citizens: so that they had dwelt ten yeares in the citie: which space of time for the obtaining of the libertie of the citie, most part of the Swiffers and Germans, indifferently propounded to all strangers: a thing well agreeing with the Roman lawes. True it is that more or lesse time is required in one place then in another, according to the commodiousnesse of the place, or the greatnesse of the priveleges. As in Venice to obtaine the grant and priveleges of a simple citizen (without haung any other interest in the state, except in certaine meane offices) a man must haue dwelt fouretteene yeares within the citie. They of Ferrara were content with ten yeares, so that the inhabitants had all the meane while borne the name burthen with the citizens. And yet it sufficeth not to have dwelt in another mans countrie the time presigned in the customes, to obtaine the freedome of a citizen; if the stranger do not demand the citizens right and freedome, and be thereinto also receiued: for it may bee that the stranger would not for any thing change his prince, howbeit that his affaires hold him out of his owne country. For howbeit that many be of opinion, that a man haung staid the prefixed time in another mans countrie, without haung obtained letters of naturalling is yet capable of testamentary legacies: they in that agree in favour of testaments, and especially of charitable legacies given vnto poore strangers, who are alwaies as much to be favoured as the widdowes and orphans. But to obtaine the full right and priveledge of a citizen, it sufficeth not to have dwelt the time appointed by the decrees and ordinances of the place, if a man haue not both demanded and obtained the same. For as a gift is to no purpose, except that
A. that both he which giueth, and he to whom it is giuen agree, the one in giuing and the other in receiuing: so neither is he made a citizen that would not; neither if he would could he so be, either of the princes interposing themselves. For which cause those Consuls, of whom the one was by an herald at armes yelded unto the Numantines, and the other to the Samnites, for that they had without the commanlement of the people made peace with the enemies; left not therefore to bee citizens of Rome: because they were not received by the enemies. Which question for all that could not yet be fully decided, for the different opinions of Brutus & Scævola betwixt themselves. For when the Consull yelded to the Samnites, returning to Rome was come into the Senat, the Tribune of the people compelled him to go out of the Senat: howbeit in fine the Senat by decree declared, That hee had not lof the right of a citizen of Rome, being refused by the enemy: howbeit that in truth he was not onely depreied of the right of a citizen, but also made a flaine of the enemies, by the decrees of the people, for hauing without their leaua capitulated and treated of peace with the enemies: and ought to hauue bene againe restored by the people. Neverthelesse the milder opinion of the Senat interpreted that the depreying of him of his freedome was conditionall, as in case that he were of the enemy receiued. But if to be that a stranger doth euen against his will retaine the rights of his owne citie, when as hee yelded himselfe vnto the power of another prince, by whom he is refued: much more doth he retaine the fame when he requireth not the right of a strange citie: and then when it hath bene offered him, hath refued the fame: and much lette if he have not bene prefented vnto the strange prince, neither hath of him required letters of his naturalising, but onely to stay in his countrey as a stranger the time prefixed by the decrees. Whereby is decided the difficulty and doubt which the Senat of Naples made, and therein redounded nothing; that is to wit, If he that had dwelt all his life in a strange countrey should enjoy the right and freedome of a citizen in his owne countrey. And many there be, that thinke he ought not to enjoy the fame: sayeing, That regardis to be had to the place of his long dwelling: but I am of opinion (if mine opinion may take place) That hee ought neverthelesse to enjoy the priuledge of a free citizen, if he have not by conuen of his prince expressly renounced it, or els done some fact contrary to the dutie of a natural subiect. Neither am I alone of this opinion: For the the court of parliment of Paris, by decree made the xiiiij of June, in the yeare 1554 adjudged that a French man hauing dwelt fiftie yeares in Venice, continued yet still subiect to the French king, and was receiued vnto the succession of his next kinmen: hee hauing in the meane time done no harme against his countrey, neither committted any crime for which he ought to loose his libertie, neither hauing refued to come being called home by his prince; nor yet requested the freedome of the citie of Venice to haue bene giuen him. For as for secter consent it ought to hurt no man, being esteemed as no consent in things pre-judicial, except it be by word or deed plainly expressed: especially when wee may otherwise interpret the mind of him that hath not declared the fame. Whereby it is to be understood what is to be judged of the question propounded: which the court of Burdeaux all the judges being assembled together could not determine. As whether a Spaniard borne and brought vp in Spaine, and yet the sonne of a French man (which French man had alwaies dwelt in Spaine, & expressly renounced the place of his birth) being come into France there to make his perpetuall residence, ought to enjoy the priuleges of a citizen, without letters of his naturalizing? Neverthelesse I am of opinion that he is a stranger, for the reasons forementioned, and that he ought not to enjoy the priuledge of a citizen; sauing vnto the prince to reforme it if it shal be seeme good vnto him: And if a stranger which hath obtained letters of his naturalising out
of his owne countrey, and yet wil not there dwell, he looETH the right he there pretendeth: for that the lawes suffer not a double fiction. And for this cause Lewes the xij. the French king thrust out from the right of free citizens all strangers, who had obtained of him letters of their naturalizing, and were retired out of his realme home. For by our customes he that will get the freedome of a citizen, must obtain the princes letters to that purpose, and havin obtained them, pay his fine vnto maisters of the receipt.

These reasons shew not onely the difference that is betwixt a citizen and him that is none, but also of citizens amongst themselves; and that if we follow the variety of privilages to judge of the definition of a citizen, there shall bee five hundred thousand definitions of citizens, for the infinite diuersitie of the prerogatives that citizens have one against another, and also ouer strangers: seeing that it is oft times better in the same citie to be a stranger, then a citizen, especially in such citiES as are oppressed with the crueltie and insolence of Tyrants. As in Florence many citizens requested Cofnine the new duke to be reputed and esteemed as strangers, by reason of the libertie of strangers, and thraldome of the citizens, which they obtained not: and yet hee allured thetue strangers to sue for the freedome of the citie, putting them in hope of the great offices and commandes: whereby it was brought to passe, that from those fiftie citizens so made, he extorted fiftie thousand crownes, confirmed the authoritie of the newe citizens gotten by deceit, and thereby brake the power of the conspirators against him. So in antient time the Venetians empeuerished and brought low by the warres against the Genowayes, and fearing the rebellion of many subjectes, with a few of the great states, sold the right and prulicelge of a gentleman of Venice vnto three hundred citizens, so to strengthen themselues with their goods, their force, and counsell, against the power of the people. It is then the acknowledgement and obedience of the free subject towards his soueraigne prince, and the tuition, justice, and defence of the prince towards the subject, which make the citizen: which is the essential all difference of a citizen from a stranger, as for other differences they are casual and accidentarie; as to have part in all or certaine offices or benefices; from which the stranger is debarred as it were in outra Commonweale. As for offices it is cleere, and although the Bishops of Rome haue of long time attempted to give all benefices to all men as of right; yet have princes oftentimes rejected those ambitious decrees of the Popes. I except the kings of Spaine, of all others the most obedient seruants of the Bishops of Rome, who not without great reward obtained by the decree of Sixtus Bishop of Rome, that benefices should not be beflowed vpon strangers. And so in Boulougne la Grace, where the Pope is soueraigne lord, the offices and benefices are not given but to the natural inhabitants and subjects. The like whereof is done also in all the seignorie of Venice. But the Swiflers haue fare otherwise proceeded than by way of agreement, who by a law made in the yeare 1520, decreed the Popes Buls and Mandats, whereby he had not doubted to give benefices vnto strangers, to bee publickly torne, and that they sted them to be cast in prison. And by the lawes of the Polonians also cuen from the time of Cosmo the Great, vnto the taigne of Sigismundus Augustus, strangers were kept fare from all benefices; which thing also the Germans by covenants of late wreted from the Popes: in which covenants they of Meck were also comprized, and so sufficiently by their letters complained vnto Charles the ix the French king, those covenants to bee broken by the craft of the Bishops of Rome.

Another pruilege there is also granted more vnto citizens than to strangers, in that they are exempted from many charges and payments, which the stranger is constrained to bear: as in antient time in Athens the strangers payed a certaine special tribute
A tribute for the right of their dwelling place, which they called *säbilius*; whereas the citizens were free from all impositions. But the most notable privilege that the citizen had above a stranger, is, that he had power to make his will, and to dispose of his goods, according to the customs; or leave his nearest kinmen his heires; whereas the stranger could do neither the one nor the other, but his goods fell unto the lord of the place where he died. Which is no new law in France, as the Italians complain, but a thing common also unto the kingdom of Naples, of Sicilie, and all the East, where the Grand Signior is not only heire unto the strangers, but also to his Timanthes, for their immouables; and to his other subjests for the tenth. As in antiquitie in Athens, the common treasurie received the first part of the inheritance of strangers, and all their flaves borne in the citie; whereas in Rome, the rigour was much greater (the common treasurie swallowing vp all the inheritance of strangers.) And albeit that where *Diodorus* saith, The Egyptians and Romans to have suffered the heires of strangers to succeed them: he spake therein like a stranger himselfe without regard; for it is most certaine, that it was no way permitted for a stranger to dispose of his goods, neither to receive any thing by the testament of a citizen of Rome, the common treasurie carrying away the succession: whereof our laws are full. Which we may also judge by the oration of *Cicero*, who to show that Archias was a citizen of Rome, saith amongst other things, That he had by his testament disposed of his goods. And himselfe in his owne case to give men to understand that the decree of banishment made against him at the suit of Claudus the Tribune, was of none effect; What Roman citizen is there (faith he) that hath made any doubt to leave me what hee pleased by his testament, without regard to the decree of my banishment. The selfe same argument vied also *Demosthenes*, to prove that Euxitheus was a citizen of Athens: Have not his next of kinne (faith he) recovered the inheritance of their father that was banished? And like as in France, and in England, particular lords take vnto them the inheritance of strangers which die within their jurisdiction: so the Romans also after the manner of their ancestors, take vnto them the hereditarie goods of strangers, whom they had received into their protection, being left at Rome, which they called, The right of application. And that is it for which they fain in Rome, That the right to make a will and testament was only granted to a citizen of Rome. Whereby it is plaine that right of application, or of Albinagus (as some call it) to have beene most antiquitie, and common as well to the Greeks and Romans, as to other people also, vntill that Frederick the second had derogated from the same by his edict, which was but euill kept: For he gaue leave to all strangers dying within the comphale of his empire, by their testament to dispose of their goods; or if they dyed intestate, to leave their next of kin their heires. But the force of that law is euill in Germanie it lesse nothing, and much lesse in Italie, where strangers are much worse dealt withal than in France. For by our custome it is permittted vnto the stranger to get in this *realme* all the goods movable and immovable that he can, and them whilst he yet liueth, to fell, gie, exchange, or dispose of by contracts made with men yet liuing, according to his owne pleasure; and for a small sum of money, as for some twentie or thirte crownees paid into the common treasurie, to obtaine letters of naturalization, and the right of a citizen; so that he may by his will give legacies, or appoint such an heir as himselfe pleaseth. But in many countries of Germanie, and by the generall custome of Bohemia, it is not suffered strangers to have one foot of land. As in like case in Italie it is forbidden all strangers to get any immouables in proprie, as in the duchie of Ferrara it is a formal custome. And that more is, by the custome of Pecouze, it is forbidden to transfer vnto a stranger not only the proprie, but even the possesion of any immo-

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And by the custome of Milan it is not permitted vnto the Straunger so much as to have the vie and profit of any thing immouable, and that vpon paine of confiscating the renovew with the inheritance; forbidding inheritance also to matric with Straungers, vpon like paine of confiscating their goods. And that which more viuift is, it is not lawfull for the creditor or being a Straunger, to take his debtors immouables or land, for default of payment assign'd vnto him, but that he must within the yere againe cleere his hands thereof; which causeth the creditor oftentimes to sell his land under-foot; or for little, especially if the natural inhabitants feare or loue the debtour. And not long since, by the ordinance of the emperour Charles the fift, all Straungers are embarred from the succession of the subiects of Milan. By the custome of Venice also it is lawfull to bind a citizen to a stranger, yet by that bond are not the heirs bound, more than for so much profit as came vnto them thereby; quite contrarie vnto the Roman civill law. And by the custome of Brixia in Italie, a woman married vnto a stranger cannot transferre her immouables vnto Straungers, neither the value thereof, neither directly, or indirectly. See now the good entertainment that Straungers haue in Italie, whereof they haue no occasion to complaine of Fraunce, seeing that in England the subiects cannot pawn their lands vnto their creditors being Straungers: whereof the ambaffadors of trottaine nations have oftentimes complained to have reason of their debtors: yet suffer they the next of kinne to enjoy the goods and money of the Straunger. The contrarie whereof is done in Lituania, Moscouia, Tartaria, and all the Tur- kifh empire: in which place the goods of Straungers dying there, are confiscat in like manner as in Fraunce: where formerly it is permitted to Straungers if they die out of Fraunce, to make a will, and to appoint his children borne in Fraunce his heirs, so that their mother be not a stranger. And as for the claue commonly joyned vnto the letters of their naturalization: *Modo heredes sunt Regnicote*, the judges haue so interpreted it of Straungers dwelling in Fraunce; who are prefered before them that are nearer of kinne dwelling out of the realme, in the succession of the naturalized Straunger: for otherwise it is requisite to make the Straungers children to succeed, for that they were borne in France, and of free citizen, or natural subject. But the children of Straungers borne in Fraunce, enjoy their fathers inheritance, not by will, which is not lawfull for strangers to make; but as from him dying intestat, if their mother be a free woman when the inheritance descendeth. And more than this, it is graunted by our kings of an extraordinary bountie vnto such marchant Straungers as frequented the fairs of Champagne and Lyon. That none of their goods, if they die in the mean time shall be confiscated: which right the English marchants enjoy also in Guinene. But as for them of the low country of Henault & Artois, of the townes of Amiens, Cambrey, & Tyntay, they are in the same fate that citizens be, so far so much as concerneth the right of succession: and that the edicts of our princes, and judgements given, haue oftentimes proved yet so as that the same should also be lawfull for vs, that was for them. The companies also of marchants of those cities which stand vpon the Baltic sea, have obtained the same, or greater priuileges, now euer since the time of Lewis the younger, and more solemnly confirmed by king Charles the eight: which a few yeares agoe were sent to king Charles the ninth (by Dazey the French ambasador, vnto the king of Den- mark) to be by him renewed. And yet this priuilege granted vnto those marchants, extendeth not vnto other strange marchants, which have obtained the right of citizens, as hath bene adjudged by the pruie counsell. Of which so many and so great priuileges, by our kings granted vnto Straungers, our marchants could obtaine none in all Grecia, Asia, or Africa. For in our time when as Crepolle a rich marchant of Tours, dying, had left behind him almost two hundred thouand towne, nothing thereof came
vnto his neereft kindred, all the fame being by the Turkifh emperour giuen vnto Abraham, the chief of the Vifiter Baffaes.

There is yet another difference (besides those we have alreadie spoke of) betwixt citizens and straungers: for that citizens by the auntenent law Patilla and India, may forfaie their goods, leauing them in satisfaction vnto their creditors, which the straunger may not doe; for otherwise it should bee lawfull for straungers, for their advantage to fuckle the blood and juice of the subiects, and afterward to pay them with papers, although there be not fewer of these bankrupts than of them that forfaie their goods. This alfo a citizen differeth from a straunger, that the straunger in euerie place before he can plead in action, either reall or personall, must put in caution for the payment of that which shall bee adjudged. Which caution our citizens, except they haue before plaied bankrupt, or forfaken their goods, are not bound to perfore. But in a personall action, whether the defendant bee a citizen or a straunger, he is not bound to put in caution to pay the thing that is adjudged, as was in auntenent time determined, as well in the court of Rome, as in the court of Paris. But the fame court hath departed from the opinion of our auncefors, and adjudged it to be a thing reasonable, that the straunger whether he be plaintiff or defendant, should put in caution to pay the thing that is adjudged. But there is one difference which is and hath alwayes bene commone to all people, that is to wit, the right of marque against straungers, which hath no place against the subiects: for which caufe, the emperour Frederick the second, sent backe vnto the states of the empire, those which demanded the right of repriual against the subiects of the empire. And in briefe the straunger might be driuen out of the country, not onely in time of warre (for then we dismishe the ambaffadours themselves) but also in time of peace; least the naturall subiects manners should by the euill companie of straungers be corrupted: for which onely cause Lycurgus feemeth to have forbidden the Lacedemonians his subiects without leave to depart out of his kingdom, or to have the vfe of gold or fIluer; as the East Indians of China forbid their subiects vpon paine of death from receiuing of straungers: so to meet with the enterprizes that the straunger might make againft another mans estate. Wherefore Cicero well foresaw not what harms hang (as it were) ouer our heads from straungers, when as he wra, They do euil which forbid straungers their cities, and call them out, as with our auncefors Pennus, and of late Pappus: For by such straungers, who for the most part are banished men, the good manners of the naturall subiects are corrupted. But if warre be proclaimed againft the prince, the straunger may be detained as an enemie, according to the law of armes: whereas otherwise he might not be fained, if he had not otherwise bound him selfe by contract, or by some offence by him committed:

Now if the straunger shall against the will, or without the consent of his owne prince, submit him selfe vnto the power of another prince, and be of him also receiued for his subiect; yet hath his owne prince till for ever power ouer him; and authority to lay hands vpon him as vpon his fugitive servant; yea although he come as an ambaffadour sent from his new prince. For so the emperour Theodosius the Great pronounced Damas the tyrant to be a rebell vnto his maeftie, and cast in prifon his embaffadours, being subiect to his power. So the emperour Charles the fifit did the like againft the ambaffadours of the duke of Millan his subiect, whom he detained prifoner, at fuch time as he understood the duke his maefter to haue entred into league with the other princes, and to haue proclaimed warre againft him. And howbeit that the newes thereof came into France, Grammellan, Charles his ambaffador, was by the kings commandement there likewife imprifoned, yet was hee forthwith againe delivered, so soone as it was vnderstood that the ambaffadors and herals of France, England, and

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Venice, were with safe conduct sent out of Spain. Neither seemeth Charles in doing to have violated the law of nations, or to have done any thing against the law: for that the Romans did with greater severity punish the fugitive subject, than they did the very enemy. And the best excuse that the Imperialists could find to excuse the murder done upon the persons of Renon and Fregusins the French ambassadors toward the Turk, was, That the one of them was a Spaniard, a natural subject of the emperour, and the other a Genoway under his protection, both sent in the service of his enemy; the brutal being giuen out, that they went to raise new warres against him: howbeit that the emperour would not acquit the murder, but profcribed to do justice upon them that had done the same, if they should fall into his power. But doe the subject what he can, yet can he not exempt himselfe from the power of his natural soueraigne, albeit that he becomes a soueraigne prince in another mans countrey; no more than Philip Barbarius a slave, who being for his vertue become Pretor of Rome, being puruied and challenged by his maister, was yet glad to agree with him for his libertie. For in that the lawyers all agree, That the subject in what place soever he bee become soueraigne, may by his prince be called home. As not long since Elizabeth queen of England called home againe vnto her the earle of Lineux, together with his son, who but a little before had married the queenne of Scots; for not obeying of which her command, she confiscated their goods, for that contrarie to the custome of that realme, they had without leave departed out of England, and maried contrarie to the queenes commandement. For the subject wherfore he be, is bound to the laws of his prince conceived, concerning his person; in such sort as that if the subject be forbidden to contract or to alienate, the alienations are void, albeit that he make them in a forren country, and of such goods as he hath without the territorie of his owne prince: and if the husband being out of his owne countrey, giue any thing vnto his wife, contrarie to the commandement of his prince, or the custome of his country, such a donation is nothing worth: for that the power to tie and bind a subject, is not tied vnto places. And for this cause princes have accustomed to vse mutuall requests one towards another, either to call home their subjects, or to enforce them to obey, in such places as wherein they have not power to command: or els by mutuall denouncing of their griefes themselves to lay hand vpon strangers, vntill that they doe obey them. For when the marquess of Rotelin, who had the tuition of the duke of Longueville, was sued vnto to suffer the controvertie of Neufchaftel to be decided before the judges of the court of Requets at Paris: the lords of Berne reuokd the cause, for that judgement was to be giuen by them, of lands contained within the precinct of their country. See here the principal differences of subjects and citizens, from strangers; leaning the particular differences of euerie countrey, which are in number infinit. As for the differences of subjects amongst themselves, there are in many places no fewer, or happily moe than between the subjects and the strangers (whereof we have much spokon before) as not onely of the difference of the nobilitie among themselves, but of the difference betwixt the nobilitie and the vulgar people also. But particularly to prosecute how much the vulgar people differ amongst themselves, with such other things as appertaine vnto the sex, age or state of euerie man, were a thing almost infinit.

Now to make the matter short, it may be that of right among citizens, some be exempted from all charges, taxes, and imposts, whereunto others are subiect: whereof wee have infinit examples in our laws. As also the societie is good and available, where some of the associats have part in the profits, and yet bear no part of the losse. And that is it for which we fee the diuision of citizens or subjects into three estates, that is to say, the Spiritualitie, the Nobilitie, and Commonalitie, which is observed almo
most in all Europe. And before this so general a division, there be other more special in many Commonweales, as in Venice the gentlemen, the citizens, and the common people: in Florence before it was brought under one prince, they had the great ones, the common people, and the rascal men. And our auntent Gauls had their Druides, their Chinalrie, and the vulgar people. In Egypt the priests, the souldiers, and the artizans; as we read in Diodorus. Also the auntent law gien Hippodamus, divided the citizens into souldiers, handie crafts men, and labourers: &c. hath without cause bene blamed by Aristote; as we read in the Fragments of his ordinances. And albe it that Plute enforced himselfe to make all the citizens of his Commonweal equall in all rights and prerogatives; yet so it is, that he diuided them into three states; that is to wit, into Gouernours, Souldiers, and Laborers; which is to shew that there was neuer Commonweale, were it true, or but imaginarie, or the most popular that a man could think of; where the the citizens were equall in all rights and prerogatives; but that alwaies some of them haue had more or lesse than others.

Chap. VII.

Of them that are under protection, and the difference betwixt Allies, Strangers, and Subjects.

E haue now alreadie told what difference there is betwixt Subjects, Citizens, and Strangers; let vs now also speake of Allies, and first of them which are in protection; for that there is not one of them which haue written of a Commonweale, which haue touched this string; which for all that is the most necessary for the understanding of the states of Commonweales. The word of protection in general extendeth unto all Subjects which are under the obedience of one souereigne prince or seignorie; as we haue said, That the prince is bound by force of arms, and of his laws, to maintaine his subjects in suertie of their persons, their goods, and families: for which the Subjects by a reciprocal obligation owen unto their prince, faith, subjection, obedience, aid, and succour. This is the first and the strongest protection that is. For the protection of masters towards their slaves, of patrons towards their enfranchised, of lords towards their vassals, is much lesse than that of princes towards their Subjects: insomuch that the slave, the enfranchised, the vassall, oweth faith, homage, and succour, vsu his lord: but yet that is after his owne souereigne prince, to whom he is a bound Subject: the souldior also oweth obedience and succour vsu his captain: and by the law defuether death, if hee defend him not at his need. Yet in all treaties and actions of peace betwixt princes &; people in amity and friendship joyned together: the word of Protection is special, importing not any subjection of him that is in protection, neither command of the protechtor towards his adherents, but only an honourable and reverent respect of the adherents towards their protector, who hath taken upon him their defence and protection, without any other impeachmet of the majestie of the adherents ouer whom the Protechtor hath no power at all. So that the right of protection is well deemed to be the greatest, fairest, and most honourable of all others that are amongst princes. For the souereigne prince, the master, the lord, the patron, draw vnto themselfes great profit and obedience, for the defence of their subjects, their slaves, their enfranchised, and vassals: but the Protechtor is to content himselfe with the honour and acknowledgement of his adherent, seeing that all duties of contetie, none is greater, than is euerie manstandeth in most need of helpe, to goe him the greatest relief; neither of so great kindnesse to accept any other reward than thanks: for if hee covenante for any thing...
thing farther, he looeth the name of a Protector. For as he which lendeth vnto ano-
man part of his goods or trauell, if he receiue any gaine or profit thereby, he is no more
to be called a lender, or that his doing to be termed a lending or pleauring, but a
merite mercinaire gaining: so he which hath liberally promiseth to doe any thing for
another man, is without any hire by the law bound to accomplish his promise: and the
reason is, for that vnto dutie no hire is due. Neither is there any band of promise strong-
et, or more effectual, than that which is made to defend the goods, the life, the honor
of the weake against the stronger, of the poore against the rich, of the good distreffe-
against the violence of the wicked. And that is it for which Romulus, founder of the ci-
tie of Rome, setting in order the state of his subiects, to keepe them all at peace and vi-
tie among themselves, assigned vnto every one of the hundred gentlemen, or Senators
that he had chosen to be of his priuie councell, a certaine number of his other meaner
subiects, to be by them maintained vnder their protection and safegard; holding him
accursed and execrable, who should leaue the defence of any his adherents. And the
Cenzors marked them with the note of infamie, that had fortaken their adherents. The
laws also of the xiiij tables in that case carrieth with it the paine of excommunication, as
in these words: If the Patron deceiue his Client let him be accursed. Yet Plutarch writ-
teth, The clients to have gien money to the beflowing of their patrons daughters: which I remember not to have bene elsewhere written; for in so doing they should
have cofened their clients; but it may bee that he mislooke clients, for men enfran-
chised; who albeit that they be both called clients or adherents, yet is the bond of the en-
franchised greater towards their patrons that set them at liberie; than is that of the
free borne clients, who had no patrons but aduocats, who defended the causes of their
clients. Howbeit with vs the patrons exact money of their enfranchised clients, the
better to beflow their daughters, which is like enough to haue come from the Ro-
mans vnto vs. Now when that forren people saw the Roman clients or adherents to
be saie from the injurie and oppression of the more mightie, not onely every particular
man, but men euon generall, yea whole cities and provinces yeelded themselves into
the protection of the Senators. For so the house of the Marcellis had in their protec-
tion the citie of Syracusa, the Antonies had likewise the citie of Boulonge la Graffe:
and so others afterwards tooke vpon them the protection and defence of others also.
Yea the strangurers in like case, that frequented the citie of Rome, had also their prote-
ctors, who by the law of application or patronage, tooke vnto them whatsoever the
stranger dying in the citie possesse. And of these same Romans that filled Fraunce
with the multitude of their Colonies, it is like this law of protection, which of the ad-
voctes and not of the clients, they cal the law of Anoifon or Auourrie to haue taken be-
ginning. But the enfranchised clients differ much from the free borne clients, albeit
that they be both called clients, for the likenesse that is betwixt the one and the other:
but especially in this, that the enfranchised clients may from their liberie be againe
reduced into slauerie, if they shall be proued to haue bene vngratefull vnto their patrons
whereas the free borne clients cannot fo be. The enfranchised clients are constrained
also to help their patrons with their labours: whereas the free borne clients are bound
to reuerence their protectors or aduocats, and to do them mutual kindnesse, but not
feruile feruice or labour: neither if they have done any thing to deceuie their patrons
do they therefore loose their liberie, beside that the patrons surtuing may by the law
take part of the goods of their enfranchised clients; whereas the aduocats, or protectors
can take nothing of the goods or inheritance of their free borne clients or adherents.
And although there be so many things common to the free borne clients, with the
vassals or adherents, as that they are almost accounted for one, yet is there great dif-
tere.
Of a Commonweale.

Of A Commonweale.

The difference between the free borne clients and the vassall.

This right of

the Latins called

lus committo:

& of the French

Droit de co-

nuit.

&

A vassallage but

new: protection

must annue.

rence betwixt them. For the vassall is bound with all fidelity to honour and reten-

the king's, to helpe him being in daunger, and to do him all the kindnesse possible: and

if so be that he shall decease his lord, disgrace him, perfidiously abuse him, or give him

the lye: hee by and by lootheth therefore his fee, which eieacheth vnto his lord by

the right which the lord hath against his vassall in such case: whereas from the vndutifal

or vnkind client, or adherent, nothing at all be taken. Moreover if the vassall hath

without any exception giuen his faith vnto his lord, or acknowledge no man greater

than him: whether he be wonte or not, he is bound vnto the libecition & command

of him the same his lord and prince: whereof he cannot be said to be discharged, al-

beit that he never so much renounce his fee: whereas the client or adherent standeth

not in these termes, being in nothing libecit to his advocat or protectour. The vass-

fall also whether he be a king or pope, or whatsoever oweth faith and fettuce vnto

the lord of whom he holdeth his fee, except he renounce the fee: whereas the free

borne client or adherent, whether he be prince or privat man, is free from all fettuce

and command of his more mightie advocat or protectour. In briefe the right of a

vassallage feemeth in a manner to be but new, and before the comming of the Lom-

bards into Italie vnknowne: whereas the law of protection is most auntient and be-

fore the time of Romulus, who borrowed it of the Greeks: for it was long before vied

in Theslaic, Egypt, Asia, and Selauonia, as we read in auntient writers: that so the

weaker might be the safer from the violence or inuie of the more mightie. The vass-

fall also receiuth inheritance and fees of his lord, from whose fettleie and obeance

which he oweth vnto him, he cannot bee exemped, albeit that the soueraigne prince

should raise the fee of his vassall depending of hym into a county, dutchie, or principal-

itie, as hath beene adjudged by the decree of the parliament of Paris: Whereby it is

to be understood them to erre and be deceived, who out of Cefars Commentaries in-

terpret them whome he calleth Soldarius et deumos; to be vassalls; seeing that bee hath

made no mention of their fee, without which they cannot so be, ioyning theerunto al-

so, that they were indeed true and natural fubie&ts: for that their lives, their goods, and

their persons, were confeccrated vnto their lord: which is the true marke of subiection,

which the vassalls owe onely vnto their soueraigne prince, not in the qualitie of vassalls,

but in the qualitie of natural subie&ts, who ought to runne the same fortune with their

prince, and to live and die for him if need bee, albeit that the vassall bee more specially

bound, than the other subie&ts...

All which things tend to this purpose, that it may plainly be perceived, what and

how much difference there is betwixt the rights of pattonage, vassallage, and protecti-

on, which we see to bee of many for the likenesse among themselfes confounded. For

the vassall and the adherent owe their fidelity vnto their lord and protectour; and the

one of them are reciprocally bound vnto the other, albeit that the lord be not bound

by express word to giue his oath of fidelity to his vassall, as the protectour oweth to

his client or adherent, and so solemnly to keepe all the treaties of protection. The lord

and the vassall also oweth to deliver solemn letters of their mutual obliging of them-

selves the one to the other: like as the protectour and the adherent, are bound to giue

letters of protection the one of them to the other: but especialy if one soueraigne

prince upon a league made, receive another soueraigne prince into his protection,

which are to be reniewed either of the princes dying. For the right of protection be-

longeth not vnto the heirs, except the same bee in the league so complited: and bee it

never so provided for: yet nevertheless either of the princes being dead, it is needful for

his succesor by lawfull acts to profeese his protection, & to have the league renewed.

But to make more manifest the matter of protection betwixt soueraigne princes,
whereof we are to entreat: it seemeth that the soueraigne prince or people, which hath put it selfe into the protection of another, is become his subject. And if he be a subject, then is he no more a soueraigne, and his subjectes shall also be the subjectes of the protector. And what subjection would a man have greater, than to put himselfe into the protection of another man, and to acknowledge him for his superiour? For protection betwixt great princes, is nothing else but the confederation and alliance of two princes, or soueraigne lords, wherein the one acknowledges the other for superiour; whom he bindeth himselfe to obserue and reuerence, and into whose protection he is received, so to be the safer from the injurie of some other more mightie: also when the subject of a prince retieth himselfe into the territorie of another prince, he is likewise in his protection; in such a fort, as if he be pursuied after by the enemy, & taken prisoner in the territorie of another soueraigne prince, he is not prisoner of him that pursuied him, but of him into whose territorie he hath fled: as was Judged by the law of armes at the interpole of peace, which was betwixt the French king & the emperor Charles the first, in the yeare 1555, when question was made of the imperial prisoners that the French had taken in the countie of Guynes, which was then in the subjection of the English; it was maintained by the Chancellor of England, That they could not be detained as prisoners, being taken in the territorie and protection of the English: howbeit that the contrary might be said: for albeit it was not permitted to pursuie or take putie in another mans territorie, yet it is lawfull lawing railed it in his owne territorie, to pursuie it into another mans ground: which yet suffereth this exception, If the lord of the ground forbid him neither to do: as did the lord Grey, governour of Calais and Guynes, who comming in the time of the pursuit, was said to have taken the flying Spaniards into his protection, although that they were carried away by the French. Now in this case the word Protection, is not taken improper signification: for there is no protection, if there be no convention, and the strange prince cannot take another princes subject into his protection, without the consent of his owne prince, as wee shall hereafter declare.

But yet before let vs determine the propounded question, Whether a soueraigne prince submitit himselfe vnto another soueraigne prince, looleth the right of his own soueraignty, and whether he become subject to the other? For it seemeth that he is no soueraigne, acknowledging a greater than him selfe: Nevertheless I am of opinion that he continueth still a soueraigne, and not a subject. And this point is decided by a law, whereof there is not the like, and hath in divers readings bene altered: but we follow the original of the Pandects of Florente, which hold, That soueraigne princes who in tracts of alliance acknowledge the protectour to bee greater than them selves, are not yet for all that their subjectes. I doubt not (faith the law) but that allies, and other people using their liberie are not strangers vnto vs, &c. And although that in the tracts of confedertes and allies, by unequall alliance, it be expressly said, That one of them shall respectively regard the majesty of the other, &c; maketh not that he shoulde bee therefore his subjectes, no more than our adhecents and clients are lesse free than our selves; although they be not equal with vs, neither in goods, power nor honoure. And the ordinary clauze inferred into the tracts of unequall alliance in these words, Consensuo maiestatem conferant, (that is to say, courteously to preferre the majestie of the greater) importeth no other thing, but that betwixt the princes allied, the one is greater and more honourable than the other; and that the leffer allies should in all modellie respect the greater. So that it evidently appeareth, that protection importeth not subjectition, but the inferiority and pretogatien of honour. And the more clearly to understand this point, and the nature of treaties and alliances, we may say that all treaties amongst princes
princes are made either with friends, enemies, or neutrals. The treaties betwixt enemies, are made to have peace and amity, or truce, or to compose warres begun for signories or for persons, or to redresse the injuries and displeasures of one of them against the other, or for trafficke and hospitality that might bee betwixt enemies during the time of truce. As for the others which are not enemies, the treaties which are made with them, are either by alliance equal, or unequal: in this the one acknowledgeth the other to be superior in the treaty of alliance; which is in two sorts, that is to wit, when the one acknowledgeth the other to be his superior for honour, and yet is not in his protection: or else the one receiveth the other into protection, and both the one and the other is bound to pay a certaine pention, or to give certaine succours; or else owe neither pention nor succours. As for allies by alliance equal, which the Latines call Agno fiedere, the qualitie is understood when the one is in nothing superior unto the other in the treaty: and that the one hath nothing above the other for their prerogatiue of honour, albeit that the one must do or give more or less than the other for the aid that the one oweth unto the other. And in this sort of treaty, they have always entreated of amity, trafficke, and hospitality, to harbour the one with the other, and to trafficke together with all kind of merchandise, or some certaine kindes only, and at the charge of certaine imposts agreed upon by the treaties. And both the one and the other alliance is of two sorts, that is to wit, defensive only, or defensive and offensive; and yet may be both the one and the other, without exception of persons, or with the exception of certaine princes: and the most strait alliance is that which is both defensive and offensive, towards all, and against all; as to be a friend to friends, and an enemy to enemies; and fo most commonly order is taken, and treaties of marriages one of them had with the other. But yet the alliance is more strong, when as one king is allied with another king, realm with realm, and one man with another man; as were in assistant times the kings of Fraunce and Spaine, and the kings of Scotland and Fraunce. And that was it for which the ambassadours of Fraunce answered Edward the fourth, being driven out of the realme of England, That the king could not give him aid, for that the alliances of Fraunce and England were made with the kings, and the realmes; in such sort that king Edward chafed out of his realme, the league continued with the realme and the king that therein raigned: the effect of which words was this, With such a king, his countries, territories, and signories: which words are as it were in all treaties expressed. But these treaties ought also to bee published in foreigne courts or parliaments, and ratified by the estates, by the consent of the Attorney general, as was decreed in the treaty made betwixt king Lewes the eleventh, and Maximilian the arch duke, in the yeare 1482. The third sort of alliance is that of neutralitie, which is neither defensive nor offensive, which may be betwixt the subiects of two princes being enemies; as those of the Franche-countie have alliance of neutralitie with the house of Fraunce, and are allured in time of warre; in which alliance was also comprized the country of Basigny, by the decree of Bade in the yeare 1555, in comming with the king the renouation of the neutralitie for the Franche-countie. And all these aforesaid alliances are perpetuall, or limited to a certaine time, or for the life of princes, and some yeares more; as is alwaies in treaties of alliance agreed upon betwixt the kings of Fraunce, and the lords of the leagues.

And thus much for the generall diuision of all the treaties which are made betwixt princes, under which are comprehended all the particular alliances. For as for the diuision of the Roman ambassadours, at the enterparle of peace betwixt them and Antichrist, it is very short. Lucie faith, Transunt Genera sederum, unum cum bello victis dicentur leges: alterum cum pares bello equo fideere in pacum & amicitiam venire.
rent: tertium cum qui hostes nunquam fuerunt in amicitiam sedere equunt, qui neque dicunt neque accipiant leges. There are (faith he) three kinds of leagues or confederations: one, when as lawses and conditions are appointed to them that be in bataell overcome: another when men in warfaree come together in like league into peace & friendship: the third, when as they which neuer were enemies, by league ioyne in amitie, who neither give nor take lawes. All the others, which are notuberieft nor allies, are either coallies, or enemies, or newters without alliance or hostilitie, who all generally, if they be not subieftes (be they allies, coallies, enemies, or newters) are straungers. The coallies are the allies of our allies, which are not for all that our allies, no more than the companion of our associati is our companion; who yet neverthelesse either in generation or specially tarmes, are atwaies in all leagues comprised. As the lords of the three confederats of the Grifes, the antien allies of the Swiflers, were in express tarmes comprised in the treate of alliance made in the yere 1531, betwixt king Frances the first of that name, and the Swiflers, in qualite of coallies. But in the yere 1550 they were allies vnto the house of France; and comprised in the treate of alliance renewed betwixt king Henrie and the Swiflers, in qualite of allies by alliance equall, in like degree and penion with the Swiflers, that is to wit 5000 pound, for euerie league or confederacie, to take away the partialitie that was betwixt the one and the others. For although the Swiflers were allied with the league of the Grifes, by alliance equall by the treate made betwixt the Grifons and the seven little Cantons, in the yere 1498; so it was yet neverthelesse that they constrained the lords of the leagues of the Grifes to obey the decrees made in their diets; if it should be there otherwise determined; which was like to have broken the alliance betwixt the Grifons and the Swiflers, in the yere 1565, for no other caufe, (as said the Grifons) than to make the Swiflers to know that they were their equals in alliance: but the truth is, that the emperour practised vnder hand, and gave eleven thousand crownes vnto certaine of the most factious of the Grifons, to make head, as they confessed afterwards being put to torture, and were condemned in a fine of ten thousand crownes; as I have learned out of the Commentaries and letters of the French ambassadours, which then was sent vnto the Grifons. We haue also example of them of Geneva, who were compiled in the treaties of alliance made betwixt the house of France and the Berinios, in whole protection they then were; and so were since the yere 1527, vnto the yere 1558, that they exempted themselves out of protection, and entreated in alliance equall, and haue alwaies in alliance bene comprised in the qualite of coallies.

But as those alliances which are defensive and offensive towards and against all persons without exception, are of all others the straitest and strongest: so also there is no alliance more vnfruit or weaker, than the simple alliance of commerce and traffike which may be even betwixt enemies: which although it may seeme to bee grounded vpon the law of nations, yet we see it oftentimes to bee forbidden by princes in their own countries, lefly their subieftes should riotously abuse the store of things brought in, or be pinched with the want of things carried out. And for this cause princes haue in this respect used particular treaties, & granted certaine special privilege & liberties: as in the treaty of commerce or traffick betwixt the house of France & the port towns of the Easterlings, & the Milanois with the Swiflers; wherein they are by the treaties of commerce bound to deliver a certain quantitie of graine, at a certain price expressed in the said treaties, which the French ambassadours would oftentimes haue broken, for the doubt that the Swiflers made to enter vnto the Milanois enemies vnto the French, for feare the transportation of corne shuld haue bene forbidden: which when the governor of Millan had done, in the yere 1550, the Swiflers were vpon the point to haue made alliance.
alliance defensive with the Millanois, or at least wife to have had them excepted among the confederats as newers. The force of which league was, that such as were
in the same league excepted, could not become prisoners to any the confederats; when
as yet for all that strangers, although they were no enemies, were by the law prisoners
to them that tooke them: For so Pompeius writeth vnto Quintus M. Tullius: For (faith he)
if we haue neither friendhip nor hospitallitie, nor league of amity with any nation,
these truely are not enemies; yet what thing soever of ours falleth into their hands be-
commeth theirs; insomuch that a free man borne of ours, by them taken, becommeth
their slave; and so likewise it is, if any thing come from them to vs: thus much he. But
this law we now vs nor, for regard of that cutestie which ought to bee betwixt man
and man. But by the name of enemies we understand them vnto whom we, or they
unto vs, have publickly denounced warre; or els without any denunciation have of
fact made warre vpon vs: as for the rest they are to be deemed of, as of theueres or pi-
rats, with whom we ought to have no societie or communite. In autentique time also
there was a traktie of alliance to have justice done them in a straunge citie, as we read in
the books of the Grecians; but at length by the great consent and agreement of all na-
tions, the port of justice hath by little and little bene still opened, as well to strangers as
to citizens.

But in cuterie alliance, league, confederetion, or convention whatsoever, it behoveth
that the lawes of majestie be vnto cuterie prince or people referred safe and untouched:
for otherwithe the one should fall into the power and mercie of the other; as the weaker
oftentimes are by the power & might of the stronger enforced to receive lawes; which
is not so in the treaties of alliance equall: wherein even little citie are in the indifferent
lawes of leagues equall vnto most mightie kings and people, being not bound either
to obserue the majestie of their more mightie confederats, or to give them place. As a
man may fee in that treaty of alliance made betwixt the Kings of Persia, & the seven-
ticrie of Thebes: For albeit that the Persian empire was bounded almost with the same
bounds that the couerse of the same was, viz. from the riague of Hellesponthus vnto
the remotest parts of India; and that the citie of Thebes was enclosed but in stait
wals, and the countrey of Boeotia; yet for all that were they both in the league of their
alliance equall. Now where we faide, that in alliance of protection, the protector hath
a prerogative of honour; that is not to be understood onely, that hee ought to be the
chiefe allie, as was Lewis the eleuenth the French king with the Swissers, who did him
that honor above the duke of Saunoy, who was before the chiefe: For alwaies the
houeraigne prince be he neuer so little, in alliance equall, is maister in his owne house,
and holdeth the first place above all other princes comming into his countrey: but if
the protector himselfe come, he is the first both in sitting and all other honours.

But here might one say, Why should allies in league defensive & offensive against
all without exception, vise the same customes, the same lawes, the same state, the
same diets, hee reputed strangers one to another? Why haue hereof example of the
Swissers, who are allied amongst themselves, with such alliance as haue said, since
the yeare 1315; yet say I nevertheless that such alliance letteh not, but that they are
still strangers one vnto the other, and maketh not that they are one citizens to the
other. We haue also hereof example of the Latines, and the Romans, who were al-
ilies in league defensive and offensive, vise the same customes, the same armes, the same
language, and had the same friends and enemies: Whereupon the Latines maintai-
ned, that it was and ought to be one and the selfe same Commonweale; and therefore
by their ambassadours demanded to have their part in the estate & offices of Rome,
as had the Romans themselfe. Si societas (said they) equatio inris est, si socialis exercit,

Alliance max-
ker not but
that men may
still bee one of
them strangers
as others, &
not of the same
Citie or Com-
monweale.
tts illis est quo duplicent vires suas; cur non omnia aequatur? cur non alter ab Latinis Conful datur? Vbi pars virium, ibi & imperij pars efi. And immediately after, Vnum pop-
pulum, sumnum rempublicam fieri aequum esf. Tum Conful Romanus. And Jupiter hee 
seclera : peregrinos Conules, & peregrinam Senatum in tua templo, &c. If societie (laid 
they) be an equalite of right, if they have their allies armie, whereby they double their 
strength: why then are not all things made equal? why is not one of the Conuls 
chosen of the Latines? where part of the strength is, there should also part of the govern-
ment be. And immediately after, It is but right that there shoul bee but one people 
and one Commonweale. Then said the Roman Confull, Heare Jupiter these vil-
lanes, straunge Conuls, and a straunge Senat in thy temple, &c. So hee calleth them 
strangers which were allied vnto the Romans with the strongest alliance that was 
possible to deuise, insomuch that they seemed to be all of one and the selfe same cite. 
Yea Festes teacheth vs the Municipalis (or enfranchised men) not to have bene citizens: 
whose words we have thought good here to set downe: Municipum id genus homi-
nun dicitur, qui cum Romani venisse, neque cines Romani essent, participes tamen suc-
ervunt omnium rerum ad manus fungendum onacum Romanis cinitus, prterquam de se-
frago serendo aut magistratu capiendo: sic fuerunt Fundani, Formiani, Cumani, Ac-
errani, Lannuini, Tusculani, qui post aliquot annos, cines Romani effici sunt. Alio modo id ge-
nums hominum dicitur, quorum ciniti si cines, Romanis cinitis, aliquot anni, 
Romani esse, cum senatus senatus, instituerunt. 

Now many I see to be in the fame errour, as that the Swiftes for like reaon are all 
but one Commonweale: and yet it is moft certaine that they be thirteene Common-
weals, holding nothing one of another, but erie one of them hauing the fouereignty 
thereof divided from the rest. In former time their country was but one member of 
the German empire, governed by the emperours deputie. The first that rebelled were 
the inhabitants of Schwits, Vri, and Vnderuald, who treated of alliaance both defensive 
and offensive, in the mouth of December, in the yeare 1315: whereof the first article 
was, That none of them should more admit the command of any prince, or endure 
any foreigne prince over him. And afterwards, in the yeare 1332 alliance was made 
of four Cantons, which were called the four towns of the wood, viz. Vri, Schwits, 
and Lucerne. And in the yeare 1351, Zurich entered into alliance with these four. 
And in the yeare 1352 Zug was also receiued with these five; and the yeare following 
Berne. And afterwards, in the yeare 1393, was made the treatie of Sempach (after that 
the nobilitie of the Swiftes was by the commonalty disfranctifie and overthrowne) 
wherein they of: Zurich, Lucerne, Berne, Soleure, Zug, Vri, Schwits, Vnderuald, and 
Glarus, entered into alliance defensive and offensive; which they renewed in the yeare 
1481. Basill was also receiued in the yeare 1501: Schaffhufe also and Apenzel in the 
yeare 1513, Mulhhouse in the yeare 1520, Rotwill in the yeare 1519. The Valesians also
in the yeare 1528, with whom beside the auntient treatie, a particular treatie was made between them and the Bernoies for league defensive. Berna also entred into league offensive and defensive with the Bernoies, in the yeare 1532, after that they had exempted themselves out of the power of the bishop of Basill their soueraigne prince. All which treaties of alliance, the abbat of Orbez, ambasador for the French king vnto the Swiflers, hath let mee see. Whereby a man may not onely note the pluralitie of Commonweals, but the diueritie of alliances also. For they of Berne may summon the three little Cantons of Vri, Schwits, and Vnderwald, vnto their succour, by vertue of their first league: and they of Zurich and Berne, may reciprocally summon the one the other: they of Lucerne may of eight Cantons summon due: And the three little Cantons of Schwits, Vri, and Vnderwald, may summon all the rest of the Cantons vnto their aid, if they chance to be invaded, and that for divers causes. The assemblies of all the Swiflers, except the Rhatians, them of Geneua, and the Valesians, are holden euerie yeare: and whatsoever is decreed by the greater part of the ambasadors of the cities, bindeth them all in particular, and the lesser part of the whole in common. The laft that entred into the league under the protection of the Bernois, were they of Geneua. All these allies, confederats, and coalities, made two and twentie Commonweales, with the abbat of St. Gal a souerainge prince; all seperated in soueraignty, and euerie one of them hauing their magiftrats apart, their state apart, their buffe, their demaine and territorie apart. In briefe, their armies, their crée, their name, their money, their scule, their assemblies, their juridiction, their ordinances in euerie estate diuided. And if one of the Cantons of themselves get any thing, the reft haue no part therein: as the Bernoies have well gien to vnderstand: For since they entred into the league, they have joyned vnto their own domesticall government little lesse than forttie towns, vpon whom they leue men and money, and give vnto them lawes: ouer which the other Cantons have no power at all: as was judged by Francis the first, the French king, by them chofen arbiter in this matter. They of Basil also, when in the yeare 1560 they had lent fiftie thousand crownes vnto the French king, they tooke the Canton of Soleute to themselves in caution: but hauing by the common aid of all the Cantons taken in the battle of Lugan, with certaine other lands beyound the mountaines, euerie Canton by turne one after another, sent thither their magiftrats and gouernours, for the administration of justice; that so vnto every Canton of the Swiflers might be retaierd their right and due. The townes also of Basde, where they commonly hold their yearely assemblies or diets, is common vnto eight Cantons, which after the victorie of Sempech joyned in league together. It is also (as I suppose) wel known vnto all men, how that they are not all of one and the same religion, but to bee therein diuided, and had thetrofe oftentimes taken vp arms one of them against another, if the French king had not wisely provided therofter: as well for the sincere louse and affection hee bare vnto them, as for the notable interest hee had to maintaine them in peace: for that of their health and welfare the securitie of France seemeth almost wholly to depend.

But vnto manie it may seeme, that they altogether make but one estate, confidering that, that which is decreed in their diets in common, bindeth euerie one of the Cantons, and the lesser part of them all: as the euene Cantons Catholike gaue well to vnderstand vnto the foure Cantons Protestants, at the diet holden in September, in the yeare 1554, infomuch that the common country situat beyound the mountains, diuided in religion, and gouerned by the magiftrats that euerie Canton seendeth thither by turne; it chanuanced that the euene Cantons Catholike caused them of the common country to bind themselves not to change the religion Catholike: and so following
the same obligation would afterwards have proceeded against them of the religion there, against whom the cantons protestants opposed themselves, and were now ready to have entred into armes, had not the ambassadors of Fraunce stept in betwixt them, and wisely pacified the matter: yet for all that with this prouiso, That the common subjects of the religion should be punished (for changing their religion, contrary unto the league) if the greater part of the cantons should be of that opinion, and that the cantons catholike should nevertheless redeliver the letters obligatorie of the common subjects. By which meanes their differences were againe well appeased. Whereunto the cantons of Glaris and Apenzel furred in good stead; who indifferently received both the one and the other religion, and made as it were an equall counterpoife betwixt the one of them and the other. So that it appeareth the greater part of the cantons bindeth the lesser, and euery one of them in particular. Yea and that more is, none of the cantons may have alliance with any prince whatsoeuer without the whole consent of the rest. As the cantons protestants having made alliance with Philip the Landgrave of Hefsen, and the seigniorie of Strasbour, in the yeare 1532, were by the rest of their allies enforced againe to depart from the same. As in like case the cantons catholike were compelled to renounce their new alliance made with the house of Austria. And albeit that the five cantons catholike Lucerne, Vtr, Schwits, Vndetwald, and Zug, had made alliance with Pope Pius the fourth, for the defence of their religion; yet could they not without any rewards (were they never so great) be endured to renew the same with his successeours. But when trtatie was had, for alliance to bee made betwixt Francis the first, the French king, and the Swifsers, nothing more letted the samne than the opposition of the cantons protestants; who before instructed in the new religion, and perfwaded by the earnest sermons of Zwingli their preacher, who affirmed it to be vnlawfull for them to fetne straungue princes in their warres, preuailed so much, that his followers and countrey men would not other wise make alliance with the king, but by the way of peace and friendship onely. But the leagues renewed with Henry the second, they of Basil and Schaflife, with the catholike citie, joyned themselves unto the French, not in league of friendship onely, but in gaine of their aid also; when as for al that they of Zuric and Berne, in the yeare 1553, forbad their subjectes vpon paine of death to setne the French king in his warres. And the same yere the governofts of the canton of Vndetwald, requested by the cardinal of Trent, That by their leaue he might Leone certaine men in their countrey; forbad their subiectes in generall, vpon paine of death, and conficration of their goods, to go to setne any other prince than the French king: which are all vndoubted arguments to shew, that among the Swifsers there are as many Commonweales as there are citie or cantons. In like case the three confederate cities of the Grifons, which consist of fiftie companies or fellowships, have their governments divers one from another; and yet as oft as they have their assemblyes, the greatest citie of the Grifons vseth to send theentunto eight and twentieth deputyes, the second twentieth four, and the last fourteen: with power, that whatsoeuer the greatest part of these their deputyes shall agree vpon, in matters concerning their common societie, shall bind every one of them in particular: and sometimes also in matters of greater importance all the people assemble themselves. Wherefore they are decyded, which of those three cities would make one Commonweale. For common assemblyes and meetings, common dementes, common enemies and friends, make not the same Commonweale: no not although they have the same bountie, or certaine common truste: but the foueraignitie of power that euery one hath to command or restraine their subiectes: as in like case if many heads of families should become partners of all their goods, yet should they not therefore make one and the felle same familie.
lie. The same opinion we may have of the alliance contracted betwixt the Romans and the rest of the towns of Italy, combined in league both offensive and defensive, against all men without exception: who yet nevertheless were dividers Commonweales, divided both in their assemblies and seigniorie. The like we may say of the league of the feuen towns of the Amphictioniques, who had their meetings and seigniorie divided: to whose example most of the towns and seignories of Greece afterwards entred into the same league and confederacy, for the deciding of their controversies: and every yeare every seigniorie sent their ambassadors and deputies unto the common states, where the greatest affairs, proceedings, and differences, betwixt the princes and seignories, were determined by their deputies, whom they called Myrios: by whom the Lacedemonians were condemned to the seigniorie of Thiebes, in the summe of thirty thousand crowns: and for not obeying the decree, were condemned in double thereof: for that contrariety to the treaty of peace, they had surprizd the castle of Cadmee. The Phocenses also afterwards when they had robbed the holy treasure at Delphos, were by the decree of the Amphictioniques, enjoyned to restore the money by them stole taken out of the temple: for default of which doing, all their country was adjudged vnto the treasury of the temple: so that if there were any person which slewed him selfe disobedient vnto the decrees of the Amphictioniques, he therefore incurred the indignation of all Greece.

Here might one say, That all Greece was but one Commonweale, considering the power of the Amphictioniques: and yet nevertheless there were almost as many divers Commonweales, as cities, holding nothing one of them of another, neither of the states of the Amphictioniques: but that they had so promised one to another, as princes have accustomed to promise among themselves, and to chuse their allies for their arbitrators: which neither the Lacedemonians, nor the Phocenses had done, neither could against their wills be of right therunto enforced. Yea the Phocenses to give the Amphictioniques to understand that they had no power over them, pluckt downe and tore in pieces the decrees of the Amphictioniques, fastened vnto the pillets of the temple of Delphos. Yet true it is, that Philip king of Macedon (being himselfe none of the league) tooke hereupon occasion to denounce the sacred warre vnto the Phocenses, and to ruinat their state: and in commencement thereof obtained the place and privileges of the Phocenses: the Lacedemonians being also excluded out of the league of the Amphictioniques, for having given vnto them succours. The like league almost we also find to have bene amongst the auntient Gaules, as is to bee seene in the Commentaries of Cæsar, where he faith, That Vercentarius chosen their generally, caufed all the states of Gaul to be assembled. And allbeit that the lords of Autun, of Chattres, of Gerigoie in Auvergne, and of Beauois, held nothing one of them of another; and that the seigniorie of Bourges was in the protection of Autun, and those of Vivaron in the protection of Bruges, and so consequently the other townes in like fort: yet so it was, that all the princes and seigniories passed their differences by the decrees and judgements of the Druydes vnto whose censure if they refused to obey, they were by them excommunicated, and so of euerie man flunned, as men of all others most detestable. And yet is it most manifest that these Commonweales which I have spoken of, had their fouraignties diuided one of them from another, the territories of their cities certainlie bounded out, and every one of them their owne proper state and maetie.

But it may also happen, that to become but one estate, one Commonweale, & one seigniorie, when the partners of one league doe agree in the same fouraigntie: a thing not ease to be judged, if a man looke not neere into it. As the league of the Achaians

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was not at the first but of three cities, divided in estate, assemblies, and soueraignitie; allies by alliance equal, both defensue & offensive: who hauing the same enemies & the same friends, yet at the beginning kept every one of them vnto themselfes the maiesty of their owne citie. But being troubled with continuall warres, and enforced to hold their often assemblies, they by little and little became so straitly vniited together, that in fine they became but one Commonwealthe compounded of many: and in track of time drew vnto their estate all the townes and citie of Achaia and Morea, they all retaining still the first name of the Achaian. As it happened vnto them of the league, whome they call Swiflers; for that the canton of Schwits, the leaft of all the tett, was the first that revolted, after that they had flaine their governour. And as the Achaianes were called the correctors of tirants, so also the Swiflers (to their great prais) carried this title of honour. The townes also of the kingdom of Naples, after the massacre of the Pythagorians, being much troubled, and not knowing vnto whome to haue recourse, call themselves into the protection of the Achaianes. But the author and meane of all these cities, to make one and the same Commonwealthe, was Aristus, who procured it to be decreed by the estates: That euery yeare one chiefie generall should bee chosen to command in their warres, and to govern their estates: and hee was prince of the Achaian, that is to say, the first that called together their assemblies. And whereas before euery citie sent their ambassadours and deputies with instructions vnto the assemble of the Achaianes (as the Swiflers vse to doe) there to gie their voyces delibera-tiue: Aristus brought to passe, that the assemble of the ambassadours and deputies so sent, should make choyce of ten principal men, whome they called Deputies, who alone had voyces delibera-tiue, and power to refolue, to determine, and decide matters of estate: the rest of the ambassadours and deputies having onely voyces consulta-tiue. These two points gained, there by little and little grew vp an Aristocraticall Commonwealthe, in head of duters particular Monarchies, Aristocracies, and popular Seignories: many tyrants partly for loue, partly for feare, being drawn thereunto. Now all the spoyle of the enemies, and conquests made by the generalls, were not any one citie, but belonged to them all. So that at length such was the vnioun and content of the confedartes, that all the townes of Achaia and Morea being made subject, vni-ed, and incorporat vnto the state of the Achaianes, vsed the same lawes, the same rights, the same cultomes, the same religion, the same tongue, the same language, the same discipline, the same manners, the same money, the same weights and meaures, as faith Polybius. The kings of Macedon entred also into this league; yea the two Philip, Antigonus, and Demetrius, were chosen chiefie captains of the Achaianes, holding neverthelesse their realme seperated apart from the seignorie of the Achaianes. And the Romans knowing well that they could not possibily conquer Greece, the league of the Achaianes standing whole, gave commandement vnto Gallus their Proconsull, by all means possible to doe what he might to break the same; which hee not in vaine attempted. For duties cities complaining vnto the states, that vnder colour of a league and alliance equall, they had taken from them the managing of their estate and soueraignitie; and assuring themselves of the aid of the Romans, revolted from the communite of the Achaianes: to meet wherewith, and to flay the other cities from doing the like, Aristus obtained commision from the states to enforce against these rebels: after which the cities before revolted, put themselves into the protection of the Romans; yet with prouiso, that their estate and soueraignitie should remaine vnto them still. But when the power of the Romans seemed vnto the tett of the Achaianes insupportable, they for the safeguard of their libetie, entred into amitie with the Romans also, yet with condition. That the Lacedemonians, whome the Romans had in a manner drawne
drawne from the state of the Achæans, should from thenceforth be under the protection and power of the Achæans, except in case concerning the life or goods of a Lacedemonian citizen, wherewith the Achæans might not meddle. Which was by the Romans most subtilly done: that so there might still be matter of perpetuall discord and civil warre betwixt the Lacedemonians and the Achæans. For if the Lacedemonians had been altogether in power of the Achæans, they had with their wealth greatly augmented the strength of the associats: and on the other side if the Romans should have left them altogether free, it was to be feared least they should together with their woned valour, have recovered their antient Commonweale also. The like deceit they vied also against the Etolians, which was another estate and league divided from the Achæans, composed of three cities, who had also their estate, assemblies, & soueraignety divided; but in fine, following the example of the Achæans, they of three Commonweals allied with alliance equall, both defensive and offensive, established one Aristocraticall Commonweale, manag'd by the states of the three confederats, & by one common Senat, wherein was president one chief captain every yeare chosen. The like we may say of the three and twenty cities of Lycia, which established one Aristocraticall Commonweale, like unto that of the Achæans; sauing that the deputies of the greater cities had in their generall assemblies three deliberative voices, the meaner citiizens two, and the rest but one; as faith Strabo: and moreover out of the estates they chose a captain general, whom they called the Lycurgus, and to the other magistrates and judges of all the cities also. Other alliances also and leagues there were of the thirteene cities of Ionia, of the twelve cities of Tuscany, and of the fortie seuen cities of the Latines, strongly made by alliance equall, both defensive and offensive, holding their assemblies of their states euerie yeare, and changing also sometimes (but not euer) a chief captain or generall, especially in time of warre: and yet neuerthelasse the soueraigntie of euerie citie continued in the estate of it selfe, as doth the Swiflers. For albeit the citie of Rome was entred into league with the Latines, and that Seruius Tullius and Tarquin the proud king of Rome, had bene chosen chief captains of the league of the Latines; yet so it is neuerthelasse, that euerie citie kept still the assemblies and soueraignty thereof: and yet the kings of Rome lost nothing thereby of their maistrie. Now it seemeth at the first, that such leagues of cities were like unto those of the Achæans: but the like thereof there is not one, except those of the Etolians: and at this present the estate of the empire of the Germans, which we will in due place shew to bee no monachie, but a pure Aristocraticall, composed of the princes of the empire, of the seuen electors, and the imperall cities. Yet this is a thing common to all confederat citie, that in time of warre they haue vied to make one generall captain, euerie yeare to be chosen, or els once for all. For as the feignorie of the Achæans chose for their captains the kings of Macedon, Antigonus, and Philip the second; and the league of the Etolians made choice of Attalus king of Asia, as faith * Lib.27; and likewise the Latines, of the kings of Rome, and other their neighbour princes: so also the electors have oftentimes chosen straunge princes, as Henrie of Lutzenburg, Alphonso the tenth, and Charles the first, kings of Castile; who although they were soueraigines in their owne realmes, were yet neuerthelasse subjests to the emperies, as captaines in chief. For as a captain in chief, being not soueraigne to them that haue chosen him, maketh not them of the league to be one Commonweale: so also he saunteth in nothing the estate and union of the Commonweale whereinunto he is called. So Philip Valois the French king, was chosen generall of the ecclesiasticall forces, as we see in that league which was made betwixt Philip Valois, & Henry count Palatine, who was afterwards of the Germans chosen emperour. And not long since Adolphus vincto.
to the king of Denmark, was chosen chief captain of the league of the Hauns cities. The Venetians also as oft as they are to make warre, have vied to make choice of any straunge general, rather than of a citizen of their owne. But the German emperours take upon them a stile more higher qualitie than of Captains in chief, or Generall; anouching themselves not onely to bee chief captains and magistrats, but even monarchs also; which whether it be of or no, we will in due place declare. They pretend also to have power to command not onely the princes of the empire, but even them also who hold of them nothing. For it is not long since that the emperour Ferdinand sent his ambassadours vnto the Swifers, to the end they should not receive Grombach, nor the conspirators his adherents, banithed out of the empire: which thing, when the emperour seeme by his letters rather to command then to request; the Swifers (a free people) were therewith not a little moved. And before that also, Morlet Mutia ambassadour for the French king vnto the Swifers, certified the king, How that the governour of Milan (as hauing such charge from the emperour) had forbidden the cardinall of Syon to enter into league with the French king, for that hee was a prince of the empire: of which his command the cardinall made no great account, but without regard of his prohibition made alliance with the French king; from whence he receiued twelve hundred pounds pention yearly. True it is, that in all the leagues of the Swifers with forren princes, the empire is alwaies excepted, if there be not thereof express mention made. And for that cause Guicbe the kings ambassadour to the Swifers had thereof express charge (as I haue seene by the instructions that were given him) to make mention of the emperour in the treatie of alliance, of the yete 1521. For the Germans grounded themselves upon a maxime, in vertue whereof the emperour Sigismund causeth the Swifers to take vp armes against Frederick of Austria, to the prejudice of the alliance made with the house of Austria: pretexting that the empire was superior vnto the Swifers, and that in all treatises of alliance, the right of the superior is still to be excepted, although there be thereof no express mention made. Which is certaine, for as much as concerneth the lawes of maieftie, but the Swifers confesse not that the emperor hath any superioritie over them, and much lese the emperour, subject to the states of the empire. It is also true, that by the treatie made betwixt the eight auintent cantons, there is an express clause, whereby the cantons of Zurich, Berne, Schwits, and Vndervalden (as hauing sometime bene part of the German empire) declared, That for their part they intended to comprehend in that treatie the maieftie of the aicend empire, the right whereof they purposed not to prejudice by that treatie of alliance. And within a few yeares after, the cantons of Zurich, Berne, Lucerne, Vri, and Glaris, in the name of all the cantons of the Swifers, sent their ambassadours to obtain the confirmation of their auintent priulegdes, of Ferdinand, then holding a diet of the states of the empire, at Ausburg. And by the treaties of alliance made betwixt the aicend empire and the cities of the cantons, it is expressly articulated, That they should not give any aid vnto any straunge prince, to make warre vpon the territorie of the empire; as I have learned by a copie of the letters of the emperour Charles the sile, written to the lords of the cantons; whereby hee complaineth, That their subjectes joyned with the forces of the French king, had entred vpon the territories of the empire, contrarie to the express tenour of the alliance that they had with the empire. And not long after, he by other letters demandeth of the lords of the cantons to punish their subjectes, who had invaded the territorities belonging to the house of Austria, contrarie to the hereditarie alliance made betwixt the princes of the house of Austria and the Swifers, in the yeare of Grace 1567, and renewed in the yeare 1501, in which league the see of Rome, the Pope, and the empire, are excepted: and a yere-
ly petition set downe, of two hundred florins to be yearly paid vnto every canton. Which alliance was againe renewed by the xiii cantons, at the diet of Baden holden the xx day of July 1554. As for the league betwixt the said lords of the cantons, and the French king, it was only a league defence, for the pretention of the states of the allies, and not for the invading of forrangers: which are the true reasons for which the Swillers are withholden to invade the territories of the empire, and of the house of Austria; and not for the right of any preheminence, or supertition that the empire hath over them. Which is also yet more expressly verified by the treatie of alliance, renewed betwixt the French king and the lords of the cantons, in June 1549, out of which are excluded all such as are not subject to the Swillers, nor yet to the German tongue.

And that is it for which Charles the fift, the emperour, laboured by all meanes to make agreement with the Swillers, that the dukedom of Millan, with the kingdoms of Naples and Sicile, might be comprised in the hereditarie treaties of alliance, made with them for the house Austria; which the Swillers flatly refused to grant in the yere 1555. The same we may judge of the cities of the Grifons, rent from the German empire, who sufficiently declared themselves to bee in nothing bound vnto the edicts of the empire, or of the emperour; in that they would not accept even of a German prince by the emperour appointed to be their bishop: but the 3 cities of the Grifons, being at variance among themselves, about the choice of their bishop, the Swillers by the authority of the league, taking upon them to be arbitrators of all controversies arising betwixt the confedertat cities, without any regard to the prouision of the pope, or confirmation of the emperour appointed him to be bishop which was chosen by the Chapter, subject to the Grifons; and decreed, that from that time forward he should be bishop whom the league of the Cadde should make choyce of.

Now seeing that our reasoning is of leagues, and of lawes of armes, question might be made, Whether it be lawfull for subjectts to entreat of any particular league or alliance among themselves, or with other forten princes, without the leave or content of their owne soueraignes? Such alliances, and especially with strangers, princes haue vfed to empryse, for the quiet consequences that might Enrique thereon: and namely the king Catholike by extreeme edicts hath forbidden all his subjectts to do. And at such time as Leues of France, duke of Orleans (he which was flaine at Paris) was charge with many matters, nothing was more grievously obiected against him being flaine, than that he had secretly entred into league with Henrie duke of Lancaster. Yet for all that the princes of the empire thinke it lawfull for them to do: and for their owne safegurte to enter into league of alliance, both among themselves, and with other forten princes, so that it be done without the preudice of the German empire. For whatsoever leagues are by them otherwife made, are void and of none effect. But when the empire is excepted, the emperour himselfe is not therefore excepted, as hath oftentimes, but never more plainly bene understood, than in the league which many of the German princes made with Henrie the seconde, the French king, at Chambert, for the defence of the German empire, against the emperour Charles the fift, in the yere 1552.

In which league they acknowledged king Henry for their superiour, promising courteously to reuerence his majestie; and to by their common consent made him general of their warres, calling him The Protectors of Princes, and of the libertie of the empire. And in the yeare 1553 the like alliance both defensive and offensue was made betwixt the king of Sweden, the marques Alsemberg, the duke of Brunfinch, the duke of Cleue, the prince of Orange, the countie Aigneumont, and divers other imperial towneis on the one part, and the king of Denmarke, the duke of Saxsonie, the Landgrave of Hass, the duke of Holle, the duke of Bautye, the towne of Nutemberg, the bishop
A foule and rebellious league of subiects, against their prince.
A

ing. And that is it for which the law saith, That the governour of a countrey, or lieutenant of a prince, his time once expired, giueth vp his power, as but one put in trust, and therein defended by the power of another. And in that respect there is no difference between the great officer and the leffer: for otherwise if the high and absolute power granted by a prince to his lieutenant, should of right be called Soueraignty, he might vie the same against his prince, to whom nothing was left but the bare name of a prince, standing but for a cipher: so shoulde the Subject command his Soueraigne, the servant his master, than which nothing could be more absurd: considering that in all power granted vnto magistrats, or priuie men, the person of the prince is always to be excepted; who neuer giueth so much power vnto another, but that hee alwaies keepeth more vnto himselfe; neithre is ever to be thought so deprived of his Soueraigne power, but that he may take vnto himselfe the examination and deciding of such things as he hath committed vnto his magistrats or officers, whether it be by the way of prevention, concurrence, or euocation: from whom he may also take the power giuen them by virtue of their commision or instituion, or suffer them to hold it fo long as shall please him. These grounds thus laid, as the foundations of Soueraignty, wee conclude, that neither the Roman Dictator, nor the Haromote of Lacedemonia, nor the Elmynet of Salonick, nor he whom they cal the Archus of Malta, nor the antient Baily of Florence, (when it was governed by a popular state) neither the Regents or Viceroyes of kingdoms, nor any other officers or magistrats whatsoever, vnto whom the highest, but yet not the perpetual power, is by the princes or peoples grant committted, can be accounted vnto the same in Soueraignty. And albeit that the antient Dictators had all power giuen them in belt sort that might be (which the antient Latines called Optima Leges) so that from them it was not lawfull to appeale, and vpon whose creation all offices were suspened; vntill such time as that the Tribunes were ordained as keepers of the peoples libertie, who continued in their charge notwithstanding the creation of the Dictator, who had free power to oppose themselues against him; so that if appeale were made from the Dictator, the Tribunes might assemble the people, appointing the partes to bring forth the causes of their appeale, & the Dictator to stay his judgemen; as when Papirius Cursor for the Dictator, condemned Fabius Max, the first, to death; and Fabius Max, the second had in like manner condemned Mi

nutes, both Colonels of the horfemen, for that they had fought with the enemy contrary to the command of the Dictator; they were yet both by appeale and judgement of the people acquittted. For so saith Lucret, Then the father of Fabius said, I call upon the Tribunes, and appeale vnto the people, which can do more than thy Dictatorship: whereunto king Tullus Hostilius gave place. Whereby it appeareth that the Dictator was neither soueraigne prince, nor magistrat, as many have supposed; neithre had any thing more than a simple commision for the making of warre, the reprefing of pedion, the reforming of the flate, or instituting of new officers. So that Soueraignty is not limited either in power, charge, or time certaine. And namely the ten commissioneers establisshed for the reforming of customs and lawes; albeit that they had absolute power, from which there was no appeale to be made, and that all offices were suspened, during the time of their commision; yet had they not for all that any Soueraignty; for their commision being fulfilled, their power also expired; as did that of the Dictators. So Cincinnatus having vanquished the enemy, forthwith discharged himselfe of the Dictatorship, which he had not had but fiftenee dayes, Servilius in eight dayes, Mamurens in one day. And the Dictator was also named, not by the Senat, or the people, neithre by the magistrats, or request made vnto the people, nor by any laws which were alwaies necessarie to the creating of officers, but by an interrex, or a king

* Luili, lib 7. The dictator of Rome, neither soueraigne prince nor magistrat.
created for a time, borne of honourable blood: for why, it was not enough for him to be a noble Senator only, that should name the Dictator. Now if one should say, that Sulla was by the law Valeria made Dictator for three score yeares: I will answer as Cicero did, that it was neither Dictatorship nor law, but a most cruel tyranny; whereby for all that he discharged himselfe the fourth yere after he was made Dictator, when as he with the blood of the citizens had quenchard the flames of the civil wars; having yet still in the meantime referred unto the Tribunes their free power to oppose themselves against his authoritie. And though Cæsar foutrice yeares after had invaded the perpetuall Dictatorship together with the libertie of the people, yet left hee unto the Tribunes of the people, their power to oppose themselves against his proceedings: but when as before, Pompeius being Consull, the verie name of the Dictatorship was taken out of the Commonweale, and Cæsar, contrarie to the law of Pompeius, had procured himselfe by the law Servia, to be created Dictator, hee was by the conspiracie of the Senators slaine in the middlest of the Senat. But let vs grant an absolute power without appeale or controlement, to be granted by the people to one or many to manmage their estate and entire government: shall we therefore say him or them to haue the state of Soueraignete, when as hee onely is to bee called absolute Soueraigne, who next vnto God acknowledgeth none greater than himselfe: wherefore I say no Soueraignete to be in them, but in the people, of whom they have a borrowed power, or power for a certaine time, which once expired, they are bound to yeeld vp their authoritie. Neithet is the people to be thought to have deprived it selfe of the power thereof, although it haue gived an absolute power to one or more for a certaine time: and much more if the power (be it givien) be reuocable at the pleasure of the people, without any limitation of time: For both the one and the other hold nothing of themselves, but are to giue account of their doings vnto the prince, or the people of whom they had the power so to command: whereas the prince or people themselves, in whom the Soueraignete resteth, are to giue account vnto none, but to the immortal God alone.

But what if such absolute power as we have spoken of, be gived to one or more for nine or ten yeares? as in antiquet ime in Athens the people made one of the citizens their Soueraigne, whom they called Archon. I say nevertheless that hee was no prince, neither that the Soueraignete of the state resteth in him: albeit that hee was a Soueraigne magistrat, but yet countable of his actions vnto the people, his time being expired. Yet might one say, What if that high & absolute power which we have spoken of, were gived to one or more, for a yere, with condition not to giue any account at all for their doings: For so the Cnidiens every yere chose 60 of their citizens, whom they called Amymones, that is to say, Men without imputation, with such soueraignity of power, as that they might not be called to account for any thing that they had done, neither during the time of their charge, nor after that the same was expired: I say yet for althat, that the Soueraignete of the state was not in them, seeing that they were bound at the yere end to restore againe vnto the people, the authoritie they were put in truft withall; the Soueraignete still remaining with the people, and the execution thereof with the Amymones, whom a man might well call soueraigne magistrats, but not simple Soueraignes. For the one was the prince, the other the subiect: the one the lord, the other the servant; the one the proprietarie and feuled of the Soueraignete, the other neither proprietarie nor posseffed thereof, neither holding any thing thereof, but as a seoffet or keeper in truft.

The same we may say of the Regents of France, created for the infancie, fisitice, or abience of the king, whether the edicts, mandats, and letters patents, be signed and sealed
led with the signe and seale of the Regents, and in their name (as they did before the law of Charles the fitt the French king) or els that it be done in the name of the king, and the mandats sealed with his seale: for in that there is little or no difference at all: seeing that whatsoever is done by the attourney, the lord allowing the fame, may well be thought to be done by the lord himselfe. Now the Regent is the true protetor of the king and of his kingdom: for to the good countie Theobald called himfelt Procurator in regni Francorum, that is to say, Procurator of the kingdom of Francon. So when a prince giueth absolute power to a Regent, or to a Senat, in his presence, or in his absence, to governe in his name, albeit that the edicts or letters of command go in his or their name, yet it is alwaies the king that speaketh or commandeth. So we see that the Senat of Milan or Naples, in the absence of the king of Spaine, hath absolute power to dispatch all mandates in his name: As a man may see by the decree of the emperour Charles the fitt in these words: Senatus Mediolanensis postestatem habeat constitutiones principis confirmandis, infirmandis, tollendis, dispensandis, contro flatu habitationes, pregauciones, restitutiones faciendo, &c. A Senat in prolocari positis, &c. Et quia quid faciat, parem vicem habeat ut si prouinç fuisset ad decretum effet: Non tamen posit delictorum veniam tribueatur, aut literar falsi consequet esse crimini dare. That is to say, The Senat of Milan hath power to confirm the constitutions of the prince, as also to infringe the fame, to disannul them, to dispence with them contrary to the statutes, to make enablenements, prerogatives, and restitutions, &c. No appeale shall be made from the Senat, &c. And whatsoever it shall doe, shall have like force as if it were done or decreed by the prince: yet may it not grant pardon for offences committed, or give letters of safe conduct unto parties convicted. This power almost infinite, is not giuen unto the Senat of Milan and Naples, in any thing to diminish the majestie of the king of Spaine, but altogether to the contrary, to cale him of his care and pains: ioyne herentuo also, that this power how great it be, is to be resuked at the pleasure of him that gaueth it.

But suppose that such great power be giuen to a kings lieutenant, or the gouernour of a countrey for term of his life, is not that a soueraigne and perpetuall power? For otherwise if we should interpret that only to be a perpetuall power which shall never haue end, there should be at all no soueraignty, but in the Ariflectrical and popular state, which neuer dieth except it be vterly rooted out. Or if we understand the word Perpetuall, in a monarch for him and his heires, there should be few perpetuall soueraigne monarces, seeing there bee but few that be hereditarie; so that they which come to the crowne by way of election, should not be soueraignes: wherefore we must understand the word Perpetuall, for the term of the life of him that hath the power. Now if the soueraigne and annaul oneley, or which hath a certaine prefixed and limited time to rule, chance to continue his gouernment so giuen him, beyond the appointed time; that must either be by the good liking of him that gaueth the power, or els by force: if by force, it is called tyrannie; and yet neverthelesse the tyrant is a soueraigne; as the violent possession of an intruder is in nature a possessio, although it be contrary to the law, and they which had the possession before are so thereof disqualified: but if such a magiftrat continue his soueraigne power by the good liking of the superiour that gaueth it, wee will not therefote say that hee is a soueraigne prince, seeing that he holdeth nothing but by suffatrices; and that a great deale the lefe, if the time be not limited, for in that he hath nothing but by commision during pleasure: and he that so holdeth his power, is neither lord nor possessor thereof. Men know right well, that there was ever greater power giuen to magiftrat next vnto his prince, than that which was of late yeares granted to Henrie of Fraunce, duke of Anion, by king Charles.
Charles the ninth his brother, for it was most great and perpetual, without any exception of the regall power: yet for all that one cannot say that it was soueraigne, inasmuch as he was called Lieutenant General for the king. So long as it shall stand with our good pleasure, joined unto it in his letters patents: which we declareth a power but during pleasure. Which power of lieutenanie (as of all other magistracies) ceaseth in the presence of the prince.

But what shall we then say of him to whom the people have given absolute power so long as he liveth? in this case we must distinguish: If such absolute power be given him purely and simply without the name of a magistrate, governor, or lieutenant, or other form of deputation; it is certain that such an one is, and may call himselfe a Soueraigne Monarch: for the people hath voluntarily disdained and dispoysed it falsely of the soueraigne power, to slake and instrust another therein, hating on him, and ypon him transported all the power, authoritie, prerogatives, and soueraignty thereof: as if a man should by pure gift deliver unto another man the proprietie and possession that vnto him belongeth: in which case such a perfect donation admiteth no conditions. In which case the regall law is by the lawyer laid to have beene made in these words, Cum populus et in eum omnem potestatem contulit: when as the people conferred vnto him, and on him all their power. But if the people shall give all their power vnto any one so long as he liveth, by the name of a magistrate, lieutenant, or governor, or onely to discharge themselves of the exercise of their power: in this case he is not to be accounted any soueraigne, but a plaine officer, or lieutenant, regent, governor, or guerdon and keeper of another man's power. For as the magistrate although hee make a perpetuall lieutenant, and hath no care of his own jurisdiction, leaving the entire exercise thereof vnto his lieutenant, yet for all that, it is not in the person of the lieutenant that the power lieth to command, or judge, neither the exercise and force of the law: but if he passe beyond the power vnto him given, it is to none effect: if his doings bee not ratified, liked, and approv'd by him that hath given the power. And for this cause king John of France, led prifoner into England, after his returne thence, solemnly ratified all the acts of Charles the Dolphin, his eldest sonne, made regent in his absence, to strengthen and continue the same, so farre as should be convenient and needfull. Be it then that a man either by commissione, or institution, or by delegation, for a certaine time, or for ever, exercise the power of another man: he that so exerciseeth this power, is not therefore a soueraigne, although by his letters of commission or deputation be not called a protecor, lieutenant, regent, or governor: no not, albeit that such power be given him by the cunions and laws of the country, which should be much stronger than election. As by an ancient law amongst the Scots, the entire government of the kingdome was committed vnto him that was nearest of blood vnto the king in his minoritie, or under the age of xxv yeares, yet with charge that all things should be done in the kings name: which law was long ago abrogated, for the danger might grow vnto the young king, by his nigh kinmen affecting the kingdome: for which Caesar thought it lawfull for a man to become villainous.

Now let vs prosecute the other part of our propounded definition, and show what these words, Absolute power, signifie. For we said that vnto Maiestie, or Soueraigne belongeth an absolute power, not subject to any law. For the people or the lords of a Commonweale, may purely & simply give the soueraigne and perpetuall power to any one, to dispose of the goods and hues, and of all the state at his pleasure: and so afterward to leave it to whom he list: like as the proprietarie or owner may purely and simply give his owne goods, without any other caufe to be exprest, than of his owne meere bountie; which is indeed the true donation, which no more receiveth condition,
being once accomplished and perfected: as for the other donations, which carry with them charge and condition, are not indeed true donations. So also the chief power given vnto a prince with charge and condition, is not properly soueraigne, nor power absolute: except that such charge or condition annexed vnto the soueraigne at the creation of a prince, be directly comprehended within the lawes of God and nature. As it is at the investiture of the Tartar king. For the great king of Tartarie beeing dead, the prince and the people to whom the right of the election belongeth, make choice of one of the kinrmen of the dead king, which they thinkke best of (providing that he be either his sonne or his nephew) and having placed him in a thron of gold, the bishop (after a solemn song sung according to the manner of their aunceteours) turning his speech vnto the king, in the name of the people, faith thus, Wc pray thee, and charge thee to raigne ouer vs: to whom the king aunswrith, If you will haue me so to doe, you must be ready to performe whatsoever I command: whomsoever I appoint to be flaine, you shall slay him presently, and into my hand you shall commit the whole estate of the kingdome: whereunto the people aunswere, Bee it so: after which the king continuing his speech, faith, My word shall be my sword: whereunto the people giuenth a great applause. This done, he is taken out of his high throne, and set vpon the ground vpon a bare boord, vnto whome the bishop againe turning his speech, faith, Looke vp vnto heaven and acknowledge almightie God, the king of the whole world: and behold also this table whereon thou sitteth below: if thou rule well, thou shalt have all things according to thy harts desire: but if thou forget thy duty and calling, thou shalt be cast head-long downe from thy high seat, and disposed of thy regall power and wealth, bee brought so low, as that thou shalt not have so much as this boord left thee to set vpon. This saith, hee is lifted vp on high, and by all the people proclaimed king of the Tartars. So great a power giuen by the people vnto the king, may well be called absolute and soueraigne, for that if hath no condition annexed thereunto, other than is by the law of God and nature commanded.

The fame or like forme of investiture we may also see to haue bene sometimes vsed in realms and principallities, descending by succession. But the like is not to that of Carinthia, where yet at this present seeere vnto the cite of St. Vitus, in a medow is to be seene a marble stone, whereunto a crounty peasant vnto whom that office of right belonged, deypt vp, hauing vpon his right hand a blakke cow, and on his left a laone euill favoured mare, and all the people about him; towards whom he that is to be created duke commeth marching, with a great number of lords, all apperelld in red, and his ensignes displayed before him; all in good and seemely order, except the new duke himselfe, who is apperelld like a poore shepheard, with a sheepeoke in his hand: whom the cowne vpon the stone seeing comming, crieth aloud in the Sculonian tongue, Whos that (faith he) that cometh marching so proudly? whereunto the people aunswere, That it is their prince: then demandeth he, Is he a just judge? seeketh he the good of his countrey? is he fere borne? is he worthie of that honoure? and withall religious? 

Hee is, faith the people, and so shal hereafter be. Then the peasant guing the duke a little blow on the ear, goeth downe from the stone, and is for ever after free from all publique charges: so the duke mounting the stone, and brandishing his sword, promiseth vnto the people, To be a good and a just man: and in that habit goeth to heare maffe; which in solemn manner done, he putting off his shepheards apparell, and attired like a prince, goeth vp to the stone againe, and there receueth the homage and oath of fidelitie of his vaulls and subiects. True it is, that in antiquitie, time the duke of Carinthia was the emperour greatest Huntsman: but since that the empire fell into the house of Austria, wherunto that dukedom belonged, both the name of the Great

Huntsman,
Huntsman, and the old maner of inuyting the duke grew ouf of vse, and the duchies of Carnithia, Stiri, and Croatia, with the counties of Cilia, and Titol, remaine anmexd vnto the dukedome of Austria.

As for those things which are reported concerning the inuyting of the king of Arragon, they are long since gronue ouf of vse; but this wee have heard them to have wont to bee done: The great magistrat of Arragon, whom they call the Chief Iu-stice, thus said vnto the king: we which are vnto thee in vertue nothing inferior, and in power greater than thy self, create thee our king; yet with this condition, that one amongst us shall have more power and command than thy selfe. Wherein he is decied to to writeth, the king to haue bene then chosern of the people; a thing that neuer was there done. For sanctius the Great by force of armes draine the Moores out of the kingdome of Arragon, affer they had seuen hundred yeares poseffed the fame: after which time his poweritie of both Sexes, held that kingdome by inheritance. And also Peter Belluga, who most exactly wrte of the kingdome of Arragon, denieth the people to haue any right in chufing the king; but when the line of the king vterly faileth. That were also a new and more absurd thing, that the king of Arragon should haue lesse power than the states of Arragon, seeing that the fame author Belluga faith, That the states might not assemble themselves without the kings exprefle commandement; neither being assembled, might depart without leave given them from the king. That were also more absurd and ridiculous, that such speech should bee vned by the magistrat, vnto him that was now crowned, sacred, and received a king by right of succession, who also placed and displaced the fame great magistrat whenouer hee lift. For the same author writeth, Martin Didato the greatest magistrat, to haue bene placed in that office by the queen of Arragon, in the absenue of Alphonius her husband, king of Arragon and Sicilia; and also by her againe discharged of the same office. And albeit that by fuffere of the king, that great magistrat or justice of Arragon, determined of the processe and controversies betwixt the king and his people: as it is also in England sometime by the high court of Parliament, and sometime by the magistrat, whom they call the Lord Chief Justice of England, and by all the judges of this * realme, and in all places: yet neuertheless so it is, that the great justice of Arragon, and all the eftates remaine in full subiection to the king, who is no waies bound to follow their advice, neither to consent to their requerels, (as faith the fame doctor) which is genrefal to all eftates of a monarachie, as faith Oldard, speaking of the kings of France and Spaine, who haue (faith he) absolute power. Yet true it is, that none of those doctors tell vs, what absolute power is. For if we shall say, that hee onely hath absolute power, which is subieçt vnto no law; there should then bee no souetaigne prince in the world, seeing that all princes of the earth are subieçt vnto the lawes of God, of nature, and of nations.

So to the contrarie it may be, that some one subject may be dispenced withall, and absolued from all the lawes, ordinances, and customes of his Commonweale, and commandemuent of the magistrat; and yet be neither prince nor souetaigne. Example we haue of Pompey the great, who was dispenced withall from the lawes for foueteenes, by exprefle decree of the people, published at the request of of Gabinius the Tribune, at such time as extraordinarie power was giuen him to make warre against the pirats: neither is it any new thing or strange thing to dispence with a subject for his obedience to the lawes, seeing that the Senat sometimes do dispenced without the content of the people: vntill the law Cornelia published at the request of a Tribune, whereby it was ordained, That no person should be exempted out of the power of the lawes, nor dispenced withall by the Senat, if he had not at the least the content of two hundred
Senators. For by the law of the twelve tables, it was forbidden upon paine of death to grant any prienele but by the great asemblies of the people; but that law was cuil executed, being still infringed by the Senat. Yet he that is fo exempted from one law, or mœ, or all lawes, is for all that alwaies in the subiection and obedience of them which have the soueraignty: yea although he bee for euer absculed from all the lawes of his countrey. As Augustus, who although he was the prince of the people of Rome, that is to say, the chief in that Commonwealth, yet assigning himselfe to be inferior to the people in generall, he oftentimes propounded questions vnto the people, as if the people, and not Augustus, should make the lawes: and at the chusing of magistrats, would make the citizens by the hands, that so hee might commend them that stood for the offices vnto the people. But it behoouch him that is a soueraigne not to be in any sort subjext to the command of another: which thing Tiberius wisely meaning in these words, seaoned in the Senat concerning the right of soueraignty, saying that The reason of his doings were no other wise to be manifested, than in that it was to be giuen to none: whose office it is to giue laws vnto his subjexts, to abrogate laws unprofitable, and in their stead to establigh other: which hee cannot do that is himselfe subjext vnto lawes, or to others which have command over him. And that it is for which the lawe fair, That the prince is acquitted from the power of the lawes: and this word the Law, in the Latine importeth the commandement of him which hath the soueraignty. Wee also see that vnto all edicts and decrees there is annexed this claue, Notwithstanding all edicts and ordinances whereunto we haue derogated, and do derogate by these presents: a claue which hath alwaies bene joyned vnto the antient lawes, were the lawe published by the present prince, or by his predeceffours. For it is certaine, that the lawes, ordinances, letters patemts, privelleges, and grants of princes, haue no force, but during their life, if they be not ratified by the epress eonsent, or at least by sufferrance of the prince following, who had knowledge thereof, and especially of the pricelleges. As when Bartolus was sent ambassadour vnto Charles the fourth, the German emperour, for the confirmation of the prielleges of the citie of Perouze, hee obtained the fame, yet with condition, That they should so long have force, vntil they were re-uoaked by the succeeding emperours: vnto whom for all that, no prejudice could haue bene done, although that claue had not bene put to: which was the cause that Michael Del. Hospital chauncelour of Fraunce, constantly refused, yea even at the request of the queene, to seale the prielleges by Charles the ix. granted vnto St. Maut des Fosses; for that they carried with them a perpetuall enfranchiment and immunitie from taxes, which is contrarie to the nature of personall prielleges, and tended to the diminishing of the power of his succesffours, and could not be giuen vnto corporations or colleges, which liue for euer, but for the life of the prince that granted them onely, although the word (perpetuall) were thereunto adioyned. Which for all that if they were granted vnto corporations or colleges, by a popular or Aristocraticall state, must needs bee for euer, or at least wise so long as that popular or Aristocraticall state should continue. And for this cause Tiberius the emperour, succesffour to Augustus, would not that the prielleges granted by the dead emperours, shouild bee of any eoffect, if their succesffors had not confirmed them; when as before the prielleges granted by princes, if they were not limited vnto a time certaine, were accounted as giuen for euer. Wee also see in this * realme, that at the comming of new kings, colleges and corporations require to have their prielleges, power, and jurisdiction confirmed; yea the vtere parliaments and soueraigne courts, as well as other particular officers. viz. Fraunce. 

If then the soueraigne prince be exempted from the lawes of his predeceffors, much lesse should he be bound vnto the lawes and ordinances he made himselfe; for a man

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A soueraigne prince is not subject to the laws and ordi

cences he hath him selfe maketh

man may well receive a law from another man, but impossible it is in nature for to give a law vnto him selfe, no more than it is to command a mans felte in a matter depending of his owne will: For as the law faith, 

Nulla obligatio confertre potest, quae a voluntate promittente statum capit. There can be no obligation, which taketh state from the meere will of him that promiseth the same: which is a recectific an reason to prove evidently that a king or soueraigne prince cannot be subiect to his owne lawes. And as the Pope can never bind his owne hands (as the Canonists say;) so neither can a soueraigne prince bind his owne hands, albeit that he would. We see also in the end of all edicts and lawes, these words, 

Quia sic nobis placuit. Because it hath so pleased vs: to give us to understand, that the lawes of a soueraigne prince, although they be grounded vpon good and liuely reasons, depend neuerthelesse vpon nothing but his meere and franke good will. But as for the lawes of God and nature, all princes and people of the world are vnto them subject: neither is it in their power to impugne them, if will not be guiltie of high treason to the divine majestie, making warre against God; under the greatnesse of whom all monarches of the world ought to beare the yoke, and to bow their heads in all feare and reverence. Wherefore in that wee fay the soueraigne power in a Commonweale to be free from all lawes, concerneth nothing the lawes of God and nature. For amongst the Popes, hee that of all others best knew the lawes of majestie or soueraigne, and had almost brought vnder him the power of all the Christiant emperours and princes, fayd him to be indeed a soueraigne that was able to derogat from the ordinary right (which is as I understand it, from the laws of his countrey) but not from the lawes of God or nature.

But another question may be, Whether a prince bee a subiect to the lawes of his countrey, that he hath owne to keepe, or not? wherein wee must distinguish. If the prince sweare vnto himselfe, That he will keepe his law: hee is no more bound to his law, than by the oath made vnto himselfe: For the subiectes themselues are not any way bound by oath, which they make in their mutual covenantes, if the covenantes be such as from which they may by law shrink, although they be both honest and reasonable. But if a soueraigne prince promise by oath to keepe the lawes which he or his predecessours have made, he is bound to keepe them, if the prince vnto whom hee hath so given his word have therein any intertrest; yea although he have not sweorne at all: But if the prince to whom the promisse was made have therein no intertrest, neither the promisse nor the oath can bind him that made the promisse. The like we say, if promisse be made by a soueraigne prince vnto his subiects, or before hee bee chosen; for in that case there is no difference, as many thinke: not for that the prince is bound to his laws, or by his predecessours; but to the just conventions and promisses that hee hath made, be it by oath, or without any oath at all; as shoulde a priuate man bee: and for the same causes that a priuate man may be releaved from his vniust and unreasonable promisse, as for that it was too grieuous, or for that he was by deceit or fraud circumvented; or induced therein to errour, or force, or unjust feare; or by some great hurt: even for the same causes the prince may be restored in that which toucheth the diminishing of his majestie, if he be a soueraigne prince. And to our maxime refeth, That the prince is not subiect to his lawes, nor to the lawes of his predecessours: but well to his owne just and reasonable conventions, and in the obestution whereof the subiectes in general or particular have intertrest. Wherein we see many to be deceived, which make a confusion of lawes, and of a princes contracts, which they call also lawes: as well as he which calleth a princes contracts passionarie lawes: as they term them in the state of Aragon, when the king maketh any law at the request of the people, and receieth therefor any money or subsidy; then the Aragonians say that the king is vnto that law bound,
bound, but not to vnto other lawes: and yet none the lesse they confesse that the prince may derogat from the same, the cause of the law seeling: which to bee true, as it may by reason and authoritie be confirmed, so was there no need of money, or of oath, to bind the foueraigne prince; if it concerned his subiects (to whom he had promisid) to haue the law kept. For the word of a prince ought to bee as an Oracle: which looth his dignitie, if his subiects have to quell an opinion of him, as not to beleue him except he sweare; or else to be so couerious, as not to regard his promis except therefore he receive money. And yet none the lese the maxime of right full stanteth in force. That the foueraigne prince may derogat vnto the lawes that bee hath promisid and sweone to keepe, if the equitie thereof sealed, and that of himself without consent of his subiects; yet true it is, that a generall obfcurte or doubtfull derogation, in this cafe sufficeth not, but that there must bee a derogation in words special. But if there bee no probable cause of abrogating the law he hath promisid to keepe, he shall do against the dutie of a good prince, if he shall go about to abrogat such a law: and yet for al that is he not bound vnto the covenants and oathes of his predeceflours, further than stanteth with his profit, except he be their heire. And for this cause the states of Arragon complained to king Alphonfus, for that he for gaine had altered and chaunged the money of Arragon, to the great prejudice of the subiects, and marchants strangers, contrary to the promis made by James the fift, king of Arragon, in the yere 1265, in the moneth of August, and confirmed by king Peter, in the yere 13:6, who swore vnto the estates neuer to chaung the money; in recompence wherof the people had promisid every one of them euery feuen yeares to pay vnto him a maweide, if they were in goods worth fifteene matuadies. Now the kingdome of Arragon descendeth by inheritance vnto the heires, both males and females; but the effe of the contract betwixt the prince and the people ceasing, as the subfide for which the kings of Arragon had made that order which I haue faid, the king was no more bound to keepe his promis: then were the people to pay the subfide vpon them imposed.

We must not then confound the lawes and the contrats of foueraigne princes, for that the law dependeth of the will and pleasure of him that hath the foueraignite, who may bind all his subiects, but cannot bind himselfe: but the contract betwixt the prince and his subiects is mutual, which reciprocally bindeth both partieis, so that the one partie may not flatter therefrom, to the prejudice, or without the consent of the other. In which case the prince hath nothing about the subiect, but that the equitie of the law which he hath sweorne to keepe, ceasing, he is no more bound to the keeping thereof, by his oath or promis, as we haue before saide: which the subiects cannot do among themselues, if they bee not by the prince related. The foueraigne princes also well aduised, will never take oath to keepe the lawes of their predeceflours; for otherwife they are not foueraignes. But then might some man say, Why doth the German emperour, who hath a preeminence above all other Christian kings, before he be crowned sweare betwixt the hands of the archichof of Cullen, to keepe the lawes of the empire, the golden Bul, to establi their justice, to renuege the pope, to keepe the catholike faith, to defend the widdowes, the fatherlesse, and poore? which forme of oath, wherewith the emperour Charles the fift bound himselfe when he was crowned, coronell Caietan is said to haue went vnto the pope, whole legat he then was in Germanie. Whereunto I anfwere, that the emperour is subiect vnto the states of the empire; neither taketh vpon him the foueraignite over the princes electours, nor over the estates; as we shal in due place declare. And if a man say, That the kings of the Epirots in amittent time sweore, that they should raigne well and orderly according to the lawes and customs of the countrey, and the subiects also on their part sweore to defend and mainaine their king.
king, according to the lawes and customes of their countrey: I lay yet notwithstanding all these oaths, that the soueraigne prince might derogate from the lawes, or frustrate and dilate all the same; the reason and equity of them ceasing. The oath also of our kings, which is the fairest and shortest that can be, containeth nothing in it, concerning the keeping of the lawes and customes of the countrey or predeceflours: The words I will set downe, as they be taken word for word out of the librarie of Rheims, out of an auncient booke, which thus beginneth Iuliani ad Erigium Regem Anno 1058 Henrici Regnum 32 tri. Calend. Jum. Ego Philippus Dero propiante max furtwus Rex Francorum, in die orlationes mea promitto coram Deo & sanctis eius quod omnium de nobis commissis canonum privilegiorum, & debitum legem atque suinstanti conferrabo, & delfensam aeruaante Domino quantum potero exhibebo: sic ut Rex in suo regno omnium Episcopos & Ecclesiasticis commisserit per rectum exhibere debet: populusque nobis credito, nec dispensationem legem in suo iure consistenter, nostra autoritate concessurum, &c.

The booke of Iulianus Erigius, Anno 1058, in the xxxiij. yeare of the ragine of Henrie the first, the fourth of the calends of Iune. I Philip, by the grace of God forthwith to become king of France, on the day of my inueiting, doe promisse before God and his Saints, that I will kepe canonically pruileged with due administration of law and justice, to euerie one committed to our charge: and by the help of God to the uttermost of my power defend them, in such manner as a king in his kynghome ought of right to gue vnto euerie bishop & churche committed vnto him: & by our authentic to grant vnto the people committed vnto us, the execution of the lawes remaining in force.

I know that which is found in the librarie of the Beauvais is like vnto this, and the oath of the fame Philip the first: but I have seene another in a little auncient booke in the Abbay of S. Allier in Auernge, in these words: • iure au nom de Dein tout purifiant, & promets de gouuerner bien et deuement les subiects commis en ma garde, & faire de tout mon pouoir judgement,justice, et misericorde: I liveare by the name of the Almighty God, and promise well and duly to gouerne my subiects committed to my charge: and with all my power to doe them judgement, justice, and mercie. Which isteth to have bene taken from the prophet Hieremie, where he saith, • I am the great eternal God, which do judgement, justice, and mercie: and in which things I take singular pleasure. Which forms of oathes shew plainly vnto the eye, that the oathes contained in the booke lately printed and published by the title of Sacre Du Roy, are much changed and altered from the auncient forme. But both in the one and the other oath, a man may see that there is not any bond for the soueraigne prince to kepe the lawes, more than so farre as right and justice requireth. Neither is it to be found that the auncient kings of the Hebrewes tooke any oath: no not they which were anointes by Samuel, Hezias and others. But some take a more preceile oath, such as is the oath of Henry the 3 king of France, and of Polonia: Ego Henricus Rex Poloniae, &c. Iuro Deo omnipotente, • quod omnium iura, libertates, privilegia publica & private, iuri communii non contraeris, Ecclesiis, principibus, Baronibus, nobilitibus, citibus, intolis, per meos predecesores Reges, & quo cumque principes Dominos, Regni Poloniae iussu concepsit, & que, in interregno decreta sunt servanda, in quibus omnibus incolis more maiorum reddant. As si quidem (quod ab eft) Sacramentum meum violacor nullam nobis iussore Regni obedientiam prestaris tenebuntur, &c. Si Deus adiuvet, • vix. I Henrie king of Polonia, &c. Swearing vnto almightie God, that I will kepe all the lawes, liberties, publick and privat privleges, not contrary to the common law, justly granted vnto churche, princes, barons, noble men, citizens, or inhabitants, by the kings my predeceflours, or whatsoever other princes, lords of the kynghome of Polonia: as also all such things as were decreed in the time of the vacancie of the kynghome: and that I will administrue justice vnto all the inhabitants of
A of this kingdom, after the manner of our auncentours: And if I shall violate this mine oath (which God forbid) then the inhabitants of this kingdom shall be bound to yield unto vs no obedience, &c. And so God help vs. But this forme of oath fauoueth not of royall maiestie, but the condition of a meane prince, such an one as (amongst others) is chief in a Commonweale.

But touching the lawes which concerne the state of the realme, and the establishing thereof; forasmuch as they are annexed & vnitid to the crowne, the prince cannot derogat from them, such as is the law Salique: & albeit that he so do, the successor may always dianull that which hath bene done vnto the prejudice of the laws royally,vpon which the foueraigne maiestie is stayed & grounded. Yet might one say, That Henry the 5, king of England & France, marrying Katherine of France, sister to Charles the 7, took an oath to keep the high court of parliament in the liberties & foueraignetie thereof; and to cause iustice to be administered in the realme, according vnto the customes and lawes thereof. See the words of the decree agreed vpon for to make him successor vnto the crowne of France, the xxix of May, in the yeare 1420. I say they causd him to take such an oath, for that he was a straunguer come to a new kingdom; from which the lawfull inheritour was excluded by a decree of the Parliament of Paris, giuen for default and contumacie; for the murthor committed vpon the person of John duke of Bulgoigne, which was by sound of trumpet pronounced at the marble table in the presence of the princes. But as for generall and particular lawes and customes, which concernne not the establisheing of the estate of the realme, but the right of men in priviue, they haue not vfed to haue bene with vs otherwife changed, but after generall assemble of the three estates of France well and duly made; or of euery baillewike in particular: not for that it is neceffarie for the king to teft on their advice, or that he may not do the contrarie to that they demand, if naturall reafon and iustice so require. And in that the greatnesse and maiestie of a true foueraigne prince, is to bee knowne when the estates of all the people assembled together, in all humilietie present their requests and supplications to their prince, without hauing any power in any thing to command or determine, or to giue voice, but that that which it pleasure the king to like or dislike of, to command or forbide, is holde for law, for an edict and ordinance.

Wherein they which haue written of the dutie of magistrats, & other such like books, haue deciued themseles, in maintaining that the power of the people is greater than the prince; a thing which of times causeth the true subiects to revolt from the obedience which they owe vnto their foueraigne prince, & miniftreth matter of great troubles in Commonwealths. Of which their opinion, there is neither reafon nor ground, except the king be captiue, furious, or in his infancie, and so needeth to have a protector or lieutenant appointed him by the suffrauges of the people. For otherwise if the king should be subiect vnto the aemblings and decrees of the people, hee should neither bee king nor foueraigne; and the Commonwealth neither realme nor monarchie, but a meere Aristocratie of many lords in power equall, where the greater part commandeth the leffe in generall, and euery one in particular: and wherein the edicts and lawes are not to be published in the name of him that uteth, but in the name and authoritie of the states, as in an Aristocraticall Seignoritie, where hee that is chiefe hath no power, but oweth obeysance vnto the commandements of the Seignorie: vnto whom ye yet they all and euery one of them faigne themseles to owe their faith and obedience: which are all things so aburd, as hard it is to say which is furthest from reason. So when Charles the eight, the French king being then but about xiiij. yeres old, held a parliament at Tours, although the power of the parliament was never before nor after so great as in those times; yet Helie, then speaker for the people, turning himselfe
himselfe vnto the king, this beginneth his oration, which is yet in print extant. Most high, most mighty, and most Christian king, our natural and onely lord, we your humble and obedient subjectts; &c. Which are come hither by your command, in all humilitie reverence and submission, present our selues before you, &c. And have given mee in charge, from all this noble assemblie, to declare vnto you the good will and harte desire they haue, with a most firme resolution and purpose to serve, obey, and aid you in all your affaires, commandements and pleasures. In breife, all that his oration and speech is nothing els but a declaration of all their good wills towards the king, and of their humble obedience and loialtie. The like speech almoft we fee was also vfed in the parliament at Orleans, vnto king Charles the ninth, when he was yet but fetteeleven yeares old. Neither are the partes of Spaine otherwise holden, but that even a greater obedience & a greater loialtie of all the people in generall, is giuen vnto the king, as is to bee feene in the acts of the parliament holden at Toledo by king Philip, in the yeare 1552, when he was yet feetee full xxv yeares old. The answers also of the king of Spaine vnto the requests and humble supplications of his people, are giuen in these words; We will; or else, we decree and ordaine; and such other like answers, importing the refusat or content of the prince: yea the subfide that the subjectts pay vnto the king of Spaine, they call feruice. Wherby it appeareth them to be deceived, which fay that the kings of Arragon cannot derogat from the priceedges of the fates, by reafon of the pricelites giuen them by king James, in the yeare 1260, and confirmed in the yeare 1320. For as the priceedges was of no force after the death of the king, without the confirmation of his luccesseours: fo also the fame confirmation of the rest of the kings following was necessarie, for that by the law no man canaigne ouer his equals. And albeit that in the parliaments of England, which haue commonly bene holden euere the third yeare, there the fates feeme to have a verie great libertie (as the Northerne people almost all breath thereafter) yet fo it is, that in effect they proceed not, but by way of supplications and requests vnto the king. As in the parliament of England, holden in October, 1566, when the estates by a common content had resolued (as they gaue the queene to vnderstand) not to entreat of any thing, vntill the had first appointed who should succeed her in the crowne: She gaue them no other answers, but that they were noto make her graue before she were dead. All whose resolutions were to no purpose without her good liking: neither did she in that any thing that they required. Now also the estates of England are never otherwise assembled (no more than they are in this realme of France, or Spaine) than by parliament writs, and expresse commandements proceeding from the king. Which howeth very well that the estates haue no power of themselves to determine, command, or decree any thing; seeing that they cannot so much as assemble themselves; neither being assembled, depart, without expresse commandement from the king. Yet this may seeme one speciall thing, that the laws made by the king of England, at the request of the estates, cannot be againe repeale, but by calling a parliament of the estates: Which is much vfed and ordinarily done, as I haue vnderstood by M. Dale, the English ambaffadour, an honourable gentleman and a man of good vnderstanding, who yet afflieted me, that the king receveth or refiecteth the law as seemd beft vnto himselfe: and ftocke not to dispose thereof at his pleasure, and contrary to the will of the estates: as wee fee Henry the eighth to haue alaways vfed his foueraigne power, and with his onely word to haue diamanled the decrees of parliament: albeit that the kings of England are not otherwise crowned, but that they must sweare innoculy to keepe the lawes and customes of the land: which how that oath is to be vnderstood, I referre you to that which wee haue before reported. But here might one object and say, That the estates of England suffer not any extraordinary
Arie charges and subsidies to be laid upon them, if it be not first agreed upon and contented vnto in the high court of parliament: for so it is prouided by an auncient law of Edward the first, king of England, wherewith the people as with a buckler hath bene oftentimes done to defend it selfe against the prince. Whereunto mine aunfwere is, That other kings have in this point no more power than the kings of England: for that it is not in the power of any prince in the world, at his pleasure to rayle taxes vpon the people, no more than to take another man's goods from him; as Philip Commines wisely shewed in the parliament holden at Tours, as we read in his Commentaries: and yet neither is it if the necessitie of the Commonwealth be such as cannot stay for the calling of a parliament, in that case the prince ought not to expect the assembly of the estates, neither the consent of the people; of whole good foresight and wiliedome, next vnto God, the health & welfare of the whole state dependeth: but concerning all sorts of taxes and tributes, more shall be laid in place convenient. True it is, that the kings of England, since the time of Henrie the first (as we read in Polidore) haue as it were alwaies accustomed every third yeare to demand of the people an extraordinary subsidies, which is for the most part granted. As in the parliament holden in Aprill, in the yeare 1570, the queene of England by the consent of the estates, drew from them five hundred thousand crownes (as the like whereof is sometime also yed to bee done in Spaine) from which manner of tribute the had now many yeares before abstained. Now here might some object also, That the estates of England haue power to conde
demne, as king Henrie the first was condemned by the estates, to be kept prisoner in the Towre of London, I say that that was done by the ordinaries judges of England; the lords spiritual and temporal of the upper house, at the request of them of the other house; who presented also a bill of request to the upper house, in the yeare 1571, tending to the end, that the earles of Northumberland, and Westmattland, & other conspirators, might be declared to haue incurred the paines contained in the laws of the land, made against them that were guilty of treason. Which sheweth well that the estates in bodie together haue neither power nor jurisdiction, but that the power is with the judges of the upper house, as should bee, if the parliament of Paris aslifed by the prince and peers, should be from the estates in bodie together seperated, to judge of themselfes of great matters.

But yet there remaineth another difficultie to refolue vpon, concerning the aforesaid estates of England, who seemed to haue power to command, refolue, and decide of the affaires of state. For queene Marie having assembled them for the passing of the articles of agreement concerning the marriage with king Philip: after many disputes and difficulties proposed, in fine, the conclusion of the treaty was made the second day of Aprill in the yeare 1554, in forme of a decrete conceived in the name of the estates, in these words: The articles aforesaid, and that which dependeth thereof, being and considered of by the estates assembled in parliament, holde in the palace of Wemfitneter, it hath bene said, That concerning the disposition and collation of all benefits and offices, they are referred vnto the queene, as also of all the fruits, profits, rents, revenues of her countries, lands, and seignories, the queene, as sole and alone shall enjoy the royalitie and sueraignetie of her said realmes, countries, lands, and subiects, absolute, after the confection of the marriage: so that the said prince shall not pretend by the way of the courteuse of England, any claime to the crowne or suerai
nietie of the realme, nor to any other rights, preheminences, or authorities: That all mandats and letters patents shall passe vnder the name of the said prince and queene jointly: which letters signed with the hand of the queene alone, and sealed with the great seale, shall be available: but being not signed by the said queene, shall be void and

Of A Commonweale.
to none effect. I have willingly set downe the ratification at large, to shew that the soueraigne wholly without diuision belonged vnto the kings of England, and that the estates had but the view thereof: For the ratification of the estates, no more than of a court, a parliament, a corporation, or college, sufficeth not to shew the power to command, but rather their consent to strengthen the acts, which otherwise might have bene called into some doubt, after the death of the queene: or in her life time by the magistrates and officers of the realme, opposing themselues against her. Wherefore we conclude the maiestie of a prince to be in nothing altered or diminished by the calling together or presence of the estates: but to the contrary his maiestie thereby to bee much the greater, & the more honorable, seeing all his people to acknowledge him for their soueraigne: albeit that in such assemblies, princes not willing to reiece their subjects, graunt, and passe many things, whereunto they would not otherwise yield their consent, if they were not over come by the requests, prayers, and iuft grievances of the people, afflicted and vexed oftentimes without the knowledge of the prince, who yeeldeth many things vnto them all, which he would deny vnto them in particular; or at leaftwife not so easily graunt them: either for that the voyces of euerie one in particular, are leffe heard, than of all together: or for that the prince at other times commonly vieth to see but by other mens eyes, and to heare but by other mens eares and reports: whereas in parliament hee seeth and heareth his people himfelie, and fo enforced with shame, the feare of religion, or his owne good disposition, admiteth their iuft requests.

So wee see the principall point of soueraigne maiestie, and absolute power, to consist principally in giuing laws vnto the subiects in general, without their consent. And not to speake of straunge countries, we haue oftentimes seene in this realme of Fraunce certaine generall customs aboliished by the edicts of our kings, without the assembling or consent of the estates: when the injustice of the fame is plainly to be seene; as the custome of this realme, commonly vified in euery place, concerning the succession of mothers vnto the goods of their children, hath bene chaunged without assembling of the estates, either in general or particular. Which chaunging of customes is no new thing; for since the time of Philip the faire, the custome generall in this realme, which suffered not him that was ouerthrowne in fute, to be condemned in charges also, was difanallied by edict, without assembling the estates. And the generall custome which forbade to receiue the testimonie of women in ciuill caufes; was aboliished by the edict of Charles the fift, without calling together of the estates. For it behoveth that the soueraigne prince shoule haue the laves in his power, to chaunge and amend them, according as the cafe shall require; as faith the lawyer Sextus Cæcilius: even as the master pilot ought to haue the helme alwaies in his hand, at discretion to turne it as the weather or ocasion requirith; for otherwise the ship might oftentimes perish before hee could take aduice of them whom he did carie. Which is a thing necessarie, not onely vnto a soueraigne prince, but sometmes vnto a magiftrat alfo, the necessitie of the Commonwale, so requiring, as we haue laid of Pompee, and of the Decemuris. And for that caufe Augustus after he had ouerthrown Marcus Antonius at Actium, was by the Senat abfolued from the power of the laves, albeit that he as then was but chief of the Commonweale, and no soueraigne prince, as we shal in due place declare. And after that Vespasian the emperour was also exempted from the power of the laves, not by the Senat onely, but onely by the expreff law of the people as many thinke, and as yet it is to be found engraven in marble in Rome: which the lawyer calleth the law Royall, howbeit that it hath no great probabilitie, that the people which long time before had loft al their power, should give it to him that was stronger than themselves.

Now
Now if it be profitable that the soueraigne prince, for the good government of an effate, should have the power of the laws vnder him; then it is more expedient for the governour in an Aristocrattical effate; and necessarie for the people in their popular effate: for the monach is diuided from the people; and in the Aristocrattical state, the lords or governours are diuided from the commonalty and vulgar people; in such sort as that in both the one & other Commonweal, there are two parties, that is to wit, he or they that hold the soueraignie on the one part, and the people on the other; which causeth the difficulties which are betwixt them for the rights of soueraignie, which ceafe in the popular effate. For if the prince or lords which hold the effate be bound to observe the laws, as many think they are, and that they cannot make any law without the consent of the people, or of the Senat; it cannot also bee againe by law repealed, without the consent of the one or of the other: which can take no place in a popular effate, seeing that the people make but one bodie, and cannot bind it selfe vnto it selfe. But, Why then (will some say) did the people of Rome sweare to kepe the lawes? That was first begun by Saturnius the Tribune of the people, that so he might the more straitly bind the Senatours to the lawes by him made: which Dio Ceceus writeth to have bene afterward done in all lawes. But it is one thing to bind all together, and to bind euery one in particular: for so all the citizens particularly sweare to the observation of the lawes, but not all together; for that euery one of them in particular was bound vnto the power of them all in generall. But an oath could not be giuen by them all: for why, the people in generall is a certaine vniquefall bodie, in power and nature diuided from euery man in particular. Then againe to say truly, an oath cannot bee made but by the lefet to the greater, but in a popular effate nothing can bee greater than the whole body of the people themselves. But in a monarchie it is otherwise, where euery one in particular, and all the people in generall, and (as it were) in one bodie, must sweare to the observation of the lawes, and their faithfull allegiance to one soueraigne monarch; who next vnto God (of whom he holdeth his seaper & power) is bound to no man. For an oath carrieth alwaies with it reverence vnto whom, or in whose name it is made, as still giuen vnto a superiour: and therefore the vaflall giueth his oath vnto his lord, but receiueth none from him againe, although that they be mutually bound the one of them vnto the other.

But if it be so, that a soueraigne prince next vnder God, is not by oath bound vnto any, why did Trajan the emperor standing uprigh, before the Confuls sitting solemnly sweare, to the keeping of the lawes? That feemeth to have beene so done by him for two causes, one for that having gotten the Consulship, together with his principaltie, he swore as the Consuls did at their entrance into their Consulship; as also al the new magistrats did the first of Ianuariie, after they had sacrificed in the Capitoll: The other reason was, for that the Roman emperours at the first had not any soueraigne power, but were onely called princes, that is to say, the chiefe men in the Commonweale; which forme of a Commonweale, is called a principaltie, and not a monachy: but a principaltie is called a certaine forme of an Aristocratie, wherein one is in honor dignitie and place, above the rest: as amongst the Venetians: For the Roman emperour or prince, at the first was in honour above the rest, but not in power: howbeit that in truth the greatest part of the Roman emperours were indeed tyrants. Which is well to be vnderstood, for that which happened in the raigne of Caligula the cruelly tyrant, who having bid certaine forren kings and allies of the people of Rome to supper, and question there at the table arising about their honour and greatnesse; hee to say their strife, rapt out this verse, taken out of Homers Iliades:
And it missed but a little (as faith Suetonius) but that hee had euern then chauenged his principale into a monarchie, and let a crowne vpon his owne head. For in a principalitie the prince or chiefie magistrat, who is aboue the rest, is yet no foueraigne; as we shall hereafter shew in the Commonweales of the Venetians, and of the Germans. And albeit that many of the Roman emperours, had taken vpon them the foueraigntie, and by divers sleights wroth from the people their libertie; yet neuertheless it was no matuall if Traian, one of the beft princes that euer liued in the world, sware (as is afo-faid) to keep the laws, although he in the name of a foueraigne prince were exempted; to the end by his owne example to move his subiects to the more carefull obeying of them: but never one of the emperours before him to sware to the obeying of the lawes. And therefore Pllinie the younger, who in a pannegiricall oration, let forth the praises of that moft worthy prince, speaking of the oath of Traian, cried out in this fort, A great nobletie (faith he) and never before heard of, bee swareth by whomme wee sware. And after that in the declaration of the emprize, Theodoris desirous to gaine the fauour of the Senat and people of Rome, followed the example of Traian, as wee read in Casiodore, Ecce Traiani nostri clarum feculam repararum exemplum: inuae vobis per quem in variat. Behold (faith he) we renew the example of our Traian, famous through all ages; hee swareth vnto you, by whomme you owne subiects sware. And like it is, that other princes haue vied the same custome, of taking the like oath at their coronation, although they haue the foueraigntie by the right of succession. True it is, that the kings of the Northern people take such oaths as derogat from their foueraigntie: As for example, the nobilitie of Denmarke withfod the coronation of Frederick, in the moneth of Auguft, in the yere 1559, vntill that he had solemnly swarene that he should not put any noble man to death, or confiscat his goods, vntill he were judged by the Senat; and that all noble men shoule haue jurisdiction & power of life & death ouer their subiects, without appeale; and that the king shoule haue no part in their fines or confiscation of their goods; and also that the king shoule not give any office without consent of the counsell: which are all arguments, that the king of Denmarke is no absolute foueraigne. But this oath was first drawn out of the mouth of Frederick this mans graundfather, at such time as he made warfare against Christieren king of Denmarke (who was driven out of his kingdome, and after long banishment returning, at length died in prison, wherein he had liued twentie five yeares) and was afterward confirmed by Christieren father of Frederick, who tooke the same oath. And to the end hee shoule not violat, or breake the same, the nobilitie to that purpose treated a league with the towne of Lubec, and Sigismundus Augustus king of Polonia, who also himselfe seemes not to haue much more power ouer his owne subiects than hath the king of Denmarke ouer his.

But of two things the one must be: that is to wit, the prince that swareth to keepe the lawes of his countrey, must either not haue the foueraigntie; or els become a periodicall man, if he shall abrogat but one law, contrarie vnto his oath: whereas it is not only profitable that a foueraigne prince should sometimes abrogat some such laws, but also necessarie for him to alter or correct them, as the infinite variety of places, times, and persons shall require. Or if wee shall say the prince to be still a foueraigne, and yet neuertheless with such condition, as that he can make no law without the advice of his counsell or people; he must also bee dispensed with by his subiects, for the oath that hee...
A he hath made for the inuiolat observation of the laws; & the subiects againe which are obliged & bound vnto the lawes, be it in particular, or in generall, have alfo need to be dispenfed withall by their prince, for feare they shou'd bee perierted: fo fhall it come to paffe that the maieftie of the Commonweale, enquiring now to this fide, now to that fide, fometimes the prince, fometimes the people bearing fway, fhall haue no certaintie to refte vpon: which are notable abfurdties, & altogether incompatible with the maieftie of abolute fouveraigne, & contrarie both to law & reafon. And yet we fee many, euen them that thinke themelves to fee more in the matter than others, which maintaine it to be moft neceffarie, that princes fhould be bound by oath to keep the laws & customs of their country. In which doing they weaken & ouerthrow all the rights of fouveraigne maieftie, which ought to be moft facred & holy, & confound the fouveraigne of one fouveraigne monarch, with an Aritftocratie, or Democratice: whereby it commeth to paffe, that many princes, feeing that power to be taken from them, which properly belongeth vnto them, & that men would make them subiect to the laws of their country, difpenfe in the end, not only with those their country laws, but euen with the laws of God & nature, making account of them all aike, as if they were bound to neither, but of both dicharge[d]. But to make all this matter more plaine to be vnderflood, we will by examples make manifeft that beforefaid. We read it thrice repeated in Dan. that by the customs of the Medes & Perfians, the lawes by their kings made, were immutable & irretraceable; & albeit that the king of the Medes would have exempted the Prophet Daniel, from the punishment of death, which by the edict which hee had broken was to haue bene inflicted vpon him; yet was he by the princes forbidden to doe, who fwhel him, that the edict by him made could not by the law of their country be reuenoed: wherunto when the king euen againft his will (as he thought) had affented, Daniel was accordingly condemned vnto the beafts, & fo caft vnto the hungry lions. If then the greaftest monarch vpon earth could not derogat from the lawes by himfelfe made; the grounds of maieftie and fouveraigntie by vs before laid, muft needs faile: and that not onely in a monarchoie, but in a popular flate also: as was that of Athens, whereof Themididas speaking, showeth that the warre of Peloponensis began for a law made by the Athenians, whereby the Megarians were forbidden to come into the port of Athens; wherein the Megarians complained vnto their allies and friends themselves to be wronged and the lawes of nations violated: whereupon the Lacedemonians fent their ambaffadors to Athens, to requite the Athenians, that that law might be againe repealed. Whereunto Pericles then in greateft grace & authoritie with the people, anfwered the ambaffadors, That by the expreffe lawes of their auncentfours, the lawes once made and confirme'd by the people, and fo hang'd vp vpon the common pillar, might neuer be taken away. Which if it were fo, the people was bound not to their owne lawes onely, but euen to the lawes of their predeceffours also. And that more is, Theodofius the emperour would not that the lawes by himself made, should be of any force, except they were confirme'd by the generall decree of the whole Senat. In like manner also by the decree of Lemes the eleventh, the French king, concerning the institution of knights of the order, in the eight article, it is expreffly faid, That the king fhall vndertake no warre, nor other thing whatsoever of great importance, concerning the high eftate of the Commonweale; without knowledge thereof giuen vnto the knights of the order, fo to haue and vfe their advice and counfell. And for that caufe, as I fuppose, the edicts of our kings are of none effect, vntill they be read, publifhed, vcrifie'd, and regliffed in parliament, with the content of the great Attorney general; and the approbation of the court. And in England it is by Polidore, auiuent custome receave, that lawes concerning the state of the Commonweale should

Examples to prove that lawes once made and ef- stablishe, may not by them that have the fouverai- nfty be re- change[d].

The lawes of the Athenians to be change[d].

The lawes of the Athenians to be change[d].
should take no place, except they were authorised by the Estates assembled in the high court of Parliament.

These reasons, although they seem probable, yet are they not sufficient to prove the rule concerning Soueraignetie before by vs set downe, nor to be true: For, as for that which was objected concerning the law of the Medes, and authoritie of the king in abrogating of the lawes; it is manifest that it was false, and by the courtiers his enemies defied against the life of Daniel: who grieuine to see a man for his wisdome and royall dissent honourable, and yet a stranger, to be in greater grace and fauour with the king then themselves, and exalted in their countrey in degree next vnto the king, made that false allegation of the strength of their lawes against him, with whose accuclation the king deceived, or els to prove if Daniels God could save him from death, caused him to be cast vnto the hungry lyons. But hauing in him seene the wonderful power and mercie of God towards his seruants, he gave Daniels enemies to bee devouted of the same lyons: wherein the end well shewed, the king to have bene aboue the lawes of his countrey. In like for Carius Memnon at the request of a young Jewish lady revoked the decree whereby he had appointed all the nation of the Jewes to be vterly rooted out. As for that which Pericles answered vnto the ambassadours of the Lacedemonians, he therein respected so much the truth, as the new thereof, that so taking occasion of warre, which he fought after, he might frustrate the accusations of his adversaries, and danger of the law, as Timaeus and Theopompus have truly written, and Plutarch hath not denied. And that was for it which hee laced to the Lacedemonian ambassadours, That the edicts once hanged vpon the pillars, might not be taken away: which his sophification the ambassadours returned vnto him againe, with a Lacedemonian quip, saying: That they desired not to haue the edict taken away from the pillar, but onely the table turned. For if the lawes of the Athenians had bene immutat, why had they suche varietie, and infinit multitude of lawes, which they were wont to establishe at the continual motion of their magistrats, & to abrogate the old, that for the new might take place? But that Pericles then in abused the Lacedemonian ambassadors, it is manifest by the oration of Demosthenes against Lepines, who had preferred a request vnto the people, to the end that by a perpetuall and irrevocable edict it might from that time forward bee forbidden vpon paine of death, to present any request vnto the people for the obtaining of any priuilege or exemption, and the like paine to bee inflicted vpon him that should so much as speake for repealing that edict. Wherein Demosthenes hardly withstood Lepines, &c. so wrought the matter, that his request was received, hauing manifestly shewed the people by consenting to this law, to be disposed not onely of the prerogatire that it had to grant exemptions and priuileges to such as should well defeute of them, but alfo of the power to abrogate lawes by them made, if the necessitie of the Commonweale should so require. They had also a popular action, concerning the breaking of lawes, which was commenced against them that would have the people to passe any edict contrarie to the lawes before receiued; as one may fee in all the orations of Demosthenes: but yet that never letted, but that the new and profitable lawes were still preferred before the old vnuit lawes. And in like cafe the generall edict, wherein it was declared, That the offendours fine once adjudged and set downe by the people, might not in any wife bee forgiuen or abated; was yet many times revokd, and that once in fauour of Pericles him selfe, and another time in fauour of Cleomides and Demosthenes, who by divers judgements of the people, had bene euetie one of them condemned in a fine of sixtie thousand crownes. They lay also in this realme of France, the fine once being paid, bee it right or bee it wrong, is never againe to bee restor'd: and yet we fee oftentimes the contrarie, and the same to bee
Againe recovered. It is then a formalitie which is and hath alwaies bene in eucie Commonweale, that the lawes makers to guie vnto their lawes the greater weight and authoritie, ioyne thereunto these words of courfe, Edicto perpetuo & irrenocabilis san- eimus, &c. By a perpetuall and irrenocable decree we ordaine. And with vs in the be- 

A beginning of every law, Vniuersis presensibus & futuris: which words are added to the eetemall memorie of politeritie, leaft the law should by any be infringed. And the more to shew the difference of the lawes, such as be made for petpetuitie, are with vs sealed with greene waxe, and stringes of greene and purple filke: whereas vnto the temporary Edicts are put neither stringes of filke, nor greene waxe, but yellow onely. And yet for all this, there is no law which is perpetuall, no more than were those of the Greeks and Romanes, who in making their lawes, commonly vde to ioyne thereunto this claufe, Vt nec per Senatum, nec per populum, lex insinut spoli: That the law might not either by the Senate or the people bee weakened: which wordes if they imported a perpetuittie, why did the people almoft in the same moment that it had establisshed a law, againe abrogate the same. Concerning which matter, Cicero writing vnto his friend Atticus: Thou knowest (fayth he) the Tribune Claudius to have decreed that his law should hardly, or not at all, by the Senate or the people be infringed. But it is sufficiently knowne that regard was never had vnto this claufe: Vt nec per Senatum nec per populum lex insinut popoli: for otherwise (fayth he) one should never see law repealed, seeing that there is no law which carrieth not this claufe with it: from which men yet doe ordinarily de-

D rogate. Thus much he. Which is yet more plainly to be vnderstood out of the Oration of Fabius Ambusius against the intercession of the Tribunes of the people, who maintained, that the people could not chuse both the Consuls of the nobilitie, for that by a law before made it was ordained, That one of the Consuls should be still chosen out of the people: Fabius allledged the law of the twelve Tables in these wordes, Quod postremum insit populus id ratione esse, What the people shall last decree, let that stand for good.

B So we see the Medes, the Perians, the Greeks, the Latines, to have v'd the same forme and caution, for the esablushing of their edicts and lawes, that our kings doe: who vnto the lawes by them made, sometimes ioyne this claufe: Without that therefrom can by vs, or our succesors be derogated: Or els, without regard hauing vnto any derogation, which from this present we have declared to be of none effect. And yet no man can so make a law vnto himselfe, but that he may depart therefrom, as we have before said. Wherefore the repeales and derogations of the former edicts and lawes, are almoost alwaies subiect into the latter edicts and derogations. And therefore Solon did wisely, who would not bind the Athenians to keep his lawes for ever, but conten- 

C tioned himselfe to have them kept for an hundred yeares: and yet nevertheless hee yet li-

E ning, and present, suffered (though against his will) the greatest part of them to bee changed.

* But that publication or approbation of lawes in the assembly of the Estates or par-

K liij " Plut. in Sol. laments, is with vs of great power and importance for the keeping of the lawes; not that the Soueraigne prince is bound to any such approbation, or cannot of himselfe make a law without the authoritie or consent of the States or the people: but yet it is a courteous part to do it by the good liking of the Senat, as faith Theodorus, which Baldus enterprised not to be a thing so much of necessitie, as of courtesie: as that is al- 

so a speech well beefeeing soueraigne majestie, for a prince to professe himselfe bound vnto the lawes of himselfe, that raigneth. And certainly there is nothing better, or more befeeming a prince, than by his deeds and life to confirm those lawes which hee himselfe hath made: for that is of greatest force, for the honour and obediency of the
subiects towards their prince: as contrariwise nothing is more dangerous for the contempt both of the prince and of the lawes, than without just cause to break or infringe that which thou haft commanded: as an ancient Roman Senatour said, Lenius cft, & vanius sua decreta tollere quam aliorum, It is more lightneffe and vani-tie to take away a mans owne decree, than the decrees of other men. But it is one thing for a man fo to doe willingly and of his owne accord, and another thing to bee bound by bond or oath to do it.

But what if a prince by law forbid to kill or to steale, is hee not bound to obey his owne lawes? I say that this law is not his, but the law of God and nature, whereunto all princes are more straitly bound than their subiects: in fuch forth as they cannot be from the same exempted, either by the Senat, or the people, but that they must bee enforced to make their appearance before the tribunal feast of almightie God: For God taketh a traiter account of princes than of others, as the maister of wildorne Salomon himselfe a king, hath most truly written. Whereunto well agreeeth that saying of Marcus Aurelius, who for his desire of knowledge, was called the Philosopher: The magistrats are judges over privite men, princes judge the magistrats, and God the princes. This is the opinion of a great prince, esteemed of all the rest, unto whom we wil joine the third, Antigonus king of Asia, who hearing a flatterer say, that all things were lawfull for kings: Yea, said he, forbataeous kings and tyrants. The first that vifed this kind of flatterie, was Anaxarchus towards Alexander the Great, whom hee made to believe, That the goddesse Justice was still at the right hand of Jupiter, to shew that princes could do nothing but that was right and just: Of which their justice he shortly after made proove, for being fallen into the hands of the king of Cyprus, he was by his commandement with hammers beaten to death vpon an anvil. But how much more truely did Seneca say to the contrarie, Cesarium omnium licet, propem hoc minus licet, When all things are vnto Cesar lawfull, even for that are they lesse lawfull. And therefore they say that generally say, that princes are not subiect vnto lawes, not to their owne conventions, if they except not the lawes of God and nature, and the just contracts and conventions made with them, they do great wrong both vnto God and nature, in that they make not the speciall exemption to appeare: as men lay in matters of priuileges. So Dionysius the tyrant of Sicilie, said to his mother, That he could dispence with the lawes and customes of Syracuse, but not with the lawes of nature. For as the contracts and testamentes of priuie men, cannot derogat from the decrees of the magistrats, nor the decrees of the magistrats from the auintent customes, nor the auintent customes from the generall lawes of a soueraigne prince: no more also can the lawes of soueraigne princes alter or change the lawes of God and nature. Wherefore the Roman magistrats did notably, who vnto the end of all their requests & laws which they propounde vnto the good liking of the people, commonly annexed this clause, Si quidis non est E. E. L. N. R. eius caelege nihilium rogaretur, that is to say, That if any thing were therein contained that was not just and reasonable, they by that law requested nothing. But of all otheres they are most aburd, which say, That a soueraigne prince can decree nothing against the lawes of God and nature, without most apparant reason. For what apparant reason can there be diuided, for which wee ought to breake the lawes of God? And heretofore procede such paradoxes as this, That he whome the Pope hath dispensed withall for the lawes of God, is sufficiently allured before God: which how true it is let others judge.

There refleth yet another objection, by them obiectet which with more reason examine matters. If princes say they be bound vnto the lawes of nature, that is to say, of vpright reason: and that civill lawes be (in all things) agreeable vnto right and reason,
A

For, it must needs thereto follow, that the prince is also bound vnto the civil laws. And to that end they allege that saying of Marcus Tullius Cicero to the emperor Tiberius. *Quantum sibi licet quantum per leges licebit.* So much is lawfull for thee to doe, as thou maist by law doe. For the plainest answer whereof of which doubt, we must thus distinguish: That the laws of a particular prince, whereof question is made, conceiue either that which is publick, or private, or common to both: and generally when question is, it is either of that which is profitable and not honest, or of that which is honest and not profitable, or is both profitable and honest; or else of that which is neither of both. And that I call honest, which is agreeing vnto the equity of nature; vnto which natural equity it is manifold all princes to be bound, seeing that which nature teacheth, is altogether comprehended in the law of nature, whereunto every prince is bound to obey: neither is such a law to bee called a civil law, albeit that the prince caufe it to bee published, but rather the law of nature. And with so much the more reason, when the law is both honest and profitable. But if that which is by law commanded, be neither honest nor profitable, although of such things there ought to be no law; yet may the prince bind his subjects vnto those lawes, whereunto he is not himselfe bound, if they have no diuion of power or dishonestiy oyned with them. For there be some things honest, some things dishonest, and some in a meane betwixt both. But if profit repugne against honesty, it is good reason that honesty should take place. As *Artifides* the iust, to whom *Themistocles* was commanded to communica that deceit, answereth, That the counsell of *Themistocles* was profitable to the Commonwealth; but yet in his judgement dishonest: the Athenians hearing so much, enquired no further after the matter, but decreed that his profitable counsell to be rejected. But here when we reason of a Commonwealth, we must speake according to the common manner; which our speech is not to be examined according to the subtletie of Philosophers: for they set downe, nothing to be profitable which is not honest, neither anything to bee honest which is not iust: but that old custome is grown out of use, so that of necessitye we must make a difference betwixt things honest, and things profitable. But if that which the prince by his law commanded, be not honourable, but profitable, he himselfe is not by that law bound, although his subjects be, so that nothing bee therein contained contrarie to the lawes of God and nature: and such lawes the prince may at his pleasure abrogate, or from them derogate, and in stead of them make others, either more or lesse profitable: for things honest, iust, and profitable, have their degrees of more and lesse: If then it be lawfull for a prince amongst lawes profitable, to make choice of them, that be more profitable; so also amongst lawes iust and honest, he may chuse out them that be most upright and honest, albeit that some therby receive profit, and some others losse; provided that the profit be publicke, and the losse particular: and yet if the prince shall otherwise decree, it is not lawfull for the subject to breake the laws of his prince, vnder the colour of honesty, or iustice; as if the prince in time of famine, forbid the carrying out of victuals (a thing not only profitable to the Commonwealth, but oft times also iust and reasonable) he ought not to giue leave to some few to carry the out, to the prejudice of the common state, or of other merchants in particular; for vnder the colour of profit that these flatterers and scapers carry things, many good merchants suffer losse, and all the subiects in generall are famished: and yet notwithstanding the famine and death ceasing, it is not yet lawfull for the subject to transgress the edicts of his prince, and to carry out victuals, vntill the law forbidding the same, be by the prince abrogated; no not though there beeme never so great occasions for the tranfgressing of the law: as that now the citie is full of victual, and all other things necessarie; and that the law of nature persuadeth vs to giue reliefe vnto distres-
A law may be good, just, and reasonable, and yet the prince to be no way subject or bound thereunto: as if he should forbid all his subjects, except his guard and garrison, soldiers, upon pain of death to carry weapons, so to take away the fear of murders and seditions; he in this case ought not to be subject to his owne law, but to the contrary, to be well armed for the defence of the good, and punishment of the evil. The same we may say of other edicts and laws also, which concern but some part of the subjects; which edicts and laws are called privileges, and are just in respect of certain persons, or for a certain time, or place; or for the variety of punishments which depend always on the laws; albeit that the forbidding of offences is proceeding from the laws of God and nature. Vnto which edicts and laws the princes are not any way bound, farther than the natural justice of the same hath place; which ceasing, the prince is no more therunto bound, vntil the prince have abrogated the same. For it is not only a law of nature, but also oftentimes repeated amongst the laws of God, that we should be obedient unto the laws and ordinances of such princes as it hath pleased God to set to rule and reign over us, if their laws and decrees be not directly repugnant unto the laws of God and nature, whereunto all princes are as well bound as their subjects. For as the vallay oweth his oath of fidelity vnto his lord towards & against all men, except his soueraigne prince, so the subject oweth his obedience to his soueraigne prince, towards and against all, the maiestie of God excepted, who is the absolute soueraigne of all the princes in the world.

Out of this resolution we may draw another rule of estate, that is to wit, that the soueraigne prince is bound vnto the contract by him made, be it with his subject, or with a stranger: for seeing he is the warrant to his subjects of the mutuell conventions and obligations that they have one of them against another: of how much more reason is he the debtor of justice in his owne fact, and so bound to keepe the faith and promises by himselfe given and made to others? As the court of parliament at Paris writ backe vnto king Charles the ix, in the moneth of March, in the yeare 1563, That his maiestie alone could not breake the contract made betwixt him and the clergie, without the consent of the clergie; and that for this reason, For that he was himselfe the debtor of justice, and so bound to give euerie man his right. Which putth mee in remembrance of a resolution concerning the vpright dealing of princes, worthy to be engravened in letters of gold, in their lodgings and pallaces; which is, That it ought to bee accounted amongst things which by chance fellome happen, if a prince faile of his promise: and that it is not otherwise to be presumed. For that of his promise there is a double bond: the one for the naturall equity thereof: for what can be more agreeing vnto naturall equity, than to have a true promise kept? The other, for the honour of the prince himselfe, who is bound to keepe his promise, although it be vnto his losse: for that he is the formall warrant to all his subjects, of the faith that they have amongst them; as also for that there is no more detestable crime in a prince, than to bee false of his oath and promise. And that is it for which the soueraigne prince ought alwaies in justice to bee lesse respected or releaued than his subjects, when question is of his promise. For if a prince haue once bestowed an honour or an office vpon a man, it is deemed, that he may not without iust cause take it againe away from him; but a particu-
A lar subject may: and so it is ordinarily judged. And whereas by the law the patron might without cause take his fee from his vellfall; yet was it not lawfull for the prince to doe. W hereby it is well to be perceiv'd, the doctors of the Canon law to erre, and to be deceived, who deny a prince to be bound to his owne conuention or agreements, otherwise than with a natural bond: for that say they, every bond is proper unto the ciuill law; which their errore is to be removed: For who can doubt, but that the bond is of the same nature with the covenant? W herefore if the covenant be natural, and common to all nations, the bonds and actions arising thereof must needs confequently be of the same nature also. But no covenant almoست, neither any obligation or bond can be detuif'd, which is not common both unto the law of nature and nations. But let us graunt some covenants to proceed from the meere ciuill law: yet who dare to deny a prince to be more straitly bound even vnto such ciuill covenants, and promises, than are the private subjectts themselves? yea and that in so strait a manner as that he cannot with all the absolute power he hath derogat from the same? For so almoést all the learned lawyers are of opinion and accord. And what maruell! seeing God himselfe bound vnto his promises. For so he plainly protesteth with the prophet Hieremie, Call together vnto me (saith he) all the people of the earth, that they may judge betwixt me and my people, if there be any thing that I ought to have done, which I have not done. Let vs not therefore call into question those things wherof many doctors have doubted. As whether a prince be bound vnto the covenants which he hath made with his subjectts? whereat we need not to matruell, seeing that out of the same fountaine is sprung, that no leffe strange position: that a prince may of right, without any inft cause enrich himselfe with another man's losse: an opinion repugnante vnto the lawes both of God and nature. But how much more vptightly was it of late judged in the court of Paris, that the prince might give his intrest vnto the partie condemned: but not the intrest of another man. And that in confiscations credits are by right first to be preferred. The same court also by another dececte determined, That the prince might derogat from the ciuill lawes, so that it were done without prejudice to any particular mens right: which is to confirme the resolutions which wee before haue set downe, concerning the absolute faueraignetie. And Philip of Valois, by two testamentes which he made in the yeare 1347, and 1350 (which are in the treatifie of France in a coffet, intituled The testamentes of kings, number 289) joigneth a claue daragoric vnto the lawes of his countrey, from which he protesteth himselfe to be discharge: as not vnto them bound. The like protestations he also vseth, when hee gaue vnto the queene his wife certaine treatifie, and priuati lands, contrarie vnto the lawes: with aswel his prodigall gift, as also that his derogation from the lawes of his countrey, are yet extant in the publick records. Howbeit that Augustus the emperour thought it not good for himselfe in like case to vfe the like libertie in his Commonwealth, but being willing to give vnto his wife Livia, that which he could not by reason of the law Voconia, hee requesteth to be dispenced with all from that law by the Senat(although that it was not needfull for him so to have done, confidering that he was long time before in all other things dispenced with from the lawes) to the intent the better to assure his gift, that he was not a foueraigne prince, as we have before showed. For otherwise hee had not bene any way bound so to doe; as it was in most strong terrors judged by a dececte in the court of Paris, in the case of Philip the second, the French king. That he was not bound vnto the cuftomes of the ciuill law, at such time as they which were next of kindred would have redeemed of him the countie of Guynes: howbeit that many both think and write, the prince to be bound to that law: for that they thinke that law to be common to all nations, and not proper to any citie: and yet then the which law the Romans
Romans themselves (in some cases) thought nothing more unreasonable. But our ancestors would not have even their subjects bound unto the Roman laws; as we see in the ancient records; that Philip the faire erecting the parliament of Paris and Montpellier declared, That they should not be bound unto the Roman laws. And in the erection of Universities, the kings have always declared, That their purpose was to have the civil and canon laws in them publicly professed and taught, to make the thereof at their discretion, but not that the subjects should be any way bound therto, lest they should seem to derogate from the laws of their own country by advancing the laws of strangers. And for the same cause Alaric is king of the Goths, forbade upon pain of death, any man to allege the Roman laws contrarie to his decrees and ordinances. Which Charles the Moulin (my companion, and ornament of all lawyers) mistaking, is therefore with him verie angrie, and in reproach calleth him therefore barbarous: howbeit that nothing was therein by Alaric decreed or done, but that which Cæsareus prince would of good right have decreed and done: for subjects will so long both remember, and hope for the government of strangers, as they are governed by their laws. The like edict there is of king Charles the faire, and an old decree of the court of Paris, whereby we are expressly forbidden to allege the laws of the Romans, against the laws and customs of our ancestors. Yea the kings of Spain also have upon capital paine forbidden any man to allege the Roman laws, in confirmation of their owne laws, (as Olaus wrote.) And albeit that there were nothing in the laws and customs of their country which differed from the Roman laws, yet such is the force of that edict, that all men may understand that the judges in deciding of the subjects causes, were not bound unto the Roman laws; & therefore much lesse the prince himselfe, who thought it a thing daungerous to have his judges bound vnto straungers laws. And worthy he is to be accounted a traitor, that dare to oppose strange laws and strange decrees against the laws of his owne prince. In which doings when the Spaniards did too much offend, Stephen king of Spaine forbade the Roman laws to be at all taught in Spaine, as Polydor writeth; which was more striaitly provided for by King Alphonse the tenth, who commanded the magistrats and judges to come vnto the prince himselfe, as often as there was nothing written in the laws of their country concerning the matter in question. Wherein Balbius is mistaken, when hee writeth the Italians to bee bound to the Roman laws; but the French no otherwise than so farre as they should seeme vnto them to agree with equitie and reason. For the one are as little bound as the other: howbeit that Italia, Spaine, the countries of Provence, Saouy, Languedoc, and Lyonne, vse the Roman laws more than other people; and that Frederike Barbarossa the emperour, causd the books of the Roman laws to be published and taught: the greatest part whereof have yet no place in Italia, and much lesse in Germanie. But there is much difference betwixt a right, and a law: for a right still without commandement respecteth nothing but that which is good and vpright; but a law importeth a commandement. For the law is nothing els but the commandement of a soueraigne, yielding of his soueraigne power. Wherefore then as a soueraigne is not bound vnto the laws of the Greeks, nor of any other stranger whatsoever he be, no more is he bound vnto the Roman laws, more than that they are conformable vnto the law of nature: which is the law whereunto (faith Pandarios) all kings and princes are suiebect. From which we are not to except eithe the pope or the emperour (as some pertinous flatterers do) saying, That those two yea, the pope and the emperour, may of right without cause take vnto themselues the goods of their suiebects. Which opinion the Canonists themselves, the interpretors of the popes law detest, as contrarie to the law of God: whereunto for all that they joine this cuill limitation, in saying,
A saying, That they may yet do it of their most high and absolute power and authority, as they term it: which is as much as if they should say it to bee lawfull for them to rob and spoyle their subiects, oppressed by force of arms: which law, the more mightie vie against them that be weaker than themselfes, which the GERMANS most rightly call, The law of theeeuses and robbers. But pope innocent the iiiij himself, most skillfull in both the lawes, faith that most high and absolute power, to bee able but to derogate from the ordinarie lawe: whereas they would have such absolute and foueraigne power to extend to the abrogating of the lawes of God and nature. For what is more religiously by Gods lawes forbidden, than to rob and spoyle other men of their goods? what thing do we read more often repeated, than to keepe our hands from other mens things? yea we are by the most holy Decalogue commandd, not so much as to desire that which is another mans. Now certainly it is a greater offence to infect princes with this doctrine, than it is to rob and steale. For povertie commonly causeth theeeuses to seeke after other mens goods: but they that maintain such opinions, shew the lion his clawes, and arme the prince so instructed, to pretend unto his outrages, this goodly shew of Law and Iustice: who by nature naught, & made worse by instruction: so prouing to bee a tyrant, maketh no question most shamefully to confound and breake all the lawes both of God and man: and afterward enflamed with corrupt desires and affections, which altogether weaken the more noble parts of the mind; bee quickly breaketh out from courteousnesse to vnjust confissations, from Iust to adulterie, from wrath that to murder. So that as thunder is indeed before the lightning, although it be latter heard: so also an euill prince, corrupted with these pernicious & pestilent opinions, perverting Iustice, causeth the fine to come before the accusation, and the condemnation before the judgement. Howbeit it is an incongruitie in law, to say that a prince can do any thing which is not agreeing with honesty: seeing that his power ought alwaies to be measured with the foot of Iustice. For so said Pline the younger unto Traian the emperour, Primum dixit enim felicitatis est posse quantum vult: sic magnitudinis velle quantum posseis. As it is (faith he) in thy happinesse to be able to doe what thou wilt; so besemeth it thy greatness, to will what thou maist. Whereof may be gathered, that a prince can do nothing that is owle or vnjust. It is also euill done, to say, that a foueraigne prince hath power by violence to take away another mans goods, to rob, to commit adulterie, or to do euill, seeing that so to doe is rather an impoten- cie, or feeblenes, proceeding from a weake mind ouctome with impotent lust and desire, rather than any foueraignty. Now then if a foueraigne prince may not remove the bounds which almightie God (of whom he is the living & breathing image) hath pres- fined vnto the euerlasting lawes of nature: neither may he take from another man that which is his, without Iust cause, whether it be by buying, by exchange, by confissaci- on, by league with friends, or peace made with enemies, if it cannot otherwise bee con- cluded that by priuat mens lose; whose goods princes oftentimes permit the enemies to enjoy, for the generall welfare of the subiects and of the Commonwealth: howbeit that many be not of this opinion, but would that euerie man should keepe his owne, and that no publique diminution should be made of any priuat mans goods; or that if publique necessitie so required, it were againe to bee made good by the whole state: which opinion I like well of, if conveniently it might to be done. But forasmuch as the welfare of priuat men, and all the goods of the subiects are contained in the health of our country, it besemeth priuat men without grudging to forgive vnto the Commonwealth, not only their priuat displeasures, and injuries receiued from their ene- mies, but to yeeld also for the health of the Commonwealth, their goods. For peace hath for the most part some hard measure in it, which is againe recompended with the publike
publique profit: and this law doth all people view in conclusions of peace, not only publik things are recompensed with publike: and privat things with privat; but both with the mutuall profits and detriments of both. And yet I see many great matters of both lawes, both to be, & to have bene of opinion, that in those leagues where: in it is excepted, that no question should be made of the lose on both sides received, such exceptio should be void, neither to be any thing prejudicial unto privat men: howbeit that we see it otherwise; for in the peace of Venice made for the deliterance of Lewis the xj. the French king, prisoner unto Charles earle of Burgundie, it was in one article provided, That Seigneur de Torc should not execute the sentence of the court of Paris against the lord of Saneufes. And therefor is Thrathluses (and that not unworthyly) commended, that having ouerthrown and driuen thirtie tyrants out of the citie of Athens, he caused the law of forgetfulness to be proclaimed. Wherein was contained the forgetting of all privat injuries and losses received in the late ciuill warre: which was also afterwards proclaimed in Rome, after that Cæsar was slaine in the Senat; at the treatie made betwixt the conspirators on the one side, and Cæsar's partakers on the other: Yet is it by all means to be endeouour'd, that mens harms received, shoud be recompensed with other mens profits, and so as neere as may bee every man to have his owne, which if it cannot be done without tumult and ciuill wares, we must defend the possiers of other mens things, although they hold them wrongfully, untill the right honours may be satisfied out of the common treasure: or if the common treasure be exhausted, to borrow money to content them. As did Aratus, who having restored his country to liberie, after it had for the space of fiftie yeares bene oppress'd with tyrannye, restored also fite hundred banished men, whose lands & goods had bene by the tyrant confiscate. Yet would he not the possiers of those lands, which the tyrants had vnfruitfully taken from those citizens, to be spoyle thereof: for that much thereof was lawfully bought and sol'd, and much of it holden in dominion, so that it could not be done without a most daungerous tumult in the state. Wherefore he bound all the citizens by oath, That they should keep peace and amitie untill such time as he returning out of Egypt should then take order for all things. For having there borrowed three score thousand crownes of K. Ptolemeus Philadelphus, he returned into his countrey, and priving the land, wrought the matter, that some made choice to take money and leau the land; and other some thought it better to take mony themselves, than to recover againe which had beene before their owne. Wherefore these causeth that I hate faid ceasing, the prince cannot take not give another mans goods, without the consent of the owner. And in all gifts, grants, immunities, and privileges, this clause is still annexed, saving always our owne right, and the right of other men. Which clause added vnto the inuiciture of the duchie of Milan, which Maximilian the emperor maide to king Lewis the xj. was the occasion of new wares; for the right which the forces pretended to the duchie, which the emperor could not nor would not give away. And this clause although it be left out, is yet supposed to be still put in: for that even the emperor would he never to faile, can no otherwise gie or grant any other things to any bodie. For that which the common people commonly faith, All to be the princes, is to be understood concerning power and souerainetie, the propriety and possession of erie manus things: yet referred to himselfe. For so faith Seneca, Ad reges potestas omnium pertinent, ad singulos proprietas; Vnto kings belongeth the power of all things, and unto particular men the proprietie. And a little after, Omnia Rex imperio posseat singuli dominio. The king in power possesseth all things; and privat men as owners. And for this cause our kings by the lawes and decrees of Court, are bound to void their hands of such lands as are fallen vnto them by way.
A way of confiscation (if they be not simples and without meanes holden of the crowne) to the end that the patrons of them that were proscribed, should loose nothing of their right in the lands confiscated. And if the king be debtor to any priuat man, his subiects, he is therefore oft times fixed, condemned, and enforced to pay the debt. But that strangers as well as subiects, and all posterity may know of what integrity our kings have bene, and with what moderation they have borne them selves towards their subiects, let this be for example, That the king himselfe in the yere 1266, was by the judgement of the court of Paris, condemned to pay vnto the curat, the rythe of the fruits euern of his garden of pleasure: So when another of our kings had by the negligence of his advocate, made default of appearance at this day; he by ordinacie courtic requested to have that negligent oversight pardoned: which the kings request the court of Paris denied, as appeareth by the decree of the court, in the yere 1419. But no such strict proceeding is vfed against priuat men, who alwaies in such case are againe restored into the state they before were. And albeit that subiects vnder xxv years old, almost in all priuat judgements vfe to be againe restored into the state they were, by the priuilege of their age; yet out kings although but children, are never so restored by the benefit of their age but in all judgements are deemed to bee of full age. And yet the Commonweale neuertheless is alwaies reputed to be in minoritie: which is to understand we them which are of opinion, That the Commonweale ought not to be restored; in that they confound the patrimony of the prince, with the Commonweale, which is alwaies in a monarchie divided: but all one in a popular or an Arithocratieall state.

With this libertine of courage the magistrats bare themselves towards our kings, & with this moderation also did our kings reverence justice, preferring fill in all futes the Commonweale before priuat men, and priuat men before princes. There is also extant in the records of the court of Paris, a judgement given against king Charls the feuenthe, wherein he was condemned to suffer a wood of his to bee cut downe which hee had neere vnto the citee of Paris, for the publicke vse in general, and the vfe of euerie one of the citizens in particular; and that more was, the price thereof was set downe for him in the decree, whereunto a priuat subiect could hardly have bene driuen. Then was it plainly to be seene how much a king differed from a tyrant: for when this Charls the viij had driuen the English forces out of the hart of Francie, and easily taken the citie of Paris (which conccederated with the English, had wrested the scepter out of this kings hand) he was so farre from alieving of his received injuries, that hee vfed the citizens most curtiously, and showed himselfe more obedient vnto the judges than priuat men haue vled to be. When at the same time Philip Maris, duke of Milan, having oppressed the Commonweale with taxes and tributes, embattled alio his ports and rivers, in such fort as that none of the citizens without his leauue could passe or trauell thereby, but that first they must therefore pay money. Thus we haue hitherto haued in what fort a soueraigne is subiect vnto the lawes and conventions by him made with his subiects: Now it refeth for vs to see whether he be subiect vnto the contracts and promisses of the kings his predecessours; and whether such his obliging be compatible with soueraigne majestie or no. Whiche in few words to denuell, pasling ouer a multitude of nice questions which might bee made in this matter: I say that a prince is bound vnto the covenantes of his auncestors as well as other priuat heirs, if his kingdome come vnto him by inheritance, or bee given him by testament being not next of kinne: as Ptolemye king of Cyrene, Nicomedes king of Bithynia, Attalus king of Aisa, and Eumenes king of Pergame, by their wills appointed the people of Rome to inherit their kingdomes. But what if a kingdome be by will given vnto the next of kinne? as Henry the eight by his will left the kingdome of Eng.
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was demaunded the artillerie lent vnto Charles the eight,anfwered, That he was none
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Which his requeflthe SwifTers by their common decree approued, fo that
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almofl to as much as the principall , (which is twice fo much as they doe in Fraunce)
they brought it do wne to a third part,which commcth to fo much as the principal but
intwentie yearcs But that our kings were not bound vnto the bonds of their prede-

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of Paris determined , vi%. In the yeare 1 2 56
hercfore they are
greatly deceiued,which recciue as from an oracle the fotmall and concerned words of
the oath which the biftops of Rheims haue at their pleafure not long fince deuifed,
which our kings at their coronation now vfe. For after that the archbifhop of Rheims
hath fet the crowne vpon the kings head,the twelue peers of Fraunce putting to their
hands,he faith vnto him thefe wo\:ds,Stayyou here (faith hc)a»dthe kingdome whichyou
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as the true heyre thereof]put into your hands by the power ofalmightie God, and by the iujl
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by *a decree of the French men, That no man fhould thinke the power
of the king to depend of the pleafure ofthc bifhops: not for that the Senat cuer doubted of the power ofthe king before his coronation ; but that thofe vaine quirkes of the

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ision of the kingdom should be vncertaine, then which nothing can be more daun-
gerous in a Commonweale. Wherefore let vs this hold, that the king which is by law-
full right called vnto his kingdom, is to fare bound vnto the covenants and promis-
es of the kings his predecessors, as is for the good of the Commonweale; and so much the more, if the contracts were made by the consent and good liking of the people in-
generall, or of the states, or high court of parliamet: which it is not onely seemly for a king to keepe, but also necessarie, although it be hurtfull vnto the Commonweale, considering that it concerneth the faith and obligation of his subiects. But if the souer-
aigne prince hath contract& either with strangers, or with his subiects, for such things as concern the Commonweale, without the consent of them were haue before saide, if any great harms redound vnto the Commonweale by such contract, it is not rea-
son the lawfull successeflour to be therunto bound: and much lesse if hee haue obtained the kingdom by election: For that he holdeth nothing from his predecessor, as he should doe if he held his state by resignation, for then should be bound vnto the contracts and promises of his predecessors, except it were expressly otherwife excepted. But by what right fouer the prince shall haue receiued his kingdom, whether it be by law, by talleryment, by election, or by lot, it is reason that the successeflours should performe all such contracts of his predecessor, as redounded to the profit of the Commonweale; for otherwise it should be lawfull for him contrarie to the law of nature, by fraud and indirect means to draw his owne profit out of others harms: but it much concerneth a Commonweale, so much as in it lieth to preserue and keepe the publike faith, least in the extreme daunctors thereof, all the means for the reliefe thereof should be shut vp. And thus are to bee understood, those things which the court of Paris decreed in the yeares 1296, and 1294. The king not to be bound vnto the covenants and agree-
ments of the former kings his predecessors: their opinion being rejected, which say, That a soueraigne prince is to be thruf out of his kingdom, if he performe not the te-
flament of the former prince his predecessor: without putting the difference of prince-
ly successions, by vs before put, but utterly confounding the succession of princes.

But what needeth (might some man say) this distinction in succession of princes seeing that all princes are bound and subiect vnto the lawes of nations, whereof contracts and testaments do depend. Which is not so if we speake of all contracts and testa-
ments in generall: but admit that to be true, yet there of it followeth not, that a prince is more bound vnto the lawes of nations, than vnto his owne, and that so far as they agree with the laws of God and nature, wherunto all that we haue saide concerning the obli-
ging of princes, is to be referred. For as for the laws of nations, if they be any of them vnkielt, the prince may abrogat them by the law of his realme, & forbid his subiects to vie the same: as we faie before of feruitude and lawes, which by a dangerous ex-
ample, by the law almost of all nations brought into Commonweales, were againe by the whole free decrees of many princes well agreeing with the lawes of nature taken away: which being faied of one thing, may also be extended vnto other things of like condition: prouided alwaies, that nothing be done contrarie to the lawes of God and nature. For if justice be the end of the law, and the law is the worke of the prince, and the prince is the liuely image of almightie God; it must needs follow, that the law of the prince should be framed vnto the modell of the law of God.
Of a Prime tributarie or feudatarie: and whether he be a soueraigne Prince: and of the prerogative of honour amongst Soueraigne Princes.

His question deserveth a speciall Chapter by it selfe, for that it hath no communitie with the ancients marke of Soueraignty, which were before the right of Fees, yefed in all Europe and Asia, and yet more in Turkie than in any place of the world: where the Timariots hold not the Fees they have to servce in the watres, but so long as pleaseth the king of the Turkes, who giueth them no longer but for terme of their liues: which haue them with condition, that in time of warre the Timariots shall of their owne charge without any pay bring such a number of horfemen and horstes, as is appointed in the subjifide booke, according to the proportion of the rent of the fees, which they call Timar, which is to say in their language, the Vfe and pro- 

fit, dettie as I suppose of the Greek word τιμάω; and the word Timar signifying with them the honourable vfe and profit, which is the true nature of Fee, to be free from all tribute or base charges. And for this caufe the vassall in the auncient law of the Lombards, is called Lende, which is to say, Franke and free: Aedius and Ada, af- 

franchised, from whence the words Alaudium and Laudinium are dettie, signifying the honourable rewards wooten to be giuen to the lord of the fee, taking the oath of fealty of his vassall. But having thus much said for the explanation of these words, let vs pro- 

ceed vnto our purpose.

We haue said here before, him to be an absolute soueraigne, who next vnto al- 
mightie God, is subject vnto none: neither holdeth any thing next vnto God; but of his owne vword: For if he be enforced to servce any man, or to obey any mans com-

mand (be it by his owne good liking, or against his will) or if he hold of another man, he loseth the title of maiestie, and is no more a soueraigne, as faith a certaine Poet:

*These Viri aut

meretis com-
mendam,

Eft eae eft servum, jam nolo * vitarius efe:

Qui Rex eft, Regem Maxime non habeat.

To be a flaye it is enough, I will not servce a flaye:

Who is a king, friend Maximus, no other king must haue.

If they then which hold in fealty and homage have no maiestie or soueraignty, there should be but few soueraigne princes to be found. And if wee grant that they which hold in fealty and homage, or that are tributaries, be soueraignes, wee must by the same reason confesse, the vassall and his lord, the master and the servant, to be equal in greatness, power, and authority. And yet the doctors of the law hold that the dukes of Milan, Mantua, Ferrara, and Savoy, yea even and some Counties also are soue-

raignes: which altogether differ from those things which wee haue before laid of the right of maiestie and soueraignty. Wherefore it is requisist for vs more exquisitely to entreat of these matters, whereof dependeth the principall point of soueraignty, and the prerogative of honour amongst princes, which they esteeme as a thing vnto them most deare of all things in the world.

Wee said before in the Chapter of Patronage (which we otherwife call Protection) that princes which are in protection, if they haue no other subjection, hold yet their maiestie and soueraignty, although they haue entred into inequal alliance, whereby they are bound to acknowledge their protectors in all honour. But there is great difference betwixt them which are in simple protection only, and them which hold
A in fealtie and homage. For the client, or he which is the simple protection of another prince onely, acknowledge his patron his superior, in the league of their confederati

B on, but no further than the dignity of the person and place requireth: but the vassall, or he which holdeth in fealtie and homage, is glad not onely to acknowledge his lord for his superior, but is enforced also in humble wise to give vnto him his faith and dutie, or els to forgo his fee. When I say fealtie & homage, I mean the oath of fidelity, the submission, the service, and dutie of the vassall, which he is by the tenour of his fee bound to give vnto his lord.

W hich that it may be the better understood, we will make nine degrees of inferiours, in respect of their superiors: beside him who next vnto almighty God, acknowledge none superior vnto himselfe. The first fort, is of such princes as are in the protection of him whole maieftie they obtaine and reuerence, and commonly give themselves into his protection, so to bee the safer against their most mightie enemies. The second, is of such princes as acknowledge a superiour in their confederati, weto whom they vse to pay a tribute or pension, so by his helpe and aid to bee the safer: which defeerueth not to be called patronage, because it is mercenarie, whereas vnto kind dutie no reward is due. The third is, of such princes as being overcome by the more mightie, have of him receiv’d peace, who yet kepe their maieftie and foueraigneitie, with condition, courteously to reuerence the maieftie of the victor, and to pay vnto him a yeatly tribute, for which they are from him to receive neither protection nor aide. And albeit that these seeme to be more charged than they which are but in protection; yet is it so, that in effect they are greater, for in paying the tribute they have promised for their peace, they are acquited, and have nothing to doe with any other for the defence of their estate. The fourth fort is of them which are themselves kings, and freely exercise their soueraignitie over their owne subiects; but yet are vassals or feudataries to some other prince for some fee, bee it greater or bee it lesse, which they from him receiv’d. The fifth fort, is of them which are not kings, neither have any soueraignitie, but are become vassals for their fee, and are simply called mere vassals, who are bound to defend the honour of their lord, and to take vp arms for him, but not at all times, nor against all men. The sixth fort are they whom wee call liewe vassals, who are not natural subiects vnto the prince, but having giuen him their faith, are bound to defend his dignitie and honour, and for his defence to take vp arms without exception; yet not alwayes, nor in all places, but so farre forthe as the profit of the fee, or the contrate of their vassallage extendeth. The seuenth fort are they whom we call subiects, whether they be vassals or tenants, or such as hold no land at all, who are bound to fight for the honour and defence of their prince as well as for themselves, and to hate the same enemies and the same friends that he hath. The eighth fort is of them, which in former time delueder to flauerie, yet retain a certaine kind of servitude, as doe they which are tied vnto the foyle, and are of vs called Mort-maines. The last fort are the right slaves. This distinction of the degrees of subjection, I have made to take away the confusion that many make of the subiect with the vassall; and of the simple vassall with the liewe man; and hold, that the liewe man oweth all obedience vnto his lord towards and against all men; and that the simple vassall refereueth his superior; and yet neuertheless there is but the subiect onely which oweth his obedience. For the vassall, be he liewe or simple, if he be not a subiect, oweth but the fealtie and homage express’d in his inueteiture, from which hee may without fraud exempte himself, by yeelding vp his fee: but the natural subiect, which holds in fee, in farme, or fee simple, or be it that he hold nothing at all that he can call his owne, yet can hee not by any means without the consent of his prince exempte himselfe from the personall obliga.
obligation wherewith he is vnto him bound, as we have before declared. The simple vassall is bound but once in his life to give his oath of fidelitie vnto his lord: and such a vassall it may be as is neuer bound to give his oath: for that the fee may bee without any fuch obligation of giving his faith, as is to be seene in the old lawes of fees, (contrarie to that which M. Charles du Molin hath both thought and wriyth) but the subject whatsoever is alwaies and in all places bound to give his oath, and so ote as it shal please his soueraigne prince to require it yeare although he were a bishop without any temporalitie at all. As for the liege man, it is not requisite that he shoulde bee subject vnto the lord of whom he holdeth: for it may bee, that he may be a soueraigne prince, holding some seignorie of another prince in liege, fealtie and hommage: it may also bee, that he may be the natural subject of one prince, and liege man to another, by reason of his fee: or well the simple vassall of one Lord, without being subject or liege-man to another: and natural subject to another, to whom he is infeccible, and yet holdeth of him neither fee nor reneueth. For the vassall of a vassall is not for that, either vassall or subject of the same lord, if it bee not in regard of the same fee. But it is needfull to explaine that we have said by examples.

We find that the kings of England haue given their liege faith and hommage vnto the kings of Fraunce for all the countries which they hold on this side the sea, except the counties of Oye and Guynes: And yet nevertheless they held the kingdomes of England and Ireland in soueraignty without acknowledgemen of any other prince whatsoever. But after in the yeare 1212 they made themselues vassalls vnto the Pope and the church of Rome, and not onely vassalls, but also tributaries: beside the annuall gift of smoke money, of antiquitie granted by ine king of England, in the yeare 740, & augmented by Etelhe, which they called S. Peters pence. For it is found, that John king of England, by the consent of all the counties, barons and lords of the land, made himselfe vassall vnto the pope, and church of Rome, and vowed to hold the realmes of England and Ireland of him in fealtie and hommage, with the charge to pay the yearely rent and reneuement of a thousand markes for euer, upon Michaelmas day, beside the Peter pence, which I have spoken of: & gave his faith and hommage vnto the legat of pope Innocent the third, in the yeare 1213, in the presence of his chanceller, the archbishop of Canterbury, four bishops, sixe counties, and many other great lords. The bull was made in autentique forme, wereof I have seene the copie in a registrie of the Vatican, taken out by the commandemont of chanceller du Prat, when he was Legat. And albeit that Sir Thomas More, chanceller of England, was the fift that maintained the contrarie: yet so is, that in the same time, and vntill that king Henrie the eight reuoluted from the pope, in the yeare 1534, the yearely reneuement and tribute was alwaies paid. But that is worth the noting, that the act of fealtie and hommage, giuen vnto pope Innocent the third, importeth that John then king of England, humbly requested forgiuencesse of his sinnes of the popes legat. Whereby it is plaine, that patronage of the bishop of Rome to haue bene by him sought for, to extenuate the horrible murder which he had cruellly committed vpon the person of young Arbure his brothers sonne, duke of Britaine, and lawfull successor to the crowne of England; least otherwise he should haue bene therfore excommunicated by the pope. Whereas Philip Augustus, king of France, for the same caufe had confiscated the duchies of Normandie, Guyenne, Anjou, Touraine, le Maine, & all the countries wherevnto he pretended any right, on this side the sea; which the kings of England held by fealtie and liege hommage of the king of France; and yet had the chief soueraignty over the realmes of England, Ireland, and Scotland. For first Constatine king of the Scots, with the rest of the nobilitie of that country, did fealtie and hommage to Adelstan king
A king of England; and after that Baliol king of Scots did fealtie and homage also to the king of England, declaring himselfe to hold the kingdome of Scotland under the protection of the English, excepting the xxxix Islonds of the Orkades, which then & afterwards also were holden in fealtie and homage of the kings of Norway; and owe vnto the new king comming to the crowne ten markes of golde, as was agreed betwixt the kings of Scotland and Denmarke, to end the warres, which were renewed for the same siles, in the yeare 1564; as I have learned by the letters of M. Danzi, ambasrador for the king in Denmarke. Howbeit the kings of Scotland which raigned after Baliol, renounced their homage vnto the English, neither acknowledging them for their superiours, nor yet to be vnto them vassals. And albeit that David king of Scots did what he could with his subiects to content that the kingdome of Scotland might bee holden of England in fealtie and homage: yet so it was, that he remained nine yeares in prison, and by the treaty made betwixt Edward the third his brother in law, and him, it was agreed, that he should be set at libetie, without any more obtained from his estates but that he should live in amitie and friendship with him. As for the realme of Ireland, it is not long since it received the English government, excepting yet the earle of Argug, who seemed always to keep the state of soueraignty.

So might we say also of the king of Denmarke, who is a vassall prince in part of the kingdome of Norway, without acknowledging any prince for his superiour whatsoever; and yet heldth part of the dutchie of Holfatie of the emperour in fealty and homage: in which fort he in aumtient time held the countrey of Denmarke, which was but a plaine dukedom, when Canuteus duke of Denmarke yielded fealtie and homage vnto the emperour Lothaire, and afterward to the emperour Frederike the first: who first of all sent vnto Peter duke of Denmarke the sword and the crowne, and honoured him with royal dignity; yet with condition, That hee should for ever yeeld vnto the emperour fealtie and homage: howbeit that his posteriour afterwards renounced from the empire. And yet nevertheless these whom I have named, being no subiects, neither acknowledging the gretames of any prince, but in respect of the fees that they hold of other princes, are acquitted of their fealtie homage and service, by giving vp their fees without fraud. I say without fraud, for that it is not lawfull for the vassall to forfake his lord and patron at his need, although he would renounce his fee: albeit that there be no other penaltie but the losse of fee appointed for him who in time of warre forfaketh his lord; for that he doth an irreparable prejudice vnto his honour, which for euery remaineth engaged fo to foule a fact, as to have forfaken his lord in time of daunger: seeing that by the oath of fidelitie the vassall, but especiallie the liege vassall ought to aide him, were it against his owne brethren and children. Yea some lawyers are of opinion, that he ought to aid his lord and patron, even against his owne father: wherein I can in no wise agree with them, for that the firft and chiefe fidelitie is due vnto our parents. But if the vassall be also a subieckt, hee looeth not onely his fee and honour, if he forfaketh his foueraigne prince at his neeed, but euery life thereon dependeth: seeing that it is death euene for a common fouliot, not to defend his captaine in battell. Wherefore we are not to matter, if John de Montfort, and Peter, dukes of Britaigne would never yield their fealtie vnto the French kings without exception, as their liege men for the dukedom of Britaigne: about which matter the chancellors of France and Britaigne were twice at debate before the kings, Charles the fif, and Charles the fixt. And albeit that these two kings caufed two acts to be produced, concerning the fealtie and homage done by the dukes of Britaigne, to Philip the victorious and to Charles the eighth: yet for all that, the dukes would not doe their homage as liege men, but were received doing their simple homage onely. True it is, that the liege homage

The kings of Denmarke in antiquity some vassals vnto the German empire.
homage yeelded to Lewes the eight, was not but for the life of him that did it, as appe-
red by the act, without binding of his successors. And the other act which is of yong
Arthur, was not pure and simple, but onely conditionall; as to be restoréd by Philip
the victorious, unto the territories and seignories from which he was embarded: which
he did not. Now such is the force and nature of true and lawfull acts, as not to admit
any time or condition, and the act of fealtie and homage of all other acts the least. But
the end of the contrary was, that the simple oath of John and Peter should be tak-
en, lest they should seeme to bee the liege vassals of the French: although both
those dukes ought of right to have bene deprifed of the see of the dukedom of Brit-
taine, for that they had renounced the French king their lawfull patron. Neither is
there any doubt, but that in truth the auncient counties of Britaine were true subjects
and liege men vnto the kings of Fraunce (as is to be seene in the histories of Gregorie
bishop of Tours), and being revoluted, were subdued by Charlemagne, and afterwards
by Lewes the dutifull to whom they did homage, and yeelded all obeyance with
hostages; as a man may see in the histories of Eroard and Gerald, whom some call Vi-
sald, the nephew of Charlemagne. And againe for another rebellion against Charles
the Bauld, in the yeare 1359, they were accueld vnto the eftates, of treason, & so con-
demned and executed: which could not have taken place but against the natural sub-
ject, for treason against his soueraigne prince. And after that Herifpo countie of Bri-
taine, doing his fealtie, and with a great summe of money given appealed Charles the
Bauld: as had also before him duke Ludicæ pleased Dugobert. Neither is it true, or
like to be true, that Clodoneus, who had bounded the dukedom of Fraunce with the
Pyrenei Mountains, both the seas, and the river of Rhine; or Charlemagne that
had in many places vanquishd infinit numbers of the barbarous nations, and had sub-
dued Spaine, Italie, Hungarie, Germanic, the Saxons, them of Pomeland, the Polon-
ians, and Ruffians, and had extended his empire even as faite as Scithia, would have
received the dukes of Britaine, even in the bowelles of Fraunce, as companions of the
French empire. And admit that by the faunter of any the French kings, they obtai-
ned repitie of homage, that could not be prejudicial vnto the kings their successors,
and much leffe vnto the crowne of Fraunce. And that more is, in the treaties betwixt
the kings of Fraunce, and the first dukes of Normandie, it is expressly set downe, That
the counties of Britaine, should be vassals vnto the dukedom of Normandie, vnto whom
they had oftentimes giuen their fealtie and homage: which could not possibly have
bene, if they had not bene vassals and liege men vnto the crowne, seeing that the dukes
of Normandie had giuen their fealtie and liege homage vnto the kings of Fraunce, &
the counties of Britaine vnto the dukes. And if true it be, that the vassall can never
prefcribe for his fealtie and homage against his lord; how then can the subject prescribe
for his subjection against his prince? So the Seneschall of Renes (a man verie well
learned) cannot abide that Peter de Dreux prince of the blood, surnamed Mauler, had
acquied the soueraigne of Britaine vnto the kings of Fraunce, seeing that he was
vassall and natural subject vnto the king: and yet nevertheless, in yeelding the ho-
mage, had refertuation to make lawes, to grant pardons, to call parliaments, to take the
benefit of confiscations even in cases of high treason, the regall rights in churches, and
feomments of trift. By which arguments not only probable, but also necessarie, I am
perulfed to write the dukedom of Britaine, now even from the times of the first
kings of Fraunce, to have bene a province of the dukedom of France, although Ar-
genræus otherwise thynke. Yet is it worth the noting that John Montfort and his suc-
cessors, although they went about to have rent the dukedom of Britaine from the
kingdom of Fraunce, yet as counties of Montfort and Virtus to have alwayes yeel-
ded
ad their sealtie vnto the French kings, without exception, as we read in the records, although that they fill exerted in the countries of Britaine certaine royalties granted them by the king.

There is then great difference betwixt him which holdeth simply in sealtie and homage (being himselfe no foweraigne, not subiect vnto him which is lord of the fee) and him which is foweraigne of a countrey, and yet vassall to some other lord for some fee; as of him which is in protection only, or which is tributarie vnto a prince, having foweraigntie over his subiects, or which is himselfe a natural subiect. Wherefore we conclude, that there is none but he an absolute foweraigne, which holdeth nothing of another man; considering that the vassall for any fee whatsoever it be, be he Pope or Emperor, oweth personall sealtie by reasone of the fee which he holdeth. For albe it that this word Service, in all matter of fees, and customs, is not prejudiciall vnto the natural libertie of the vassall; yet fo it is, that it importeth a certaine right, dutie, honor and reuerence that the vassall oweth vnto the lord of the fee: which is not indeed a servitude real, but is annexed and inseparable from the person of the vassall, who cannot be therefrom freed, but by quittinge his fee: provided yet, that hee bee no natural subiect of the lords of the fee, from whom he cannot discharge himselfe by renouncing his fee.

Now when I say, that homage and personall service is inseparable from the vassall; that is true, as that the vassall cannot acquit himselfe thereof by his deputie or attorney, as was permitted by the auncient laves of fees: which in this point is abrogated in Europe, and Afra; yea and in Italedge from whence the laws of fees, (as many thinke) firt took their beginning. For Lewis Sfortia, governour of Lombardie, sent his agent into France, to king Charles the eight, to have obtained of him that his nephew the duke of Milan might by him be received to do his homage by his deputie for the duchie of Genes; whereunto the king would not conform: And when question was made of taking of sealtie and homage of the marques of Saluzz, the court of Pariss decreed, That his deputie shoulde be admitted in his name, if the king so thought it good; for that the marques pretended himselfe to bee seke: yet with that condition, that so soon as he was able he should come and doe it himselfe in person. The same hath also beene of times judged in such like cases. But contrariwise the lord of the fee may contraine his vassall to yeeld his sealtie and homage vnto his deputie, as is commonly vfed. But if the vassall be yet vnder age, or so young as that he yet wanteth understanding, he is to be borne with for doing of his sealtie and homage, until he be of age to do it, except it please the lord of the fee to receive it by his deputie. As did king Lewes the xi, who by Philip Commines his ambassadoor received sealtie: & homage of the mother of young Gauge duke of Milan, for the duchie of Genes, the duke her sonne being vnder age, and paying five thousand ducats for reliefe. And for the same cause in the tractie made between Lewes the eleventh, and Maximilian archduke of Austria, in the yeare 1482, in the 56 article it was expressly fet downe, That the subiects on both parts should be receiued to do their homage by their attorneys, which otherwise they should have bene constrained themselves in person to haue done, if they had not bene seke, or had some other just and reasonable let; or that it was some bodie collegiat. For it much concerneth the honer of the lord and patron, whether homage be done vnto him in the person of a king his vassall, or by some other base attorney, or deputie. And for this cause it was agreed in the tractie of Amiens, made betwixt Philip the faire the French king, and Henrie king of England, in the yeare 1303, That the king of England shoulde himselfe in person come to do his sealtie and homage without exception; if he were not otherwise lettred by sickenesse without deceit: in which case

Homage a personall service, and not to be performed by a deputie.
The form of the homage made by the King of England unto the King of France.

The First Booke

He should send his eldest son to do the fealtie in his stead. And by another treaty made in the yeare 1330, between Philip Valois, and King Edward the third; it was also said, That the king of England should in person come to do his fealtie and homage, if he were not without fraud by sicknesse letted: which ceasing, he should then also come. And by the treaty of peace, made in the yeare 1259, between Lewis the ninth the French king, and Henrie the second, King of England, it is expressly declared, That the king of England should in person himselfe yield his fealtie & liege homage vnto the French king. Which liege homage (as they treatte it) is of that force, as that the person of no prince, pope, or emperour, is therein excepted. Now the forme of the homage declared by the treaty, in the yeare 1331, between Philip Valois the French king, and Edward the third, is this: The king of England having his hands ioyned, and put betwixt the hands of the French king, the Chauynelor of Fraunce for the French king, shall thus say vnto the king of England, Thou shalt become a liege man to the king of Fraunce, who here is, as Duke of Guyenne, and peer of Fraunce, countie of Poitou, and Mouitruc, and shalt promise to beare vnto him faith and loyaltie: Whereunto the king of England shall say, I confesse thereunto: Then the king of Fraunce shall receive the king of England into his fealtie with a kisse. But the oath of Charles the king of Nauarre was more religious, when he yielded his fealtie vnto Charles the fifth, the French king, in the yeare 1370: for that he was not onely the French kings vassall, but his subject also, vnto whom, hee promised his faith and loyaltie towards and against all men, which could liue or die; albeite that he was then foueraigne king of Nauarre, and pretended a right vnto the foueraignetie of Berenye, which yet releasted undecided. The forme of the simple homage done by John de Monfort, Arthur the second, and Peter the second, dukes of Britaigne, is like, excepting the word Liege man. But for vassals which be also subiects, the forme of fealtie is more religious & precise, for that they are bound with a double bond, whereas the forren vassals are not so. For the king of England, Edward the third being come to Amiens to doe his homage vnto the king of Fraunce, refused to ioyne his hands betwixt the hands of the king, and so returned into his kingdom, where it was fayre moneths debated betwixt the French kings commissioners, and the assembly of the estates, about the resolution for the forme of the homage: in fine, king Edward thought it better to follow the present forme, than to loose so many benefits as he then enjoyed in Fraunce. But if the vassall be also a natural subiect vnto his lord and patron, he is bound to lay by his sword, his gloues, his hat, his dROKE, his spurre, and upon his knees to put his hands ioyned together, into the hands of his prince, or of his deputie, and so to take his oath: and by the custome of this realme, if it please not the lord, he is not bound to be present, or to kisse his vassall; but may (if he so please) being present, see him in forme; as we have aforesaid, give his fealtie and hommage to some small officer, or before his house, by kissing the hammer of his doore. But by the customes of Vermandois, the vassall is bound to do his fealtie vnto his lord being present; but if he be absent, it is sufficient for the vassall being present, to cause it to be done by his attourney, leaft the honour of the vassall should bee impaired by the balenesse of the perfon of his lords attourney. But if the vassall have thicke heires, every one of them is constrained to yield his fealtie vnto his patron requiring the same: as was long since provided by the decree of Philip the Victorious, the French king, in the yeare 1209. Yet some vse another custome.

Shall we then say, a Vassall (that is to say another mans man) although he at home enjoy a kingdome, to have a foueraigne majestie and power? Shall we call him that is bound to doe most vile service, (and to vse the words of fealtie) him that tendereth another man, shall we call him, I say, a foueraigne prince? And that is it for which manie honora-
honourable princes had rather to loose and forgoe right great seignories, and their most rich fees, than to ferue such a flauerie. And other some againe, to the contrary, would not sell their soueraignty for any thing in the world. As the prince of Orange refused of king Lewis the eleventh, ten times so much as his principalitie was worth, which fiood him in more than hee received profit thereby: And for the fame caufe Edward the third, king of England, in the first article of the traktie of Bretny expressly excepted, that all royalties should be gien unto himselfe in thofe countries which he had by inheritance in France; leaf he should for them have beene enforced to have yielded fealtie and hommage unto the French kings. Neither for any other caufe did Stephen, Vayuod of Valachia, renout from the kings of Polonia, but for that the king of Polonia had caused his tent to be call wide open at the same very instant that the Vayuod was therein doing vnto him his hommage, that fo he might be scene of all men in doing of it. Which flie disgrace the Vayuod tooke in very euill part: which is not to be maruelled at in fo great a lord as he, if wee doe but consider, that Calisbenes the nephew of Aristote chose rather to looke his life, than after the Perifian gulle, in humkle and devout manner vpon his knees to honour Alexander the Great; albeith that Alexander courteouely tooke them vp with a kiffe that fo honoured him. Which was also an vnfaull thing with the Romane emperours, when they gave vnto the kings that were in their protection, their feepers and diademes. For fo Tridates king of Armenia being come to Rome, humbled himfelfe vpon his knee before the emperour Nero, whom Nero taking by the hand, lift him vp, killed him, and taking his turbante from of his head, fet thereon a royall crown, and caufe him to fit on his right hand. For albeith that the kingdome were given by the Romane emperours without referration of fealtie or hommage, yet so it was, that the kings layong aside their feepers and crownes, of their owne accord femed the Romane emperours, some as fettours in their chambers; otherfome called themselves but the Romane stewards, as Alberball king of Numidia, termed himselfe nothing but the fweard of the people of Rome. And Edemenes king of Pergame after the discomfiture and death of Mithridates king of Pontus came to Rome, and with a cap vpon his head (in token of his late recoeucted libertie) thanked the people of Rome for the fame. But Prufes king of Bithynia as oft as he went into the Senate, commonly killed the threshold of the gate, calling himfelfe the Senates flaue: albeith that he was neither fubie& nor tributarie, nor fo much as in the Romane protection, but ioyned vnto them in equal confederacy. All these honours, were they neuer fo great, proceeding from their owne voluntatie will, did little or nothing at all diminish the maiestie of a fouverain prince, as doth that forme of hommage which is fettiele and constrained, and which the Tattars, Perifians, and Turkes efteeme to bee the true service of a very flauie. And truly Solbman the Turkish king was about to have reftored John king of Hungarie into his kingdome in the yeare 1555, with condition to have holden the fame of him in fealtie and hommage, without other fubiection (as he by a Chiaus his embasadours, certified Sigismundus Augustus king of Polonia) if king Ferdinand, who pretended the kingdome of Hungarie to belong vnto himselfe by inheritance, had not letted him fo to doe; as I haue feeene by the letters of Saniflas Rosdrazorski, a Polonian, written to Anne Mommonauic confable of France the fame yeare 1555. And for this caufe Edward the French king to hinder that Charlet of Austria should not bee chosen emperour, declered vnto the princes, Electors of the Empire, that the maiestie of the Empire should be much debated, if they should of his vallie make their head and Emperour: wherewith the emperour not a little moued, and afterwards at the battell of Pavia having taken him prifoner, would have content vnto his deliuerance, vntill his hee had quite
discharged the Low countries from the fealtie and homage wherein they were before bound vnto the French.

But it seemeth that it is not enough to say, that Charles of Austria was vaillant vnto the crowne of Fraunce, but that he was thereunto a liegeman also; and not onely a liegeman, but even the French kings natural subject; as borne & brought vp in Flanders, then a province of the French kingdom: although many think the citie of Gaunt the native place of Charles, and the cities vpon the sea coast to haue bene excepted. For the earles of Flandres were always accounted peers of Fraunce, even from the first beginning of that kingdome: and the fouraigne totallies thereof, alwaies before referred vnto the same, but especiallie at the solemnne treatie of Arras betwixt Charles the seventh and Philip the second duke of Burgundie. Also Charles the fift being chosen emperor, asked leave of Francis the French king, that he might leue of his subiects the subsidy granted him at Arras, in the yeare 1520; whereunto the kings aunfwer was, That he would therein do what he might, without diminishing in any thing the right of his crowne: as he haue scene by the injunctions giuen to M. De la Roche-Gaucourt at such time as he was sent ambassadour into Spaine. Although that greater caufes might have bene allæged, which might haue stayed German princes from the election of Charles the fift. For Charles of Austria was as then not onely the vaillant, liegeman, and natural subject to the king of France, but also a liegeman vnto the pope and the church of Rome, for all the countries, lands, and feignories that he then held, except that which he held of the crowne of Fraunce, or of the empire; howbeit that he as then held nothing of the empire, but the lands neere vnto the Rhene, and Cambry: For Arnold the laft of that name, countie of Burgundie, gave it with the other countries to the emperor Conrad the second, in the yeare 1205, and after that, the emperor Charles the fourth gave it to Charles the fift, the Dolphin, by fealtie and homage, as appeareth by the immature thereof in the treasurie of Fraunce, the copie whereof we haue out of the records. But at such time as he professed himselfe to be the liegeman of the bishop of Rome, in his fealtie giuen for the kingdome of Naples, he then promised by his oath, not to take vpon him either the charge of the German empire, if he were chosen emperor by the German princes; either of the dukedome of Milan; and with these conditions giuel his fealtie and homage vn- the pope: which is not to be thought any new claue, but an amuntient condition, joyned vnto all the acts of fealtie and homage giuen vnto the pope by the kings of Naples and Sicilie, since the time that pope Urban the fift, therin intested Charles of France brother vnto king Lewes. And in the immature of that kingdome, made by Innocent the fourth, vnto Edmund the fomme of Henrie king of England, in the yeare 1255, the copie whereof we haue written out of the Vatican records, are these words, Ego Henricus, Dei gratia Rex Anglie, domine Edmundi filii nostri Regis Sicilie, pleunum & lieg- am vaillantium facie ecclesie Romanae, vii, I Henrie, by the grace of God king of England, in the name of Edmund our fomme, king of Sicilie, yeeld full and liege ho- mage vnto the church of Rome, &c. And in the act of fealtie and liege homage giuen by Robert king of Sicilie, in the 1338, he by oath promised neuer to receive the imperiaal crowne, neither the dukedome of Milan, nor any seigniorie whatsoever in Tucanie, vpon paine of the losse of all such right as he might pretend vnto the kingdomes of Naples and Sicilie. The like is also found giuen by Charles king of Naples, in the yeare 1295: and by queene lone in the yeare 1348, as I haue read in the regifter of the Vatican. And for this onely cause pope Iulius the second refused to intestate Ferdinand king of Arragon, Charles the fift the emperours grandfather by the mother side, in the kingdome of Naples, but vpon the conditions I haue afofaied: and a yearly rent
rent of eight thousand ounces of gold, or of four score thousand crowne, which the kings of Naples were bound to pay during yeare, and a white ambling gelding, besides the aid expressed in the investiture, with reiteration of the countie of Beneuent. Which their obligation was of such consequence vnto the pope, that so soone as they denounced warre vnto any, the kings of Naples were straight ways in arms for the defence of the Church of Rome. So Aphonstius king of Naples, at the denamation of pope Sextus, made warre vpon the state of Florence, for that they had hanged the Cardinal of Pisa, the pope Legat a latere in his pontificalius. And in our time pope Paulus the third by his Ambafladour Alexander Farnesius, summoned the emperor Charles the fift, being then with a great armie in France, to make peace with the French king, so with their visted forces to make warre vpon the Protestant princes, as was agreed vpon in the first article of the treaty of Soiffons, made in September in the yeare 1544: which haply the emperor would not have done (hauing had his armie but a little before by the French men overthowne in Italie, and now with doubtfull event making warre in France) if he had not bene liege vassall vnto the pope, & by him threatened to loose the kingdoms of Naples and Sicilie, as he was well gien to understand. Which the pope did, not so much mowed with the publike calamity or troubled estate of the Church, as with the power of Charles, wherewith he was like to have subdued most part of Europe, had hee not bene letted by the armes and power of the French. And albeit that in the yeare 1528, by the treaty made betwixt pope Clement the viij and his Cardinals, besieged in the castle S. Angelo on the one side, and the emperor Charles the fift on the other, it was set downe, That the kings of Naples shoulde for ever be acquitted of the yere rent of 8000 ounces of gold, and of all the earages, which amouts vnto great asumes: yet so it was, that all the rest of the points of the auintent investiture, fell into their former force and vertue. But euer since, the German emperours haue well knowne, and the pope better, (seeing Rome sacked, and himselfe put to ranomme of 400000 duckets, after he had released the fairest rights of S. Peters demaine) what danger it was to make choice of the vassall of a faireaigne prince, and the natural subject of another, to be head of the Empire: For with the forces of Germanie he brought downe the pope, and with the popes power hee ruineth the princes of Germanie. And albeit that by the imperiall title hee held the duchies of Milan, of Gelders, and other feignories of the empire, yet so is, that hee was the popes antient vassall & liege man, and so consequently to him first bound, & that more straitly vnto the Church than to the empire. Ioine hereunto also, that the popes haue since this 300 yeres pretended that the emperor may not take vpon him the empire, but haueing before of them received the imperiall crowne; as pope Pius the fift by his Legats sharply rebuked the empeor Ferdinand, for that he had not of him received the imperiall crowne, which his brother Charles had not before doubted to receive; and had by excommunication compelled him to doe, had hee not by the tritication of king Philip his kinfman, and of the French king, other wise appeased.

But here some man will say, How could it be that the emperor Charles the fift, should be liege man vnto the pope, the French king, and the empire? seeing that no man can be liege man vnto many lords, although he haue many fees holden of them all separately: For his faith and aid is due to one alone, and he him selfe and chiefest, without exception of any man liuing. And in like case he be the vassall of many coheires for one and the same fee, he is liege man vnto them all together, but not to any of them separately, confedering that his fealty cannot be divided; neither can he do his liege homage vnto one of them without exception, for the concurrence of the rest: yet truer it is, his fealty to be due vnto one only of his pattons, whom he shall make choice of, if that

The same man cannot be liege man vnto divers princes.
his patrons cannot agree, or else to them altogether; and that law we now vs. For the condition of the vassall ought not to be made more hard, than if there were vnto one man, but one heite; but it should be much harder if he should bee enforced to doe many duties, many services, and many times to give his faith: and that much more the liege vassall, who cannot give vnto manie his faith feuerally, without exception.

Here unterstand the liege hommage properly as it is to bee unterstond in the laws of Fees; for that our ancetors have abused this word Liege, in all their auncient treatises of alliance and oaths that they made: I remember that I haue seene 48 treaties of alliance, which our kings Philip the v, and Charles the v, vi, vij. and Lewis the xi, made with the three elecutors on this side the Rhine, and duiers other the princes of the empire, wherein they by oath sweorne betwixt the hands of the kings deputies, solemnly promised to serve them in their wares against all men, except the emperour, and the king of the Romans; vowing to be their vassals and liege men, more or lesse; some calling them their councelours, some other petitioners, allliege vassals: except the Archbishop of Treuers, Electour of the empire, who no othertwaise called himselfe, but the kings confederat, and not his vassall, although he received his pention from the king, as did the other princes; who for all this held nothing of the crownes of France, but were nothing but petitioners vnto the French kings, to whom they gave their oath to aid them, at their charge, vpon the conditions expressed in their oaths. Onely the oath of the duke of Guelders, and countie of Iuliers, I will for example set downe, that thereby men may judge of the rest, in Latine conceived in these words, Ego deuenio vassallus lie- gius Caroli Regis Francorum, pra ratione quingaginta millium scutorum auratum, ante sejum D. Rhemigij mihi solendorum, &c. vi, vij. I become liege vassall of Charles the French king, for the summe of fiftie thoufand crownes of gold, to be paid vnto mee before the feast of S. Rhemigius, &c. This oath bore date in June, in the yeare 1401. Yea, even betwixt kings themselves leagues were oftimes conceived in such words, as that the one of them professed him selfe to be the others vassall. As in the league made betwixt Philip of Valois the French king, and Alphonisus king of Castile, in the yeare 1336, it is laid, That they should give and receive fealtie and homage the one of the other; which proceeding but of the ignorance of their ambassadours, is now better understood, as but an abuse of the words vassall and Liege: the oaths also of the kings pentioners, and their treaties, carrie no more such words.

Wherefore at aie to returne from whence we have a little digresse. I say then, that the emperour Charles the fift could not yield his liege fealtie and homage vnto the pope with exception, considering that he was liege man, peer, and natural subiect vnto the French king, and that the seruice and homage is inseparable from the perfon. And admit he were not the kings subiect, but his liege man, or not his liege man but his vassall only; yet so it is, that in tearmes of right the liege homage is due vnto the most auncient, and that the vassall ought to serve his most auncient Lord. But if the lords be equal, and yet at variance amongst themselves for the seruice, hee oweth aid neither to the one nor to the other: For that in matter of seruices of feminiothe, the seruice (for the indubiible nature thereof) is letted by the concurrence of them to whom it is to be done. For amongst equals the condition of him which forbiddeth (the seruice) is better: howbeit that in question of simple alliance, the aid is due vnto him that is wronged and invaded in his countrey against the other common allie which maketh warre vpon him, as it commonly falleth out if the assailant have no just caufe, and that after demnitation to him given by the common allies to come to some reasonable agreement, he refuse so to doe.

But most certaine it is, that the natural subiect ought always to preferre his natu-
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all lord above all, if he bee present, as him to whom he is first bound, &c from whom he cannot exempt himselfe. And therefore in the decrees of king Lewes the eleventh, and of Philip the second, duke of Burgundie, made for the order of France, the xiiij article, and for the order of the golden Fleece, the ix article, it is set downe, That the knights of what prince fouer it be, ought to aid their natural lord, whose liege men they are, and the country wherein they were borne, against him that shall make war upon them, without any blemish to their honour; provided that their natural lord be there in person, and not otherwise, and that they signifie so much vnto the chief of the order whereof they are knights. Whereby it appeareth that the emperour Charles, the sife could not give his faith vnto the electors of the empire, but with reteration of his sealie vnto the French king, and afterward vnto the Pope. For beside the kingdome of Naples and Sicilie, holding of the pope immediately and without meane, he was also his vaifall and liege man for the kingdome of Arragon, as I haue red in the records taken out of the Vatican, where the grants giuen by Peter king of Arragon is set downe in these words, Ego Petrus Dei gratia Rex Arragonum, Comes Barcinone, Dominus Montispefolani, cupiens prater Deum, principali beatis Petri, & Apostolica sedis pro tecentione manu, tibi reuerendissime pater, & Domine summe Pontifex Innocenti, & profeca, sacrofani Romana Ecclesie, & Apostolica sedis offero regnum suum illudque tibi pro re medio anime mece primogenitorum meorum constitui confiale, et annuatim de Camera Regis ducenta quinquaginta Mafsimitine Apostolica sedis redduntur: & ego ac succesorres mei, speciuliter & sideoles & obnoxitenamur: hac autem legem perpetuam fenandum fortum decern: guia &c & confidissimo, quod tu & successores tui, quia beati, Petri manibus in re gnum duxeris, folemni coronandam, Aflam Rome anno Christi 1204. In English thus: I Peter by the grace of God king of Arragon, Countie of Barcelona, Lord of Montpelier, desiring next vnto God to be strengthened with the principal protection of blest S. Peter and the Apostolical See, do offer unto thee most reverent father and high Lord, Pope Innocent, and for thee vnto the most holy Churche of Rome, and to the Apostolical Seat, my kingdome; and the same for the health of my soule and of my predecessors, I make vnto thee tributarie, so that out of the kings chamber shall bee yerele paied vnto the Apostolical See, two hundred & fifty Mafsimitines, & that I and my successors shall be especially bound to be (vnto you) faithful full and lubie: & by this perpetuall law decrea a court to be kept: for that my hope and trust is, that thou & thy successors shall lead vs as it were with the hands of blest Peter, to be solemnly crowned king. Enacted at Rome in the yeare of Christ 1204. So that kingdome of Arragon was by the Arragonian kings offered vnto the Bishops of Rome, least they should for their enormities and murders have bene well beaten. But the kingdomes of Sardinia and Corsica, was by the popes giuen vnto the kings of Arragon (as the popes giue is boundfull to giue that is none of their own) for which kingdome the Empe rou was also liege man vnto the Pope, as I haue scene by the inuestiture thereof made vnto Peter the third, king of Arragon, in this fort, Pontifex Max. de fratrum suorum af cenfund, dat in feudum regnum Sardinie & Corsice, proprietate ecclesie Romane &c. Per capam Auream tempriniatia inuictissimi, &c. Ia tamen quod tu & successores tui, praebitis homagium ligum, wallagiam plenum, & dedicatis iuramenti, &c. Et cenu equitatem armat, & vno ego ad arma, & duo equitatus ad minos per quibet, & quinta gentis pedibus terra vestrae de Arragonia, cum gagis per trime fire, & die quin intra tibi ter ra Ecclesia, &c. Et in super cenfund duros illius milius argentorum, & legalibus, & linguis: ubi nunc fuerit Romanus Pontifex in fede beatorus Petri & Pauli, annis singulis, sub pana excommunicationem posse quattuor menses, &c. & post terminum terminum non fol veris, in heredes sui, a die regno Sardinie & Corsice cadetis extota, & regnum ad Ro-
The great bishop by the assent of his brethren, doth give in fee the kingdom of Sardinia and Corsica, the inheritance of the church of Rome, &c. And we petitionally therein, unrest thee by a cape of gold, &c. Yet so as that thou and thy successeors shall therefore give liege homage, full vassallage, and oath of fidelity, &c. And an hundred armed horse-men, and one horse for service, and two furnitures at the least for every one, and five hundred foot-men of your country of Aragon, with pay for three moneths from the day that they shall enter into the territorie of the church, &c. And moreover the rent of two thousand markes of good and lawfull sterling money, wherefore the pope shall be in the feast of the blessed Apostles, Peter and Paul, euerie yeare, vpon paine of excommunication after foure moneths, &c. and if after the third time thou shalt not pay it, thou and thy heires from the said kingdom of Sardinia and Corsica, shall altogether fall; and the lame kingdom shall againe returne vnto the church of Rome. And after that, James king of Aragon, did also like homage at Valence, betwixt the hands of the popes legate, in the yeare 1555, with reueration vnto the pope of appeales, put in by the clergie, and abolishing of the lawes and customes brought in by the kings of that country. I finde also that Ferdinand, and after him Alphonsus, kings of Aragon, did the like fealtie and homage in the yeare 1455. And in the publicke records of the court of Rome, are to be seene the names of the vassall kings set downe in this order: the kings of Naples, Sicilia, Aragon, Sardinia, Hietusalem, England, Ireland, and Hungary. And this is the old defecption of such princes as 380 yeares ago, yeelded their fealtie & homage vnto the bishops of Rome. And since the kingdom of Portugall, was by the valour of Henry of Benoinia, taken from the Moores, the kings there of made themselves vassalls vnto the bishop of Rome, and paid the yearely tribute of two thousand ducats into the bishop of Rome, his treaute. And therefore Innocent the fourth, bishop of Rome, by his letters admonishd the princes of the kingdome of Portugall, to appoint ouerseets to their prodigall king, who should also take vpon them the governmente of the kingdome. And as for the Islands of the Canaries, Negories, and the Gorgonides; the emperour holdeth them also of the pope. We also reade, that Lewes king of Spaine, did fealtie and homage vnto the pope, in the yeare 1343, with charge to pay yearely into the chamber of Rome, four hundred florines of the weight and coine of Florence. And as for the remainder of the western isles, and of Peru, it is certaine that pope Alexander the first, divising the new world betwixt the kings of Cathie and Portugall, expressly kept vnto himselfe the inheritance, the jurisdiction and soueraignete thereof, by consent of the two kings; who from that time made themselues his vassalls, of all the purchases and conquests by them already gaine, and that they should from that time forward, gaine or make, as the Spaniards themselues have written. In like manner pope Julius the second, gave vnto Ferdinand, king of Spaine, Charles the fift, his grandfather by the mothers side, the kingdomes of Granado and Navarre; when he had driven the Moores out of the one, and Peter D'Albret out of the other, vpon condition to hold them by fealty and homage of the church of Rome. For albeit that Charles the fift, the emperour pretended right vnto the kingdome of Navarre, by reason of the donation to him made by Germaine D'Foix, second wife vnto king Ferdinand: yet fo it was, that his ambafladors and deputies, when they came to the conference, seeing that their donation to want sute foundation, doubted not to pretend the popes interdictions, as the surest stay of their most vainish rapines. And the cause of the interdiction was, for that Peter Albret, king of Navarre, would not at the command of pope Julius the second, breake faith and friendship with Lewes the xj, the French king, who was first called father of his country, when as hee-
was king Lewes his liege vassall, and no way bound vnto the pope. So that there re-

mained no kingdome, no not any little territorie or picee of ground, which Charles

the emperour held not by sealtie and homage, or whereof he could call himselfe a so-

uaine. For as for the Islands of Maiorca and Minorca, they were long time before

reunited vnto the kingdome of Aragon, after that they were taken from the heires of

Iames the Fortunate. And in the Low countreys, he had nothing which was not of ne-

cessitie holden of the crowne of France, or of the empire. And albeit that our princes

have by divers leagues, granted the principaltie of Flanders and Artoile vnto Charles

the emperour, yet remaineth there a country in Burgundie, which they call the coun-

trie of Charrolois, the proprietie whereof belongeth vnto the king of Spaine, but the

foueraigne thereof vnto the French king, and is by the king of Spaine holden in fe-

alty:so that even for that, he is to acknowledge himselfe to be our kings vassall. As for

the kingdome of Castile, no man doubteth (which hath but looked into the Spanish

affaires) but that the kingdome of Castile by inheritance, descended vnto king

the ix. of France, in the right of Blanch his mother: yea, and the nobilitie of Castile by

solemne acts, which are yet extant in the records of France, inuited king Lewes to have

taken vpon him his mothers kingdome. Howbeit I doubt not, but that the Spaniards

will reply, that Blanch the daughter of Lewes the ix. married the king of Castile, vpon

condition that all such vnto the kingdome, as might have fallen vnto her father, should

now be giuen vnto his some in law: which thing Lewes could not doe vnto

the preuicide of his successeours, without the consent of the states: joyning thereupto

also that the French kings daughters or sitters, when they are bestowed and married,
can receiue nothing but money of the royall possession of the crowne of France. And

albeit that some may thinke that the French king might giue those lands vnto his
daughter, as yet not yuited or incorporate into the crowne of France; yet nevertheless there is yet extant in the records of France, a league made in the yeare 1369, bet-

twixt king Charles the fift and Henry king of Castile, then druen out of his kingdome,

whereby I have seene, that Henry promisst as well for himeelf; as for his successeours,
to become vassall, and to hold his kingdome of Castile, of the kings of France: for

that by the means of the king of France, he was againe restored into his kingdome.

Seeing then that the kingdome of Castile is hereditarie descened vnto the heires
both males and females, the successeours of Henry are bound vnto his deedes and pro-

mises. True it is, at the promisst of Henry had not power to preuicide his successeours,

neither the eftates of Castile, without the consent of whom, the treatie was made, if

the realme of Castile had not beene hereditarie. But of the kingdome of France, it is

otherwise to be thought and determined. And therefore it was by the wise resolued,

that Philip the faire, the French king, could not make Arthur duke of Britaine, vassall vnto the king of England, without the dukes consent: except he would by the fame

tright, giue vp his kingdome of France vnto the king of England, which he could by

no soueraigne power doe, without the consent of the eftates of France. For otherwise,
his yelding of it vp, should be to none effect or purpose, no more then that of king John

of France, made vnto the king of England in the treatie at Calais, wherein he with-

out consent of the states, yelded vnto the king of England, all the right and title he

had in the kingdome of France: which was againe dianulled by the treatie of Char-

tres, whereby the king of England refused that right giuen vnto him by such yelding

vp. The same is to be thought of the league of Tricalse, wherein Charles the fift, with-

out the consent of the states, yelded the kingdome of France vnto Henry the fift, king of

England. And therefore pope Martin could by no request of the English, be per-

suaide to ratifie that league, but called Charles the feuenth, some to Charles the fift,
by the name of the French king: for that the kingdom of France is neither devolved by right of succession, (which they term from one intestate,) neither by testa-
ment, neither by resignation, but by virtue of the law royal, from which the kings themselves cannot derogate without the consent of the estates; which is not so in the
kingdomes of Spain, England, Scotland, Naples, and Navarre.

But cannot the imperial title (may some man haply say) make him a soueraigne
which is another mans vassall? As the prince or the people making a flawe a magis-
trat seemeth thereby to have also enfranchised him; whereas there is no doubt, if he be the
princes or the peoples flawe; for otherwise it is not lawfull either for the prince, or for the
people, to dispose of another mans tenant; so neither have the German princes any
power over other mens citizens or subjectts, such as was Charles the first. Ioyne hereunto
also, that the imperial title of the emperour carrieth with it no soueraignety: albeit
that the emperour writing vnto the princes of the empire, vse these wordes, Wee com-
mand you, &c. You shall do this, &c. which other princes do not toward their own sub-
jects: yea and that more is, that the princes electors carry the titles of Butlers, Elquiers,
and Tailors to the emperour, yet the soueraignety of the empire refleeth not in the per-
son of the emperour, but in the assemble of the states of the empire, who are able to
give law vnto the emperour, and to ouer the prince of the empire in particular, in such
fort as that the emperour hath not power to make any particular edict, neither peace
nor warre, neither to charge the subjectts of the empire so much as with one impoll;
not to call or dissimile the diets of the empire, without the consent of the princes.

And that is it for which the emperour Maximilian the first, at the diet of Conflance, holden
in the yeaer 1507, said vnto the estates (the popes legat then vrging that the imperial
crowne was both to be requested and received of the pope,) That to take the imperial
crowne of the pope was but a needless ceremonie, setting to no purpose; considering
that the imperial authority and power depended of the estates of the empire; which
in due place we will more particularly declare.

Whereby a man may easilly judge, that there are few or none absolute soueraigne
princes. For the Venetian Commonweale excepted, there are no princes or Com-
monweals in Italie, which hold not of the empire, the pope, or the crowne of France:
concerning the kingdom of Sicilie and Naples, we have alreadie declared. As
for the duke of Milan he is a natural vassall of the empire, from which he taketh his
inuexiture, and thereto payeth reliefe: for which the emperour Maximilian the first, in
leffe than xv, or xvij yeares space, drue thence vnto himselfe, above three thousand thou-
sand pounds: For king Lewes the twelfth at one time paid therefore an hundred thou-
sand pounds: and the States had it no better cheape. For they which are now called
dukes of Milan, in the remembrance of our ancestors, that is to say about an hundred
and fiftie yeares agoe, were called but lieutennants, and the citie it selfe but the ordinarie
chamber of the empire. And so namely John Galeas the second, and Barnabas his bro-
ther, in the inuexiture which they had from the emperour Charles the fourth, are sim-
ply called lieutennants of the empire. And Galeas the first being accused for charging
the subiects with subsidies, without the emperours leave, was by a decrete from the em-
perour sent prisoner vnto the castle of Modene; where after he had of long time liued,
he at length died; whose sonne Atilus being by the emperour Lewes of Bawyer put
into his fathers place, for the summe of an hundred thousand crownes, obtained of him
the first title of a prince, in the yeaer 1338. And after that, Galeas the third, father in law
to Lewes duke of Orleans, payed vnto the emperour Fredericke the third, an hundred
thousand florines, for the honour and title of a duke, in the yeaer one thousand three
hundred ninety seuen.
A So far we also of the duke of Mantua, who acknowledgeth himselfe to hold of the Germaine empire, and to be also a prince thereof.

As for the duke of Ferrara he confesseth eu'n at this present to hold part of his seignorie, eu'n Ferrara itselfe, of the pope, and therefore payeth a yearly rent or free into the popes coffers. For not long ago, ev'n in the yeare 1372, the marques of Este was by pope Gregory first established his lieutenant in the city of Ferrara, referring vnto the church fealtie and homage, jurisdiction and soueraignetie; with condition also, that he should yearly pay ten thousand florins of gold into the chamber of S. Peter, and to find an hundred men at armes payed for three monethes, for the defence of the Church of Rome, so often as need should require, as we have learned out of the Vatican records.

And soe for Rhegium and Modene, he acknowledgeth him to hold them of the empire: albeit that pope Julius the second maintained them to be the Church fees, and in that quarrell made warres vpon the Ferrariens and the French king, who gave them aide: as also to have the entire revenue of the fee, beeing before diminished by pope Alexander the sixt, in marrying his base daughter Lucrece vnto the duke Aphofius. And true it is, that the French kings long since tooke vpon them the defence and patronage of the prince of Ferrara, since the time that Borso, first duke of Ferrara, acknowledgeth himselfe liege vassall vnto Charles the sixt, and therefore it was vnto him permitted, that those dukers of Ferrara might beare the armes of Fraunce, the publike acts whereof yet remaine in the records of Fraunce.

B As concerning the Florentines, they of long time haue pretended libettie against the empire, for the payment of sixe thousand Florines vnto the emperour Rodolph. As also do the Genoweways, who as they lay, were by the same emperour enfranchised. Howbeit afterwards they having received great harme from the Venetians, gave themselves into protection vnto king Charles the sixt, the French king: and not long after vnto the duke of Milan, who received them vpon condition that they should therefore do fealtie and homage vnto the French kings.

In like case they of Luca payed vnto the emperour Henrie the sixt, twelve thousand Florines to be enfranchised; Sienna ten thousand; and Peter Gambecourt payed twelve thousand vnto the emperour Charles the fourth for the seignorie of Pisa.

But these were not true alienations, nor exemptions from subjection; but rather simple grants and gifts, with certaine priuelges to gouerne their estate, vnder the obedience of the empire. It was not also in the power of the emperours, neither of any prince whatsoever, to alienate any thing of the publike demaine, and much lesse of the rights of the soueraigne maiestie, but that it was always in the power of the successor to lay hand thereon againe, as it is lawfull for the lord to lay hold vpon his fugitive flue. As the emperour Maximilian, having thrust his armie into Italie, with the power of king Lewes the xij, and having brought a great feare vpon all the cities of Italie, gave them well to understand: At which time the Florentines sent their ambassadors vnto him, to yeeld vnto him fealtie and homage for their estate, and to obtaine of him the confirmation of their priuelges, which cost them fortie thousand ducats. And albeit that Cosmas duke of Florence, by force of armes made himselfe lord of Sienna: yet so it was, that he tooke the inuestiture thereof, and yeelded therefore fealtie & homage vnto the king of Spaine, as perpetual lieutenant of the empire. Which is sufficient reason to shew, that they of Sienna were not before enfranchised or exempted from the empire; or if they were, why did then pope Julius the second pay thirtie thousand ducats to Maximilian the emperour, to redeeme of him the libettie of Sienna, to the intent to inuest therein * the duke of Virbin. And yet nevertheless all that letted not, but that the duke of Florence, which had conquer'd it by force of armes, was con-

C * Guichardin.
constrained to take the investiture thetcof of the king of Spaine, and to pay therefore sixe hundred thousand crownes, which afterwards the king of Spaine would have againe repayed vnto the duke of Florence, to have retorted Sienna into the former estate; which he would not do, being enformed that the king of Spayne would have given it to the duke of Parma, to reunite Placence and Parma vnto the duchie of Milan, from whence they had bene before distracted. And how then could the German emperours, which are subjectes vnto the estates of the empire, alienat the demaine and rights of soueraigne, in giving the rights of soueraigne vnto the cities of Italie, or libertie vnto the tributarie people; seeing that the absolute soueraigne prince cannot so do? no not so much as to distract one cloed of the publike land, much lefse to glue away the proprieitie. For kings and other great princes (to say truely) have not the proprieitie of the publike demaynes, nay not so much as the whole vse and prof. for that contenting themselves with the bare vse, the rest belongeth vnto the common-weale.

And for that cause the Emperour Charles the fourth, granting the confirmation of the privileges to them of Perouze, joiyned thereunto this clause, Quod visueret: So long as he should live. And yet for all that pope Iulius the second tooke that towne from the Bailleions, and put it vnder the obedience of the Church, from whence it was said to haue bene taken. And how could the cities of Italie, or duke of Florence, have any absolute soueraigne, seeing that for all differences and controversie concerning their estates, frontiers, demaines, and tenures, they plead the same before the emperour, or at least wisie in the imperall chamber, where their causes are decided, and they enforced to doe as is there adiudged. And albeit that they of Genes, who seemed to hold leffe of the empire than any one of the other townes of Italie, where by the marques of Finall (whome they had driuen out of his estate) summoned before the emperour Maximilian the second, in the yeare 1559: said that they would receive the emperour as an arbitratour, and not as a judge or a superior: yet so it was, that the emperour taking upon him the authoritie of a judge, caused them before warned, to be summoned, and when that after many peremptorie edicts they made not their appearance, he pronounced sentence against them, and by an herault at armes threatened to prosecre the territorie of Genes if they obeyed not his censures. Now most certaine it is, that there is none but the cities and townes which hold of the empire, that can be prosecracted by the imperall proscription, whether it be by sentence of the emperour, or by decree of the imperall chamber. For the imperall chamber could not have prosecracted Minde, Munster, Magdeburg, and others, had they not bene contained within the bounds and power of the German empire: much leffe could the emperoue have prosecracted Genes, if it had not bene within the power of the Germans. And therfore when they of Genes had appealed from the interlocutorie sentence of Maximilian vnto the pope, they afterwards renouncing their appeale, yeelded to the sentence, acknowledging the interficition and soueraigne of the empire. And so at length the emperour gave sentence for the marques, acknowledging himselfe to be a vassall vnto the German empire, whomse of Genes would haue had to haue bene theirs. And since that the marques hath by that definittie sentence bene maintained in possession of his marquisat, as I haue seene by the letters of Signior D'la Fores, embassadour for the king, dated at Vienna the xvij of Iulie, in the yeare 1560: which judgement the emperour gave after he had seene the opinions of the lawyers of foure universitie. And not long after they were by another sentence of the same emperours, given in the moneth of Iulie, in the yeare one thousand five hundred sixtie foure, condemned in a processe which they had against Anthonie Elsique, by them banished, who overthrew them by an appeale made vnto the emperour.

Which
Which things although they bee so plaine as that there ought thereof to bee no doubt, but that the cities of Italic on this side the river Rubicon and Tiber, excepting some few, are contained within the bounds of the German empire, & to have of themselves no foueraignty; yet is the same made more evident by the generall content of all the lawyets of Italic, who deny it to be lawfull for any cities of Italie to make any laws or customes, contrarie or derogatorie to the Roman laws, published by the commandement of the emperour Frederick. And that the cities of Italie either had no right of foueraintie at all, or else renounced the same, it is manifest by that league which was made in the citie of Constance; for in that league among such pruiteleges as are confirmed vnto the cities of Italie, the rights of foueraintie are expressly excepted. And therefore Alexander Imelensis of all the lawyers of his time the most skilful, faith, A certaine jurisdiccion to be thereby gien vnto the cities of Italie; but not the rights of maiestie or foueraintie to be therefore vnto them granted, and that even for that reason, for that the cities doubting or disagreeing about their right, the emperours were wont to appoint them judges and commisioners for the deciding of their controversyes.

Much lesse therefore may the imperiall towne and cities contained within the bounds of the German empire, pretend themselues to have any foueraintie, albeit that we see certain of them to boast of a certaine shew of libertie, which they of old received from the emperors; as Nuremberg from the emperour Fredericke the first; & the from Otho the third, & Egre from Leave of Bavyere: yea and some of them there were, which not able longer to endure the hard bondage of their lords, princes of the empire, set themselues at libertie, as did the cities of Vlme, Brunfwic, Lubeck, and others: but that which they call libertie, is but an old vacation from certaine services, and an immunitie from customes and tributes granted by the emperours, without any impeachment to their maiestie. And therefore those cities which I have spoken of, honour the maiestie of the German empire, receive from it lawes, obey the magistrats thereof, accept of the decrees of the imperial chamber, and of the assemblies of the empire: and not onely publique and privat judgements of princes and cities among themselves, but also the privat judgements of particular men are decided by the imperial chamber, if appellation be made from the sentence which exceedeth the summe of sittie crowns. Seeing therefore that the imperial chamber may of the power of it selfe confirme or disannull the judgements of princes or cities, it must needs follow, that neither those princes nor cities haue the power of foueraigne maiestie:

For as a certaine Poet(I know not who) faith,

Refindere munquam Djs licet ad[ita Deim.

It is not lawfull for the Gods the acts of Gods to vnde.

As for the Swiffers Commonweales, we said before, them to have bene rent from the German empire, as oppressed with the tirannie of their gouernours: and yet they do honour and reverence the maiestie of the German empire, as that they in generall requested of the emperour Ferdinand, to haue the libertie of their pruiteleges vnto them confirmed: which is a certaine forme of ancient seale, and acknowledgement that they hold their libertie of the empire. And albeit that some there be on this side the Rhenne, which vaunt themselues to have foueraigne power over their subjectts, yet must they needs be the subjectts and vassals either of our kings, or of the German empire: for there is no man which knoweth not (if he remember the antiquitie of the French) that all the country of Loraine, and the realme of Arles, after the death of the three children of Lothaire were diuided betwixt the emperour Charles the Bauld of Francon, and
and Lewis king of Germanie his brother. As Vitald, Floard, and Lambert the best antiquaries do in their histories at large declare. Now so it is that the vassal can never prescribe for his homage towards his lord, nor the subject against the jurisdiction of his prince; and that the grantees and sufferances of the emperour, and the kings of France could not prejudice either the crowne or the empire: wherefore we must conclude these poffeffours of this majestie by difference, to bee subjects and vassals either vnto our kings, or to the German empire.

And albeit that many thinke the duke of Loraine to be an absolute soueraigne, by reason of the Armes that he beareth, being an armed arme, saying, as it should seeme, That he holdeth nothing but of the sword: yet neverthelss so it is, that in his title he calleth himselfe a prince of the empire; which is indeed to acknowledge the imperiall majestie. Ioyn ye thereunto also, that he hath virtuall received judges from the imperial chamber, and submitted himselfe to the jurisdiction thereof. For as for that he is the last among the German princes, nor in their ceremonies holdeth not the place of the auncient dukes of Loraine; that is, for that he holdeth but a little, viz. scarce the first part of the auncient duchie of Loraine (a province of the German empire) which containeth all that countrey which lyeth betwixt the river of the Maze and the Rhene. And therefore the dukes of Brabant, and the German emperors, called themselves dukes of Loraine. So the emperour Charles the fourth, in the league which he made with John the French king, calleth himselfe duke of Loraine. But this countrey which now is called Loraine, is a part of the German empire, and the duke himselfe a vassall of the empire. For Stephen countie of Boulogne, was in that dukedom invested by the emperour Henrie the first, and for that cause acknowledged himselfe a vassall of the empire, in the yeare 1099. And Frederick of Loraine countie of Vaudemont, duke Charles being dead without heire male, before Sigismund the emperour and the fathers assembled at Constance, claimed that dukedom of right to belong vnto him, as next of kin; for that it was an imperiall fee, whereof Isabel duke Charles his heire, who had married Renat duke of Anjou, was not (as he said) capable: which Renat denied it not to be an imperiall fee, but shewed many such imperiall fees to have descended vnto the daughters. And afterward the title comming to be tryed by the sword, Renat being ouerthrown and taken prisoner by Frederick, could not be before deliered, vntill that he had married his daughter Toland vnto Anthonie the sonne of Frederick, with condition, that if Renat died without heires male, the duchie of Loraine should descend vnto the heires of Frederick, & so vnto the house of Vaudemont, as it is come to passe.

Now if so it be that the dukedome of Loraine be an imperial fee, comprehended within the bounds of the German empire: neither the lord of Lumes nor the countie of Aspremont, who are contained within the precinct of Loraine, can chalenge vnto themselves any right of soueraignety, as they have done, seeing that it is plain by the law, that he which hath a limited territorie, hath but the same right owenuerie one of his subjects which are within the compasse of his territorie, that hee hath over them all in generall; except it appeare, him by some speciall priviledge to be free and from the generall expressly exempted. By which reason all such as pretend a soueraignety, being enclosed within the bounds and territorie of another man, may bee thereof deburred: which a man cannot so easily judge of them, which in the frontiers of kingdoms, take vpon them a kind of soueraigne power; as do the five lords or princes in the confines of Burgundie, whome both the free countiies, and the dukes haue oftentimes chalenged for their vassals: and for the soueraignety of whom, at such times as they had taken vp arms, they obtained of the generals of both parts, that in the meane time they beeing free might be as newters, vntill the event of the warte had decided the cause: and so at length
length abusing the long possession of soueraigne, made of that their right, which they had but by sufferance, a perpetuiter; but as we have oftentimes before said, so we must hereafter oftentimes say, That neither the right of soueraigne maieftie, nor the right of libertie, can by the client or vassall be prescribed against: and much lesse if it be withheld by concealment or by sufferance. In like fort the country of Beare, betwixt the confines of France and Navarre, which the kings attourney generall in the court of Paris maintained to be a province holden of the crown of France, and disallowed of the plea of the kings attourney of the parliament of Thoulouse, who had confessed it not to hold of the crown, in the yeare 1505; which although it remaine undecided, yet the king of Navarre for all that by sufferance holdeth it in soueraigne.

In like case the principale of Dombes was maintained by Let the kings attourney, to hold in fee of the crown of France, and that the duke of Sauoy had no power to give it to the empire, under the colour of being the emperours lieutenant, which hee shewed to be done in the most wofull times of the civil warre, when as the dukes of Orleans and Burgundie had drawne all the whole kingdome into parts, in the yeare 1398: in like manner the princes of East Frizeland, and they which hold the territory betwixt England and Scotland, which they call the Batable ground; as also the abbot of Gofen, betwixt Metz and Pont a Moufion, who holdeth the abbey and twenty five villages, in title of soueraigne, without acknowledging any superior lord whatsoever: as also the lords of Beauieu, willing to exempt themselves from the crown of France, yeelded themselves into the empire, and so by the duke of Sauoy, the emperours lieutenant, were receiued into the protection of the empire, from which they also by little and little exempted themselves, without acknowledging either duke, king, or emperour for their soueraigne.

As for the dukes of Sauoy, the Italian doctors with one common erroure haue holden them to haue abolute power and soueraigne, and to haue so beene judged by the decree of the parliament of Sauoy; a thing altogether contrarie vnto the office of a lieutenant and vassall. And also Ofague the first president of Piemont wrieth, That the dukes of Sauoy haue obtained this power of the emperors, which they could not haue as lieutenants of the empire; as Felinus the bett interpreter of the law hath most truly written. For what can be more contrarie vnto soueraigne maieftie, than to professe ones selfe to be another mans deputie or officer, (for to the name of a lieutenant doth signifie) or from whom shouldst thou think thy selfe to haue the power of soueraigne in that province wherein thou thy selfe bearest rule? But even the dukes of Sauoy themselves confess, and all their histories declare, this province of the German empire which is now called Sauoy, to haue bene a fee of the fame empire, erected into a countie(holden of the empire in fealtie) by Henry the fift, and afterwards into a duchie by the emperour Sigismund. And euen it is the dukes alwayes heretofore, and not long since duke Charles restored vnto his countrie, to haue yeelded fealtie and homage vnto the emperour; and two years after, viz. in the yeare 1561, to haue sent speciall letters of attourney vnto the countie D'Arques chiefe chamberlaine to the emperour, to obtaine for him of the emperour another infealtie: for because that which hee had before taken at Aysburg, seemed not vnto him in sufficient good forme, as I haue seene by the letters of M. D'la Forêt, ambassadour for the king vnto the emperour. But an hard matter it was to make such a forme as should be vnto him good; for that it seemeth that the title or qualitie of a perpetuall lieutenant, doth prejudice not only vnto soueraigne, but also vnto the qualitie of a feudatiaire & proprietarie in those lands which he holdeth of another man, if it bee not by a doubtfull or improper kind of speech.
The First Book

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A nift the French kings to have the right of soueraigne maictie over all the people of the kingdom of Arles, and not therefore to owe any fealtie or homage vnto the German empire.

And at the same time as it were the emperour Lewis of Bavaria made Edward the third, king of England his perpetuall lieutenant; and by his letters patents gave him power to make lawes, and to administer iustice to all the subiects of the empire: and that all the subiects of the empire should obey him, and in his name to yeeld vnto him fealtie and homage: which was an occasion rather sought for, than offered, for him to make warre vpon the French king, who then held Cambrai, and the caffles of Creu-ceur, and Paytrene, members of the empire: for that by the auncient leagues made betwixt the French kings and the emperours, it was provided, That they should not one of them take any thing from the other, or molest one the others subiects; as was declared vnto king Edward by the imperial princes allied with him, and then assembled in the towne of Hale: which is a most certain argument that the kings of France hold nothing of the empire; neither that the emperour haue any right in that kingdom. Which is also expressly set downe in the contract of purchase of Philip Palais, which I have here before rehearsed, which beareth this clause: And the kings and realmes of France shall continue in their prouince, enfranchisements, and liberties, that they have always holden against the German empire; whereunto they are in nothing subiect. Which was well given the emperour Sigismund to understand, at such time as he of his imperial power would have made the countie of Savoy duke, in the towne of Lyons against whom the kings officers there so opposed themselues, as that he was glad to get him out of the kigndome, at libertie to vse his owne power, which he did in great chollet and displeasure. And this was done by the express commandment of the king, Charles the fift, to ouer two notable errors that had bene before committed: the one passing by sufterance, in that the emperour Sigismund being magnifically received at Paris, and as befeemed the kings word, had place in a royall feat in full parliamant; and the other, that afterwards he was sufffected to make Seneschal D' Beaumaire knight; although the court had in this last point admonished the king, that vnto him one lyked to be made knights in his owne kigndome: as it had twice before bene solemnly judged by two decrees against the countes of Flandres and Neuer. Which I haue the more willingly noted, to shew the error of Alciat, who hath maintayned, that the French king is subiect to the empire; which is a wilfull error or ingratitude, considering the entertainment he had in France to teach and write the truth: which I thinke not to have proceeded from him of ignorance, but in favour of the emperour Charles the fift, who drew him to Pauie, and there doubled his falacie; or els to the imitation of Bartholus, author of that error, who witt the same things of the French kings that Alciat did: at such time forsooth as he was by the emperour Charles the fourth of a bastard not only made legitima, and by him ennobled, but power also giuen him to take the benefit of age to him and his, which shold profess to teache the lawes, with armes also answerable vnto his dignitie and honour: viz; a Lyon Azure in a field Argent. For which so many and so great beneficts he witt all them to be heretikes, which should deny the German emperour to be lord of all the world: which hee semeeth to have gathered of the words of Antoninus Augustus, vnto the law Rhodia; I am (faith he) the lord of the world, and law of the sea: which words seeing they were spoken but for flaming sake, and for the augmenting of his honour, hee need to bee refuted; seeing that the Roman empire when it was at the greatest, (which was in the time of Trajan the emperour) contained vnto the thirtieth part of the world, and that the German empire is not now the tenth part of the Roman empire. And yet the emperour's
The fruit that came of the strife between the German emperors for the soueraigne title of the Christian Commonweal.

The kings of Polonia hold nothing of the empire.

The immoderate and abused power which some attribute vnto the pope.

Your Sigismund sick of that incurable disease of ambition, sought to have brought every man's government under his, although he was in that his hope much deceived. For intruding himselfe to have made the duke of Littuania a king (whose country lieth about two hundred leagues from the frontiers of the empire of Germany) hee sent him a crowne and a sword, which for all that the duke refused, neither thought it good to change the name of the Great Duke (whereby he was called) although he had of himselfe shaken off the yoke of the Tartars, lest in so doing hee might seeme to have attributed his power and soueraignitie vnto the Germans.

We see also that the Germaine Emperors have sent the roayl Crownes vnto the Dukes of Polonia, before they were by the Pope suffered to beare the Royall title; which they refused: and yet certaine it is, that the Kings of Polonia neuer held any thing of the Empire. Oftentimes indeed the Germaines have attempted to have subdued the Polonians, whose vaine attempts the Polonians have not onely repulsed, but also joined vnto their kingdom the countres of Silesia and Prufia, both rent from the body of the Germaine Empire. Which when the Prutenian knights had taken in euil part, and thereof oftentimes complained to the states of the empire, yet the emperors thought it not good for to attempt any thing against the Polonians, by whom they had knowne the imperiall armies to haue been many times repulsed and ouerthrown. And yet for all this, the Polonians refused not to take their royall tye from the bishops of Rome. True it is that the bishops of Rome of long time ftrive with the Germaine emperours for the soueraigne and chiefe government of the Christian Commonweale, and as chiefetaine of the faction, drew all the Christian princes and cities into armes; so that many cities and Commonweales, especially in Italie, were at such mortal enmities amongst themselves, as that they received not greater harme from the enemies of the Christian religion and name, than they did from one another. Neither wanted there some which writ in earnest, Christian kings to be the bishop of Rome's dyent and vassals; and in case that they were foolish, furious, or prodigall, that they might have outseers appointed ouer them by the pope: which we haue before said, to have been done by pope Innocent the fourth, against the king of Portugall. And albe it that pope Innocent saide, That his meaning therein was not in any thing to prejudice the regall power, in appointing such an outseer; yet did not his sayings at all agree with his doings. Pope Urban the fift also made no doubt, to make legitimate Henry the bastard king of Castile, so to thrust out of his kingdom his brother Peter, borne in lawfull wedlocke: who thereupon, by the power of the French, was not onely thrust out of his kingdom, but slaine also by his bastard brother. Some there have been also which have passed further, saying that the pope hath in power jurisdiction over the emperour; but ouer all other kings and princes really and indeed: excepting ouer the French king, whom the canonists themselves confesse, indeed, and of right to acknowledge none greater then himselfe vnder God. Which Belluga a Spanish doctor, and Olbrade the beautie of his time do also better declare, saying that the French king neither in fact nor of right acknowledges any prince of the world superiour vnto himselfe. But these great clarks which thus give the popes power ouer other princes, haue no better reason for that they say, then the authoritie of pope Gelasius, who hath written, That the pope hath power to dispoyle all kings and princes of their soueraignitie and power. And some others there be which haue maintained, That appeale may be made from all people and princes vnto the pope, That there is none but the emperour and the pope which can revoke their owne decrees, and deprive other kings and princes of their soueraignitie and rule; That there is no prince but hee, vnto whom the pope hath confirmed his principalitie: And that which of all other is most absurd, That
A that hee of himselfe may giue priveleges, exemptions, and immunities vnto another princes subjectts contrarie to the decrees and lawes of all princes; and that he is the only and supreme empiere and judge of all mans lawes. And what maruell if he rule over princes, which commanndeath over angels? For touely Clement V. P. M. doubted not to command the angels. Yea some there be that have written, That to often as the pope shall put this clausse to his receipts, De plenituae poteftatis, Of the fulnesse of our power: so oft doth he therein derogat from the lawes of all princes. And albeit that some have holden also, That we must rest vpon that that the pope faith, without farther enquiring of the vettitie thereof; yet so it is neverthelesse, that Baldus hath written, That a man may lay vnto him, Salva reuerentia vestra, By your reuerences leave.

B And vpon the maxime set downe by the canonists, That the pope can do all: the diuines graunnting it to be so, do yet more stubbly, and as it were in two words moderat the fame, Ciaue non errante, The key not erring. And forasmuch as it is euer good subiects part to maintaine the greatnesse and maieftie of their owne princes, I will not enter into the disputes of Jaques de Terranne the popes chamberlaine, nor of Capito, nor of M. Charles du Moulins, and others, who haue oftimes overhot themelues either of fet purposue, or els preceded with violent passions, haue vnawares enterd into matter of religion, and so carried away either with loue or hatred of the pope, haue filled their writings with raylings. Whereas I here speake not but of temporall foueraigne, which is the subiect that I entreat of, (whereof they speake not) to the end it may be understood, who be absolute foueraigne princes; and whether the other princes be subiect vnto the emperour, or the pope, or not.

For at the beginning, after that pope Gregorie (he which first called himselfe the servant of the servants of God) had obtained of Phocas emperour of Constantinople, the prerogatiue over all the bishops; his successours after turning the spirituall power into the temporall, by little and little stil increaued their power, in so much that the princes as well for the fear they then had towards God, as for the dignitie of the prelacie, began to reuerence them much more than in former times; but much more after that the empire of the East began to decline, which was after that the popes had by their interdictions forbidden the people of Italie their obedience vnto the Constantinopolitan emperours, or to pay them any tribute; vpon occasion taken, that Leo the emperour, surnamed Monomachus, or the Image breaker, and also Thomas the emperour, had causd the images of Saints to be cast downe and broken: wherewith the people movd, and enraged with the authoritie of the bishop of Rome, flew Thomas in the temple of Saint Sophia. Wherefore the power of the Greeke empire being weakened in the East, by the incursions of the Barbarians; and the Greeke emperors out of hope againe to recover Italie, the kings of Lombardie then also doing what they might to make themselues lords of all Italie, and the popes also on their parts no lesse desirous to haue therein a share, and finding themelues too weake to make their partie good against the Lombard kings, vpon this difference causd themelues into the protection of the kings of Fraunce, which then were the greatest Monarches of Christendome; wherein they were not of their hope deceived. For hereupon, Pipin Grande M. of Fraunce (a man of great wealth and power, who then disposed of all the affaires of the realme) with a great army passing ouer the Alpes, ouethrew and discomfited the power of the Lombards, and afterward going to Rome, was the first that gaine vnto pope Zacharie, part of the seignorie of Italie, who had before crowned him king of Fraunce, forbidding the peeres and people of Fraunce to make choyce of any other for their kings but of the house of Pipin, having publicely pronounced king Childerie for his fortiethneffe to bee vnable for the gournaunet. Whereunto the people of Fraunce
Fraunce made so much the lesse resistance, for that Pipin then had the nobilitie and the armie of Fraunce at command: and for that the pope (who as then was esteemed as a God upon earth) was the author thereof, vnto whom Pipin had before solemnly promised, and given him letters patents thereof. That if hee should become victorious over the Lombards, he should give vnto the Church of Rome the Exarchat of Ravenna, which contained thirtie cities, and the province of Pentapole, which contained sixeene cities more: which he after the victorie performed, laying the keyes of the said cities vpon Saint Peters altar: yet requiring vnto himselfe and his succesours in the crowne of Fraunce, the foueraignitie of both the provinces; and that more is, power also to chuse the popes. Whereunto the pope not onely willingly graunted, but almost perused Pipin to take vpon him the name of an emperour: which title none then vsed, but the emperours of Constantinople. But Pipin being dead, the Lombards againe tooke vp armes, to the great disquiet of the popes, who againe had recontre vnto the French kings, as vnto a moft fierce fanaticke. Whereupon Charles, Pipin his sonne (for his many and worthy victories surnamed the Great) with a strong army paffing the Alpes, not onely ouethrew the king of the Lombards, but euen their king-dome also: and having lurely established the power of the Roman bishops, was by them called Emperour: and they againe by Charles so long as he liued, all chosen bishops of Rome. But after the death of this Charlemaigne, they which were of great credit in Rome, causd themselves to be chosen pope by the clergie, whether it were for the distrust they had to obtaine that dignitie of the kings of Fraunce, hauing no faunter in the court; or through the negligence of the French kings, who had there of no great care; or that it was by reafon of the great civil warres which arose betwixt the children of Lewes the Gentle, wherewith the French kings busied, left the prerogative they had in chusing of the chief BisHop. Yet Guitard, a good antiquarie, who liued in the same time writeth, 3 popes successively to have come into France to excuse themselves to Lewes the Gentle, That they had beene by the clergie of Rome constrained to accept of the papal dignitie, befeeching him to confirme the same: which he either as a man not defirous of glorie, or els fearing to prouoke the clergie (being then in great authority) did: of which his error he afterwards though to late full fote repentd himselfe: being by the colledge of cardinals constrained to yeeld vp his crowne, & to make himself a monke, and the queene his wife a nunne, but vp apart from her husband in a cloister with other nunnnes, which yet were againe afterwards deliuered by the princes and nobilitie of Fraunce, (disdaining to see the pride of the clergie) and so againe restored vnto their former honours.

But after the death of this Lewes the Gentle (who was emperour of Fraunce, of Germany, and of the greater part of Italia, and Spaine) the empire was divided into three kingdomes, which the brethren Charles the Bauld, Lothaire, and Lewes, euerie one of them hold in title of soueraignitie, without acknowledging any superioritie of one another; and againe, the kingdom of Lothaire was diuided amongst his children into three parts: vnto one fell the kingdom of Lorraine, vnto another the kingdom of Arles, and to the third the kingdom of Italia: Lewes holding Germanie, and Charles the emperour, Fraunce. So their diuided power began to decay, and the wealth of the bishops of Rome greatly to encrease: they now succeeding one another by way of election, and in nothing acknowledging the maistrie of the French kings, as they ought to have done: which came to paffe especially in the time of pope Nicholas the fift, who better understandd to managge matters of state than had his predecessors, and was the fift that vfed the rigour of excommunication against princes, hauing excommunicated Lothaire the younger brother of Lewes king of Italia. But the children of Lothaire

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**The First Booke**

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After Lothaire, being afterwards dead without issue, those three kingdoms which I spoke of, viz., of Loraine, Arles, and Italie, were divided between their vnelers, Charles and Lewis. Wherefore Lewis, king of Germanie, gouerned Italie, which fell vnto his part, by his lieutenants and deputies: whose power was not such as to withstand the popes, but that they sick by little and little extended their power and government: which especially hapned at such time as Guiscard the Norman had subdued the kingdom of Sicilie and Naples, taken from the Greekes and Moors: who to weaken the power of the Germans, and to raigne himselfe the more safely in Italie, joined hands against them with the Bishops of Rome. But the potestat of Guiscard being dead without heires male, left the kingdom of Naples and Sicilie vnto a woman their heire; married vnto the German emperor Frederick the second, who going into Italy, there to confirm his power, made choice of another pope, one of his own favorites: than was he whom the college of cardinals had before chosen: which was pope Innocent the fourth, a man both for his birth and learning famous; who driven out of Italy, and comming into France (the popes surest sanctuarie) and strengthened with the wealth and power of Lewis the first, the French king (whether it were for reverence of him the pope so solemnly by the cardinals chosen, or to weaken the power of the Germans) excommunicated the emperor Frederick the second: who seeing himselfe thereby become odious vnto all men, & himselfe like to be forlaken euen of his own sufcieets, & great troubles arising also against him in Italy, carefully returned into Germany, having obtained absolution of pope Innocent, by yeelding vp his authoritie and power for any more creating of the bishops of Rome, leasing the kingdoms of Naples and Sicilie vnto his base fonne Manfred, who was also excommunicated by pope Urban the fift: who not yet so contented, called in Charles of France, duke of Aniou, brother to king Lewis the first, whom he inuested in the aforesaid two realmes of Naples and Sicilie, retuming vnto the See of Rome the countie of Benevent, sealie, homage, jurisdiction, and soueraignty for the rest: with a yearely and perpetual fee of eight thousand ounces of gold, as we have before saide. After which time the house of Aragon, which by right of kindred succeeded the potestat of Manfred, being alwaies at odds with the house of Aniou, and so in continuall warres for these kingdoms of Naples and Sicilie; and seeing it not possible for them to recover them so long as the pope was their enemie, they found means to gain the popes favours, and fo made themselves the popes vassals, not only for the kingdoms of Naples and Sicilie, but also for the kingdoms of Aragon, Sardaine, Corsica, Maroquet, and Minorque: which partly did also for to obtaine the popes pardon for their offences, as we have before saide. The bishops of Rome in the mean time out of the troubles of these two great houses, encreasing their owne power and profit, peaceably enjoyed the territorie about Rome, Spolet, and Benevent, with a good part of Tuscanie, by vetture of the donation which wee haue before spoken of.

As for the citie of Rome, sometimes mistresse of the world, they brought it vnder their obedience, hauing by little and little oppressed the liberalitie thereof, no man saying them. Albeit that Charlemaigne hauing conquered Italie, expressly commandeth that it should remaine in full liberitie, with power left vnto the inhabitants to gouern their estate, which the Roman bishops had also by their oaths confirmed: as Augustine Onuphre the popes chamberlaine writeth, and as it well appeareth by the Vatican records.

Now if there were any soueraigne prince that were a tyrant, or an heretike, or that had done any notorious crime, or not obeyed the popes command; hee was by the pope forthevthexcommunicated: which was occasion enough to caufe his subiects...
to revolt from him; and to arm other princes against him which was so excommunicated; who then had no other meane left to be againe received into favour, but to make himselfe feudatarie to the Church of Rome, and the popes vassall. As I have before laid of John king of England, who made himselfe vassall to Innocent the third, for the muterh committed in the perfon of young Arthur duke of Britaine. And augmented also the feudall rent of England, for the murder committed by the commandement of the king of England, in the perfon of Thomas Archbishop of Canterbury. As in like case it chanced for the muterh committed in the perfon of Stanislaus archbishop of Genuzie, by the commandement of the king: for which the popes excommunicated the king, and tooke the riotall title from the kings of Polonia; enjoying also their subjectes therefore (as some have written) to have their heads behind, in such sort as we yet see them to doe: which whether it be true or no, I date not to affirme, neither could the Polonians tell me the cause thereof when I asked it of them: but manifest it is by antiquitie records, that after the muterh of that bishop, the kings of Polonia all thought they had the power of soueraigne maiestie, yet were they called but by the name of dukes, untill the time of Lusculo duke of Polonia, who received the royall crowne and title, of pope John the xxii, vpon condition to pay into the popes coffers a certaine yearely tribute, which is yet at this day paid for the lampe of Saint Peter, as we read in their histories. And beside those kingdoms which wee haue spoke of, viz: England, Arragon, Naples, Sicilie, Hierusalem, Polonia, Sardina, Corsica, and the Canaries, all feudataries or tributaries vnto the popes, or els both together; they haue also pretended the soueraigne of the kingdom of Hungarie, so belonging vnto them, and so it is comprised in the Catalogue of the Chauncerie of Rome. And I haue seen in the Vatican register, an act dated in the yeare 1229, whereby Ladislaus the first, king of Hungarie, promiseth his obedience vnto pope Benedict the xij, and acknowledgeth that he ought to receive the crowne at his hands. And by another act of Ladislaus the second, king of Hungarie, excommunicated for the disobedience by him committed against the popes Legat; for to have his abolution, he bound himselfe to pay yearely into the popes chamber an hundred markes of siluer; which obligation beareth date the yeare 1280. Yet in the same Vatican register, dated in the yeare 1308, whereby it appeareth also, the batons of Hungarie to haue sharly opposed themselves against the popes Legat, alleging Saint Stephen the first king of Hungarie, so haue received his crowne of the pope, and that they would not endure the pope to haue any such prerogative ouer them: and yet nevertheless they letted not, but that the king by themelues chose, might if it so pleased him cause himselfe to bee crowned by the pope. And in the end of that act are many decrees of the popes legat, concerning the state of that kingdom, with prohibitions to the kings of Hungarie for alienating any the remainder of the crowne; which may seeme to have bene the cause that Andrew king of Hungarie, was by Honorius the pope cited to Rome, to show why he had alienated part of the publicke demaines. Innocentius also the third expressly enjoyned the king of Hungarie to fulfill his dead fathers vow; threatening if he should refuse so to doe, to deprive him of his kingdom, and to give it to him that was next of kin. Which a man need not to thinke strange in those times, seeing that at the same time wee see the prohibitions made by the pope vnto the counties of Tholouze, (and inserted into the Decretals) that they should not raise any new charges vpon their owne subjectes. As for the kingdom of Hierusalem and Syria, wonne by Godfrey of Buillon and his allies, it is manifest that he therefore professed himselfe to be the popes vassall, and to hold it of him by fealty and homage: besides that we find it comprised in the Catalogue of the feudataries kings of the church of Rome. And as concerning the Grand Masters of the ho-
honourable order of S. John Hierusalem, which was composed of eight fundrie people of divers language, they were always inoffiect by the pope, and yet do fealtie and homage vnto the popes for the soueraigne power which they have over the knights of their order: albeit that they did homage also vnto the emperour Charles the fift, for Tripolis in Barbarie, before it fell into the hands of the Turkes: as now also they doe at this present vnto the king Catholie, for the isle of Malta, which was vpon that condition given them.

And as for the kingdome of Nauarre, vnder the colour of excommunication taken from Peter Albret, we said before, that it is by the kings of Spaine holden of the popes of Rome by fealtie and homage. And not many yeares ago pope Pius the fift would vnder the fame colour of religion, have taken also the rest that was yet left, from Jone queene of Nauarre, having caufed her to be cited to Rome; and afterward for default and contumacie, caufing her by his commissioneres to bee condemned: had not king Charles the ix taken vpon him to protect her, as being his fubiett, vallall, and neere kinwoman: which he gaue all Christian princes to vnderstand, vnto whole maifte the profcription of that most honourable queene might well haue seemd prejudicial.

For many were of opinion that the pope was absolute soueraigne lord of all the kingdoms of Christendome. And in our age, at such time as Henry the eight, king of England, was resold from the pope, the eate of Affimund, an Irifh man, sent letters vnto Henry the fecond the French king, (the copie whereof I have taken out of the records) whereby he offered himfelfe to become his fubiett, if he would of the pope obtaine the soueraigne of the kingdome of Ireland, which we said to haue bene vnder the fealtie of the bifhop of Rome, from the time of Innocent the third. They haue also pretended themselves to have the soueraigne of Mirandula, and of the counties of Concordre, Rege, Modene, Parma, & Placence, for which the popes Julius the fecond and third, both of them made great warres against the French king, when as yet it was most manifest those cities to depend of the German empire. Of Parma, and Placence there is no doubt; and the rest they confesse Maud the countesse to haue had by inheritance, holden by fealtie of the emperours, which she gau to the church of Rome.

Now if we graunt the aforesaid cities might have bene gauen vnto the bishop of Rome, and to have bene indeed gauen, as the bishops themselves vaunt; they must also confesse themselves to have bene vallalls vnto the German empire. But for that it seemed a difhonnour to the bishop of Rome, which said himfelfe to have power ouer all princes, to be accounted a vallall and client of the emperours; they said (but fally) the soueraigne of all the cities of Italie, which were within the dominions of the Church of Rome, to have bene by the emperours granted vnto the bishop of Rome. And to exempt themselves, they produce a donation which I have read in the Vatican regifter without date or name of bishopp, whereby Otho the emperour (but which Otho it is not said, when as there have bene foure of that name) doth gie vnto the church of Rome Pifarum, Ancona, Fofalbntum, and Auffin. Other letters patteins also there is of the emperour Otho the fourth, vnto pope Innocent the third, conceived in these words,

_Ego Otho quartus rex Romanorum sempiter Augustus, tibi domino meo pape Innocentio tertio, sufi, jucceforibus eclefeiae Romanae, spondeo, pollicor, & iuro, quod omnes possessiones Eccefeiae, &c. I Otho the fourth, king of the Romans, always victorious, do avow, promise, and sweare, to thee my lord pope Innocent the third, and to thy succesflours of the church of Rome, that all the posessions of the Church, &c. And that which followeth after, containeth a moft copious confirmation of all the lands and cities which then were in the dominion or patrimonie of the church of Rome, whether they were gauen by the emperours themselves, or by any other lords or princes whatfoever in the num-

The Grand Maftor of S. John Hierusalem tendarie both to the king of Spaine and the pope.

The kingdome of Nauarre holden of the pope.
number of which cities are these contained: Comitatus Pervusia, Reate, Salute, Interamne, Campania, nec non Romam, Ferrarium, &c. Marchian, A socioanam, terram Comitis Matildis &quæaque fiant circa Rodiceanum &que Ceperanum, exercitator Rauenae, Pentapolium alii terris, &c. The same forms of confirmation is in the Vatican records to be scene, both of Rodolph the emperor, and Charles the fourth; bearing date the yeare 1289, and 1368, impoiting that they also out of their abundance gave unto the pope and to the church of Rome so much as should be needfull, and all that which Henri the fift his grandfather had before given and confirmed vnto the church, that so all the occasions of discord which had before bene betwixt the emperors & the popes, might be altogether taken away. So that if these donations be good, the popes are exempted from their fealtie and hommage due vnto the emperours, by reason of the fees that they hold and which are members of the German empire. But if the emperours could not without the consent of the princes and cities of the empire, give away the publike territories and rights of soueraignty; and that the imperiall and publike territories cannot be encroached vpon; and much leffe the right of soueraignty and patronage, whose auturhites for euer over the subjicets and vassals cannot be prescribed against; it must needs follow, the popes to bee the vassals of the German empire.

The same we may say of the election of the bishops of Rome, which the German emperours pretend of right to belong vnto them. For the emperor Frederick the second to have abolution from pope Innocent the fourth, caufed to be deliverd vnto him his letters patrents, sealed with a seale of gold, dated the yeare 1229; whereof I haue seene the extract, and of his empire the seventh, and of his reigne in the kingdom of Sicilie the xxij. Whereby he entirely renounced the right of election which he had in the creating of bishops, using these words, Illum abfusum abolere volentes, quem quidem precedentorum ut electiones libere fiat & canonicæ. Wee willing to abolish that abufe which some of our predecessors were knowne to have exeicisde in the elections of prelates, grant that those elections may be freely and canonically made. By which words he seemeth to renounce not only the creation of the bishop of Rome, but all other bishops also. Howbeit that in truth that right of chusing of the popes belonged to the kings of Fraunce, and not vnto the German princes, who haue but vifited the name and title of emperours, got by the prowess and force of Charlemaigne king of Fraunce, and by him left vnto his successors the kings of Fraunce, and not vnto the kings of Germany: for so they were called in all the auncient treaties and histories of Germanie and Fraunce, and not emperours, except those which were crowned by the popes. But after that the power of the German kings was farre spread in Italie, they then fought to vfurpe vnto themselves that right of chusing of the bishops of Rome: whether it were for the encreasde of their owne wealth and power, or for to take away the ambition and soule corruption then vfed in voyces guing, and in their elections. For the emperor Henri the third thrust out of his papacie Gregorie the fift, chosen pope by the clerge, and set Clement the second in his place; and afterwards compelled the clerge to sweare not from thenceforth to adum any into the papacie, without the consent of the German emperours; as we have learned out of the Vatican records. But Clement the second being dead, the colledge of Cardinals sent ambashadours vnto the emperour to appoint whom hee thought good to bee pope, who appointed Pepom; afterwards called Damasus the second; who dead, the clerge againe sent ambashadours vnto the emperour, for the creating of a new pope: who sent vnto them Brunom, otherwise called Leo the ix: and after him Victor the second. After whose death the clerge made choyce of Frederick, and after him of Alexander the
A second: which when the emperour Henry the fourth understood, he sent them Cadol bishop of Parma, for pope, who although he were so received in all Lombardie, yet was he thrust out by pope Alexander. After Alexander succeeded Hildebrand, otherwise called Gregorie the seventh, chosen also by the clergie, who upon the grievous paine of excommunication, forbade all lay men to bestow any Ecclesiastical livings or benefices upon any whomsoever: And also excommunicated the emperour Henry the fourth, for disobeying his commandement in creating of bishops in Germanie. Wherewith the emperour moured, and with his armie passing over the Alpes, chased this Gregorie the seventh out of the citie, who had helden the papacie eleuen yeares, and placed in his stead Clement the third, who held that dignitie fourteenyeares against foure popes successively chosen by the clergie. After whose death Henry the 5 the emperour made Bourden pope, without regard of whom, the clergie neuertheless made choice of Callistus the second a Burgundion, who draue out Bourdin, before nominated by the emperour: and by a decree made at Wormes, enforced Henry to sweare no more to take upon him to bestow any spiritual livings upon any; yet with condition, that he might be in the assembled of the Bishops assynt, if he thought it so good. Which decree of the emperour Henry the 5th is yet extant in the Vatican records, in these words, Pro salute animae meae dimitto Deo & sanctis Apostolis Petro & Paulo, sanctisque Ecclesiae Catholicae, omnem inuestituram per annulum & batulum, & concedo in omnibus ecclesiis qua in imperio meo sit, Canonism &c. 

C The health of my soule I remit vnto God and the holy Apostles Peter and Paul, and to the holy Catholique Church, all inuestiture to bee made by Ring and paltorall staffe, and do grant Canonicall election to be made in all the Churches which are in mine Empire. Neuertheless 229 yeares after, the Emperour Lewis of Bavaria created Nicholas the 1st bishop of Rome: John the two and twentieth, a Frenchman, then sitting as pope at Augignon, who peremptorily cited the emperour to appeare before him and for default & contumacie pronounced sentence of excommunication against him: The emperour likewise on the contrarie side summoned the same pope John to come before him, saying the bishops of Rome to be subiect vnto his edicts and commandments, as emperour: and by sentence giuen at Rome, where Nicholas the Antipape held his seat, depruied John of his papacie. Which Nicholas afterwards retiring himself vnto Pisa, was by the citizens there betraied into the hands of pope John his mortal enimie at Augignon, where he shut vp in prison, for sorrow languished to death: and the emperour excommunicated, and therefore detested of all men, was forfaken of his subject. And this was the eight emperour whose the bishop of Rome excommunicated: after whomell the German emperours thought it not good afterwards to attempt any thing against the bishops of Rome. But to the contrarie the emperour Charles the fourth gave out his letters patrens, in the yeare 1355, whereby he acknowledgeth vnto pope Innocent the fit, That although he were chosen emperour by the princes, yet that he ought to take the confirmation of his election, and the imperiall crowne of him the pope; beginning in these words, Post pedum ofcula beatorum, &c. After the kising of your blestfeet, &c. Which words we fee still repeated in all the emperours letters vnto the bishop of Rome, even from the time of Lewis of Bavaria, vntill now.

E There is also extant in the Vatican, the forme of the coronation of the emperors, and by the emperour Charles the fourth approued; but no where more seruile seruices: where amongst other ceremonies, the emperour is as a fabdeacon to minisiter vnto the pope whilst he is laying maffe; and after divine seruice done, to hold his stittor whilst he mounteth to horse; and for a cetrainetime to lead his horse by the bridle: with di-
The humble subscription.

The base subscription of the Duke of Venice and of Fredericke the second unto the pope.

The maifte of the emperours greatly diminifhed by the pope.

Clement the seuenth.

The other ceremonies at large set downe in the Vatican records, which it is needless here to rehearse. And yet one thing more is worth the marking which is not in the record expressed, which is, that the emperour to receive the imperially crown, must goe to seeke the pope wherefoever he be, and to follow him if he chance to remove; as did the emperour Charles the fift, who being come into Italie, with hope to have gone vnto the * pope at Rome, being advertised of his departure thence to Bononia, was glad thither to follow him: that so the duty of an inferior prince towards the maiesty of his superiour might the more plainly be perceived. But after the death of Charles the fift, Ferdinand the emperour could not obtaine, that the pope shoulde in his absence ratifie his election; but was ofteymes by the pope threatened, That he would take such order for him, as that he should have nothing to doe with the affaires of the German empire: neither would he admit the emperours lawfull excuse, vutill hee was by the requestts and meditation of the French king, and of the king of Spaine appeased: which the German princes tooke in euill part, seeing they had promised vnto Ferdinand to employ their whole power for the defence of the maiesty of the empire, against that the popes enterprizes; as I haue learned by the letters of the kings ambaffadour, dated at Vienna, in July 1559. And to shew a greater submition of the emperours vnto the popes, the subcription of the emperours letters vnto the pope, is this, *Ego manus as pedes vestrae sanctitatis deoscolor, viz. I kiffe the hands and feet of your Holinesse. So vied alwaies the emperour Charles the fift to subscribe to his letters, when he writ vnto pope Clement the seuenth. Which he did not vpon a signifed courtefie, but indeed in most humble and seruile manner kisse the popes feet, in the open sight of the people, and the greatest assemblies of many noble princes, at Bononia, Rome, and laft of al at Marfelles in Prouence, where were met together the pope, the emperour, the kings of Fraunce and Nauarre, the dukes of Sauoy, of Buillon, Florence, Ferrara, Vitemberg, the Grand Master of Malta, with many other princes and great lords, who all kisse the popes feet, except the dukes of Buillon and Vitemberg, Protestant princes, who had fortaken the rites and ceremonies of the church of Rome. In latte more bafe fort did that duke of Venice humble himfelfe (who of the Venetians themselfes is called a dog) for that he with a rope about his necke, and creeping vpon all foure like a beast, so craved pardon of pope Clement the 5. But nothing was more base, than that which almost al historiographers which writ of the popes affaires, report of the emperour Fredericke the second, who to redeeme his fome out of prifon, lying profftrat vpon the ground at the feet of pope Alexander the foure, suffeted him to tread vpon his head, if the histories be true. Whereby it is well to be perceived, the maiesty of the Emperours, by the power (should I say) or by the outragiousnesse of the Bishops of Rome, to haue bene fo diminifhed, as that scarce the shadow of their antient maiesty feemeth now to remaine. They also fy themselves to be greater than the emperours, and that fo much greater, as is the Sunne greater than the Moone: that is to say, six thousand fix hundred forte, and five times, if we will beleue Proome and the Arabians. And that more is, they have alwaies pretended a right vnto the empire: for the imperially feat being vacant, they have given the inuesitures vnto them which held of the empire, and receuied of them their realtie: as they did of John and Luchin, vicounts of Milan, the imperially feat being emptie in the yeare 1341, who ate in the records called vaffals of the church of Rome, and not of the empire: and are forbidden their oedience vnto Lewes of Bauria the emperour, who was then excommunicated, as we haue before said. For which cause the Canonifls haue maintained, that the emperour cannot giue vp his imperially dignite vnto any, but vnto the pope: for which they yeeld this reason, That the emperours haue, their soueraignty of men, and the popes of God: howbeit
howbeit that both of them, as all others also in general, are of right to attribute all their power vnto almighty God. Nevertheless the emperor Charles the first wrothe with yeates and ficknesse, reigned his imperiall dignitie into the hands of the princes electors, and sent vnto them his resignation by the prince of Orange. But howsoever the Bishop of Rome pretended to have a soueraignty over all Christian princes, not only in spiritual, but also in temporall affaires; whether they got it by force of armes, or by the devotion and graunt of princes; or by long poftession and preſcription: yet could not our kings even for any most short time endure the servitude of the bishop of Rome, nor be moved with any their excommunications, which the popes vled as firebrands to the firing of the Christian Commonweales. For these the popes interdicti ons, or excommunications, were vnto other nations, to draw the subiects from the obedience and reverence of their prince: but such hath alwayes bene the lot of our kings towards their people (and to I hope shalbe for euer) and the loyalty of the people towards their kings: that when pope Boniface the eight saw himselfe nothing to preuaile by his excommunication, nor that the people were to be drawne from the obedience of their king, after he had publicly excommunicated Philip the Faire, he in like manner excommunicated all the French nation, with all them which tooke Philip for a king. But Philip having called together an assemble of his princes, and other his nobilitie, and perceiving in his subiects in generall a wonderfull content for the defence of his flate and soueraignty: he thereupon wrote letters vnto Boniface (which are common in euerie mans hand) to reproue him of his folly: and shortly after sent Robert with his arme into the popes territorie, who tooke the pope prisoner, (giving him well to understand that the king was not his subiect, as he had by his Bull published) but seeing him through impatience to become furious and mad, he set him againe at libertie. Yet from that the popes interdiction, the king by the aduice of his nobilitie and Senat, appealed vnto a generall councell, which had power ouer the pope, abusing the holy cities. For the king next vnto almighty God had none his superiour, vnto whom he might appeale: but the pope is bound vnto the decrees and commandes of the councell. And long times before Philip the Victorious, and his realm being interdicted by pope Alexander the third, who would have brought him into his subjection: answered him by letters, That he held nothing of the pope, not yet of any prince in the world. Benedic the third, and Iulius the second, had vfed the like excommunication against Charles the seventh, and Lewes the twelfth (who was called the Father of his country) that so as with firebrads they might inflame the people to rebellion: yet failed they both of their hope; the obedience of the subiects being in nothing diminished, but rather increased: the Bull of excommunication which the popes legat brought into France, being by the decrees of the parliament of Paris openly trome in peeces, and the legat for his presumptuotie was cast in prison. And not long after John of Nauarre, who called himselfe countie Palatine, when he had made certaine publicke notaries in France, and made legitimat certaine of his ballards, by vettue of the authority whiche he had (as he said) from the pope, he was therefore by a decree of the parliament of Tholouze condemned of treason. True it is, that they which have thought better to assure the majestie of the kings of France against the power of the pope, have obtained the popes bulls whilest they yet sat in the citie of Auignion, to be exempted from their power. And namely there is in the records of France a Bull of pope Clements the first, whereby he not only absolued Philip the Faire and his subiects from the interdiction of Boniface the eight, but also declareth the king and the realm to be exempted from the popes power. Pope Alexander the fourth also gave this privilege vnto the realm of France, That it could not for any cauie bee interdicted.
dicted: which was afterward by seven popes sucessefully confirmed, \textit{viz.}, by Gregory the viii, ix, xxii, Clement the fourth, Urban the fif, and Benedict the twelfth; whose bulls yet remaine in the records of France; which yet seeme vnto me not to encrease, but rather to diminish the maiefty of our kings, who were never in any thing beholden vnto the popes. And that more is, the court of parliament of Paris, hath by many decrees declared that clause; \textit{Anctoritate Apostolica}, By the authority Apostolical, visually inferred into the popes rescripts sent into France, to be void, necere abusive, and to no purpose: and therefore it behoveth him, that would help himselfe by any such the popes rescript, to protest in judgement, That he would not any way take benefit of that clause. By which means it is plainly to be understood, not only the kings, but the kingdom of France also, have bene always free from all the popes power and command. For as for that which John Durand himselfe a French writer, faith, That the French kings are subiect vnto the pope, so farre as concerneth their oath, it needeth no reuing; as by him written being bishop of Mende, and at such time as under the color of oathe joined vnto contracts, the ecclesiastical judges drew vnto themselves the hearing and determining of all matters: which their ingling craft was both by the kings edicts, and the decrees of the high courts of parliament, long since met withall, and taken away. But if the French king shall in his owne privat name contract with the pope, he may voluntarily and of his owne accord bind himselfe vnto the popes jurisdiction, which we read to have bene done by Philip Valois, at such time as he borrowed the summe of three hundred and thirty thousand florines of gold, of pope Clement the sixt, which is an ordinarie clause in all obligations, in which for the pope himselfe might at aswell as a privat man be bound also. But this money the pope may seeme also not to have lent without reward; but being himselfe of the house of Turene, it may be thought that he for this summe so lent, procured of the king the great privelages which the counties of Turene yet at this day enjoy. Yea but I know some to pretend, that the French kings ought to receive their royall crowne at the hands of the pope: for that king Pipin so received it at Saint Denie in France, of pope Zacharias: as though one act in discontinued solemnities, and of so great consequence, could give a right, or establish a perpetuall law: which it cannot do in the getting of the least discontinued service; but by the preterition of 100 yeares: albeit that in truth the king leaueth not to bee king, without any coronation or consecration, which are not things of the soueraignty. And that no man can deny, but that if the donation of the exarch of Rauenca & Pentapolis, one of the fairest countries of all Italie, be made by the kings of France vnto the popes, and the church of Rome; it is also holden of that crowne of France: seeing that the confirmation of the seignories so giuen, was requested of Lewes the Gentle, successor to Charlemaine: which confirmation Carolus Sigonius, a most skilfull man in the antiquities of Italie, writeth himselfe to have seene and read. Wherefrom a man may draw two most certaine arguments; The one, That the donation was made by the predecessours of Lewes the Gentle: And the other that the soueraignty of the seignories so giuen, was yet reserved: For otherwise there should not have needed any of king Lewes his confirmation; considering that king Pipin had by law of armes wonne those terrioties from the emperours of Constantinople, and therefore might of right both give them by himselfe so wonne, and also appoint laws vnto them so by him giuen. Albeit that the Constantinopolite emperour sent ambassadors into France vnto Pipin, to have had him to have infringed & reuoked the said donation: which they could not of him obtaine, but returned as they came; as is to be seene in the histories of Florasus and Sigonius. And that more is, Augustinus Onuphrius the popes chamberlaine, who had diligently searched all the Vatican records (speaking of the popes)
The princes tending the great Negus of Ethiopia no kings nor soueraigns.

The Mahometan princes by their laws forbidden to call themselves lords or soueraigns.

Divers Mahometan kingstributaries vnto the king of Portugal.
them tribute; having also subdued all the sea coast of Africa, and of the East Indies, and almost in infinite number of places built fortresses; yet and in the island of Ormus even under the nose of the Persian king, having built a most strong castle, and strictly exacting tribute and custom of such as pass that way, or chance to arrive in the Persian gulf; and had done the like in the red sea, had not Barragan governor of that coast, and the king of Ethiopia his subject, cut the Portugals in pieces, and raged the fortresses which they had begun to build, under the colour of alliance and amity contracted by Lopes an ambassador for the king of Portugal, with the king of Ethiopia, in the year 1519. And yet for all that certain it is, that the king of Portugal was of untimely time feudatarie or vassal unto the king of Castile, and the kingdom of Portugal a member of the kingdom of Castile: which for the greater part holden by force by the Moors, was given to Henrie, brother to Godfrey of Buillon, in marriage with the base daughter of Aphonsus king of Castile: from whom are descended all the kings of Portugal, since this four hundred and sixtie yeares, vnto Henrie the Cardinal, who last resigned: having (of long) exempted themselves from the fourraignie of Castile, and holding divers kings their tributaries and feudataries, of whom Emmanuel was the greatest, and for his martiall prowess amongst the rest most famous; who vanquished the aforesaid kings, and caused them to pay him tribute. For there are now no feudatarie kings in Africa, or Africa, which are not also tributarie; howbeit in untimely time the kings of Persia, and the Romans, having subdued kings unto their empire, for most part made them to become their tributaries: as for such fealtie and homage as is of vassals exacted, they knew not what it meant. For Philip the second, king of Macedon, being by the Romans overcome, they granted him peace, vpon condition, that he should pay them into their common trauature, a certaine yearly tribute; which Persians, Philip his sonne, afterwards refusing to pay, drew vpon himselfe a great and heavy warre, to his owne vter destruction. And yet oftentimes such tributarie kings had others tributarie vnto them selves, who had also power of life and death, and other roiall fourraignies vnto their owne subiects. So the kingdom of David was contained within the bounds of Palashine, and yet he enforced the neighbour kings to pay vnto him tribute, his posterity nevertheless not long after yelding tribute vnto the Egyptians, and the Asiatians. So the kings of Slatonia, and the Commonweale of Carthage vfed the like authoritie and right over the princes vnder their dominion, that the Romans exercized vnto them, enforcing them to bring their yearly tributes into their trauatures.

Yet is there difference between a tribute and a pention: for a pention is paid in respect of fealtie, or in time of warres to receive aid against our enemies: but a tribute is given, thereby to have peace: howbeit that he which receiveth such a pention, commonly boasteth of it, as of a tribute: as the kings of England called the pention of fittie thousand crownes, which Lewes the xij paid vnto them by the treaty of Piqueni, by the name of a tribute; vntill that Elizabeth the daughter of Edward king of England was married vnto Charles the eight, king Lewes his sonne. Howbeit that Philip Comines deneyeth it to have bene either pention or tribute; yet needes it must be either the one or the other. So the Grand Signior calleth the German emperour his tributarie, for the pention which he payeth euerie yeare for the peaceable enjoying of a part of Hungarie. The Venetians also, the Genowayes, the Ragufians, the kings of Algiers and of Tunes, in his letters and in the conventions of peace, he calleth by the name of his great friends and allies, but accounteth them indeed his tributarie. But the great Preceop Tattar, who in untimely time was fourraigne of all the realmes from Volga to Boristhenes, held all the princes and lords of those countries as his vassals and tributarie.
ries, who not only kneeled before himself, but stood before his ambassadors sitting: For so the Knez of Moscouie behaued himselfe before the ambassadours of this Tartar prince, and was therefore of other princes commonly called but by the name of a duke: howbeit that the dukes of Moscouie, for this and divers other such indignities, call off the subtile Tartars yoke, in the yeare 1524. And the first that revolted from them was Bajillus the first, who called himselfe The Great Chamberlaine of God, and King of Moscouie: and so he which at this present reigneth, in despiteth that other princes esteeme him but a duke, fileth himselfe The Great Emperor: as it math he in power either excelleth, or is equall vnto the greatest kings his neighbours, excepting the kings of the Turkes: albeit that the right of soueraigne majestie be not defined by the spatioufness of places, or the greatnesse of countries, as if that might make a prince either more or lesse soueraigne: as Eumenes being ouerthrowne, and having nothing left him of his owne more than the cattle wherein he was besieged, yet when as he was to treat of peace with Antigonus king of Asia (who as he was in power, would also in honor have seemed to have bene his superior) answered, That he * acknowledged no man greater than himselfe, so long as he had his sword in his hand.

And yet among soueraigne princes there is a certaine prerogative of honour due vnto the more auuent Monarches and Commonweals, although they bee in wealth & power inferior vnto them that be more new or of later time: as we see amongst the xiii Cantons of the Swiflets, who are all soueraignes, acknowledging neither prince nor monarch in the world for their soueraigne: the Canton of Zurich in all their assemblies hath the prerogative of honour: For their deputy as a prince in the name of all the rest of the Cantons, receiuedeth and dismiseth the ambassadours of other kings and Commonweals; and vnto him only is belongeth to call a generall assemblie of all the states of the Cantons, and againe to dismishe the same: albeit that the Canton of Berne be much greater and stronger: Next vnto them of Berne, are Lucerne, and Vri, albeit that they be defended neither with walls nor ditches, no more than are the Swifts, and Vndertauled, which follow in order vnto them of Vri: then follow after them Zug, Glaris, Basill, Friburg, and Solenure. Now haply a man may say, That this is done according to the time that eriere Canton entred into their alliance: which is not so: for by their treaties it appeareth, that the first that entred in that confederatiue and alliance were they of Vri, Schwiets, Zug, and Vndertauled.

Sometimes also the more auuent Monarches and Commonweals lose their prerogative of honour: as when they put themselves into the protection of latter princes, or yeild themselves tributaries: in which case it is most certaine, that they are alwaies lesse than the other into whose protection they put themselves, or vnto whom they pay tribute. As it chanced almost to all kings and princes which fought the protection of the Romans: whereas others which were come into equall alliance with them, as the Hedui, were in their leagues called their confederates, their equals and brethren: and yet for all that, they in truth and effect were inferiour vnto them in honour. And verily Augustus the emperor shewed himselfe wonderfull ceremonious and difficult in the honours which he bestowed on kings and princes, allies and vnder the protection of the empire of Rome: making Tetrarques, inferiour vnto Ethnarques, and thence inferiours vnto kings; and the more auuent allies of the Romans, superiour vnto the rest that came into their alliance after them. And albeit that the Romans in the flourishing time of their popular estate, seemed not much carefull of such ceremonies of dignitie and honour which is of kings and princes more regarded, yet did Q. Martius Philippus, their ambassadour show himselfe therein curious: Who contending with Perseus king of Macedon, which of them should come out the tiler upon the frontiers of

*The Moncouriis an Absolute soueraigne prince.
*Baudius, the first, who called himselfe The Great Chamberlaine of God, and King of Moscouie.
*Plutarque in Eumenes.
The noble Capitaine of Eumenes to king Antigonus.
*The order of the Cantoii of the Swiflets.
The Moncouriis an Absolute soueraigne prince.

**The nobility Cry of Eumenes to king Antigonus.

The degrees of honour among soueraigne princes being equall.

The degrees of honour amongst soueraigne princes being in alliance together.
of Macedon, vnto the other: and Persens for that he was a king refusing to come ouer vnto the Roman ambassadour, the ambassadour yet by sweet speech drew him ouer: Whiche he did (as he said vnto the ambassadours of the allies and confedemts there present with him) to shew that the honour of the Romans was greater than that of the Macedonian kings; who for all that would in nothing gie place vnto the Romans. Yet was there a greater cause than that, which Martius, or els Lucie omitted, which was for that Philip the father of Persens had vpon conditions, received peace of the Romans and also paid vnto them tribute; which his father Philipus act, if he had disliked, he should not haue mediied with the kingdome: although that he was otherwise unworthy therof, who his father yet living, had a vnto his inheritance: and being but borne of a concubine, had slaine his brother borne in lawfull marriage. But after that hee ouerthowe and vanquished by Paulus Emilius, had left the hope of his kingdome, he wrie letters vnto Emilius, general of the Roman army, yet stilling himselfe a king: which his letters the Roman generall reiected, and would not vouchsafe to open them, except hee first renounced his toall dignitie, which can only agree vnto him which hath a soueraigne power, subiect to no other princes command.

And for the same cause Francis the first the French king declared vnto Cardinall Bibiene the popes legat, that the pope his mafter ought not to suffer the emperour Charles the fift to call himselfe king of Naples and of Sicilie, seeing that he was but the Popes vassall. Whereof the legat gave aduertisement vnto Iulian Cardinall de Medices, who was afterwards poppe; to the end that that title might have beene ralied, which as hee certified him by his letters, was by the charrters of faitie, forbidden the kings of Naples to take: whereas for all that, in all the records which wee have got out of the Vatican, that is not onely not forbidden, but the name and dignitie of the king of Naples and Sicilie expressly let downe, as namely in theinueftitures of Charles of France, of Carobert, and of John. So many times ambassadours euill instructed in their masters affaires, through ignorance commit therein many notable faults. And by the same reason we should take the royall title of a king from the king of Bohemia, who holdeth his kingdome in faitie and homage of the empire; and not for that it is so little, as many haue written, that it is for that cause no kingdome, which were to meane kings by the elne: but it is, for that the countrey of Bohemia was by the emperour Fredericke the fift, for title of honour openly erected a kingdome, without prejudice vnto the right of soueraigne of the empire. But to say truth, this title agreeeth vnto none that is another mans vassall, nor hath nothing of his owne in title of soueraigne. And it may be, that for this cause pope Pius the fourth gave not the royall title to Cofinus duke of Florence, albeit that he would very gladly have so done: whereof the emperor Maximilian the secon, being by the French embassadour aduertised, not vnftily replied, Ita/ia non habet regem nisi Caesar. Italy hath no king but the emperour. Although that be to be understood of the maiftie of the German empire, (whereof the Florentine state dependeth) & not of the emperour, who is himselfe subiect vnto the estate of the empire: albeit that all christians princes give him the prerogatiue of honor, next vnto the pope, whether it be for that he is chiefe of the German empire, or els hath got it by long prescription of time. So alio next vnto the emperour, all other princes have vied to give this prerogatiue of honour vnto the French kings; not only for the long possesion thereof, but also for that in all the world (whether you looke among the Christians, or the Tartars, the Turkes, the Ethyopians, the Indians, or Barbarians) is not to be found so auintient a kingdome, or such a continual descent of kings of the same stocke and line as is among the French kings. And therefore Baldus (being himselfe an Italian Lawyer and a subiect of the empire) sayth well, That the French king
A carieth the crowne of glorie above all the kings, who have alwaies gien him that preheminence of honour. And there is also yet extant an epistle of pope Gregories vn
to king Childobert, the beginning whereof is this: *Quanto ceteros homines regia ma-
iestas antecellit, tanto ceterarum gentium regnas, regni vestri illum excellet:* by how
much the roylly Maiestie excelleth other men, by so much doth the Maiestie of your
kingdome excell the kingdomes of other nations. As in truth this prerogatiue is vnto
him due: for the Germaine emperours themselves cannot deny, but that the German
empire was sometime a prouince and membet of the auintent kingdome of France,
conquered by the prowess of *Charlemaigne* king of France and power of the French
nation: but afterwards rent againe from the fame, being gien in partitio to *Leuws* of
France, yongest son to *Leuws* the Gentile, at such time as *Charles* the Bauld the French
emperour held the imperiall seate of the empire: Howbeit that yet neuertheless the
Geraman princes the *Obtoms*, by the graunt of the Roman bishops having got the
imperial title, haue by little & litle through the ignorance of our embassadors usurped &
taken vnto themselves this prerogatiue of honour above the French kings. As in like
case the king of Spaine not many yeares agoe would have prevented our kings embas-
sadors: but was at the request of *M. Nouaille*, ambassadour for the French king, by
a decree of the Venetian Senat embattred fo to doe, in the yeare 1558; and so likewise
afterwards by a decree of the pope, gien by the consent of all the colledge of Cardi-
nals: where the pope saide with a lowd and cleare voyce, *That the French kings had
beene alwaies the auintent protectours of the church of Rome*, and that the fairest
and fruitfullest provinces of the kingdome of Spaine, had bene dismembred and rent
from the kingdome of France: than which nothing could in that kind haue beene
more truely spoken; for by our kings, the authoritie of the bishops of Rome hath
beene alwaies the auintent protectours of the church of Rome. Wherein the pope also in some fortere amended the errour committed in the counsell
of Trent; where *Mendoza* the Spanish embassadour, preferring himfelfe and taking
place before the French embassadour (which then was *M. Laves*, asisfted with the
M.M. of Ferrier & Faut) was to haue bin compelled to haue departed from the coun-
cell, or els to haue kept the auintent order of embassadours, and so to haue followed
the French embassadours: who withstanding the Spanish embassadors pretsumption,
requested that he might not inuerit the order of the embassadours: saying, that other-
wise he would himfelfe forfake the Counseek, and cause the French bishops to depart
thence also. Whereunto the Spanish embassadour craftily answered, That as he
would not goe before the French embassadour, so would he not be enforced to follow
him; and so tooke his place by himfelfe apart from all the rest of the embassadours. Yet
notwithstanding these two former decrees which I haue spoken of, the Spanish embas-
sadour not long after at Vienna in Austria, earnestly requested of the emperour, That he
might goe in the same degree and order with the French embassadour; or that they
might at leafe goe formost by tumes (as did the Roman Confuls, who had the pre-
heminence, the twelve sergents, and power to command, successively, each of them
his day) which *Henrie* the second the French king hearing of, writ againe to his ambas-
sador, That preroatiue of dignitiue to be of so great moment and confequence, as that
nothing therein was by him to be said or done more than he had commisison for. And
*Ferdinand* the emperour not willing to offend either the one or the other, thought it
good to forbid them both from coming together, either vnto sermons or other pub-
like assembles. The Senat of Polonia troubled with the same difficultie, thought it
not good to preferre one embassadour before another, neither to preferre them by
tumes, or yet to make them equall: but decreed of all embassadours in generall, that

Contestation at
the counsell of
Trent between
the Spanish and
French emb-
assadors: about
their places.
as every of them first came into the frontiers of the kingdom of Polonia, so should they be first in order heard. And so accordingly M. De Molusc bishop of Valence (who for his wifedom and dexterity for managing of matters of estate, had beene fifteene times ambassadour) hauing by great celerity prevented the Spanish ambassadour, had also first audience; wherewith the Spanish ambassadour offended, would as then fay nothing: as I haue vnderstood by M. de Nouaille abbot of Belle-isle, a man of great honour and vertue; who then was also ambassadour into Polonia, as he now is at Conftaminopole. But before the yeare 1558, noetuer Christian prince made question of the preheminence of the French ambasfadors before them of Spaine: and namely the English men always preferred them before the Spaniards; albeit that they had bene auntient allies and friends vnto the one, and enemies vnto the other. As after the death of queen Marie, in the chapiter holden by the knights of the most honourable order of the Garter, vpon Saint Georges day, in the yeare 1555, concerning the confering of honours, it was declared, That the French kings place should be above the rest, next vnto the prince on the right hand; where before was the place for Spaine, while king Philip was married vnto the quene. And the next day after being Saint Georges day, a day of great solemnite vnto the knights of that order, a feast was accordingly refurred for the French king, on the right hand next vnto the prince: and anothet on the left hand for the king of Spaine, next vnto the emperors seat on the fame fide, being then empty. And afterward in the time of Charles the ix, the quene of England caused to be sent vnto him the banner of Frunce, of the fame fluffe and greatness that her owne was, as the king was aduertised by M. de Foix then his ambassadour there; and in the roll or Catalogue of these knights, which is signed euerie yeare by the quene, the French kings name is euery the first, next vnto her owne.

But to take away these difficulties and icelousies betwixt princes, about their honors, which are otherwise inevitable and dangerous: it is declared in the xiii article of the ordinances of king Lewis the xi, touching the order of knights, that they should bee placed according to the time of their receiuuing into the order, without prerogatiue of king or emperour. For euerie souetaigne prince who is neither tributarie, vafsall, nor in the protection of another, may as seemeth vnto him beft in his owne country bee allowed the prerogatiues of honour vpon whomsoever hee pleatheth, and to referve the chiefe place vnto himselfe. We know right well that the Venetians, the Rhagufians, the Genowayes, the Mofcouites, and the Polonians, are in league with the great Turk, and yet hath he alwaies guinen the prerogatiue of honour vnto the French king, calling him in his letters the Greatest, and the Greatest among the moft Great Princes of the Christians: & filleth himfelle The greatest of all Princes, and the chiefe Sarrach or Prince of the Musulmans; that is to fay, Chiefe Prince of the right beleuuing or faithfull, which laft prerogatiue of honour the Chriflian princes themselfes haue guinen him by their letters: and as for the first title he seemeth himfelle to haue taken it from the auntient emperours of Conftaminopole, who bare in their armes foure B. which we call Fufils, whereby these words are signified; BAΣIAIΣ λ ΤΣ λ ΛΙΑΣΙΝ, BAΣIAIΣ ΤΟΝ BAΣΙΑΙΣ ΤΙ, that is to fay King of kings, reigning over kings. Which was the title that the kings of Babilon in auntient time tooke vpon them also, as we may fee in Ezeciel, who calleth the great king Nabosodonofor that is to fay, King of kings; for that all the kings of Afia were vnto him tributaries: after which the kings of Perfia hauing overcome the kings of Afia, as Ezekiel writeth, vfed the fame title: & after them the Parthian kings also, as Dion writeth, that Pherates the king of Parthia called himfelle King of kings. But neither feudatarie kings which hold all their territories of others; neither dukes, marquesses, counties, or other like princes can of right vse the title of soueraigne Maietie,
Being that nothing upon earth is greater or higher, next unto God, than the maieftie of kings and soueraigne princes; for that they are in a fort created his lieutenants for the welfare of other men: it is meet diligently to consider of their maieftie and power, as also who and of what fort they be; that so we may in all obedience respect and reverence their maieftie, and not to think or speake of them otherwise than of the lieutenants of the most mightie and immortal God: for that he which speakeith evil of his prince vnto whom he oweth all dutie, doth injurie vnto the maieftie of God himselfe, whose lively image he is vpon earth. As God speaking vnto Samuel, of whom the people of Ifrael had vnaduifully asked a king, It is not the faith God but me whom they have depifi.

Now to the end that one may know him that is such an one (that is to say a Soueraigne prince) we must know the markes, which are not common vnto other subiects also: for if they were common vnto others, than should there be no soueraigne prince. And yet they which haue writ best of or concerning a Commonweale, have not sufficiently and as it ought, manifested this point, than which none is more plentiful or more profitable in the discourse of a Commonweale: whether it were by them for flatterie, for feare, for hatred, or by forgetfulness omitted. For when Samuel had denounced him king whom God had before chosen, and consecrated him before the people, as if he had but come by chance; he is reported to haue writ a booke of the power and Soueraignety of a king, which the Hebrew priests haue written to haue bene by their kings suppresst and rent, that so they might more freely tyrannize over their subiects. Wherein PhÌ.Malachiæ in mine opinion is deceived, who hath thought those things which Samuel spoke vnto the people, concerning the crueltie or insolence of tyrants, to belong vnto the right of soueraigne maieftie: Whereas he in that his Oration vnto the people, would haue reclaimed them from the alteration and innovation of the state, and to haue beene better advised. Will you (faith he) know the custome of tyrants? It is to take away the goods of their subiects, and to dispofe of them at their pleasure; to take the tenth of their labours, to raise other mens wives, to take from them their children to abuse them, or to make of them their slaves? For the word καιερων οικετων ου γενεσθαι, which he saith signifies not lawful rights in that place, but mens fortunes and manner of doing. For otherwise the good prince Samuel should in all his speech be contrarie vnto himselfe: for in givings of an account before the people, of the charge that God had given him vnto them; Which of you (faith he) is it amongst you that can accuse me of enuill, or say that I haue taken of him either gold or silver, or other present whatsoever? Whereunto all the people with great applause and acclamation gave him this praysle, That he had never done them wrong, nor taken anything of any person whomsoever. Should then this good prince be of great integrity, godlineffe, and justice, as he is reported to haue bene of, haue pronounced the cruelties, insolencies, and adulteries of Tyrants, as laws of Soueraignety for princes to imitate? And amongst the Greeks...
Greeks there are none, who have anything written concerning the laws of Soueraigne, except Aristotle, Polybius, and Dionysius Halicarnassius, who have writ with so great brevity and obscuritie, as that they seeme rather to have propounded the question, than to have declared what was to be thought thereof, as not therein well resolved themselues. For there are (faith Aristotle) three parts of a Commonwealth, the one to take advice and counsel, the other to esstablish magistrates and officers, and euerie man in his charge, and the third to administer and execute justice. Here (in mine opinion) or else no where he seemeth to speake of the right of Soueraigne; for that a Commonwealth can by no means receive that diuision, as it was of the whole into parts, except the soueraigne government were also spoken of. Neither hath Polybius also determinatively defined or let downe the rights and marks of Soueraigne: but in speaking of the Roman Commonwealth, he faith, That their estate was mixt of the Power royall, of the Aristocratical government, and the Popular libertie: seeing (faith he) that the people made lawes and officers; the Senat disposed of the provinces and common treasuries, received and dispensed amountadours, and had the manning of the greatest affaires; the Conuls held the prerogative of honour, in all their forme and quality, but especially in warres, wherein they were all in all. Wherein it appeareth, that he hath touched the principal points of Soueraigne, seeing that they vnto whom he attribute the same, had the chief government of the Commonwealth. But Dionysius Halicarnassius seemeth thereof: to have written better, and more plainly than the other. For he faith, That king Servius, to take away power from the Senat, gave power to the people, to make and abolish lawes, to determine of peace and warre, to place and displace officers, to hear the appeals of all the magistrates. And in another place speaking of the third trouble which happened in Rome, betwixt the nobilitie and the people, he faith, That Marcus Valerius the Conful shewed vnto the people, that it ought to content it selfe, to have the power to make lawes, to chuse officers, to receive appeals from all the magistrates, and to to leafe the rest vnto the Senat. Since which time the lawyers have amplified these rights, and they oftener time, much more than they before them, in the treaties which the call The rights of Regaltie, which they have filled with an infinit number of particularities, such as are common vnto dukes, counties, barons, bishops, officers, and other subjectts of soueraigne princes: in such sort that they call dukes soueraigne princes, as the dukes of Milan, Mantua, Ferrara, and Sauoy: yet even some counties also dukes subjectts, being all or most part blinded with this error, which hath in it a great appearance of truth. For who is there that would not decreem him to be a soueraigne, which giuent lawes vnto his subjectts, which make them peace and warre, which appointeth all the officers and magistrats of his country, which imposeth tributes, and at his pleasure eath whom he eateth good: which hath power of life and death, and in briefe to dispose of the whole Commonwealth. All which they before rehearsed, have power to doe: and what more can a man desire in a Soueraigne prince? For all these are the marke of Soueraigne. And yet neuertheless we have before shewed that the dukes of Milan, of Sauoy, of Ferrara, of Florence, and of Mantua, hold all of the empire: and that the most honourable title that they have, is to be princes and deputys of the empire: we have also said that they have their inquest from the empire: and that they yeeld their fealtie and homage vnto the empire: in briefe that they are natural subjectts of the empire, and borne in the territories subject vnto the empire. Then how can they be aboulir soueraigne? For how shoulde he be a soueraigne, which acknowledgeth the juridiction of another greater then himselfe: of one which reuereth his judgements, which correcteth his lawes, and chastiseth himselfe, if he commit abuse? We haue before shewed that Galate the first, vi-
A count of Milan, was accused, attainted, convicted, and condemned of treason by the emperor, for having without leave raised taxes upon his subjects, and that he therefore died in prison. And if any of them shall contrarie vnto the lawes, by force, suffrance, or by usurpation take upon them the foueraignty; are they therefore foueraigns? or if they presume against the fealtie and obedience which they owe vnto their prince? Seeing that they confesse themselves but princes and deputies of the empire. They must then renounce the titles of princes and dukes, of Highnesse and Excellencie, & file themselves kings, to see the title of foueraigne maieftie, which they cannot doe, without revolving from the empire; as did Galuagno vicount of Milan, who therefore endured the grievous punishment of his raihnesse. We have also shewed that the cities of Lombardie were subicet vnto the empire. In briefe we had declared also the intolerable absurdities that should ensue, if the vassals should be foueraignes, especially when they have nothing but what they hold of another: and that this were nothing else but to make the subicet equal with his lord, the fealtant with his maister: he that receiuethe the law, with him that giueth the law, him that oweth his obedience vnto him that is to commmaund, which seeing they are things impossible, wee may well conclude that dukes, counties, and all they which hold of another man; or that receive law or commandement from another, be it by force, or otherwise by contract, are in no wise foueraigns.

The same opinion we have of the greatest magistrats, of kings Lieutenants general, Gouernours, Regents, and Dictators; what power soever they haue, if they be bound vnto the lawes appeales, and command of another man, they are not to be accounted foueraignes. For it behouethe that the markes and recognisances of foueraignitie be fuch, as that they cannot agree to any other, but to a foueraigne prince: for otherwise if they be to be communicated with subjects, a man cannot say them to be the true markes of foueraignitie. For as a crowne if it be broken in pieces or opened, loogeth the name of a crowne; to foueraigne maieftie loogeth the greatnesse thereof, if any wise be opened to tread vnder foot any right thereof; as by communicating the same with subjects.

And for this cause in the exchange made betwixt king Charles the first, and the king of Nauarre, for the territories of Mant and Meullan, with Montpellier, wherein the royall things are atticated, they are said all wholly and alone to belong vnto the king. It is also by the common opinion of the lawyers manifest, that those royall rights cannot by the foueraigne be yeelded vp, disrated, or any otherwise alienated; or by any tace of time be prescribed against: and therefore Baldus calleth them Sacra Sacrorum, of Sacred things the most Sacred: and Cynus Individua, things ineparable, or not to be divided. And if it chauce a foueraigne prince to communiquet them with his subiect, he shall maketh him of his sealtant, his companion in the empire: in which doing he shall loose his foueraignitie, and be no more a foueraigne: for that onely is a foueraigne, which hath none his superiour or companion with himselfe in the same kingdom.

For as the great foueraigne God, cannot make another God equall vnto himselfe, confideting that he is of infinite power and greatness, and that there cannot bee two infinite things, as is by natural demonstrations manifest: so also may we say, that the prince whom we haue set down as the image of God, cannot make a subiect equall vnto himselfe, but that his owne foueraignitie must thereby be abased: which if it be so, it followeth that the administration of justice, which Artifolte maketh the third part of a Commonweale, is not the true mark of foueraignitie; for that it indifferently agree eth almoost to all magistrats as well as to the prince; neither in like fort to make or discharge officers; for that the prince and the subicet haue both this power, not only in appointing the officers subjectants at home, and in time of warre, but even of the officers, and
and magistrates themselves, which command in peace or in warre. For we read that the Consuls, in ancient time created the martial Tribunes, who were as marshals in the army, and he whom they called the Interrex created the dictator, and the dictator appointed the colonel of the horsemen: & in every Commonwealth where justice is given with fees, the lord of the fees may at his pleasure appoint officers, and without cause displace them again, if they have not their offices in recompence of some their defects. The same opinion we have of punishments and rewards, which magistrates or captains inflict or give unto them that have defeated the same, as well as the soueraigne prince. Wherefore it is no true marke of Soueraignty to give reward, or to inflict punishment unto such as have so defended, if it is common both to the prince and the magistrate: albeit that the magistrate have this power of the prince. It is also no marke of Soueraignty to have power to consult of the affairs of the state, which is the proper charge of the priuie Councell, or Senat of a Commonwealth; which is always divided from him which is therein soueraigne; but especially in a popular estate where the soueraigne lieth in the assembly of the people, which is always an enemy vnto wisdome and good counsel. Whereby it is to be perceived, not any one thing of those three wherein Aristotle laid a Commonwealth to consult, to be the true marke of Soueraigne.

As for that which Dionysius Halicarnassius saith of Marcus Valerius the Consull, in the Oration which he made vnto the people of Rome, for the appeasing of the troubles then rotten betwixt the Senat and them; that the people ought to content themselfes to have the power to make lawes and magistrates: that is not sufficient to declare a Soueraigne of power in them, as I have before declared concerning the magistrates. Yea the power to make lawes is not the proper marke of Soueraigne, except we understand thereby the soueraigne princes lawes; for that the magistrate may also give lawes vnto them that are within the compass of his jurisdiction, so that nothing be by him decreed contrarie to the edicts and lawes of his soueraigne prince. And to manifest this point, we must presuppose that this word law, without any other addition signifies The right command of him or them, which have soueraigne power above others, without exception of person: be it that such commandement concern the subiects in generall, or in particular: except him or them which have given the law. Howbeit to speak more properly, A law is the command of a soueraigne concerning all his subiects in generall: or else concerning generall things, as faith Felst Pompeius, as a privilege concerneth some one, or some few: which law if it bee made by the priuie council, or Senat of a Commonwealth, it is called Senatus consultum, as the priuie council: or decree of the Senat. But if the vulgar people made any such command, it was called Plebiscitum, that is to say, The command of the meanest people: which after many seditions and fluts, betwixt the Nobilitie and the common people, was in the end called a law. For the appeasing whereof all the people in the assembly of the great estates, at the request of M. Horatius the Consull made a law, that the Nobilitie and the Senat in generall, and euerie one of the people in particular, should bee bound to keepe the decrees and lawes which the common people should make, without appeasing therefrom: or that the Nobilitie should have any voyce therein. But forasmuch as the nobilitie and the Senat made small account of such the peoples decrees and ordinances; the aforesaid law was afterward renewed, and againe published, at the instance of Q. Hortensius and Pub. Philo Dictators: From which time forward such the peoples decrees were no more called Plebiscita, but simply laws, whether they concerned every man in particular, or all men in generall. As for the commandements of the magistrates, they were not called lawes, but ouely edicts. For an Edict (as

M. Varro
M. Varro defineth it, is the command of a magistrates; which his command bound none, but them which were of his owne jurisdiction; provided always, that such his commands were not contrary unto the ordinances of the great magistrates, or to the laws and commandments of his foueraigne prince, and were no longer in force than the magistrat pleased, or had charge. And for that all the magistrates were annuall in the Roman Commonweale, there edicts had not force but for one yeare at the most. And therefore they which succeeded in the same office, were either to allow or reuoke the edicts, by their predeceffors before made: & if to be that they were against the laws, or for longer time than the magistrat of that made them, then were they to none effect: when C. Verres did, he was in these words accused by Cicero, Qui plurimum (inquit) edicta tribuit, legem annuum appellat, su plus edicio complectereis, quam lege, they that attribute most (faith he) unto an edict, call it but an annual law, but thou comprehendedst more in an edict, than in a law. And for that the emperor Augustus, having oppressed the liberty of the commonweal, called himself but Imperator (that is to say, chief captain & Tribune of the people) he called also his own decrees by the name of edicts: but such as the people made at his request, he called them Leges Illia; which manner of speech the other emperors after him vied also in such sort, that this word Edict, is by little & little taken for a law, especially when it commeth out of the mouth of him which hath a soueraigne power; be it for one, or for all, be it an edict perpetual or onely provisionall. Wherefore they abuse the words, which call edicts which are proper unto magistrates by the name of laws; but in what sort sooner that it be, there are none but soueraigne princes, which can gue laws unto their subiects, without exception, be it in general or in particular. But here might some man object, That the Senat of Rome had power to make laws, & that the more part of the greatest affaires of estate, peace or war, were in the power of the Roman Senat to determine of. But what the authority of a Senat is, or ought to be in every Commonweale, we shall in due place declare. But by the way to answere that that is objected, I say, that the Senat of Rome, from the expulsion of the kings, untill the time of the emperours, had never power to make law, but onely certaine decrees and ordinances, which were not in force past a yeare, wherewith for all that the common people were not bound, and so much lesse the whole body and estate of the people. Wherein many are deceived and especially Conant, who faith, That the Senat had power to make a perpetuall law: for Dionysius Halicarnassius, who had diligently read the Commentaries of Marcus Varro, writeth, That the decrees of the Senat had not any force, if they were not by the people confirmed: and albeit that they were so confirmed, yet if they were not published in forme of a law, they then had force but for one yeare. No more than the citie of Athens, where the decrees of the Senat were but annuall, as faith Demosthenes in the Oration which hee made against Aristocrates: and if it were a matter of importance, it was referred vnto the people to dispose thereof, as they thought good; which Anacharsis the philosopher seeing menely said, The wise and grave proposeth matters at Athens, and fooles and madmen resolve thereof. And so the Senat in Rome did but consult, and the people command: For so Linus oft times faith, Senatus decrevit, populus suffret, the Senat hath decreed, and the people commandeth. Yet true it is, that the magistrates, and name-ly the Tribunes, oft times suffered the decrees of the Senat, in a maner to have the force of laws, if the matter seemed not to impatie the power of the people, or to be prejudicial vnto the maiestie of the estates in generall. For so properly the ancient Romans said * Imperium in magistratibus, auctoritatem in Senatu potestatem in plebe, maiestatem in populo imposuisse dicebant, Command to be in the magistrates, authority in the le- nat, power in the meniall people, and maiestie in the people in generall. For the word
Maiestie, is proper vnto him which stirreth the helme of the soueraigne of a Commonweale. And albeit that the law Iulia concerning maiestie made by the people at the request of Augustus, hold him guilty (Legem maiestatis, or as we say) of treason, which striketh a magistrat in the execution of his office: and that sometime the Latine historiographers, yea and the lawyers themselfes also give the title of maiestie vnto the Conful and Pretor; as in saying, Maiestatem consulis, maiestatem pretoris. The maiestie of the Conful, the maiestie of the Pretor: yet is it but improperly spoken, neither by our lawes is he guiltie legem maiestatis, that hath hurt a prince, a duke, a countie, or a magistrat: but he onely that hath violated the person of a soueraigne prince. And so by the lawes of Sigismundus Augustus king of Polonia, made in the year 1588, it is set downe that the crime legem maiestatis, should take no place further than his owne person; which is according to the true signification of legem maiestatis. And for this cauе it seemeth that the duketes of Saxonie, of Bauara, of Saxoy, of Loraine, Ferrara, Florence, and Mantua, put not into their sires of honouer, this word Maiestie, contenting themselfes with the title of Highnesse: and the duke of Venice with the addition of his Serruitie, who (to speake properly) is but a vertie prince, that is to say, the first, for hee is nothing elle but the first of the gentlemen of Venice: and hath no more aboue the rest of the Senators, then the chiefe place and dignitie of the Commonweale in all their assemblies, wherein he sitteth as chiefe: and the concluding voigne into what corporation or college he come, if there be any question of voyces. And as in Rome the edicts of the magistrats bound euery man in particular (so that they were not contrary to the decrees of the Senat) and the decrees of the Senat in some fort bound the magistrats (if they were not contrarie to the ordinances of the common people) and the ordinances of the common people were aboue the decrees of the Senat: and the law of the whole bodie and estates of the people, was aboue all the rest: euen so in the Venetian Commonweale, the decrees of the magistrats bind euery man in particular, according to the precincet and jurisdiction of euerie magistrat: but the corporation and college of the Decemuirii is aboue particular magistrats: the Senat is aboue the Decemuirii, and the great Councell (which is the assembly of all the gentlemen of Venice) hath the power of soueraigne, containing the Senat, and all the rest of the magistrats, within the power of the command thereof, in such fort, that if the Decemuirii bee dividid with euery voyces, they appeale vnto the councell of the Sages, consisting of xxij., who if they cannot agree, the Senat is assembled, and if the matter concern the high points of soueraigne, as is the maiestie of the Commonweale, then it is referred vnto the great Councell. And therefore when any thing is decreed by the Decemuirii these words are joyned vnto the decree, In consiglio Di Dieci: whereto if the college of Sages be joyned, there is also commonly added, Con la Giunta; but if it be a decree of the Senat, it is declared in these words, In Progadiis: but if it be in the great assembly of the gentlemen of Venice, these words are commonly adioyned thereunto, In Consiglio Magiore. For in these three corporations or colleges, are most all things dispatched which belong vnto their laws, their customs, and Commonweale, except such matters which the Septemuirii (the most secret councell of the State) vs by themselues to determinne. It is therefore but by sufference that the Decemuirii or the Senat make decrees and ordinances, which for that they are found iust and reasonable, they passe sometime into the force of law, as did the edicts of the antient Roman Pretors, which if they were equall and iust, their successors kept them: and so by tract of time were receiued as lawes; yet for all that was it alwayes in the power of the new Pretors to make others: neither were they bound to obserue or keepe them of their predeceffors.

But Iulian the lawyer gathered a great number of such of these edicts of the former Pretors.
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Pretors, as he thought best, and after that he had interpreted them, and brought them into nineteenth books, he gave the same unto the emperor Adrian for a present; who in recompence of so great a work, made him great Praefupt of the city of Rome, and thereby made way for his nephew Didius Julianus, afterwards to aspire unto the Roman empire. Adrian himself also perfected the Senate, that not only the edicts which Julian had gathered, but other his owne writings should bee taken for laws; which he confirmed also by his authority, and yet notwithstanding still held the name of edicts, which he had decreed many, who have accounted those laws as Pretors edicts. So also Justinian the emperor, to the example of Adrian, by decree commuind many things which the lawyers had after Julian written unto the Pretors decrees (after they had bene by him as he thought good corrected) to be received for laws, the name of edicts still remaining, being yet indeed nothing else than edicts, but laws as well as those which every soueraigne prince in his owne Commonweale by the decrees of his lawyers and courts, hath commanded to be received for laws; as it of commeth to passe in this realme, that the kings seeing divers ordinances and decrees of parliament most equall and just, have confirmed the same, and caused them to be published, and to passe in force of laws; to show that the power of the law lyeth in him that hath the soueraignty: and which giueth force vnto the law by these words, Sancitius Inhenum, We ordaine and command; which are words proper vnto soueraigne majestie, as faith the Confull Posthumius, in the oration which he made vnto the people, Nego inimici populi qui e quam sancti post: quod populum teneat, I deny that any thing can bee ordained without the peoples command, that can bind the people. The magistrat also presenting his request vnto the people, for the enacting of a law, commonly began with these words, Quod bonum, faustum, felixque sit vos, ac Reipub. velitiss, Inbeatiss, Will you, and command you, that which may be good, happy, and fortunate to you, and the Commonweale. And in the end of the law are still these words, Si quis adversus eas fecerit, &c. If any man shall do against these things, &c. Which they called Sanctia, that is to say an ordaining or enacting, declaring the punishments or rewards due vnto them that should keep or breake the law: which are speciall formalities and proper vnto the majestie of them which had the power to make the law; but never vied by the Senate in their decrees, not by the magistrates in their edicts. Ioyned hereunto also, that the penalties annexed vnto the lawes of a soueraigne prince, is farre different from that which is ioyned vnto the decrees or ordinances of magistrates, or of corporations and colleges, which have certaine limited penalties and fines, for the most part concluded by a mercemtent or forfeit of money; or with whipping there: For there is none but the soueraigne prince, which can vnto his edicts ioynre the paine of death, as it hath bene also forbidden by an antient act of parliament, and the claufe of arbitrarie punishment ioyned vnto the ordinances and decrees of magistrates and gouernours, which ever inclusively extended vnto death.

Wherefore let this be the firft and chiefe marke of a soueraigne prince, to bee of power to giue lawes to all his subiects in generall, and to enuerie one of them in particular, (yet is not that enough, but that we must ioynre theeuunto) without consent of any other greater, equal, or leerrer than himselfe. For if a prince be bound not to make any law without consent of a greater than himselfe, he is then a vertie subiect: if not without his equal, he then hath a companion: if not without the consent of his inferiors, whether it be of his subiects, of the Senate, or of the people, hee is then no soueraigne. And as for the names of Lords and Senators, which were oftentimes sees ioyned vnto lawes, they are not therunto set as of necessitie to giue thereof or strength, but to giue vnto them testimonie and weight, as made by the wededome and discretion of
It belongeth on-
yly vnto Sou-eraine princes to grant prive-
leges, and what a privilege is.

Now when I say that the first and chiefe marke of Soueraigneitie is for the prince to be of power to giue lawes vnto all his subiects in generall, and to curie one of them in particular: these last words concerne privileges, which only belong vnto soueraigne princes to grant, and particularly to others, to whom they be granted. A privilege I call a law made for one, or some few particular men: whether it be for the profit or disprofit of him or them for whom it is granted. For so speakeh Cicero, Privilegium de meo capite latum est. A privilege was made concerning my life, he meaneth the law made against him by the common people at the motion and infligation of Clodius the Tribune, (to have him called to account for certaine citizens put to death contrarie to their appeale; about the conspiracie of Catiline) which he in many places calleth Lex Clodia, or a Law made by Clodius, whereof he oftentimes moft grievously complained, both in the Senat and before the people, saying, That by the law of the xij Tables it was forbidden any privileges to be granted, but Comitij Centuriati, that is to say, in the generall assembly of the whole bodie of the people. For fo be the words of the law, Privilegia nisi comitij centuriati ne irrogantio; qui fecus faxit capital esto. Privileges let them not be granted but in the greatest assemblies of the people; and he that shall otherwise do, let it be vnto him death. As for such privileges as bring profit and commodite to them to whom they be granted, they are more truly called benefits. And in this all that have written of Royalties agree, that it belongeth not to any, but vnto a Soueraigne, to grant privileges, exemptions, immunities, and to dispence with the edicts and ordinances of other former princes: howbeit that privileges in monarchies have not bene vfed, but only for the s cantidad of the life of the monarch himselfe that granted them: as Tiberius the emperour made them all to know which had obtained any privileges from the emperour Augustus as Suetonius writeth. But now if any shall obiect vnto me, the magistrates themselfes to discharge men oftentimes of the lawes: and the Senat of Rome to have fo oftentimes done. I will aun-
swere him as did Papinian the lawyer, That we are not to consider what is done at Rome, but what ought indeed to be there done. For by the tribunitial law Comelia, the Senat is forbidden to discharge any Roman of the lawes, except there were two hundred of the Senators present: which exemption from the lawes seemeth also to have bene gran-
ted vnto the Senat, by reason of the difficult assembling of the whole people.

But some man may say, that not onely the magistrates haue power to make edicts and lawes, but erie one according to his authoritie and jurisdiction, but also that particular
men make customes, both generall and particular. Which customes haue almost the force of lawes, and yet depend not of the judgement or power of the soueraigne prince, who as he is maister of the law, so are particular men maisters of the customes. Whereto unto I answere, that custome by little and little take force; and in many yeres by the common consent of all or most part; but the law commeth forth in a moment and taketh strength of him which hath power to command all: custome creepeth in sweetly and without force, whereas the law is commaundd and published with power, yea and oftentimes contrarie to the good liking of the subiects. For which cause Dion Chrysostome compareth the law to a tyrant, and custome to a king. Moreover the power of the law is much greater than the power of custome: for customes are
are by lawes abolished, but not lawes by custome; it beeinge always in the autho-
ritie and power of the magistrat againe to put in execution such lawes as are by cu-
stome almost out of vfe. Custome also propounded either reward not punishment,
whereas the law always carrieth with it either the one or the other, if it be not a law
permiSSiue, which caeth the penaltye of another law: and in briefe custome hath no
force but by sufferrance, and so long as it pleacheth the soueraigne prince, who may make
thereof a law, by putting thereunto his owne confirmation: wherein it is to be feene,
that all the force of lawes and customes lieth in the power of him that hath the sou-
eraigne in a Commonwealth.

This then is the first and chiefe mark of Soueraignty, to be of power to giue laws
and command to all in generall, and to curtie one in particular, which cannot be
communicated vnto subjectts. For albeit that a soueraigne prince giue power to any
one to make lawes, of such strength and vertue as if he himselfe had made them: as did
the people of Athens to Solon, and the Lacedemonians to Lycurgus: yet were these
lawes neither the lawes of Solon nor Lycurgus, who were but as commissiiters and
procurators for them which had giuen them that charge; but they were the lawes of
the Athenians, and Lacedemonians: neither had these lawes had any force, but had not
the people by their consent authorized the same. They indeed wrote those lawes, but
the people commanded them; they composed them, but the people enacted them.
And almost always in a Popular or Ariftocraticall state, the lawes tooke name of him
which propounded or engrossed the same, who was nothing els but the simple procu-
rer thereof: the confirmation of the same being from him which had the soueraign-
tie. So when the Decemviri by the people created at Rome for the making of lawes
without appeale, had sent ambassadours into Greece, to amplifye their lawes, and in xij
tables comprehended the best of them, they commanded all the people to bee called
together, to behold and consider of those lawes publikely set vp: and so at length after
three Faire dayes (the vfulle time appointed for the establishinge of lawes:) the people in
their greatest and generall assembly, commanded, or rather enacted them to stand for
laws. But vnto what power it belongeth to make a law, vnto the same also it appertain-
neth to abrogat or derogat from the same. Vnder this power of making & of abroga-
ting of the law, is also comprised the declaration & correction of the same, when it is so
obscure, that the magistrat upon the caes propounded find contrarietie or intolerable
aburdities, yet may the magistrat according vnto right and reason also interpret the
laws, & encline them either vnto lenitie or severitie: so that he beware that in bending
them too much, he breake them not; yea although that they seeme vnto him hard or
vnuit: but let him heare what Phisan faith, Dura lex, se tamens scripta est. An hard law
(faith he) but so it is written: which if the judge shall presume vnder the colour of equi-
tie to breake, he is by the lawe condemned of infame. So that the lawe called Latoria,
(or rather Praetoria) to be vnfeuold, which Papiann reciteth, without naming of the
author. W herby it is permitted vnto the Great Praetor of the citie of Rome, to supply,
correcit or amend the lawes: which mull (as we said) be moderatly & in a moderate
done: for if a man should otherwise understand it, it should thereof follow, that a simple
magistrat should be aboute the lawes, if hee might at his will and pleasure alter and
infringe the same: and also that hee might bind both the people and the prince vnto his
edicts; which we haue before showed to be a thing impossible.

Vnder this same soueraigne power for the giuing and abrogating of the law, are
comprised all the other rights & marks of soueraignty; so that (to speake properly) a man
may say, that there is but this only mark of soueraigne power, considering that all other
the rights thereof are contained in this, viz. to have power to giue lawes vnto all and
every
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Other the marks of Soueraigne

euerie one of the subiects, & to receive none from them. For to denounce warre vnto the enemy, or to make peace with him; although it seeme to be a thing different from the name of the law, yet is it manifest these things to be done by the law, that is to say by the commandement of the soueraigne power. So alfo is it proper vnto soueraigne maiestie, to receive the subiects appeales from other, & the greatest magistrats, to place and displace the greatest officers, charge or exempt the subiects from taxes and subsidies, to grant pardons and dispensations against the vigour of the law, to haue power of life and death, to encrease or diminish the valour and weight of the coynye, to giue it title, name, and figure: to cause all subiects and liegenmen to sweare for the keeping of their fidelitie without exception, vnto him to whom fuch oath is due: which are the true markes of soueraigne, comprized vnder the power of being able to give a law to al in generall, and to every one in particular, and not to receive any law or command from any other, but from almightie God onely. For a prince or duke who hath power to giue laws vnto all his subiects in general, & to every one of them in particular, is yet no soueraigne, if he receive his power from the emperour, the pope, or the king, or any other greater than himselfe: or yet haue a companion in his government, a companion I say, for that he feemeth in a manner to haue a superiour or maifter, which hath a companion, without whose helpe and content hee can command and doe nothing: much leffe is hee a soueraigne, if hee bee another mens lieutenant or depute.

But forasmuch as the word Law is too general a marke, it is the more expedient particularly to specify the rights of Soueraigne, comprized (as I haue said) vnder that soueraigne law; as to denounce warre, or treat of peace, one of the greatest points of soueraigne maiestie: for that oftentimes it draweth after it the ruine, or affurrance of a Commonweale; which is to be verified not onely by the law of the Romans, but of all other nations. And for that there was more danger to be feared from warre, than from peace, it was lawfull for the common people of Rome, to command peace, but if question were for making of warre, it might not be decreed, but in the greatest assembly of all the states together, untill such time as that the mentall people had also full power to make lawes. And therefore it was that warre was decrete against Mithridates by the law Manilias, against the pirats, by the law Gabinias, against Philip the second, king of Macedon, by the law Sulpitia; peace was also made with the Carthaginians, by the law Martia. And for because Caesar had without command of the people made warres in France, Cato Flaccus was of opinion in the Senat, that the armie was to be called home, and Caesar for his presumption deliected vnto the enemy. In like case the estates of the people of Athens determined of warre and peace. As a man may fee by the war by them decreed against the Megarians, against the Syracusians, and against the kings of Macedon. There but briefly set downe certaine examples of two of the greatest and most famous popular Commonweales that ever yet were: For in a regall state there is none (as I suppose) which doubt all the power of peace and warre to be in the king: infomuch as for any man to attempt euen the least thing therein without the kings command, is vnto the doorer thereof dangerous, if the king might thereof haue before bene aduertised: and what charge soever that they giue vnto their deputies or commissioners, to entreat of peace or of alliance, yet content they vnto nothing, without the aduertising of the kings: as was to be seene in the laft treaty of Cambrai, between the French king & the king of Spain: the commissioners on the kings behalfe writ to him from howre to howre, the whole proceedings both of the one part and of the other. But in popular or Aristocratical estate, we oft times see that after the warre is once denounced, it is then managed by the aduise of the Senat, or priuie
A primitive counsel only: yea and sometimes by the advice of one onely captain also: for that nothing is more dangerous in warre, than to haue the secret policie thereof revealed: which must needs be, if the people have therein to doe. And therefore we read in the Greke and Latine histories the designes and enterpryses of warre to haue beene still managed by the woldome and direction of some one or other captain, or in case that the matter were of greater importance and confection, by the counsell of the Senat, without any more speaking thereof vnto the people, after it was once by the peoples command denounced and proclaimed against this or that enemie. But if one should say, warre to haue beene oftentimes denounced by the advice of the Senat, without the consent or command of the people: I confesse it to haue sometimes indeed so happened and fallen out, but yet very seldomly: and that the Senate in so doing did utter the maiestie of the people: which was the case, that the Tribunes of the people, and faithfull keepers of their libertie, oftentimes interposed themselves to crose the matter, as we see in Liiui, where he saith: Controverfia sicut vtrum populi insinua indicetur bellum, an satis est? S. C. perucere Tribunis, et Q. Consul de bello ad populum ferret, omnes Centuriarum inferre. Controverfia was (fayth he) whether warre should be denounced by the commandement of the people: or els that the decree of the Senat was sufficient, but the Tribunes preuailed: so that Quintus the Conful propounded the matter vnto the people, which all the assembly of the people commandad. Howbeit, that the Senat it selfe would not ordinarily denounce war, except the people had before so decreed, As T. Liiuis speaking of the second Carthaginian war, sayth, Latum inde ad populum vellent indevert, populo Carthaginensi bellum indici: It was afterward propounded vnto the people, whether they willed and commandad warre to be denounced vnto the people of Carthage. And in another place, Ex S. C. populi insinu bellum praedestinum indicuit. By a decree of the Senat, by commandement of the people war was proclaimed against them of Praniefe. And againe, Ex authoritate patrum populus Pa- leopolis in feri inquit, The people following the authority of the Senat, commanded warre to be made against them of Palepolis. And afterward, populus bel- lum fieri Aequis inquit, The people commanded warre to be made against the Aequi. And at such time as warre was to be undertaken against the Samnites, Patres suffetini more indecir docevrent, et ex de re ad populum ferretur, The fathers after the solemn manner decreed, that concerning that matter it should be referred vnto the people: Where Liiui in calling it the solemn manner, declareth it to haue bene a thing lovd to be done. And so against the Herniques, * Populus hoc bellum frequens inquit, The people in great number commanded this warre. And against the Vestines, *Bellum ex authoritate patrum populus adversus vestinos inquit, The people following the authority of the Senators commanded warre to be made against the Vestines. The like manner of denouncing warre was also amongst the Tarentines, so long as their popular state endured. For so faith Plutarch, Ex authoritate Senatus populum Tarentinum Romanis in ferri bellum inquit, The people of Tarentum following the authority of the Senat, to have commanded warre to bee made against the Romans. And Liiui speaking of the Aetolians, which were gouerned by a popular government, saith it to haue bene by their lawes forbidden, that any thing should bee determined concerning peace and warre, but in the Panetolian and Pylaican counsell. And for that the nobi- litie of Polonia, Denmark, and Sweden, pretend the right of Soueraignty to belong vnto them, it is not lawfull for their kings without their authoritie and consent either to denounce warre, or to undertake it being denounced against them, except in case of urgent necessitie, according to the order of Casimir the great. True it is that in Rome concerning peace the Senate oftentimes determined therto without the consent of the
the people; as we may see in all the treaties of peace betwixt the Romane and the Latines: and in the confederats warre the Senate palid all the treaties of peace and alliance without the people, viz, in the tumult and uprore of Italy: left the hard assembly of the people, and danger of delay, might have brought some detriment vnto the Commonwealth. Yea sometimes the generals and great commanders in the warres, of themelves determined of peace and warre, without the commandement of the people or Senate, especially if the warres were in some countrey a farrre off: as wee see in the second warre of Carthage, the three Scipiones made all the treaties of peace and alliance with the people and princes of Spaine and Affricke, without the advisse of the Senat. Yet true it is, that the Senate, yea and oft times the people authorised their actions, and ratified their treaties, after that they were made: and if they were in anie thing prejudiciall vnto the state, had of them no regard. In which case the hostages and captaines yeelded vnto the enemy, were at their owne peril to answer the matter. As the Conful Mancius, who for that the peace he had made with the Numantines, was received and ratified by the Senate and the people, was himselfe delivered unto the enemy. And that is it which a certaine Senator of Carthage, as Litae reported by way of exposition objected vnto the Romane embassadors, saying, Vos cum Lucriius Conful primo nobiscum sedus ictis, quia necque authoritate Patrum, nec populi iussu, ictum erat, nec quis vos so teneri. Itaque alius sedus publico consilio ictum est. You at such time as Lucriius the Conful first made peace with vs; for that it was made without the authoritie of the Senat, or commandement of the people, said you were not therunto bound: and therefore another peace was by your common counsell made. And the fame author speaking of Manlius the Proconful of Afia faith, Gallogracis bellum illatum, non ex Senatus authoritate, non populi iussu, sed quia vos vnumquam de just sententia facere ausus est? Warre was made vpon the Gallogreces, neither by the authority of the Senat, nor the command of the people, which what man durft of himselfe euer do? But this was Oraor like spoken by the adversarie against Manlius being absent; for that it was sometime so done, we haue by examples declared. Sparius Posthumus the Conful, also being himselfe with his armie flue vp in the Straits and rockes of the Appennin mountains, in danger with hunger to perish, before hee could haue heard from the Senat or the people, what they would haue had him to haue done; to deliever himselfe and the Roman armie out of those straites, of himselfe made peace with the enemy, through you vpon vtee hard and dishonourable conditions. But when he with his armie disarmed, was returned to Rome; the Senat and the people rejected the peace with the conditions by him accepted. Yea Posthumus the Conful himselfe, in the assembly of the people saide, Cum me fecur turpi, seu necessaria sponte obirinxit, quattamen, quando iniussi populi fata est, non tenetur populus Romanus, nec quiaem ex ea praeter Corpora nostra debentur Semnitiis, dedamur per fæcales nudi vinelique, Seeing that I haue bound my selfe, whether it be with a shameful or a necessarie promisse and agreement, wherewith for all that the people of Rome is not bound, forasmuch as it was without their commandement made, neither is there any thing thereby vnto the Samnites due, more than our bodies; let vs naked and bound be so yeelded vnto them. So the Conful called it not a treatie of peace, but a simple or necessarie promise. And in truth the enemies had causd the Conful and all the captaines and lieutenants of the armie to sweare, and further taken xixe hundred hostages, al which they might haue put to death, if the people would not conforme the agreement taken; in which making they yet committed one grosse oversight, in that they bound not all the foldiers in the armie by oath to returne into those straits and endowes of the mountains, and even into the same state they were before, or els to yeeld themselves all prisoners, in case the people
people would not confirme the agreement by them made; which had they done, no doubt but that the Senat and the people would have sent them againe into the same state they were, as they did the Consull, with the fixe hundred sworn hostages, whom for all that, the Sammites refused to receive of the heraull. For in like case after the great overthrow by the Romans received at Cannas, when Hannibal had sent eight thousand soldiours, there taken prisoners, to Rome, to redeeme their libertie with the ranfome of a pound of gold for every head; and that the Senat would not agree therunto, but decreed, that they should either become the enemies slaves, or die: the Consuls charged those soldiours, before the appointed day to returne vnto the enemies, who all obeyed their command, but one, who by a craftie wile sought to delude the oath, before by him gien vnto the enemies for his returne; whome the Senat for all that sent bound hand and foot vnto Hannibal. Or if it had seemed too hard a thing vnto the Senat, to have yeelded the whole army being sworn vnto the Sammites, they would undoubtedly yet have confirmed those hard conditions of peace by them agreed vpon. As did Lewis the xij, the French king, in the treaty made at Dijon by the lord Trimouille with the Swifters, giving them hostages of the chiefest men of his army, with condition that the Swifters might put them to death, if the king should not ratifie the agreement with them made. As did the duke of Aniou vnto the hostages which those which were besieged in the castle of Evall had gien him; when he saw that Robert Knolles, capitaine of the castle, being arrived within the castle, after the agreement, would by no meanes suffer the castle to be fturrendred, saying, That the besieged without him could couenant nothing: and so also caufed the prisoners that he had taken to be beheaded. For otherwise, if it were lawful for captains to entreat or conclude of peace at their pleafure, without exprefse commaundement or ratification, they might bind both people and fouveraigne princes, vnto the pleafure and appetite of their enemies, and fuch hard conditions as they pleased: a thing moft absurd and unreaonable, seeing that a common aduocat may not in the leaft matter of another mans, come to agreement, without exprefse charge from him whom it concerneth. But some may fay, that these rules take no place in Venice, where the Senat doth wholly difcerne and determine of peace and warre, neither amongst the cuftomes of the Swifters and Gripons, which are popular eftates. And in the conuerion of the Florentine Commonweale, from the nobilitie vnto the popular eftate, it is in one article especially provided, that the people shall have to do with nothing, but with making of lawes, creating of magiftrats, and the common treasurie; as for peace and warre, and other things concerning the fouveraigne of the state, should be wholly in the power of the Senat. Whereunto we have before faid, that Popular and Ariftocraticall eftates cannot if they would, well mannage martiall affairs, for the hard assembling together of the people: and in case that the people might be at all times assembles, yet were it a thing of great perill and danger, to have those things which ought of all others to bee most secret in a Commonweale, the counsels (I fay) of peace and warre, revealed and made knowne vnto the Vulgar people: which therefore were of necessitie to be left vnto the Senat, yet the power of peace and warre cannot be taken from the nobilitie or people in either state, the fouveraigne maifele thereof faid. And albeit that the people give the charge thereof vnto the Senat, yet a man knoweth right well, that the commissions and mandats which are giuen out for fuch purpose, depeend of the authority of the people, and under the peoples name are put in execution by the Senat, which is but the peoples procurator and agent, taking authority from the people, as all other their magiftrats doe. As for monarckies, it is without any fkefion that the resolution of peace and warre dependeth of the fouveraigne prince, if the eftate be a pure monarckie.
narchie. For the kingdom of Polonia, Denmarke, Sweden, and Norway, as they are
states changeable and uncertain, as the nobilitie is stronger than the prince, or the
prince than the nobilitie: the resolution of peace and warre so dependeth of the nobil-
litie, as that the state seemeth to be rather Aristocratical than regall. And therefore
the names of their dukes, marquess, counties, governours, and councillors, commonly
to be in their leagues expressed, and their scales thereto annexed: as the peace between
the Polonians and the Prussians, made by king Sigismundus Augustus was sealed
with an hundred and three scales of the nobilitie of his country: neither was there
fewer in the act of the lawfull creation of king Henry to be king of Polonia.

The third marke of Soueraigne maiestie is to be of power to create and appoint
magistrates, than which no more certaine signe can be, especially the principall officers,
which are not vnder the command of other magistrates. This was the first law that
Publius Valerius made after the expulsion of the kings out of Rome: that the magis-
trats should be chosen and appointed by the people. Which selfe same law was pub-
lished also by the Venetians, at such time as they first assembled into the Gulfe, for the
establibhing of their state, as Contarenus writeth: than which law there is none more
religiously kept by the Senat and the Venetian people. Yet much better is it kept in
monarchies, where all is governed by one, and where the greatest, the meaner, yea and
the least offices of all, as of Porters, Sergeants, Clarkes, Trumpeters, Criers, which in the
Roman state were placed and displaced by the Roman magistrates are provided for by
order from the prince, even vnto the meanest offices. I haue said the appointing of
princes, officers, that is to say, of the chiefe magistrates, for there is no Commonweale,
where it is not permitted vnto greater magistrates, as also to many corporations and
colleges, to make certaine meniall officers vnder them: as I haue before showed
of the Romans. But yet that they doe by vertue of the office, which they hold, and
as profitors created with power, to substitute other their deputies vnder them. We see
also that clients and vassals, albeit that they hold their jurisdiction of some soueraigne
prince in seale and homage, haue nevertheless power to establishe judges and officers
in their jurisdiction: but yet this power is given them by some soueraigne prince. For
no doubt dukes, marqueses, counties, barons, and lieutenants of countries, were no other
of their first institution but judges and officers; as we shall in due place declare.

But sometimes in a popular estate power is given unto the greater magistrates to create
the lefser: as we read that the people of Carthage had a custome to make five magis-
trats, for to make choyce of the hundred and fourie magistrates of the Commonweale;
as they do also at Nuremberg, where the Seniors which are chosen of the great
Councell, chose the new Senators, and that done, give vp their charge. The Senate
which is of xxviij. making choyce of the eight Auncients: and afterward of the xiiiij
of the seven Burgamaisters, and of the xij Judges for euill caufes, and five for criminal.
Neither is this any new matter; but an old and ancient fashion. For Aristotile writeth,
the people of Carthage to have vfed to chufe five men, who according to their direc-
tion full made of the hundred and fourie magistrates: which was also a thing ordinarie
vnto the Roman Seniors, who by their discretion supplied the number of the Sena-
tors, which the Consuls did before by the suffrance of the people, who from the be-
inning made them, as Festus Pompeius laith. And sometime the dictators were for
that purpose only made to supply the number of the Senators. As Fabius Buteo
named Dictator by the Consull Terentius, following the decree of the Senat, made
choyce at one time of an hundred sevenie Seniors, in fliead of them that were
dead. Howbeit that to speake properly, a Senator is no magistrat, as we will shew in
the discourse concerning the Senat. But howsoever that it was, whether it were the
Consuls,
Consuls, the Dictators, or Censors, that made choice of the Senators, &c. so supplied the Senat, they did it not but by the power of the people, which was also to be revoked at the people's pleasure. So may we also say of the Turk's Cadelequaires, which are as the kings two great Chancellours, who have power to place and displace all the Cadies and Paracodies, that is to say, the judges and their deputies. And in Egypt, in the time of the Sultans government, before it was by Selimus the first conquered, the great Edegname, which was a Cunstable to the Sultan, had power to place all the other officers: as had in ancient times the Grand M. of the Palace in France. And it is not long ago but that the chancellour of France had power at his pleasure to bestow all offices which had none, or but some little fees, viz., of some three or fourte crownes at the most: which was revoked by king Francis the first. And albeit that always the chancellour, the great Edegname, and the Grand M. of the palace, had all their power from the kings and Sultans, as by them placed: yet was it great power vertic dangerous unto the former kings and Sultans, which by little and little have since beene cut so short, as that in the raighe of Charles the seuenth, the vertic bayleffes and seneschals were placed by the prince, who before were wont to be placed by the maiors, whose lieutenants they were: Sometime also it may be that magiftrates, corporations, or colleges, have power to nominate and choose the principall magiftrates: as we read in the records of the court of Paris, that by a law made in the yeare 1308, it was decreed that the officers of the high court of parliament should be made by election: and so thereupon commandement was giuen unto the chancellour to go into parliament for the election for the offices vacant. Which law was againe revived by king Lewes the xi, in the yeare 1465. And after him in the time of Charles the eight, not only the prelizzents, the kings counsellors, and aduocats, were made by election, but even the kings attourney generall (who is the onely man of all the body of the court, which oweth not oath but to the king alone: albeit that the attorneyes of other parliaments, which he calleth substitues, take their oath in the court) was chosen also by the suffrages of the court. In the yeare 1496. But yet all their letters of prouision & confirmation of their election into their offices, then were, and yet are, always graunted by the king: without whose confirmation their election was to no purpose: Which may serve for answere to that which one might say, that Arthur duke of Bretaigne, was chosen Cunstable of France, by the voyces of all the princes, of the great Councell, and of the parliament in the yeare 1324. For albeit that the king Charles the fift, was then distraught of his wits, & that the feales of France had in them not the image of the king, but of the queene onely: yet neether the fale new constable taking vpon him the government of the kings sword, and of the French atmle, being sworn to the keeping of the lawes, at the fame infant acknowledged himselfe to hold his office and power in seallie and homage of the king: so that all authoritie and power to command, may well seeme to flow and be derived from the fountaine of the prince onely.

Yet may some say that the Great Palatine of Hungarie, who is the greatest magiftrat of that kingdom, and the kings lieutenants general, is chosen by the attaires of the country: it is true; but yet his prouision, institution, and confirmation, belongeth vnto the king, who is the chiefe head and author of his power. Howbeit that the attaires of the kingdom of Hungarie, yet pretend to have the right to make choyce of their kings: the house of Austria maintaining the contrarie. And it seemeth that the kings have by sufferrance past it ouer, that the attaires should still have the choyse. of the great Palatine, so to cause them to forget the election of the king. Whereunto for all that they have beene to obstinately wedded, as that they have chosen vnder the colour of protection, to put themselves vnder the Turkes flauerie, rather than to have this power.
power for the choyce of their kings(by the house of Austria)wrested from them. It is not therefore the election of great officers which declareth the right of sovereignty; but the princes approbation, ratification, and confirmation, without which the magistrat is no power at all. Yet if such creation of magistrats were by the founders of Commonweales, and law makers, and given unto the people, or colleges, as that they could not from the people or colleges be taken, then truly the prince should not have the right of soueraigne maiestie or power: for that the magistrats power were not to be attributed unto the prince, but to the people; as by little and little it happened into the kings of Polonie. For when as by a law, made by Sigismundus Augustus, all the magistrats of euery country, were to be chosen by the particular states of euery government; the maiestie of the kings, who also reignd by the good liking of the people, was therby much impaired. Which confirmation of magistrats so chosen, is no new thing: for even from the time of the Gothes we read in Caisiodorus, that Theodorius king of the Gothes, gave his letters of confirmation unto the officers whome the Senat had chosen; vising these words in his letters directed vnto the Senat, for one whom they had made a Senator, Indiciunum vestrum P. C. nofter Comitator a senatus. Our consent, Reuerent fathers, doth accompany your judgement. Now seeing that power to command ouer all the subiects of a Commonweale belonging vnto him that holdeth therein the soueraigne; it is good reason also that all magistrats should acknowledge their authoritie to proceed from him.

But now let vs speake of the foutrh marke of Soueraigne, that is to wit, of the Laft Appeal, which is and always hath beeone one of the most principall rights of soueraigne. As a man may see after that the Romaines had driuen out their kinges: not onlye the laft Appeal, but euery Appeal from the Magistrates, were by the Law Valeria refereed vnto the people. And for that the Consuls and other Magistrates oftentimes gaue small care vnto them that did appeal vnto them, the fame Law was often times renewed: and by the Tribunitiall law Duillia the paine of death adioyned there vnto, for him that should oppose himself against the same, which Law Lieius callethe the foundation of the popular libertie: albeit that it were euer executed. The same Law was yet more straitly kept in Athens, where the laft Appeal was refereed vnto the people, not onely from the Magistrates of the citie, but euery from the Magistrates of their allies and fellowes also: as the writings of Zenothon and Demostheenes do right well declare. The same Law Contarenus writeth to have been the first that was by the Venetians made for the establising of their Commonweale: viz. That all men might freely appeale from the Magistrates, vnto the Grand counsell of the people. Nether was Francis Valori Duke of Florence for any other cause blame, then for not having given way vnto the Appeal, made from him vnto the Great counsell of the people, by three Florentines by him condemned to die, and fo notwithstanding their appeal by him executed. But some may say, that not onely this Duke at Florence, but at Rome the Dictators, and other Magistrates also oftentimes put to death condemned citizens, notwithstanding their appeal made vnto the people, as is in many histories to bee seen. Whereof there was an heaine example made by the Senate of Rome, which caused the remainder of the Legion fent to Rhegium being taken and brought to Rome, to be whipped and afterward beheaded without regard of the appeals by them made vnto the people: or to the intercessions of the Tribunes exclaiming, the sacred Lawes concerning Appeals to be violated, and troden vnder foote. Whereunto in briefe I annfwer, as did Papinius, That we ought not to test our felues vpon that they doe at Rome, but on that which ought to bee there done. For it is most certaine, that a man might appeale from the Senat vnto the people: and that or-
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dinarily the opposition or interceccion of one of the Tribunes stayed the proceedings of the whole Senat; as we have before toucht. And the first that gaue the power vnto the Roman Senat to judge without appeale, was Adrian the emperour, for the edict of Caligula, whereby he gaue power to all magistrats to judge without appeale, rooke no place. And albeite that Nero decreed, that they which without caute had appealed vnto the Senat, should be punishd with like punishment, as if they had appealed vnto his owne perfon: yet forbade he not men to appeale from the Senat vnto himselfe, although he had referred the appeales from all the magistrats vnto the Senat. But this aunswere feemeth directly contrary vnto that we haue before said. For if no appeale were to be made from the Senat vnto the emperour, but that the last appeale was vnto the Senat, then was not the last appeale the true marke of soueraigne. Joine also hereunto, that the Great master of the Pallace, whome they called Prefettum Pretorio, gave judgement without appeale, receiuing also the appeales of all the magistrats and gouernours of the empire, as faith Flaminus Vespuuis: as in every Commonweale we see certaine courts and parliaments which gaue judgement without appeale; as the eight parliaments in France, the four courts in Spaine, the imperiall chamber in Germany, the council at Naples; the fortie at Venice, the Rota at Rome, the Senat at Milan; and to the greater courts of other cities, who heare and decide either all or most part of causes, both publike and priuate, without appeale: and in all the imperiall townes, duchies, and counties, depending of the empire, no appeale is to be made vnto the imperiall chamber, in criminall causes once judg'd by the magistrats of the prince, or of the imperiall cities: whereby it appeareth the last appeale not to belong onely vnto the right of soueraigne maiestie. Whereunto I aunswere, vnder the name of Appeale, to be also contained requestes made vnto the prince, which the law call Cuiill Supplicacions: so that when we may not appeale from the sentence of the greater magistrats, yet may we by way of request put vp our supplications vnto the prince; which hath moued many of our late lawyers to say, Cuiill supplications to belong vnto the right of soueraigne maiestie: and albeite that almost alwaies the decrees are againe judg'd by the same judges, as oft as request is made vnto the prince concerning a judgement giuen, yet is it in his wil & power either to receive or reiect the request: and often times hee calleth the cause vnto himselfe thereto to determine, or to reiecte that which hath bene done: or else remitteth it vnto other judges, which is the true marke of soueraignic and last appeale, wherein the maiestie of the prince or people doth most appeare: forasmuch as it is not lawfull for any magistrat or judge to change or amend their judgement once giuen or recorded, without leave of their soueraigne prince, and that vpon paine of false judgement. And if so bee, that the soueraigne prince would make an edict, that none of his subiects should appeale from any of his magistrats, or preferre any request vnto himselfe against their judgements, as the emperour Caligula was about to have done: yet beneveth he should it alwaies be lawfull for the subiects to appeale, or to exhibit their requests vnto the prince: For that the prince cannot to bind his owne hands, or make such a law unto himselfe; either prohibit his grieued subiects from coming vnto him with their humble supplications and requestes: For that such edicts concerning appeales and judgements, are but ciuill decrees and lawes wherewith the prince cannot be bound, as we haue before saide. For which cause it seemd a new and absurd thing vnto the Senat of France, and especially vnto Michael de l' Hopital, that the commissioners appointed to proceed against the president of Allemund, forbid him by a decree made against him, to come within twenteie leagues of the court, fo to cut him off from the meanes to preferre his petitions; which the king himselfe could not of right take from his subject, although it were in his power to grant or reiect.
reiced his request being once made vnto him knowne. We see also, that in all grants of publike lands by way of petition, with power and jurisdiction vnto the children or neete kinmes of the house of Franchise, and generally in the erection of duchies, marquisats, counties, and principalities, fealtie and homage, appeale and fournaigntie, are still reserved: that sometime there is onely referuation made of appeale and fournaigntie: as in the declaration made by king Charles the fift, to John duke of Berrie, beating date the third of March, in the yeare 1374: wherein is also fealtie and homage comprized. For it is certaine that the duchie of Berrie was then the portion giuen vnto the duke of Berrie with the charge of rights royall, and reuerion to the crowne for want of heires male: as I have learned by the letters of grant, which are yet in the treafury of France. We see also the like declaration of Philip Archduke of Aufftria, (Charles the fifts father) made to king Lewes the twelfth, and another of him the same, in the yeare 1505: wherein he acknowledgeth and professeth himselfe ready to obey the decrees of the parliamet of Paris, in regard of the countries of Artois and Flandres, and of other lands which he held of the king; and not to forbid them of those countries to appeale vnto the court at Paris. And in the tratie of Artois, made betwixt king Charles the fefteenth, and Philip the second, duke of Burgondy, there is expressive referuation made of fealtie and homage, appeale and fournaigntie, for those lands which he and his auenctors held in fee of the crowne of Franchise. Neither did Charles the fift the French king take any other occasion to make warre against the English men, than for that their English magistrats and goernors which had the government of Aquitaine, vnder the fealtie of the French, would not heare the subiects appeales. At which time the court of Paris commanded the king of England to be summoned, and for default of appeale pronounced sentence against him; whereby the duchie of Aquitaine was for that caufe confiscated vnto the king, as is to bee seene by the decree of the parliamet of Paris, giuen the xxij of May, in the yeare 1370. For otherwise if a fournaigne prince shall remit vnto his vaffall the right of appeale and fournaigntie; which is vnto himselfe due, he maketh him of a subiect a fournaigne prince; as did king Francis the fift, discharging the duke of Loraine of all fealtie and homage, appeale and fournaigntie, for the castle of Chaffelet vpon the Maze in the yeare 1517. But when hee suffedred the same duke in fournaigne manner without appeale to goveyn in the duchie of Bar; and that the dukes, officers, and magistrats afterward abused their permisive authoritie, as in absolute fournaigntie, the kings attorney generall thereof complained vnto the king, aduising him not to suffer the rights of his fournaigne majestie to be impaireted. Which thing Anthony then duke of Loraine understanding, and after him Francis his sonne, by recognisance in autentique manner declared, that their purpose was not in any thing to derogat from the fealtie and homage, appeale and fournaigntie that they ought vnto the crowne of France, by reason of the said duchie; and that they had not therein vied fournaigne justice but by sufferance; which letters of recognisance are in the publique records to bee seene, and were afterward exhibited vnto the privie counseell, in the yeare 1564, in the reign of Charles the ninth, who by all means sought by a most gratious and large charter to have giuen vnto Charles then duke of Loraine, the fournaigntie of the duchie of Bar: but all in vaine, forasmuch as the king can by no meannes alienat from himselfe, the rights belonging vnto his fournaigntie, no not the high court of Paris afferenting the same, although the power and authoritie of that court may where the king is, seeme to be nothings in the presence of whom all the power and authoritie of all magistrats cease.

Wherefore the best & most expedient way, for the prescrutation of a state is, never to giue any marke or right of fournaigntie vnto a subiect, and much lesse vnto a straunger: for
A for that is one step and degree to mount vnto his soueraigne maiftie. And therefore it was long doubted in the councell, whether power and authoritie without appeale, should be granted vnto Francis duke of Alencon ( who had made mee master of the requests and one of his councell) in that his dukedom; as had befoere bene granted vnto the auncient dukes there. And although he were the kings beft and moit loving brother, yet one of the attourneyes generall was so bold as to lay in full councell, That it were better to bring in twelve courts of parliament, than to suffer that, albeit that that iurisdiction was for a short time granted, and extraordinarie judges by the king appointed; with referuation of appeales, in many cases and causes, as also with exception of fealtie and homage. \( \text{W} \) herein our oursestors much offended \( \text{W} \) who with too much facilite(should I say, or necessitie) granted the fame iurisdiction vnto the dukes of Normandie. For by this meanes the dukes of Britaigne and Burgundie revolted from our kings vnto the kings of England; for that such judges were denied them, as had bene granted vnto the dukes of Alencon: taking it grievously themselues, in the name of their magistrats to be summoned vnto the court at Paris, that to haue those things referred which their magistrats had vniustly determined; althogh sometime they were things of right small weight and importance; wherof the dukes of Britaigne complained both vnto king Philip the Faire, and Philip the Long, who by their letters patents sent vnto the court of parliament in February 1306, and in October 1316, declared that their meaning was not, that the duke of Britaigne or his officers, shoule bee called before them into the court, but in question of soueraignetie, or in case they should deny to doe justice, or els had judged vaine judgement.

The same we are to thinke of all the princes and cities of Germanie, from whom euene in privat iudgements men may iustly appeale vnto the imperiall chamber, if the matter exceed the summe of 50 crowns, or if any controuersie be betwixt the cities and princes themselues. \( W \) hereby it is to be vnderstanding, neither the German princes, nor cities to have in them the right of soueraignetie: For that it is a capitall crime, euene treason it selfe, to appeale from a soueraigne prince, except he appeale as did that Greeke (whosouer he was) who appealed from Philip king of Macedon euill aduised, vnto himselfe being better aduised. \( \text{W} \) hile manner of appeale Lewes of Burbon, prince of Conde vied also from the interlocutorie sentence of Francis the second, the French king, which he haue vnderstood the caufe, is said to haue giuen against him in the prouince: \( W \) hile manner of appeale Baldus the great lawyer alloweth as good, and to be received. And well it would be seeme the maiftie of soueraigne princes to behold and follow the example of that Macedonian king, who receiued the appeale; or if they would needs that their decrees whatsoever should stand fast and irremovable, because they would not seeme vnconstant or variable, that then they should do as did the same king to Machetases, who of his owne goods recompenced him, for that hee had vniustly condemned him in, without chaunging of his former decree and judgement.

From this maiftie, and benefit of supreme Appeale, dependeth also the power to grant grace and pardon vnto the condemned, contrarie to iudgement giuen, and to the rigour of the lawes; be it for life, be it for goods, be it for honour, or recalling from banishment: for it is not in the power of the magistrats or judges, how great soueretie that they be, to grant the leaft of these things vnto the condemned person, or of themselfes, to alter any thing of the judgements by them once giuen. And albeit that the Proconsuls and governours of provinces, had as much power in their iurisdiction, as had all the magistrats of Rome together: yet so it was, that it was not lawfull for them so much as to restore him whome they had but for a time banished: (as wee
read in the letters of Plutarch the younger, governor of Asia unto Trajan the emperor) and much lesser gave pardon unto men condemned to die: which is most strictly forbidden all magistrates in every Commonweale, be it well or euill ordered or governed. And albeit that Papirius Carbo, the dictator, may seeme at the request of the people to have given pardon to Fabius Maximus: colonell of the horsemen, for having given battle contrary to his command, although he had slain xxx thousand of the enemies: yet neverethelss in effect it was the people which gave the pardon: albeit that they most instantly bestowed the dictator to pardon the fault: Which they themselves might at the same time have done, but yet had rather to request it of Papirius, than to take the guilty person from him against his will. For Fabius understanding himselfe in his absence to be by the dictator condemned, appealed vnto the people: before whom Papirius defended his judgement, as justly given against Fabius: which a man of his vertue and seueritie would not have done, if an appeale might not have beene made from the dictator, vnto the people: and that in it was the power of life and death. Sergius Galba the Orator also, in like judgement by Cato the Censor, attainted of treason, took his refuge vnto the people, who mooved with his tears, and embracing of his children, pardoned him. Whereupon Cato said, That Galba had beene well whipped, had hee not taken himselfe vnto his teares and his children. The same power of life and death had also the people of Athens, as appeareth by Demosthenes, and Alcibiades, who both condemned, were afterward by the people pardoned, and again restor'd both vnto their goods and honour. And amongst the Venetians it is not lawfull for any of their magistrates, no not for the duke himselfe, the Senat, or the Decemviri, to grant pardon vnto the condemned: for that is left vnto the discretion of the great council of the Venetian gentlemen only. The Decemviri before abusing their power by sufFerance, granted pardons, and neverethelss was order taken in the yeare 1523, that the council of the Sages, which are in number xxij, should therein be assiting vnto them: and that the pardon should take no place, without the generall consent of them all: but at length in the yeare 1562, the council was forbidden at all to meddle, or to haue to doe in that matter. And albeit that the emperour Charles the fift, in the esteation of the Senat at Milan, granted thereunto all the marks of soueraignitie, as vnto his lieutenant and deputation in his absence, comming verie neere vnto absoolute soueraignitie: yet so it is, that hee still refused vnto himselfe the power to grant pardon and mercy vnto the condemned: as I have learned by the letters patents by him granted: which hath bene a thing right straitly observed and kept in all Monarchies. And although that in Florente during the popular state, the eight men without all right had vfurped the power to grant pardons: yet was that power againe restor'd vnto the people by Sodarin, after the change of the state. As for other kings they have still thought nothing more royall, than to deliver the condemned from death: neither do they suffer the judges or magistrates of other dukes and princes, to examine the letters granted by the king for the restoring of the condemned: although that they examine the pardon granted. And albeit that king Francis the first had given vnto his mother power to grant pardon vnto the condemned: yet for all that the court of Paris, having taken order to haue it showed vnto the king, that it was one of the fairest marks of soueraignitie, which could not be communicated vnto a subject without impairing of his maieftie: the Queene mother thereof aduertised, denounced this privilege, and restor'd the letters patents vnto the king, before they were of her requeste. For indeede that pretestogatiue could not of right bee granted vnto the French Queene, neither any other the proper marks of Soueraignitie.

And albeit that the Roman lawses say that the emprelle is dispenced with from all edicts
edicts and lawes: yet that taketh no place in this realme of Fraunce; yea there is found a decree in the records of the court, in the yeare 1365, in July: whereby the queene was condemned to lay downe in the court the money of her demand, while the matter was in tryall: that the creditor might demand it to laid downe vpon good caution giuen: which by the Roman law is a meere injurie, so to begin sute of execution. I find also that king Charles the first gave power to M. Arnald de Corbe, chancellour of Fraunce, by letters patentes, the xiii of March, in the yeare 1401, to grant pardons vnto the condemned, some of the great Council being present with him: but that was at such time as the chancellours were almightie, having all in their owne hands: and that king Charles the first was then not in the power of himselfe but of others, by reason of his malady.

Now if any man shall object and say, That in ancient times the gouernours of provinces gaue pardons, as we yet may see by the custome of Henaule, and of Dauphinie: as also that the bishop of Ambtun, by authentique charters pretended this power. Hereunto I answeere, that such customes and privileges, wrongfully wrested and extorted from our kings, were of good right abrogated by an edict of king Lewes the twelfth.

And if such privileges be of no force: so may we also say their confirmations to bee of noe more strength. For the confirmation is neuer any thing worth, if the privilege bee ofit selfe naught. Now must it needs be naught, for that it cannot bee separated from the crowne. For as wee haue before saide, that the privileges by princes euen lawfully granted, cannot stand good for cuet: so the rightes of Soueraigne, which cannot by the kings themselves bee graunted vnto any; without giuing away of their Scepter and kingdome, can much lesse being granted, bee by them confirmed.

As for Gouernours, Deputies, Lieutenants generall of Soueraigne princes, it is another reason: for that they have not that power by privilege, or by office, but by commission, as the deputies or lieutenants of their princes. But in the state of a well ordered Commonweale, this power of Soueraigne ought not to bee giuen to any, neither by commission, neither by title of office, except it bee for the estabishing of a Regent in his government, for the great distance of places; or for the captivity of Soueraigne princes: or for that they are furious; or else in their infancy, as it was done by Lewes the ninth, who for his tender yeares, was by the eftates of Fraunce committed to the tuition of his mother Blanche of Castile; after that she had giuen certaine princes for assurance that these should not giue the tuition of him to any other person. So the government of the kingdome was committed vnto Charles the sixt, as Regent during the captivity of his father king John. And in the captivity of Francis the first, Louise of Sauoy his mother, tooke vpon her the protection of the kingdome committed vnto her by the king her fonne; with all the royalties thereof, in the title of Regent. And the duke of Bedford Regent in Fraunce, king Charles the first being there disthought of his wits.

But here may one lay vnto mee, that notwithstanding the decree of Lewes the xij. the chapter of the church of Roan pretendeth alwayes to have a privilege to grant pardon in the favour of S. Romane: the day before whose feast, it forbidden all the judges, yea and the parlament of Roan itselfe, to execute or put to death any one of such as then be condemned: (as I haue seene it put in praetice being in commision for the Prince, for the generall reformation of Normandie) and for that the court notwithstanding the chapters pardon, had after the feast causd to bee put to death one, which it had before the feast condemned: the chapter thereof gravously complayned vnto the king; hauing to friend one of the princes of the blood: the parlament
sent also their deputies, amongst whom Bigot the kings attourney was verie earnest in his oration in the Senat for the abuse, and encroaching upon the kings maieftie: but the favour of the great bishops more prevailing then reaſon, that privilege was for all that he could lay or do with the publike blame and losſe continued: but was since taken away by king Henry the third. This privilege had great affinittie with that which was given vnto the Veftall virgins at Rome, which was to giue pardon vnto him that was going to execution, if any one of the Veftal virgins by chaunce happened to meete him, as faith Plutarke in the lyfe of Numa. The like cuftome whereof is yet kept in Rome, for if a condemned man there meet a Cardinal, he is thereby deliuered from punishment. But I deeme that to bee most pernicious in the privilege of S. Romane, that no man could enjoy the benefit thereof which had but lightly offended: but he onely that had done the most execrable villanies that were possible to be found, such as the king vfed not to pardon, that such offences as could neither by the laws of God nor man, not by the favour of Princes be pardoned, might yet under the colour of S. Romanes privilege be remitted and forgiven. But that is joyned with the greatest impietie to thinke the pardon to be so much the more acceptable to God, by how much the faie committed is the more hauous or detestable. But I am of opinion (fauling alwayes the better judgement) that no soueraigne Prince, neither yet any man a little can pardon the punishment due vnto the offence which is by the law of God death, no more then he can dispence with the law of God, whereunto he is himselfe subiect. And if it be so, that the magiftrat defeere capitall punishment, which dispence with the law of his king; how shall it be lawfull for a soueraigne prince, to dispence with his subiect from the law of God? And further if the Prince him felle cannot giue away the laſt ciuill intereff of his subiect, or pardon the wrongful done vnto an other man: how can he than pardon the wrongful done vnto almightie God; or the murther willfully commissed; which by the law of God is death, for all the pardon he can giue. But then wherein might a man lay should the princes mercie fhow it felle or appeare? if it could not fhow grace vnto the punishment appointed by the law of God? Whereunto I aunwerre, that there are meanes plentie, as in pardoning bloodshed committed by chaunce, or in defence of a mans felle, or in mitigating the rigour of the poitiue ciuill lawes: as if the prince should upon paine of death forbide a man to beare armes, or to carrie viuitals vnto the enemy; pardon shall yet well be bestowed vpon him that hath borne armes for the defence of himfelle onely; or on him which constrained by pouertie, hath fold viuitals derte vnto the enemy, to releue his owne great neceffitie. Or whereas by the law the punishment for theft is death, the good prince may convert that punishment into the restitution of foute fold, which is the punishment by the law of God appointed. But the willfull murderer: Thou fhall take him (faith the law) from my sacred altare, neuer fhalt thou have pitie on him, but caufe him to dye the death: and afterwards I will stretch forth my great mercies upon you. Neuertherelesse the Chriftian kings on that day which they command to bee most holy kept, as on Good Friday, yfie for moft part to pardon some one man or other, condemned of most horrible and notorious crime. Now pardons granted to fuch villanies draw after them plagues, famine, waieres, and ruines of Commonweales; and that is it for which the law of God faith, That in punishing them that haue delereted to dye, they fhall take away the caufe from among the people: for of an hundred villanies there commeth feate two of them into the triall of liuific: and of thofe that come, the one halfe of them for want of proofe and of witneses escape unpunished: and then if when they are proued princes graunt vnto them pardon, what exemplarie punishment fhall there be for offences and villanies committed in the Commonweale? And many of fendors
fenders, when they cannot of their owne prince obtaine grace and pardon, interpole the fauor of some other forren prince, who becommeth an intercessour for them. Whereof the States of Spaine complained unto king Philip, presenting vnto him a re- quest, to the end he should aduertize his ambasadour in Fraunce, no more in the behalfe of the French king, to request pardon of the king of Spaine, for the condemned men which had retir'd themselves out of Spayne into Fraunce: for that hauing obtained pardon, they many times set the judges, who had before condemned them. But of all the grazes and pardons that a prince can giue, there is none more commendable, than when he pardonneth the iniurie done against his owne person: and of all capital punishments none is more acceptable vnto God, than that which with most feueritie is executed, for the wrong done vnto the maieftie of himselfe. But what then are we for to hope for of the prince, which most cruelly reuengeth his owne inuries, and pardonneth the wrong done to others; and especially those which are directly done to the diuine honour of Almighty God.

Now that which we haue faid concerning the grace and pardon graunted by a soueraigne prince vnto men condemned, is to the vittermoft to be extended, even vnto the prejudice of the great lords, vnto whom the confiscation of the offendours lands or goods by law or custome belong, who are not to be receiued to debate or impugne the pardon graunted by the prince; as by decree of parliament hath bene adiudged. Now many there be, which draw the grace of the princes gracious restitutions vnto priuate judgments: as when a man is for want of councell deceiued or cofoned; or requi- sith the benefit of his minoritie, which in many citie and Commonwealths are proper vnto soueraigne princes: but yet are not the maktes of soueraigne maieftie, except only the legitimating of baifards, of fees, and such like: for why the rest were partly by the magiftrates haung vnderfoot the caufe, and partly by the lawes and customes vniually graunted. For in the lawes of Charles the viij and Charles the viij, it is expressly commanded vnto the judges, in deciding of causes, not to haue any regard of the de- crees of forraigne counts, further than they shouled with equitie agree: which by this common claue vnfo all decrees in this realme commonly annexed (Si satius superque appareat, If it shall sufficiently, and more than sufficiently appeare) is declared. Which claue if he be not joyned vnto the decrees, the magiftrates hath but to vnderfand of the fact; the punishment therof being referred vnto the law, and the pardon vnto the soueraigne prince. And that is it for which Cicero crauing pardon of Cesar for Ligurius faith, I haue oftentimes pleaded with thee before the judges, but I never said, for him whom I defended, Pardon him my lords, he was deceiued, he thought it not, if ever bee do so againe, &c. So children use to say vnto their parents, of whom they craue pardon: But before the judges we say, That the crime is for euill will forged, the accufor is a flanderer, the witneses false and subborne. In which words he plainly shewed, that Cesar haung soueraigne power, had also the power of life and death, (and fo to graunt pardon) which the jud- ges had not.

Now as for liege fealtie and homage, it appeareth, that it is one of the greateft rights of soueraignitie; as we haue before declared: in respect of him to whom it is due, with- out exception.

As for the right and power to coyne money, it is of the same nature with the law, and there is none but he which hath power to make a law, which can appoint the va- lue, weight, and stampe of the coyne: which is well to be vnderstood by the Greeke and Latine worde; for the Latine word Nummis, feemeth well to haue beene derived of the Greeke word νομις. For nothing is in a Commonwealth of greater consequence next vnto the law, than the value, weight, and stampe of the coyne; as we haue in a spe- ciall
The right and power to coin money the issue, perpetual mark of oueraigne to be granted to subjects.

The first booke

chall treatise declared; and in aerie well ordered Commonweale, none but the fouereigne prince hath power to appoint the same. As we read they did in Rome, when the value of the Victoriat was appointed and set downe, it was done by an expresse law of the people. And albeit that the Senat by decree to eafe the publicke necessitie, made the halfe pound of copper as much worth as the pound; and a while after the quarter, as much worth as the pound, vntill that the ounce was valued as much worth as the pound; yet all this was done by the consent of the Tribunes, without which nothing that the Senat had therein decreed was of any force. And after that, Constantine the emperor made a law, that they which had coyned false money should be punished as men guilty of high treason: which law all princes have most straitly kept, taking vnto themselfes the confiscations of false coynes, excluding all others, which have any claim thereto. With like punishment also are they to be punished, which without the princes leave coyne good money. And albeit that many particular men in this reallme, had in aunent time privilege to coyne money, as the countie of Touraine, the bishops of Meaux, Cahors, Agde, and Ambrun, the countiyes of S. Paule, of Marche, Neurets, Blois, and others: yet for all that king Francis the first, by a generall edict took away all those privileges: which could not indeed be granted: but being granted, were by the law made void: joyning hereunto also, that they were not to endure, but for the life of them that granted them, as we have before showed in the nature of privileges: howbeit that this mark and right of oueraigne ought not in any sort to be at all communicato vnto a subject. As it was well declared to Sigismundus Augustus, King of Polonia, who in the yeare 1543, having given privilege vnto the duke of Prusse, to coyne money: the estates of the countrey made a decree, wherein it was comprized, that the king had no power to give away that right, as being insepable from the crowne. For which seile same reason the Archbishops of Gnesius in Polonia, and the Archbishops of Canterbury in England, both chauncelours, having obtained the same right and privilege from their kings, were thereof againe deprived. And for this cause all the cities of Italie holden of the emprye, which had of the former emperors obtained this privilege of coyning of money; in the tratie at Constance gave up the same vnto the emperour, excepting them of Luca, vnto whom in favor of pope Lucius the third, their country man; the emperour at his request granted that privilege. We read also, that the principal occasion that Peter king of Aragon tooke hold of, to drive James king of Majorque out of his kigndome was, for having coined money; pretending that he had no right nor power so to doe. Which was also one of the ocasions that Lwes the xthooke hold of, to make warre vpon Francis duke of Britaigne, for that hee had stamped a coyne of gold, contrarie to the tratie made in the yeare 1465. And the Romans when as they suffered money of Brasile, and sifter to be coyned in all their prointes, yet did they forbid any to be ther coyned of gold, requiring that still vnto themselfes. Howbeit that John duke of Berry had privilege of Charles the sft, the French king, to coyne money of both mettals; who becaume hee would not any thing therein offend, causd pieces of gold to bee coyned with the figure of a xeepe vpon them, of the finest and purest gold that euer was either before or since coyned in this reallme.

Yet is not to be omitted, that though the prince contrarie vnto the law, shall giue to any man power to flampe money, that the worth and valour thereof shal dependeth of the soueraigne prince; in which sort, that they which coyne the same, haue no other profit thereby but the flampe onely; whereof princes do wonderfully vaunt and glorifie. But of aunent time in the Roman Commonweale, whilest it was a popular state, the Triumpuri Monetales, or masters of the minr, coyned the money with such a flampe or
of A Commonweale. 177

A

or marke as they themselves thought good, with their names & these letters therupon, III Viri, A.A.A. F.F. which Cautilus baiileffe of the mountaines interprethet, Ares, Argento, Auro, Flano, Ferundo: but more truly thus, Triam viri, Auro, Argento, Ares, Flano, Ferundo. And truly Serfius king of the Romans was the first that there stamped an heavy coyne of braffe, with the figure or impression of an Ox on it, to the imitation of Theseus king of Athens, who had coined money with the same figure or marke, and the figure of an Owle. Whereby it appeareth the Greeke and Latine princes of old, not to have bene touched with that vaine desire of glory, wherewith other princes were tormentèd: and wherethrough the kings of Afia and Aßhike most greedily longed. The first that coined money in Greece with his owne image therein, was Philip king of Macedon: which pieces of money were therof called Philippae; therein imitating the Perfian kings, who called their pieces of gold first stamped with the image of Darius, by the name of Dariques. Whereof king Daricus was so illegal (as Herodotus writeth) as that he caufed Ariander governor of Egypt to bee beheaded, for having stamped the money with his owne image. As for the same caufe also the emperour Commodus beheaded his minion Pecenninus. And also king Lewis the xij having left all the power and right of Soueraignty vnto the Genowayes, whom he had overcomèd, forbade them neuertheless to stamp their money with any other matke or figure, than with his owne image, in feed of the forme of a Gibber, which they before gaue, and yet gaue vpon their money, as the matke of justice.

B

Now if the power of coyning money be one of the rights and markes of Soueraigne; then so is also the power to appoint meafures and weights, although that by the customes receivèd there is none fo pettir a lord, whiche pretendeth not to haue this right. Whereby it commeth to passe, that by the infinit variety of weights and meafures, the Commonweale taketh no small harme. Which was the caufe that the kings Philip the Paire, Philip the Long, and Lewis the xij had resolued, that there shoule be in this kingdom but one manner of weight and meafeure: and now the commissiories appointed for that purpose, by comparing them together, had made euery all the meafures and weights of this realme, and brought the matter to good eftect, had not king Lewis by death bene taken away, before it was fully pettect; yet the booke whereby the same might more easily be brought to passe, is yet extant in the court of acconnts: howbeit that the execution thereof proved more difficult then was thought it would have done, by reafon of the greete contention, and rates that thereof attie. Neuertheless we read in Polybyus, that the same was well executed in all the cities of Achaia, and Morea, where they had not but like money, like weights, like meafeures, cuftomes, lawes, religion, officers, and government.

As for the right to impose taxes, or imposits vpon the subiects, is as proper vnto Soueraigne maiestie, as is the law it self: nor that a Commonweale cannot stand without taxes and tallages, as the President the M. hath well noted, that taxes were not levied in this realme, but since the time of Saint Lewis the king. But if it must needs be that they must for the publike necessitie be levied or taken away; it cannot bee done but by him that hath the Soueraigne power: as it hath bene judged by a deeree of parliament, against the duke of Burgundie; and many times since, as well in the high court of parliament, as also in the priuie Councell. And for that diuers particular lords, cities, and corporations, vnder show of the common good, have imposed diuers taxes and payments vpon their people: king Charles the nine, by a generall edict by him made in the parliament at Orleans, expressly forbidde them so to doe without leave: albeit that for the common necessitie they be borne withall in so doing without commission, so that they exceed not the summe of twentie five pounds. And afterward
ward the same edit was more straitly againe renewed at Moulin, well agreeing both with law and equitie. And although that the Roman Senat in time of warres, yea and the Cenfers themselfe imposed certaine taxes and payments, which could hardly have bene extorted from the bodie of the whole commonaltie: yet so it was, that that still passed by the sufferance of the Tribunes of the people, who oft times also opposed themselves against the fame. Yea and that in such sort, that they presented a request unto the people, that from that time forward no man upon paine of his head should bee so hardie, as to cause any law to be passed in the campe: for that the Senat by subtill meane had there in the campe at Sutrium,caused to be published that notable imposition, which they called *Pseudo Manumission*, that is to say, the twentith part of the goods of them which were manumissed; vnder colour that it was to pay the armie withall which thereunto right willingly agreed: and so suffred the law to passe. And in the second Cathaginensian warre, at such time as there was great want of coynie in the common treasurie, there was by a law made a taxe generally imposed vpon euery man, which was by another contrarie law againe repealed, after the returne of Paulus Amylius, who with the spoyles of Perseus king of Macedon, so filled the citie, and suecie priuat man also with wealth, as that the people was from that time discharged of all taxes and payments, vntill the Triumvirat ciuill warre, about an hundred yeares after, vntill that luch new taxes and tributes as by the power or coutoumes of former tyrants had bene imposed vpon the people, were by the good *empetour Pertinax* againe eased and taken away.

But here might some say, divers particular lords here and there, to exact not onely customes, but tributes also, not onlye in Fraunce, where (as Cesar hath most truly written) nothing is more contemptible than the vulgar people: but in England and Germanie, and much more straitly in Denmark, Polonia, and Norwai: which impositions and tributes, are confirmed and grownse strong, both by long prescription of time, and vse of judgements; yea and that to be lawfull, euery vnto such as haue neither soueraigne, nor any jurisdiccon at all, the court of Paris hath adjudged. Whereunto I answeare, that the thing hauing begun by abuse, and by long continuance of time inueterat, hath well some colour of prescription: but yet an abuse can never be so ouergrown, but that the law shall ever be of greater force than it: whereby the abuse is to be reforme: and for that cause it was forbidden by an edit of Moulin, that any tribute should be exacted of the subiects, vnder the colour of prescription: for that many lawyers and judges have expoued all the strength and force of judgements onely in prescription alone: not regarding whether that which is in question can of right bee prescribed or not.

Now if Pompeius hath denied, that the common high way can by any continuance of time be prescribed vpon: why then should these men thinke the rights of customes and tributes, or of soueraigne maiestie to be prescribed against? and yet the common high way belongeth not vnto the right of Soueraigne. Wherefore it were better to confesse (which yet without deadly wrong cannot bee done) those aforesaid things which we have spokene, not at all to belong vnto the right of soueraigne maiestie: or else to say that the kingdome itselfe, and in briefe the royall crowne and scepter might be prescribed vpon. The same we are to thinke also of the exemptions from the payment of taxes and tributes, which no man can graunt vnto another man, but hee which hath the soueraigne power in a Commonweale: which is also provided for in an article of the edit at Moulin: neither is that enough, but that the charters of such immunities granted, must be also enrolled in the records of the court of accounts, and be allowed of by the judges of the court of Aydes. But what kind of taxes and tributes there
there be, and how farre they are to be exacted, shall in due place be declared: let it now for the present suffice, it to appeare, that right and power to belong onely vnto Soueraigne monarchie.

Now many there be that thinke also, that to have power to lay an imposition vpon falt, is a more proper marke of Soueraigne ty than the rest: and yet thereof giveth no good reason. For almoast in every Commonweale we see falt pits and mines both to be, & alwayes to have bene in priuat mens possession, not onely vpon the sea coasts towards the South (for toward the north it hardeneth not with the Sunne) but also in the mediterraneaue regions, wherein mines of falt, and wels of falt water are found. As in Spaine, in Italie, France, and the countrey of Cracouia, is found falt in great abundance: Yet even at Rome we read, some priuat men to have had falt mines. Yet true it is, that maie soueraigne princes have of amnient time imposed tribute vpon falt: as did *Usma chu*s king of Thrace, *Ancus* Martinus king of Rome, Philip Valois king of France, who were the first that exacted tribute vpon falt, euery one in his owne kingdom. And albeit that by the law Valeria the people of Rome were freed from such customes & tributes, as had by their kings bene brought in, and imposed vpon them: yet *Linus* the Cenfor thought no imposition in the Commonweale lighter or fitter, than that which was laid vpon falt: who thereof furnamed *Linus Salinator* (or *Linus* the Salter.) For why that imposition little or nothing impaireth the right of priuat men: but that they still remaine lords and owners of their falt pits, aswell as of their other mines, fauing vnto the Soueraigne prince his right and customes.

But forasmuch as the fea it selfe cannot be proper vnto any priuat man, the rights thereof belonging vnto such soueraigne princes as dwell thereby, who may lay impositions thereupon thirtie leagues off from their owne coasts, if there bee no other soueraigne prince neerer to let them, as it was adjudged for the duke of Safoy. Neither can any but a soueraigne prince give them letters of safe conduct; which the Italians call Guidage; nor yet of right take any wracke; as is exprely pro烦d for by the decrees of the emperour Fredericke the second. A thing triuall most barbarous, and not in amnient time of soueraigne princes vished shamefully to suffer the reliques of the goods and fortunes of such as haue by shipwracke miserably perished, and whome we ought with some part of our owne to relieue, being cast vpon our coasts, and which ought with good faith to be againe restor’d, to be most shamefully I say spoiled. Yet such is the manner of all that ports vpon the sea, in this case to shew such extremities aswell vnto their owne people, as to strangers. But by what right doe you aske? The common errow maketh the right: or if the wrong be done not by errour, but by knowledge, then it is meere wickednesse, masked with the vaile of errour. For I haue heard that at such time as the emperours of the slavers complayned vnto Henry the second, the French king, in the yeare 1556, that two galleys which had suffered wracke vpon the coast of Corcyra, were taken by *Iordan Vrbin*, requesting to have the same gallice againe restor’d: he was answeered by *Anne Munumerance* then constable of France, that wracks by the law of all nations belonged vnto such princes as ruled vpon the coasts whereon they were cast. Which law was fo strong, as that *Andrew Doria* neuer to much as complained of the losse of two of his gallies, conficcat by the prior of Capon, the French Admyrall, for casting anchor onely vpon the land without leaque, which of amnient time men by the law of nations might right lawfully do. And whereas the Roman law it was lawfull for any man to lese vpon things lost, or vpon goods or lands vacant and forbidden: now it is onely lawfull vnto them which haue the soueraigne power, or some other justificacion by law or custome confirmed vnto them, to take vnto themelues things lost or fortaken, and that after a certaine determinat
nat time: which in a thing mouetable is defined to be fortie dayes after the publication of the thing lost or taken: except it be in the mean time by the right owner challenged. And as for vacant possessions, the Roman emperors have decreed, That they may at any time within fourte yeares be againe recovered by the prince: but that after fourte yeares once expired, a man may prescribe even against the common receipt. But forasmuch as these things are also granted into privat men, they no more belong to the right of Soveraignetie, than it doth to have a receipt of his owne: which is not a thing common vnto privat men only, but even the prince himself hath his owne receipt divided from the publicke receipt; and his owne possessions separat from the possessions of the Commonweale: and so divers officers were by the Roman emperors appointed into both. So Lewis the xiij the French king, having obtained the crowne, erected the chamber at Blois, for his particular demaines of Blois, Monfort, and Coufi, which he commanded to be divided from the dukedom of Orleans, and the other publicke possessions; and the accounts thereof to be kept apart by themselves. But amongst the rights of receipt, there be some that belong not, but vnto the soueraigne prince only: as the confiscation of goods or lands in cases of high treason, under which are comprehended also such as be convicted of impietie against God, which we call Herefie; or of offence against the Commonweale, as in coining false money. Howbeit if our late lawyers have with two much learned and curious subtiltie in an hundred and fiftie chapters found out the lawes and rights of the receipt: but yet so as that of one they make ten, that fo they may feeme the more: fo confounding and mingling the rights of soueraignty with the rights of receipt (which are also common vnto privat men) and publicke things with things privat. The other rights of receipt are almost all common vnto the soueraigne prince, with other lords iusticiaries, as to have right vnto treasure found: and the power to grant Faires, which was in auintent time a mark of Soueraignetie; as now it is at this present comprizd vnder the cafe of privileges.

As for the right of Marque, or of Reprisall, which soueraigne princes have proper vnto themselves from all others, it was not of auintent time proper vnto a soueraigne prince; but permitted vnto every man without leaue, either of magistrat or of prince to take represall, which the Latines called Clarigatio: howbeit that the princes by little and little gaine this power vnto magistrats and gouernours; and in the end referred this right vnto their owne soueraignetie, for the better assurance of their peaces and truces, which were oftentimes broken by the rashnesse of some particular men, abusing this right of Marque or Reprisall. In this realme the parliament granted letters of Marque, as we find by the decree of the xij of Februarie 1392, vntill that Charles the eight by an especiall edict, referted that power vnto himselfe, in the yeare 1485. It is also of our men properly called a royaltie or right of soueraignetie, whereby the prince, a bishop being dead, taketh vnto himselfe the profits of the bishopricke, in the mean time whilst another bishop is chosen by the chapter, or by the prince himselfe appointed: and so being sworn, is put into possession thereto: but forasmuch as that in all places is not obserued: and few there be that have that right, it is not to bee accounted among the markes of soueraignetie.

There are many other right small things, which are accounted proper vnto princes, as things concerning their greater reputation and dignitie, as in their edicts, mandats, and commissions to vte these words, Dei Gratia, by the grace of God; which words Lewis the xi, the French king, forbade the duke of Britaigne to vte in his life; although we read them to have bene vte almost in all auintent leagues; and attributed not vnto great princes and commandours onely, but even to the leaft magistrats and depu-
ties also. The kings of France have also resorted unto themselves the right to seal with yellow wax, a thing forbidden to them in their nobility and other their instituted; which Leves the by special privilege and letters patents granted as a great favour unto Restate of Aniou, king of Naples and Sicillia, that in sealing he might use yellow waxe; with like privilege unto his heirs also, confirmed in parliament the 28 of June 1465. He which copied the Comentarios of Tullet, calleth it white waxe, which I find out kings neuer to have vied.

But much more it belongeth unto the royaltie of soueraigne maieftie, to be able to compell the subjectts to use the language and speech of him that ruleth over them: which the Romans so commanded their subjectts, that even yet at this day they feeme farre and wide toaigne over a great part of Europe. But the king of the Hertufcians, who lath was by the Romans overcomen in all other things yeelded unto them, but in that he could in no wise be perfwaded to yeeld, to change his countreyc, and to receive the Latin tongue, as Cato Censorius writeth. But France for that it swarmed as it were with citizens of Rome,did to confound the Latin tongue, with the natural countrey speech, as that the auntient writers called our countrey men Romans; yea, the judgementes and decrees of the higher court of parliament, in the law of Paris were set downe in Latine (which the presidents and gournours were commanded to doe) vntill that Francis the first had given order that they should use their owne countreyc language as by like edict Edward the third commanded the judges and magistrates of England, to use judgementes in their owne countrey language, when as before they used the French. And at such time as the Sarazins had subdued the greatest part of Afia, and Afrike: they withall most farre spred their language and religion even into the farthest part of Spaine: which when Philip king of Spaine would gladly have suppressed, yet could he by no meanes effect it.

Some amongst the marke of Soueraigne, have put also the power to judge and decide matters, according to their conscience; a thing common to all judges, if they be not by expresse law or custome prohibited to doe. And that is it for which wee oftentimes see in the edicts upon the articles committed to the arbitrarie judgement of the judges, this claue added, where with we have charged our conscience. For if there be either custome or law to the contrarie, it then is not in the power of the judge, to passe beyond the law, or to dispute against the received law. For that was a thing forbidden by the most politike lawes of Lycurgus; and also by the most auntient lawes of Florence, whereas a soueraigne prince may do both, if he be not by the law of God forbidden; whereunto we have before showed him to be still subject.

As for the title of Maieftie is, some it sufficiently appeareth, that it onely belongeth to him that is a soueraigne prince: so that for him that hath no soueraigne title to vnder the same, were a verie absurd thing; but to arrogat unto himselfe the addition of most excellent and facetted maieftie, is much more absurd; the one being a point of lightnes, and the other of impiete: for what more can we give unto the most mightie and immor-
tall God, if we take from him that which is proper unto himselfe? And albeit that in auntient time emperorors were kings vned these so great addition or titles: yet the German princes neuertheless have oftentimes given the title of Sacred Maieftie unto the kings of France; aswell as vnto their emperor. As I remember my selle to have seene the letters of the princes of the empire, written vnto the king, for the delivrance of countrey Mansfeld,then prisoner in France: wherein there was five times V. S. M. that is to say, Peru, Sacra, Maieftas, or Your Sacred Maieftie; an addition proper vnto God,apart from all worldly princes. As for other princes which are not soueraignes some vse the addition of His Highnesse,as the dukes of Loraine,Sauoy,Mantua,Ferra-

E R.
ra, and Florence: some of Excellencie, as the princes of the confines; or else of Serenitie, as the duke of Venice.

I omit here many other meaner rights which Soueraigne princes every one of them pretend in their own countries, in number infinit, which yet are no marks of Soueraignety, such as ought to be proper to all Soueraigne princes in generall, apart from all other lords, justiciaries, magistrats, and subiects, which are of their owne nature incessible and not to be alienated from the Soueraignety: nor by any course of time to be prescribed. And if the Soueraigne prince shall give or grant any lands or lordship of the publick possession, vnto any, with jurisdiction and power to use the same, in such sort as he himselfe might: albeit that the royall rights properly belonging vnto Soueraignety, be not in the charter or writings expressly excepted: yet are they always by the very law it selfe thought to be excepted; which by an old decree of the counsell of France was decreed not only for grants made vnto priuat men, but alfo for such gifts or grants as were made vnto the princes themselves descended of the royall blood and familie: which royall rights can by no tract of time whatsoever, be prescribed against or vnten to. For if publick place, or the publick possessions of the Commonwealth cannot be got by any prescription: how much leefe then, can the royalties proper vnto Soueraigne maiestie be prescribed vpon. But it is certaine by the edicts and laves concerning the publick demaie, that it is not to bee alienated, neither by any tract of time to be gained: Which is no new thing: For it is two thousand yeares agoe since that Themistocles, making leisure of certaine lands belonging vnto the publick demaie, vnten to some priuat men; said in the oration which hee made vnto the people of Athens, That mortall men could nothing prescribe against the immortall God: neither could priuat men in any thing prescribe against the Commonwealth: The selfe same speech Cato the Censor vted alfo in the Oration which he made vnto the people of Rome, for the reuniting of some part of the publick demaie, vnten to by certaine priuat men. How then can a man prescribe vpon the rights and markes of Soueraignety? And that is it, for which in law he is guiltie of death, that in any sort with the markes properly referred vnto the maiestie of a Soueraigne prince. And thus much concerning the principall points of Soueraigne maiestie, in as briefe manner as I possibly could, having handled this matter more at large in my booke De Imperio. And tofamuch as the forme and estate of a Commonwealth depended of them that have the Soueraignety therein: Let vs now see how many forts of Commonwealths there be.

Finis Lib. Primi.
THE SECOND BOOKE OF OR CONCERNING A COMMONWEALE.

CHAP. I.

Of all sortes of Commonweales in generall, and whether there bee any more then three.

Oras much as we haue before sufficiently spokyn of Soueraignty, and of the rights and markes thereof; now it behooveth vs to consider who they bee which in every Commonweale hold that Soueraignty; thereby to judge what the estate is: as if the Soueraignty consist in one onely prince, wee call it a Monarchie: but if all the people bee therein interested, we call it a Democracy, or Popular estate: So if but some part of the people haue the Soueraigne command, we account that state to be an Aristocracy. Which words we will use to avoide the obscuritie and confusion which might otherwise arise, by the variety of governments good or bad: which hath given occasion vnto many, to make more sortes of Commonweales then three. But if that opinion should take place, and that we should by the foot of vertues & vices, measure the estate of Commonweales; we should find a world of them, and them in number infinit. Now it is most certaine, that to attaine vnto the true definitions and resolutions of all things, we must not rest vpon the externall accidents which are innumerable, but rather vpon the essentall and formall differences: for otherwise a man might fall into an infinit and inextricable labyrinth, whereof no knowledge is to bee had, or certaine precept to be given. For so a man should forge and fashion infinit numbers of Commonweales, not onely according to the diuerstie of vertues and vices; but even according to the variety of things indifferent also. As if a Monarch were to bee chosen for his strength, or for his beautie, for his stature, or for his nobilitie, or riches, which are all things indifferent; or for his martial disposition, or for that he is more usefull to peace, for his gruitie, or for his suffitie, for his beautie, or for his wisdom, for his sobrietie, or his humilitie, for his simplicitie, or his chastitie; and so for all other qualities, a man should so make an infinit of Monarchies: and in like sort in the Aristocratique state, if some few of many should have the soueraignty above the rest, such as excelled others in riches, nobilitie, wisdom, justice, martiall prouesse, or other like vertues, or vices, or things indifferent, there should thereof arise infinit formes of Commonweales: a thing...
The Second Booke

That there are but three sorts of commonweales viz: a Monarchie, a Democracy, and an Aristocracie.

The diverse opinions of the ancient writers concerning divers sorts of commonweals.

most absurd, and so by consequent the opinion whereof such an absurditie ariseth, is to be reected. Seeing therefore that the accidental qualitie chaungerth not the nature of things: let vs say that there are but three estate or sorts of Commonweales; namely a Monarchie, an Aristocratie, and a Democratie. We call it a Monarchie, when one man alone hath the soueraignty in a Commonweal, in such sort as wee haue aforesaid. And a Democratie, or Popular estate, when all the people, or the greater part thereof hath in it the soueraigne power and commaund, as in one body. The Aristocratie is, when the lesser part of the people hath the Soueraignty, as in one body, and giueth lawes vnto the rest of the people, whether it be in general, or in particular: all which things are of themselves more dexter than the day. And true it is, that the writers of ancient time do therein well agree, that there can be no lesse than three kindes or sorts of Commonweales: Whereunto some others haue joyned a fourth, composed of all three: and some other a fift, divers from all the rest.

Plato hath vnto these three well adioyned a fourth kind, that is to wit, where some few of the better sort excelling the rest in vertue, haue the soueraignty: which for all that in proper teares, is nothing else but a pure Aristocratie: howbeit, he hath not received the mixture of the aforesaid three estates, for an other diuers forme of a Commonweale. Aristotle beside these three kinds of Commonweales which we haue spoked of: and the fourth also named by Plato, seteth downe a fift kind of Commonweale, by confounding together the three former estates, and so maketh five sorts of estates or Commonweales. But Polybius recketh vp fivene sorts; three commendable: three faulcie: and the vnaeuht compounded of the mixture of the three first. Dionysius Halycarnassius, Marcus Tullius, Thomas More, Gaspar Contareus, Francis Machiavell, and many other following Polybius, haue as it were with one consent approveth his opinion, which in deed is molt antiquitie, and tooke not beginning from Polybius, although he would seeme to be the authour thereof, neither from Aristotle, but aboue foue hundred yeares before Aristotle. Herodotus (the fATHER of antiquitie) writeth, that fourth kind of a Commonweale, confused of the three other, to haue ben commended of many, and yet for all that contenting himselfe with the three former kinds, seteth the rest as imperfect: And were it not that I were not onely by probable arguments, but even by torible reasons drawne from that opinion of Polybius, Tullie, and the rest, I could easelie haue suffered my felse to have beene overcome by the autoritie of so great and grave men. It behoueth vs therefore by liuely reasons to shew them to haue erred and beene deceiued, which haue brought in that fourth kind of Commonweale composed of the mixture of the other three: which I trust the more plainly to bring to passe, if I shall use the fame examples in refelling of them, that they them selues haue before vied. For they them selues haue set downe the Lacedemonian, Roman, and Venetian Commonweales to have beene compounded and sweeteely mingled with the three kind of estates, that is to say, with the Monarchie, Aristocratie, and Democratie. But when Plato said, the best kind of a Commonweale to be composed of the mixture of a Monarchie and Democratie, he was therefore forthwith reprehended by his scholler Aristotle, saying, that of these two could no commendable estate be made, and that therefore it was better of all three estates to make a fourth: wherein Aristotle raifoneth alfo against himselfe: for if he confesse no good thing possible to be made of two extremes; what shall then bee made of three confounded amongst them selues? And for that this opinion for the making of a fourth estate of the confusion of the rest, may move great troubles in Commonweales, and therein worke mateulous effects, it is requisite for vs well to examine the same: For when states of Commonweales are in them selues contrarie, as a Monarchie and a

Demo.
Of a Commonweale.

A. Democratic, they are by contrarie lawes and ordinances to be governed. The Florentins throughly perswaded of that opinion of the auntients for the mingling of the three estates together, as the best forme of a Commonweale; when they moved with the seditious sermons of P. Soderin, and Hierome Sawaunrold, had translated the soueraigne and chiefe power of the Commonweale vnto the people: thought it best to keepe the rоut of the vulgar and common people from bearing of offices and rule, and altogether from the affaires of state: that so the chiefe managing of matters might be referted vnto the more auntient sort of the citizens, and such as were of greater wealth and ability then the rest: who yet had not power to dispose of all matters, but only of such things as were the chiefe, viz. the making of lawes, the creating of magistrats, and disposing of the common treasure: referring the rest vnto the Senat and magistrats, that so they might enjoy that moderate state of a Commonweale, whereof they had so strongly dreamed. And certes if of the three estates moderately mixed might a fourth state arise, it should have a certain power by nature diuerets from the rest: as we see in Harmonicall content, composed of Arithmetical and Geometricall proportion artificially confused; yet quite differing from them both: so as if the mixture of things of diueres and contrarie natures, arithmeti a third all together differing from the things to together mixed. But that state which is made of the mixture of the three kinds of Commonweales, differeth in deedle nothing from a meane popular state; For if three cities, whereof one of them is governed by a king, and so a Monarchie; the second by the nobilitie, and so an Aristocratie; the third by the people, and so a Democratic, should be confounded, and so thrust together into one and the same forme of a Commonweale, and so the chiefe power and soueraigne communicatet vnto all: who is there that can doubt but that that state shall be all together a state popular? except the soueraigne should by turns be giuen; first to the king, then to the nobilitie, and afterwards to the people; As in the vacancie of the Roman kingdom, the king being dead, the Senators ruled by turns; yet must they needs againe fall vnto one of these three kinds of a Commonweale which we haue spokent of; neither could this alternative manner of governement be of any long continuance, either yet more profitable to the Commonweale, then as if in an euill governent famillie, the wife should first command the husband; then the children them both; and the servants after them to dominier ouer all.

But to confound the state of a monarkie, with the Popular or Aristocraticall estate, is a thing impossible, and in effect incompatabile, and such as cannot be imagined. For if soueraigne be of it selfe a thing indivisible, (as wee haue before shewd) how can it then at one and the same time be divided, betweene one prince, the nobilitie, and the people in common? The first mark of soueraigne majestie is, to be of power to give lawes, and to command ouer them vnto the subjects, and who should those subjects bee that should yeld their obedience vnto that law, if they should also haue the power to make the lawes? who should he be that could give the law? being himselfe constrained to receive it vnto whom he him selfe gave it? So that of necessitie we must conclude, that as noe one in particular hath the power to make the law in such a state, that then the state must needs be a state popular. Now if we shall give power vnto the people to make lawes, and to creat magistrats, and not to meddle in the rest; we must yet needs confesse that such power giuen vnto the magistrats belonged vnto the people, and that it is not giuen but as in trust vnto the magistrats; whom the people may againe displacce, even aswell as they placed them, in such fort as that the state should alwaies be popular.

And to prove that which wee haue saide to be true, let vs take the same examples that
Polibius, Contarenus, and the rest have left vs; They say that the state of the Lacedemonians was composed of all the three kinds of states which we spoke of: For that in that Commonwealth they had two kings representing a Monarchie; eight and twenty Senateors representing an Aristocratic; and five Ephori figuring and patronizing the popular estate. But what will these men then say to Herodotus, who bringeth the Lacedemonian estate for an example of a most pure Aristocratic: what will they also answer ve no Theucides, Xenophon, Aristotles, and Plutarch: who speaking of the wares of Peloponnesus (which continued twenty yeres betwixt the Popular and the Aristocratical Commonwealths) say, that the whole diet of the Athenians and their allies was to change the Aristocraticies into Democracies, as they did in Samos, Corfu, and all the other cities by them subdued. Whereas contrariwise the Lacedemonians purpose and intention was to change the Popular states into Aristocraticies, as in deed they did in all the cities of Greece after the victory of Lyssander; yea even in the city of Athens itselfe, where after he had layed the wals even with the ground, he tooke the souztainetie from the people, and gaue the same vnto thirtie citizens, (who are therefore of the Athenians called the thirtie Tyrants) to rule and gouerne in such fort and manner as they did amongst the Lacedemonians, where so many, and no more had the government of the state. But among the citizens of Samos, the Sicys, the Eginits, the Mylefians, and other cities of Ionia and the lesser Asia, they gave the souztainenctie vnto Tenne principal men, with one chiefe Captaine over them, for the managing of the warres; calling hoame againe such as had bene banished for holding with the Aristocratic, and driving into exile them that were chiefe of the popular factions.

What will they also say to Maximus Tyrus, who reckoning vp the States which held the pure Aristocratic first of all nameth the Lacedemonians, and after them the Theffalians, the Pellenians, the Cretentians, and the Mantineans. We must first continue these so many and so famous authours of vntruth, before we can thrust the Lacedemonians from their Aristocratic: which writers liuing almost in the fame time wherein the Athenian and Lacedemonian Commonwealths flourished, and being themselves Grecians, were like more certainly and truly to know these things, than a Venetian Senator, a Florentine, or an English man.

What was it then that deceived Polibius, who was himself a Megalopoliote, borne neere vnto the Lacedemonians? Truely it was even the name of the Lacedemonian kings. For Lycurgus hauing altered the state of the Commonwealth, and by the good will and consent of the kings themselves (who derived their pedigree from Hercules) hauing translated the souztainetie vnto the people, left vnto the kings, but the bare name, and title onely, and to be the generals in warres. For why the regall power was now before alreadie fore-shaken and weakened: after that Aristodemus king of Lacedemonia, had at once left his two sons to reigne together over the Lacedemonians (to the imitation of the Mefceniens, over whom Amphitoeus and Leuippus together reigned) who whilst they would both be kings and command over all, could neither of them to be, but by their ielous conceits and contenotions, drawing the state into factious,gave occasion to Lycurgus, being defended also of the same flocke with them, to overthrow their toyall power, leaue vnto them and their house nothing els but the name and shew of kings, giving the rest vnto the Senat and the people. But as in Athens and Rome, after the kings were thence driven out, they yet left the name of a king vnto a certaine priest, whome they called King of the Sacrifices, to doe a certaine sacrifice, which the king himselfe onely had in former time done: W hich priest for all that was himselfe subject vnto the great bisho, and could not (as Plutarch saith) have any
any estate, or beate any office as the other priests might: even so did Lycurgus vnte the two kings of Lacedemonia, who vpon the matter were nothing but Senators, having but their voyces with the rest, without any power at all to command; but to the contrarie were themselues constrained to obey the commandements of the Ephori, who oftentimes put them to their fines: yea and condemned them to death also, as they did the kings Agis and Pausanias, the foueraignitie still refiting with the people, in whose power it was to confine or inflime the acts and decrees of the Senat. This did also himselfe receive the opinion of them which thought the kings each of them to have had two voyces. But about an hundred yeares after the popular state, ordayned, was againe chaunged by the kings Polydorus and Theopompus; seeing it to bee an hard matter to call the people together, and a great deale harder to rule them by reason, being assembled; oftentimes at their pleasure repeating the most wholesome and religious decrees of the Senat. Wherefore they chaunged that popular government into an Aristocratie, subtly wresting an Oracle of Apollo to that purpose: whereby the God (as they said) commanded that from that season the government of the Commonwealke should be in the power of the Senat: and yet to please the people so grieved to have left their power, they gave them leave to draw out of themselves false judges, called Ephori, as Tribunes or patrons of the people, who should examine the sayings, doings, and deuices of the kings, and by all means let them from the exercising of tyrannie. And these Ephori, euery ninth yeare once, vpon some electe night gazing vpon the firmament (as Plutarch faith) if they then saw any starre, as it were, sparkle or shoot, they thereupon committed their kings to prison, who might not thence be deliuered, vntill the Oracle of Apollo had so declared. In like manner the Phylaetes or Galior, euery yeare had the king of Cumes in prison, vntill the Senat had determined what should be done with him. Now this state of the Lacedemonian Comonweale endured about five hundred yeares, vntill the time of Cleomenes, who hauing flaine the Ephori and the Senatours, and so oppressed the Comonweale, tooke vpon himselfe the foueraignitie, and so held it vntill such time as he was overcome by Antigonus king of Macedon; who hauing vanquished him, restored that Comonweale into the state it was before: howbeit that twentye yeares after, being fallen againe into the power of Nabis the tyrant, who was afterward slaine by Philopomenes, that Comonweale was vnite vnto the state of the Achaen, whereof it was a province, vntill that about thirtye yeares after, it was by Galles the Roman Proconsull taken from the Achaen, and by Roman emperours set at libertie. Thus in few words you may see the true historie of the the Lacedemonian Comonweale, for most part taken from Xenophon, Thucydides, Livy, & Polybius, whereof yet no man hath more curiously written than Plutarch, who out of the Lacedemonian acts and publike records, hath corrected such things as of others have bene but lightly or fallly set downe and reported: which hath given occasion to many to be deceived, and to thinke that state to have beene mingled of the three diuers kinds of Comonweales. Which is plainly to be gathered out of Livie, where he bringeth in Nabis the first tyrant of Lacedemonia, thus speaking to Titus Flamininus, Nofer legislator Lycurgus, non in paeoriam manu Rempub. effe voluit, quem vos Senatum apellatus, pec eminere omnun aut alterum ordine in cinutate sed per equitatem honorem, & dignitatis aere credidit, et multis essent qui pro patria armis ferrent, Our lawgiver Lycurgus (faith he) would not the state of our Comonweale to bee in few mens hands, which you call the Senat, neither would have any one or other order to excelle the rest in our citie; but by the making equall of mens fortune and dignitie, thought it would come to passe, that there should be many which would beare armes for their country. Thus he couered his tyrannie with the fowe of a popular state, when
when as then there was no popular estate at all; yet in that he said most truly, that
Lycurgus at the beginning gave the five ariettie unto the people.

But let us see the rest. They also have put for example the Roman Commonweale,
which they said to have been mingled of the three kinds of Commonweales: For to
faith Polybius (who was master to Africanus the Great) We see (faih hee) the regall
power in the Consuls, the Aristocratie in the Senat, and the Democratic in the people.
Vnto whomde do plainly assent Dionysius Halycarnasseus, Cicero, Contarenus, Sir Thoma
tus More, and many others; which opinion for all that is neither grounded vppon
truth nor reason. For where is this Monarchie, that is to say, the five ariettie govern-
ment of one man, which in the two Consuls cannot bee imagined. But foureraigne
majestie, if it were in the consuls could not possibly be divided between two, for the in-
diisible nature thereof, which it seemeth more probable and reasonable to attribute
the same vnto the dukes of Genua or Venice. But what regall power could there bee
in the two Roman Consuls? who could neither make law, nor peace, nor warre, nei-
ther any great officer, neither grant pardon, neither take a peny out of the common
treasure, neither so much as to whip a citizen, if it were not in time of warre, without
leave of the people; which hath bene a power alwaies given to all gouernours of ar-
 mies, whom we also may so call kings, and with greater appearance than the Consuls,
who had not power but the one of them after the other, and that but for the space of
one yeare only. The constable of France, the chiefest Basla of the Turkes, the Bethu-
deres in Ethiopia, the Edgennent in the kingdom of Afrike, haue ten times more power
than had the two Consuls together, & yet for all that they are but subiects & slaves to
other princes, as were the Consuls subiects and satellites vnto the people. And to what
purpose say they, that the Consuls had such royall autoritie, seeing that the leaft of
the Tribunes of the people might imprison them. As did Drusus the Tribune, who
by a sergeant tooke Philip the Consull by the collar, and call him in punion, for that hee
had interrupted him, as he was speaking vnto the people: and that he might lawfully so
do, shall hereafter be declared. The power of the Consuls was to lead the armies, war
being before denounced, to assemble the Senat, to present the letters of the captains
and allies vnto the Senat, to giue audience vnto ambassadors before the people or the
Senat, to call together the great estate, and to demand the advice of the people, about
the election of officers, or promulgation of lawes; who yet standing, spake vnto the
people sitting, and their mates downe, in token of their subjection vnto the people. The
same autoritie with the Consuls had the chiefest gouernour of the citie in their ab-
sence. Toyne hereunto also, that the Consuls had power but for one yeare: where-
fore I heauue this opinion as faire worthy the refuing.

Now as concerning the Senat, which they say to haue had the forme and power of
an Aristocratie, it was fo faffe there from, as that there was never priuie counsell, which
had not more authoritie; for it had no power to commund either particular men, or
magistrates: yea the Senators might not assemble themselves, except it so pleased
the Consuls, or the Praetor in the abidence of the Consuls: infomuch that Caesar a popular
man, perceiving himselfe not gracious with the Senat, oftimes called the people to-
gether in the yeare of his Consullship: but the Senat in all that yeare he assembled but
once or twice, till presenting his request vnto the people when he would obtaine any
thing: which was no great noueltie; for the Consull for his pleasure to do, committe to
the good liking and mind of the Senat. For we read (that the Senat at such time as it
was in greatest autoritie that euer it was) in the dangerous time of the Common-wealth, havving requested the Consuls to name a dictator; the Consuls would therein
do nothing: infomuch that the Senat havning no power to commund them, neither
any
any sergeant or like officer, which are the true markes of them which have the power to command, sent Servilius Priscus with their request unto the Tribunes in this fort, *vos (inquiti) Tribuni plebi Senatus appellat, ut in tanto differente Reipublice dictatorum dicere, Confules pro vestris potestate cogatis: Tribuni pro collegio pronunciant, placere Consules Senatus dicto audientes esse, aut in vincula se duci inssuros, Tho Senat (laith he) appealeth vnto you the Tribunes of the people, that in so great danger of the Commonweale, you, for the great authoritie you have, would compell the Consuls to nominat a Dictator: whereupon the Tribunes pronounced for their wholesocietie, that their pleasure was, that the Consuls should be obedient vnto the Senat, or els that they would command them to prison. And in another *place the fame author faith, That the Senat was of aduise, that the Consull should present the request vnto the people, for the commanding of him whom they would have Dictator: which if the Consull should refuse to doe, that then the Praetat of the citie should doe it; who if he should refuse also, that then the Tribunes of the people should propound the matter. Consul roguit, se populum rogaturum, Pratoremque rogare vetuit: Tribuni plebi rogarent, The Consull denied to request the people, and forbad the Praetat also to request them, the Tribunes made the request. Wherby it evidently appeareth, that the Senat could not so much as command the lefster magistrats, the greater magistrats forbidding them. And as for that which Polybius faith, That the Senat had power to judgment of cities and provinces, and to take punishment of conspirators against the state: *Linit

The people of Rome in their assemblies did it in token of their threatrignts.
or that the Consuls refusing so to do, the Tribunes themselves propounded the same unto the people. So that in briefe all matters of estate, and namely all the counsell and decrees of the Senat were of no force or vertue, if the people did not so command: or if the Tribunes of the people consented not thereunto, as we haue before touched, and shall more at large declare in speaking of a Senat. Wherefore in the Roman state, the government was in the magistrats, the authoritie and councell in the Senat, but the soueraigne power and maieftie of the Commonweale was in the people. Excepting that time wherein the Decemviri contrarie to the law, kept in their hands longer than a yeare, the soueraigne power to make lawes committed unto them; from which they were shortly after by force of armes removed: for then it might of right haue bene called an Aristocracie, or more properly to say an Oligarchie. Now as we haue before said, that the power of magistrats (how great soever it be) is not of themselves, neither theirs but as committed unto them in trust: so at first, after the driuing out of the kings, the Senators were chosen by the people; who to discharge themselves of that labour, committed that charge to the Cenfors, who were also chosen by the people, so that upon the matter all the authoritie of the Senat depended of the people, who at their pleasure vied to confirm or infringe, so ratifie or disannull the decrees of the Senat.

The same opinion hath Contarenus of the Venetian Commonweale, saying it to be also mixt of the three formes of Commonweales, as were those of Rome and Laedemonia: For, faith he, the royall power is in a sort in the duke of Venice, the Aristocracie in the Senat, and the popular estate in the Grand Councell. But I not after him hath most curiously brought to light the true estate of the Venetian Commonweale; wherein he sheweth by most evident testimonies, drawne out of the most antient and true Venetian records, That Contarenus in so saying was much deceived. He sheweth plainly, that not pass three hundred yeares ago, before the time of Sebastian Cyanee duke of Venice, the Venetian estate was a pate monarchical. Howbeit that Contarenus writeth it to haue bene establised in the state it now is eight hundred yeares: and Pau. Manutius, faith it to haue so floud twelve hundred yeares: all which I not prooueth out of the publike records, and certrae historiae to be vertue. But howsoever that be, plainly it is, at this day to be a pure Aristocracie: For by the view of the citie and the citizens, which was taken about thirtie yeares ago, were reckoned nine and fiftie thousand three hundred fortie nine citizens, beside children vnder feuen yeares old, but of Gentlemen, in whom her repast the soueraigne power of that state, betwixt foure and fiftie thousand yong and old: yet had the church men and gentlemen vnder fute and twenty yeares old, nothing to do with the state, more than to looke on, neither had they access into the Grand Councell, but by way of request: the young gentlemen being so vpon request received at the age of thirtie yeares, according as discretion was to be donee more in some one, than in some others: and yet hath it not bene found this hundred yeare, that the Grand Councell assembléd, to decide the great affairs of that state, hath exceeded the number of fiftie thousand, as is to be seenne in the histories of Sabellius, and of cardinall Bembus, the rest being absent. It is therefore the least part of the Venetians that haue the soueraignitie, and they also of certaine noble families, for all the gentlemen borne in Venice, are not receiued into the Grand Councell; but there are of one and the same floke, of the same race, of the same name, whereof some are citizens, and come not into the councell, and the others come. I do not here set downe the reason why, which every man may see in Sabellius. This great councell as Contarenus faith, hath soueraigne power to make and repeale lawes, to place or displace all officers, to receiue the last appeale, to determine of peace and warre, and to giue
A  give pardon unto the condemned. Wherein Contenens condemneth himselfe: for seeing it is (as he faith) it cannot be denied, but that the state of this Commonwealth is Aristocraticque. For were it not that the Great Councell had no other power than to make laws and magistrates, it were enough to prove it to be an Aristocraticall state, as we have before said: for if those officers have any power, they hold it of the Seigneurie: which sufficeth to show, that neither the Deemmuiri, neither the Senat, neither the Sages, nor yet the duke with his fixe counsellors, have any power but by sufficiente, and to distance, as it shall please the Great Councell. As for the duke himselfe he alone of all other magistrates hath no command at all, as not having power to condemn any man before him, neither to stay or examine any man; which is the first marke of command, 

B  given even unto the least magistrates, neither may he decide any cause whether it be in matters of state, or administration of justice; either in the assembly of the fixe counsellors, or of the Deemmuiri, or of the Sages, or of the Senat, or of the fortie judges in civil or criminall causes, or of the Grand Councell. For albeit that he may enter into all their corporations and colleges, yet so it is, that he hath but his voice, as any one of them; but that he veth to giue it to the last: neither dare he to open any letter directed unto the Seigneurie, or admit or discharge any ambassadours, but in the presence of his fixe counsellors, or of the Deemmuiri, or to go out of the cite without leave. Yea Fa- lerinus the duke, for that he had without the consent of the counsell married a straunger, was by the Deemmuiri hanged. And beside him Sabellius reckoneth vp twelve dukes moe, either by the tumultuous people slaine, or otherwise put to death for abusing their authoritie. But he weareth a most precious cap, a robe of gold, he is followed, honoured, and respected as a prince: and the coutne carrieth his name, albeit that the stamp of the Seigneurie be vpon it, which are all tokens of a prince: all which royall magnificence we count him to have, but yet all without power or command. Now if it were so that we should not according vnto truth, but after showes and appearances judge of the estate of Commonwealthes, there should be found none simple and pure, but all mixt and confused in such sort as they say. Yea the empire of Germanie should be much more mixt, than the Venetian state. For the emperour hath other marks and more royall than hath the duke of Venice: then the seven princes electors, with the other princes, haue the shew of an Aristocracie, or of an Oligarchie: and the ambassadours of the imperall townes resemble a Democratie. And yet for all that most certaine it is, that the imperiall state of Germanie is a pure Aristocracie, composeth of three or foure hundred persons astate, ouer whom one prince beareth rule, to put in execution the decrees of the counsell, or els is to be forced to giue vp his office, as wee shall in due place declare. In like manner they lay also the states of the Swiflers to be mixt of the three diuers formes of a Commonwealth: Amongst whom the Burgamaister reprehenteth the king, the Senat an Aristocracie, and the ambassidgers generall and particular, the state popular: and yet for all that men know right well, that all their states and Commonwealthes are either popular, as are they which inhabit the mountains, or els Aristocratie, as are almost all the rest.

And this opinion of the mixed state hath so posessed the minde of men, that many haue both thought and writ this monarchie of Francqe (than which none can bee imagined more royall) to be mixt and composeth of the three kinds of Commonwealths, and that the parliament of Paris hath the forme of an Aristocracie, the three estates of a Democratie, and the king to represent the state of a monarchie: which is an opinion not onely absurd, but also capitall. For it is high treason to make the subject equal to the king in authoritie and power; or to joyn them as companions in the soueraigne with him. And what popular power appeareth, when the three states are assembled?
The power of a sovereign prince in nothing diminish'd by his parliament, but rather much the more thereby magnified.

The forms the courts of parliament in France hold in writing to the king.

The power of a sovereign prince is not wherein is the souveraine maieftie of a prince so much manifested, as when every man in particular, and all men in generall, all the noble as the meanall, with bended knee, and bate head, adore their king, offer vnto him their requests, which he at his pleasure admitteth or rejecteth. What counterpoise of a popular power against the maieftie of a monarch can there be in the assembly of the three estates? yea of the whole people, if it could be gathered into one place, which humbleness it selfe, requesteth and reverenceth their king. So late is it from that such an assembly in any thing diminisheth the power of a souveraine prince, as that thereby his maieftie is the more encreased and augmented. For it cannot bee exalted into a more high degree of honour, of power, and of glorie, than to receive an infinite number of great lords and princes, and people innumerable, of men of all sorts and qualitie, to caft themselues downe at his feet, and to doe homage vnto his maieftie; seeing that the honour, glorie, and power of princes, confifteth not but in the obeysance, homage, and service of their subjects. It then no forme or fashion of a popular power can bee imagined in the assembly of the three estates, which they make in this realme, no more or haply leffe than in England and Spain: much leffe shall there be an Aritocracie in the Court of Peetes, (who are so called, for that they bee equall one with another among themselfes, but not with the prince, as some have too rusticallly deemed) or in the assembly of all the officers of the realme, considering that the presence of the king doth make all power and authoritie of all corporations and colleges, and of all officers aswell in generall as in particular to cease: in such sort, as that no magistrat hath power to command any thing in his presence, as we will in due place declare. And albeit that the king sitting in his seat of justice, the chancellor first addresseth himself vnto him, to know his pleasure, by commandement from whom he goeth, gathering the aduise and opinions of the princes of the blood, and other great lords, the peers and magistrats, which he reporteth againe vnto him: yet is not that so done, to the intent to number the voyces, as in the consiliorie among the judges, but that the king understanding their opinions, may as lecmeth vnto him good, receive or reject the same. And albeit that most times he follow the opinion of the greater part, yet to make it knowne, that it is not the judges or magistrats decree, but the decree of the prince onely, and that the rest of the magistrats haue therein no power, the chancellor pronounceth not this or that to be thought good vnto the judges of the court, but with a lowd voice vnto these words, The king saith vnto you. We see also that the court of parliament, writing vnto the king, keepeth even yet the ancient title, which is this in the superscription of their letters, To our Soueraigne Lord the King. The beginning of which letters is on this sort, Our Soueraigne Lord in most humble wife, and so much as in us we recommend as to your good grace. And the subjcription placed as low as may be: Your most humble and obedient subiects and seruants, the men holding your court of parliament. Which is not the manner of the lords of an Aritocracie speech: neither of such as are companions in Soueraignty with the king, but of true and humble subiects. And for that I have touched this point before, I will now lightly passe it over. The state of France therefore is a pure Monarchie, not mingled with the popular power, and so leffe with the Aritocratie Seigneurie: which mixture of states is altogether impossible, and incompatible. And Aritocratie molt subtly examining this opinion, for the mixture of states, truly calleth the state composeth of an Aritocratie and a Democratie: such is that to say a Commonweale: but floweth not how that may be done, neither giueth thereof example, as he visuallly doth in others: but to the contrarie confesseth, that he knew none such in his time; or yet had found any such before, albeit that he is reported to have gathered an hundred Commonweals into one
one booke, which booke is now lost. And forasmuch as Aristotle seldom or neuer reporteth the true opinions of Plato, but to the contrarie alwaies difguiseth and obscureth them as the anient Academiques have right well noted; and namely where hee teicteth his Commonweale; vpon whose sayings many resting themselves have oten times decreed both themselves and others. We are addicted to either, will in few words let downe the true opinion of Plato concerning his Commonweale, deteting well to be knowne for the better understanding of the question we haue in hand, which some which never read the same, call a divine opinion; some others in the mean time reading the same vnder foot, and rayling the cat as saft.

Plato laigned vnto himselfe onely two Commonweales, whereof the first hee attributed to Socrates, who never thought (as faith Xenophon) of that which Plato maketh him to say; and in his Commonwealth he taketh away these words, Mine, and Thine, as the source and fountaine of all evil; and would have al good, yea wives and children to be common. But seeing euerie man to find fault therewith, hee quietly left it, as if he had so writ more for argument sake, than for that he so thought, or to haue the same put in effect. The second is his owne, wherein hee taketh away the community of goods, of women and children; as for the rest those Commonweales are both in all things alike. For both in the one and the other, he would not have above five thousand and fourtie citizens, a number by him chosen to have 59 entire parts; in which Commonweales he also maketh three estates or degrees of men;viz. the Guardians, Souldiers, and Labourers; and after that diuideth the citizens into three degrees, according to the vnequall rate of their substance. As for the soueraigne hee giueth it vnto the whole multitude of the people; as to make and abrogat lawes, cause sufficient enough to judge that hee ment to make it a popular estate, if there were nothing else. But hee paffeth on farther, and giueth vnto the whole assembly of the people power to place and displace all the officers: and not content with that, will alfo that the people should have all the power to judge in criminall causes; for that they are (as hee faith) all therein interrested. In briefe he giueth vnto the people power of life and death, to condemne, and to grant pardon; which are all evident arguments of a popular state.

For he appeareth no soueraigne magistrat, which might represent the state royall, and but a little of the forme Aristocraticke: for he willeth, that the Senat, or the counsell for the affaires of the state, which he calleth Guards or keepers should consist of foure hundred citizens, to be chosen of the people. Whereby it is most evidently to bee understanded, that Plato his Commonwealth is the most popular that euer was, yea then that of owne country of Athens, which Xenophon thought to have bene the most popular state in the world. I omit the 716 lawes let downe by Plato, in the twelve books for the government of his Commonweale: sufficeth it mee to haue showed Plato his imagined Commonweale not to haue bene made of a mixture of an Aristocraticke, and Democracy, as Aristotle fayd, whose etroit Cicero, Contarum, and others, one after another following, led the rest that followed them into error all.

Let vs therefore conclude, neuer any Commonwealth to haue bene made of an Aristocraticke and popular estate; and so much lesse of the three states of Commonweales, and that there are not indeed but three states of Commonweales, as Herodoteus first most truely fayd amongst the Greekes, whom Tacitus amongst the Latins imitating, saith, in eadem nationes & urbes, populos, aut priores, aut singuli regunt. The people, the nobilitie, or one alone, do rule all nations and cities.

But some man will say, May there not be a Commonwealth, wherin the people hath the power to create the magistrats, to dispose of the common renowne, and power of life and death; which are three markes of soueraigne, & the nobilitie to haue power
to make laives, to dispose of peace and warre, and of the impositions and taxes; which are also marks of soueraignty: and besides all these to have one royall magistrat above all, ynto whom all the people in generall, and etncie one in particular should yeeld their faith and liege loyalty, and from whole judgement none might appeale or present any ciuill request. For so the rights and marks of soueraignty should seeme to be diuided in three parts: the people challenging one part thereof, the nobilitie another, and the king the third: whereby that state a mixture might seeme to bee made of the royall Aristocratie and popular state together. Whereunto I answere, that such a state was never found, neither that such a state can be made, or yet well imagined, considering that the marks of soueraignty are indissoluble. For the nobilitie which should have the power to make the laives for all: (which is as much as to say to command and forbid what they pleased, without power to appeale from them, or for a man to oppose himselfe against their commandes) would by their lawes at their pleasure forbid others to make peace or warre, or to leue taxes, or to yeeld fealtie and homage without their leave: and he againe to whomse fealtie and homage is due, would bind the nobilitie and people not to yeeld their obedience ynto any other, but ynto himselfe. And admit that etncie one would seeke to defend his owne right, and not suffer any thing to be taken from him that he thought belonged to himselfe: yet that doth most differ from the nature of a Monarchie, that he which hath the soueraignty, should himselfe bee enforced to obey any other but especially his subiect. Whereby it commeth to passe, that where the rights of soueraignty are diuided betwixt the prince and his subiects; in that confusion of the state, there is still endless fluctus and quarrels, for the superiortie, vntill that some one, some few, or all together haue got the soueraignty. Whereof as there be many examples of old, so is there none fitter in our time, than the example of the kings of Denmarke, whomse the nobilitie ever since Chrifiern the great grandfather of Frederike which now reigneth, hath almost made subiect vnto the lawes. Chrifiern they thrust out of his kingdome, and set vp his cossen in his place, with condition that he should neither make peace nor warre, without the leave of the senat: nor that he should have any power to condemne any gentleman to death; with many other like articles, which I will in their place set downe; which the kings since that time haue sworne to keepe; which that they should not go against, but that they might be the more firmly kept, the nobilitie will in no case that the king should of himselfe make any peace; and yet haue themselues made a league with the king of Polonia, and them of Lubec against the king, for the defence of their libertie. So indeed are the rights of Soueraignty diuided betwixt the king and the nobilitie, but so as that they both liuing in perpetual seare and disstruft, do seeke for the alliance and fellowship of their neighbour princes and people, so to receive the leffe harme one of them from another. With like surges and tempefts is the kingdome of Sweden also tossed, the king whereof liued in such disstruft with his nobilitie, as that king Henry was glad to take a German for his Chaucelour, and one Varennes a Norman for his high Constable: and yet at length was by his nobilitie thrust out of his royall seate, and by them caft in prifon, wherein he liued fourteen yeares. Wherefore such states as wherein the rights of soueraignty are diuided, are not rightly to bee called Commonweales, but rather the corruption of Commonweales, as Herodotus hath most briefly, but most truly written. For as bodies by nature well framed, if they begin to change, with wonderful dwinke and contagion annoy all that come neere them, vntill they bee quite altered, and become new things; as when egges are set vpon, which before they were set, and after they be hatched alfo haue a good smell and taste, though in the verie alteration of them not so: so alfo Commonweales which change their state, the soueraigne
Yet might one say, that in the estate of the Romans the lesser part of the people chosen out of the richer part made the laws, and greatest officers; namely the Consuls, the Praetors, the Censors, had both soueraigne power of life and death: and disposed of warre, and that the greater part of the people made the lesser officers and magistrates, to wit, the Tribunes of the people; the foure and twentieth militiaie Tribunes; the two Ediles or Sherifles; the Treafurers; the Scour, and mynt matters, and gaine also all benefices vacant, and more then that the greater part of the people judged of the great criminall proceses before Sylla, if it tended not to the natural or ciuill death of any. And by this mean, it seemeth that that Commonweal was composed of an Aristocracie, and of a popular estate: Whereunto I answere, that it had welle some appearance, but yet souerelie was in effect a true popular estate: for albeit that the great estate of the people was divided into five degrees, or companies, according to every ones abilities, and that the knights, and the greatest part of the Senators, and of the nobilitie, and richer fort of the people were of the first company: who agreeing among them selues, the lawes by them made were publisshed, and the great magistrates by them chosen received to take their oath: yet souerelie true it is that the true companies that remayned, had tenet times as many citizens in them: and in case that all the Centuries of the first company agreed not upon the matter, they then came to the second company, and so by order even to the fixt and last, which in deede seldome times or weuer happen: Matters being still so agreed upon, as that they came not always vnto the second company, but seldome to the third, and most seldome to the fourth, scharily at all vnto the fixt, and weuer vnto the fixt: wherein was all the table of the poore and bafe people, in number farre exceeding all the rest: yet sufiiceth it for our purpose, that all the people had their part, to shew it to haue beene a popular state: albeit that the most noble and richer fort were first called. And yet for all that the meanell people, (that is to say, the greater part of the people) without the nobilitie, seeing them selues sometime deceived of their voices (after that the kings were druen out) and little or no regard to be had of them, began tumultuously to arise: whereof grew the three departures of the people into the mount Auemine, whither the people in armes had retir'd them selues for the defence of their libertie and power against the nobilitie: which could not bee appeased vntill it was lawfull for them to shewe vnto them selues their owne facted magistrates, and that in their owne assemblies, from which the nobilitie was excluded: and then the Commonweal seem'd in a maner to have beene mixt of the nobilitie and the people. But if a man will consider the shortnes of the time, and the tumultuys where with the Commonweal was in the mean time afflicted, he shall confesse that it could scarce haue stood in that state, although most miserable twentie or thirtie yeares: neither yet so long, had it not on euery side beene befor with enemies. For shortly after the people tooke vnto them selues the power to make lawes, wherein the majestie of the Commonweal is contained; and so by little and little wretted from the nobilitie (much against their will & long strugling therefore) the other soueraigne rights also: in forsome that the nobilitie (case made twelue lawes in the space of foure) or fixe hundred: And yet at the same time that the people chose the greater magistrates by their greatest assemblies, the vulgar people was there present, and enrolled in the fixt company, which although it most seldome gaue suffrage or voice, yet might it so doe, if the other companies should haue disagreed among them selues: a reason sufficient to showe the state even at that time also to have
beene a popular state.

Yet for all that a man may say that it followeth not hereof that there are not but three forts of Commonweals, although they cannot be amongst them selves mixed: for it may be that of three score thousand citizens in a citie, fourtie thousand may haue the soueraigne, and twenty thousand be excluded: where, for that the greater part being the sway, it shall be a popular state; and contrarie wise if but an hundred of that multitude shall haue the soueraigne, it shall be an Aristocracie; for that the leffe part of the citizens gathered together hath the soueraigne power: what then, if of the same number of citizens five and twenty thousand shall hold the chief power? Truely, it may be doubted whether such a state be an Aristocracie, although the leffe part of the citizens enjoy the soueraigne, the rest being reiect ed: for why, it diffeth much whether an hundred citizens, or five and twenty thousand beare rule, and much more if of an hundred thousand citizens five and fortie thousand haue the soueraigne: or of so great a multitude thirtie onely should beare the sway, the rest excluded, as among the Lacedemonians: yet I alwaies deeme it to be an Aristocracie, if the leffer part of the citizens beare rule ouer the rest: for otherwise if the diueritie of the number should make the diueritie of Commonweals, there should be of them a million, yea an infinite of diuers kinds of Commonweals: for the number of them which should haue part in the state encreasing or diminishing, should make an infinite diueritie, whereof no knowledge is to be had; suffifeth it the soueraigne power to be with the greater or leffer part of the people, for the making of an Aristocracie or Democracy. The rest of the difficulties which might be moued concerning the nature of every Commonweal shall hereafter be in due place declared.

Yet one thing remayneth in the question we haue in hand to be discusst, which is that the Roman Commonweal vnder the emperour Augustus, and the other emperours after him, vnto the time of Flanius Vestianus, was called a principalitie, of which fort of Commonweal, neither Herodotus, neither any of the Greek or Latine writers, except Tranquillus, seemeth to make any mention: for he writeth that the emperour Caligula, seeing diuers kings at his table to enter into the tarmes of honour, and the antiquitie of their houses among themselves; with a loude voice brought forth that verse of Homer which Agamemnon vseth against Achilles, who would needs make him selfe equall and companion with him.

O κατάλειψιν τοῦ ἐν Ολύμπῳ ἡμῶν ἔδωκεν ἡμῖν ἦδων, ἐς Βασιλεὺς.

An euill thing it is to be ruled by many:
one prince, and one king, where there is any.

And much it miffed not but that hee had euene than taken vpon him the imperiall crowne, and chaunged the forme of the Roman principalitie into a kingdome; and thus much hee. where by it is to be understanding the Roman state vnder Augustus after the battell at Actium, to haue beene neither a Popular state, an Aristocracie, nor a Monarchie. Now a principalitie is nothing else then an Aristocracie, or a Democratie, in which one chief commanded euery man in particular, and it is but the first in generall: for this word (Prince) to speake properly signifieth no other thing but him that is first. So the Iewes complained Aristobulus the first of the house of the Amoneans, to haue chaunged the principalitie which was Aristocratique, into two kingdomes, at such time as hee tooke one crowne to him selfe, and sent an other to his brother. The like wee finde, that the auncient cities of Tutchan made alliance with Tarquinius Prifcus king of the Romans; vpon condition that hee should not haue power.
power over them of life and death: neither to put garrisons into their townes, nor to impose upon them any taxes or tallages; or to change any of their customes or laws. Sed et ciuitatem principatus penes regem Romanum esset, but that the principality of their cities onely should be with the Roman king: for so saith Florus. Now all those cities were of a popular state. Wherefore Tarquinius was but the first and chiefe in the assemblies of those cities, who might governe the multitude no otherwise than both the emperor in the German empire, or the duke in Venice, or Genua, who may most rightly be called princes, as in the same fence in antiquitie the chief magistrat among the Athenians, was called ἀρχήν, or prince: yet was that Commonwealth of all other most popular.

But if there be two chiefe magistrats of like power, as in Rome; or three, as in many cities of the Swiffer; or soure, as amongst them of Genua; it cannot there be called a principality, for that none is there chiefe or principall. But in the Roman Commonwealth, Augustus by a crafty device having made himselfe but great Generall of the armie (by the name of Imperator) and Tribune of the people for defence of their profit, (from whome for all that he had taken their libertie) and as it seemed almost enforced by the Senate, had taken upon him the charge of the Commonwealth for ten yeares, made that state in now and false semblant but a principality, when as before hee had placed in all the provinces fortie legions, and taken three for the sake of his person, and put fure garrisons into all the caitles and strong fortresses of the empire: so invading the royal power without a Sceptre, without a Diadem, or a Crown; whose successors (excepting some few) some more, some lesse, exercised most cruell tyranny. For Tiberius in the beginning of his raigne, rife vpon the Consuls, and meeting them gave them way, (as saith Tranquillus) but afterwards oppressed the Commonwealth with most filthy licencitude and laceratie. But here is to be considered what was in deed done, and was not made shew of: for he that beareth greatest sway in the Commonwealth, him men think to haue the soueraignty: but if question be made of the right, then are we to looke not what is indeed done, but what ought to be done. Wherefore it appeareth a principality to be nothing els, but an Aristocratie, or a Democracy, hauint some one for chiefe or principall above the rest, the soueraignty yet still remaining with the nobilitie or the people.

Chap. II.

Of a Lordly Monarchie, or of the sole government of one.

I haue before saide, that a Monarchie is a kind of Commonwealth, wherein the absolute soueraignty lyeth in the power of one onely prince: which definition we are now to explicate. When we saie of one, so the word Monarchie is of felie importeth: For if we shal in the government ijynne two or moe, no one of them shall haue the soueraignty: for that a soueraigne is hee which commandeth all others, and can himselfe by none be commanded. If then there be two princes equall in power, one of them hath not the power to command the other, neither can hee suffer the command of the other his companion, if it stand not with his owne pleasure, otherwise they should not be equals. Wee may then conclude, that of two princes equall in power in the same Commonwealth, and both of them in all things lords of the same people, and of the same countrey indisputibly, neither the one nor the other hath therein the soueraignty: but it may well be saide them both together to have the soueraignty of the state comprised under the name of an Oligarchie, but is more properly called...
called a Duarchie, a kind of Aristocracie, which may be of continuance and durable, so long as the two princes shall well agree together. As Romulus and Titius, one of them king of the Romans, and the other of the Sabines, after certaine conflicts, making peace entred into societie together, upon condition, that both their people united together, should dwell within the same walls, and by the name of Quirites by common foueraignetie be governed by both kings. But Romulus, who before by the slaything of his brother Remus had rid himselfe of his fellow in the kingdome, could not long endure the strainger to raigne with him, but caused him to be slayned, or at leaftwise held the murtherer excuted, being for the fact apprehended. Long time after the Roman empire was converted from a Monarchy into a Binarchie: at such time as Antoninus Pius left M. Aurelius, and Aelius Verus, emperours, and both fellowes in the same empire: of which two Aelius in short time after died, and not without the supsition of poison. For it is, and alwayes hath bene a thing most hard to maintaine the equall foueraignetie of both together. And that which Lucan writeth,

**Nulla sibi regne socijs omnibusque potestas, Impaties confertis cris.**

No sincere loye is to be found in partners of the foueraigne state, And fellowship in power great, is alwayes mixt with mortall hate.

Is especially to be understanded of a Diuomitar, or foueraigne governement of two together. For that the governement of three or noe together in the foueraigne, may bee firme, but of two not so; seeing that by nature one thing is but contrarie to one: and not to many: the third as a meane still joning the extremes together. And therefore the Roman emperours, when as they at the same time tooke upon them the same foueraignetie of governement, leaft by the mutuall concourse of their power, they should violate their faith and friendship, diuided the empire, the one being emperor of the East, and the other of the West, the one reposing at Constantinople, and the other at Rome, in manner as if they had bene two Monarches, although sometymes the same edicts and lawes were in both empires by the common consent of both princes published. Yet soe one as they began to quarrell, the two empires were indeed diuided in power lawes and estate. Soe might a man say of the Lacedemonian Commonweale well governed by one king. But when Aristodemus left the kingdome to be governed wholly, and diuided by his two sonsnes Proclus and Euristhenes both at once, they quickly fell at odds, and had their state taken from them, by Lycurgus (beeing himselfe a prince descended of the blood of Hercules) and the foueraignetie by him given vnto the people. The like happened vnto Amphareus and Lencippus, kings of the Mefians. But the Argiwes leaft they should fall into the same troubles, to avoid the plurality of kings, at such time as Atreus and Thyestes at once seuted vpon their fathers kingdome, the people (I say) made choyse of the wiler, or as Lucian faith of the more learned. And the princes of the blood of Merome and Charlemaigne, diuided the kingdome amongst them. Soe the children of Clodones, of their fathers one kingdom made fooure of equall power. And the three children of Lewes the Debonaire diuided so many kindomes amongst them. Neither do we read many at once long to have holden a kingdome together undiuided: for the indiuisible nature of foueraignetie, and the fellowship of governement, is alwayes full of dangers, where no one hath the foueraigne, except when a strange prince marrieth a queene, among such as are acquainted with womens governement: where commonly the pictures of the man and his wife, their names and armes are joind together; as if the foueraignetie belonged vnto them both: as it chanceth.
A ced when king Ferdinand married Isobel queene of Castile, Anthonie of Burbon, Joane queene of Nauare, and Philip king of Spaine Marie the daughter of Henrie king of England. Howbeit the English men would not suffer him to have any part with her in the soueraignty, or of the fruities or profits thereto belonging, but that the same should remaine wholly vnto her seile; albeit that they were contented that they should both (for fashion sake) bear the name, and both the one and the other signe charters, and commissions, but yet so, as that the signe of the queene might of it seile bee sufficient, but that without hers the signe of king Philip should be to no purpose. Which was also agreed vpon with Ferdinand king of Arragon, hauing married Isabel of Castile, where all the commands were sign'd, To el Roy, and Yo la Reyna; and by the secretarie of the state, with fitte doctors; but as for the soueraignty it was wholly in the queene. Than which no more effectuall reason can be given against the Manichies, who erroneously appointed two gods of equal power; one good, & the other evil: for if it were so they being contrary the one to the other, should either tutun the one the other, or els being at continuall variance, should without ceasing trouble the sweete harmonie and concord that we see in this great world. And how could the world endure those two lords of equal power, and contrary in will the one to the other, seeing that the least citie or Commonweale cannot suffer two, albeit that they were brethren, if they should fall neuer so little at variance: much more easilly could it endure three such princes than two; for that the third might vnite the two, or els joyning himselfe with the one, contraine them both to live in peace. As it happened so long as Pompee, Cæsar, and Cæfius lived, whome the people called the monster with three heads: for so long they peaceably gouerned the Roman empire, which then depended of their power. But so soone as Cæfius was slaine in Caldea, straight way the other two fell in funder, and so eagerly made ware the one of them vpon the other, as that to reconcile them was impossible, vntill that one of them had quite ouerthrowne the other, and made himselfe maister of all. The like happened after the death of Cæsar, in the Triumvirat of Augustus, M. Antoninus, and Lepidus, who hauing of one popular Commonweale, made three Monarchies; and Lepidus vnto government, had submitted his authority vnto Augustus, although Antoninus had married Augustus his sister, and that they two had equally diuided the empire betwixt them, and lived in countries farre distant one from another; yet rested they not long, but that the one of them was shaken out of all, by the authoritie and power of the other. Whereafter let vs hold it as resolued vpon, that it cannot be called a Monarchie, where the soueraignty is in two mens power; neither that any government can consist in that state, if they shall fall at variance betwixt themselues.

Now Monarchie is diuided into three formes: for he that hath the soueraignty, is either lord of all: or else a king, or a tyrant, which maketh no diuerfitie of Commonweales, but proceedeth of the diuerfitie of the gouernour in the Monarchie: For there is great difference betwixt the state, and the gouernment of the state: a rule in policie (to my knowledge) not before touched by any man: for the state may be in a Monarchie, and yet the government neuerthelesse popular; if the king do distribute all places of command, magistracie, offices, and preferments indifferently vnto all men, without regard of their nobilitie, wealth, or vertue. But if the prince shall give all command, honours, and offices, vnto the nobilitie onely, or to the rich, or to the valiant, or to the vertuous onely, it shall be a royall Monarchie, and that simple and pure, but yet tempered in maner of an Aristocracie. So also an Aristocratice leigneurie, may gouerne their estate popularly; diuiding the honours and preferments therein vnto all

S iiiij the
the subjects indifferently: or else Aristocratically, bestowing them upon the nobilitie or richer sort only: which variety of government hath deceived them which have made a mixture of Commonweals, and so made more forts thereof: then three, without having regard that the state of a Commonweal is different from the administration and government of the same: But this point we will farther touch in place convenient.

Wherefore a lawfull or royall Monarchie is that where the subjects obey the laws of a Monarque, and the Monarque the lawes of nature, the subjects enjoying their natural liberty, and proprietie of their goods. The lordly Monarchie is that where the prince is become lord of the goods and persons of his subjects, by law of armes and lawfull warre; gouerning them as the master of a familie doth his slaves. The tyrannicall Monarchie, is where the prince contemning the laws of nature and nations, imperiously abuseth the persons of his free borne subjects, and their goods as his owne. The same difference is also found in the Aristocratique and popular estate: for both the one and the other may be lawful, lordly, and tyrannicall, in such fort as I have saide: for the greatest tyranny of all other is of Tully called the tage of the furious and turbulent people.

Now as concerning the lordly Monarchie, it is convenient for vs first to intreat thereof, as of that which was first amongst men: for they are deciedly which following the opinion of Aristotle, suppose that golden kind of men (more famous for the poets fables, then for that there were any such in deed) to have made first choice of their heroicall kings: seeing we find, and all men are persuaded that the first Monarchie was established in Asia, under the power of Nemrod, whom the holy scripture calleth the great hunter; which is a common phrase of speach amongst the Hebrewes, by which word they signify a theefe, or robber. For the ancient writers, viz. Plato, Aristotle, and Xenophon, haue put robberie among the kinds of hunting, as wee haue elsewhere noted. For before the time of Nemrod no man is found to have had power and rule one over another, all men living in like libertie: he being the first that tooke upon him the sovereignty, and that caused free borne men to servis: whose name seemed to haue beene given him according vnto his qualitie, for as much as Nemrod signifieth a terrible lord. Soone after the world was scene full of slaves, Set one of the sonsnes of Noe yet living. And in the whole course of the Bible, the scripture speaking of the subjects of the kings of Asia and Egypt, calleth them alwaies slaves: and not the holy scripture only, but the Grekes also, who alwayes in their writings tearme them slaves free, and the Barbarians slaves; meaning by the Barbarians the people of Asia and Egypt. And therefore the kings of Persia denouncing warre, demanded the earth and the waters, (as Plutarch writeth) to shewe that they were absolute Lords of all that was in the land and sea contained. And that is it for which Xenophon in his Cyropedia writeth, that it is a thing good and commendable amonge the Medes, that the prince should be lord and owner of all things: And thereof came the adoration which not onely the subjects, but strangers also, yea and the embassadors of forren nations vndrai towards the kings of Persia, to shewe that all was in his power. For when Themistocles, whose name even then and long before was most famous, would alter the manner of the Greeks haue spoken vnto the Persian king, Astyages captain of the kings gard, kept him from comming vnto him, neither would suffer him to preserue any request vnto him, vntill such time as he had after the Persian manner adored him: but afterwards when he was gon out of the kings presence, he courteously spake vnto him, and in these words excused that he had done; It is seemly O Themistocles, to follow the fashion of the country wherein a man is: you Greci-
Op A Commonweale.

A. ans make great reckoning of your libertie and equalitie of command; but we esteeme it for the best thing in the world to reverence, honor, and honour our king, as the image of the Lord God. Whereunto agreeeth that which Linne writeth, Barbara pro legibus semper dominorum imperia fuerint. The command of their lords have beene alwaies vnto the Barbarians for lawes. Neither ought this lordly monarchical to be accounted a tyrannie: for it is not inconvenient, that a soueraigne prince housing in good and lawfull warre vanquished his enemies, should make himselfe lord of their goods and persons by the law of armes, governing them now his subjects, as doth the good householder his servants or slaves: as we see it a thing receiv'd by the manner and customary of almost all nations. But the prince which shall by vnjust warre, or other unlawful means make offreemen his slaves, and poffeche himselfe of their goods, is not a lordlike Monarche, but a verie tyrant: from which Adrian the emperour was so farre, as that he would not that a slave a player, should enjoy his libertie, which his master at the request of the people of Rome had giv'n him in the Theater, but left it to the discretion of his master, to be as he thought good disposed of: As had Tiberius before, and after that Marcus Aurelius Adrian his sonne in like case forbid the same: whatsoever consent the master had giv'n at the damour of the people, reputing it rather forced than done of good will: to the end that the full disposition should be in euery mans power, of which vnto him belonged. And now although at this present there be few princes which haue in their absolute power the bodies and goods of their subjects, although we see many tyrants; yet are there many in Asia and Africa: but in Europe I know none which take so much vpon them, beside the Princes of the Turkes, and of the Moscouits. True it is that the Moscouits call themselfes Chlopes, that is to say, seruants, which wee corruptly call slaves. But the Emperour of the Turkes styleth himselfe Sultan, that is to say Lord: not so much for the largenes of his possesion, (seeing that the king of Spaine hath under his dominion and rule, people for their cruellie barbarous, for their multitude innumerable, in places infinite: which his kigndome is bounded with the same countries, wherewith the course of the sunne is bounded, being ten times greater then the Turkes empire) but is therefore called Lord of the Turkes, for that he is lord of their persons and goods; whom for all that he governeth much more courteously and freely, then doth a good householder his seruants: for those whom wee call the princes slaves, or seruants, the Turkes call them Zamoglans, that is to say tribute children; whom the prince vieth no otherwise to instruct, then if they were his children: and to beftow on them noble preferments, which are of others desirously sought after. As for his Timariot hortsmen, they hold all their possessions in fealtie of the Prince, as it were during pleasure, renewing their letters patents from ten yeares to ten yeares: neither when they dye can they leave their children heires of their possesions, but of their moveables only: except by the gift of the prince they keepe the possesion of their fathers lands, as they doe of his goods. Other princes there are none in Europe which call themselfes lords of the bodies and goods of their subjects, and fewer in auncient time then at this present: for Augustus the emperour himselfe, although he were in effect the greatest monach in the world, yet so it was that he so abhorred to be called Lord: neither had any that held of him in fealtie and homage.

Now if one say that there is no Monarque in Europe which pretendeth not all the goods and lands of his subjects to belong vnto him in right of dite of soueraigne, neither any man which confesseth not to hold his goods of his soueraigne prince: yet I say that that sufficeth not that any man should therefore of right be called lord of all, or a lordly Monarche; seeing that euery subject hath the true proprietie of his own things.

B. A lordly Monarche, not to be accounted a tyrannie and white.
things, and may thereof dispose at his pleasure: although the prince for pompe and show challenge vnto himselfe the soueraignitie thereof. And yet there are divers lands which are called Allochial, wherein the prince hath neither proprietie, nor soueraigne right, as not holden of him. The Hunns a Tartar-like nation come from the farthest parts of Scythia, at such times as they with fire and sword destroyed almost all Europe, first showed the example vnto the Lombards and Almans, Germaine nations, and to the Frankes, the auncient inhabitants of Franconie, calling themselves Lords of all, and so accustomed these nations to lord it over all: as that no man could hold a turfe of ground but by their lease. True it is that the Romans havong vanquished their enemys, most commonly solde them for flaues, or else condemned them to lose the seaneinth part of their lands: which lands they straight waies gave vnto their Colonies in pure proprietie. But princes and people instituted in ciuilite, for feare of rebellion, or diftrust of their owne power, receiued such lordlike soueraignitie as had the kings of Persia and Asia ouer their subiects: contenting themselues with the shadow of such lordly Monarchie. And albeit that the Persian kings before the time of Artaxerxes, had vfed to caufe their great lords and magiftrats to be stript starke naked before them and whipped as flaues: yet king Artaxerxes was the first that ordained that they should in deed be stript, but should not have but their cloathes and garments onely beaten: and wheras their haire was wont in diptie to be pulled off, he commanded the wooll of their cappes onely to be so pulled. True it is that Francis Alvarez writeth, that he hath seene in Ethiopia the great Chauncelour, and other great lords and gouernours of prouinces stript starke naked, and cast vpon the ground whipped as flaues before their prince: who held the same as a great honour vnto them; by the discouerie of whose hystorie, a man may caufulie gather the great Negus of Ethiopia to be a Lordly Monarque. But the people of Europe more courageous, and better fouldiers then the people of Africke or Asia, could never endure the lordly Monarques,neither had euery vfed vndr the incursions of the Hunnes into Europe, as I haue before said. And first of all Odonacre king of the Herules, who almost at the same time invaded Italie, that Attila did Germanie; hauing brought Italie vnder his subjection, tooke the third part of the territorie from the subiects (the punishment of all people by him vanquished,) but left their persons free, and themselues lords of their goods, without any tenure, or yeelding vnto him of any fealtie or hommage. But after that the Almans, Lombards, Frenchmen, Saxons, Burgundians, Gothes, Ottrogothes, Englishmen, and other Northmen people had tafted the maners and customes of the Hunnes, they began to make themselues Lords,not of the persons, but of all the lands of them whom they had vanquished: and yet afterward referting vnto themselfes the most fruitfull part thereof, left the reft vnto the auncient inhabitants, to be by them injoyed, as ye holden of them in fealtie, with paying of some small tribute, if they should change the poftelleion thereof: which for this caufe are called Seigniourties, or Lordships; to shew that the shadow of the auncient lordly Monarchie as yet remayneth, although greatly diminisht. For these fees and lordships were in auncient time nothing else but benefits and rewards giuen to souldiers for term of their liues, and afterward by fayour continued from the father to the fonne: except dukedomes, marquifates, earldomes, and other like honours and dignities, giuen vnto dukes, marqueses, earles, and such like honorable personages, and not vnto the lands: a custome not yet chaunged in England and Scotland for regard of the dignities, where the dukes and counties being dead, their children and fuccoufants haue their lands; but not still the dignities, prerogatives, and titles of their predecessours: for when fees or lands were giuen to souldiers for term of their liues, they afterward obtained, that they might either by their wills,
wills, or else dying intestate, leave them vnto their children; and that if there were no
heires males left, they should by law descend vnto the women: excepting in Germany,
where the women are excluded from the inheritance of lands in fee: which was the
strongest argument which Frederike countie of Vaudemont vfed against Renate of
Aniou king of Sicilie at the counsell of Constance, demanding of the Emperor that
he might be invested in the dukedome of Loraine, considering that it was an imperial
fee, and by consequent that if bel wife to Renate was not thereof capable: although the
were the duke of Lorains daughter. Howbeit that Renate the king of Sicilie, might
by an other reason haue defended himselfe, that is to say, that in quetion of fees, and
services, we are to follow the lawes and customes of the land that oweth the fervice,
and not of that whereunto the seruice is due: now by the custome of Loraine the
daughters succeede in fees. But how focuer it be, most certein it is that the marks of
Lordly Monarchies, haue continued in Germanie, and towards the North more than
in the other parts of Europe. For albeit that William the Conquerour, having conque-
red the realme of England, by force of armes, called himselfe not onely lord of that
realme, but also causd it to be proclaimed, that the soueraigne and proprietie of all his
subjectes goods, mouable, and immouable vnto him belonged: yet notethylliffe so it
was, that he contented himselfe with the direct soueraignct, fealties and hommage: the
subjectes still enjoying their libettie, and full proprietie of their goods. But the empe-
tour Charles the fift, after he had subdued the great countrey of Peru, made himselfe
Lordly Monarch thereof, causd all things to be holden of him, excepting the flauces,
whome for that they were innumerabell he causd to be let at libertie. As for the lands
he left them to be enjoyed by them that possessed them at his pleasaure: and not to de-
cend vnto their children by inheritance. A craftie and subtil deuice, whereby Lagafea
the lawyer, the emperours lieutenant in Peru (Gangiolo Pizarra, and the rest of the au-
thors of rebellion vanquished and ouerthrowne) by a perpetuall bond to keepe the in-
habitants of that countrey, within the compasse of their dutie, compelled them for cer-
t to aske of the king of Spaine, the possession of their goods, their kinndmen being dead:
except the parents themselves yet living, had before procurred the same to be granted
for their children in time to come: which was not to be obtained without a great sum
of money to be paid into the kings coffers: they of greater power in the meanse time
being thereby kept from raising of any new sturtes. For like caufe whereof in one
chapter of Mahomets: it is forbidden all persons of what degree or qualitie focuer to call
themselves in any fort lords, except the Caliph, or great bishop the fuccesflour of Ma-
home, who at the firt was the onely Lordly Monarch or lord of all, giving vnto kings
and princes their principallities and kingdoms, during his pleasure, vntil that the Otho-
man princes, the Curdes, and the kings of the higher part of Asie and Afrike, by little
and little exempted themselues out of their power (by reason of the diuision betwixt
them and the Anticaliphes) and so tooke vnto themselues the kingdoms of those
countries.

But yet here might some man doubt whether the lordly Monarchie be not a Ty-
ranny, considering that it seemeth to be directly against the law of nature, which re-
ferueth vnto euerie man his libertie, and the soueraignct over his owne goods. Wher-
unto I answere, that of ancient time it was indeed against the law of nature to
make fee men flauces, and to possesse himselfe of other mens goods: but if the content
of all nations will, that that which is gotten by iust warre should, bee the conquerours
owne, and that the vanquifhed should be flauces vnto the victorious, as a man cannot
well say that a Monarchie so eftablished is tyrannicall: seeing also wee read that Iacob
the Patriarch, by his testament leaving vnto his children certaine lands that hee had
gotten
gotten, said that it was his owne, for that he had got it by force of armes. And that more is, the rule that will eth this, the law of armes should take no place where there be superioris to do injustice (which is put in practive against the greatest princes, and imperiall cities of Germany, who be proftited by the emprise, for not making restitution of that which belonged to others) yetweth right well, that there where is no superior to command, their force is reputed iuft. For otherwise, if we will mingle and confound the Lordly Monarchie, with the tyrannicall estate, we must confesse that there is no difference in arraes, betwixt the iust enemie and the robber; betwixt a lawfull prince and a theefe; betwixt warres iustly denounced, and vnift and violent force; which the ancient Romans called plaine robbeties and theft. We alfo see tyrannicall states and governments, tooone to fall, and many tyrants in short time slaine; whereas the seigneurlike states, and namely the Lordly Monarchies have bene both great and of long continuance, as the auntient Monarchies of the Assyrians, the Medes, Persians, & Egyptians; and at this presint that of Ethiopia (the most auntient Monarch of all Asia and Afike) whereunto are subieft fitte kings as slaves, if we may beleue Paus. Ionius, who all are, and armee themselves the slaves of the Grand Negus of Ethiopia. And the reason why the Lordly Monarchie is more durable than the roayall, is for that it is more maifticall, and that the subiefts hold not their lives, goods, and libertie, but of the souereigne prince, who hath by just warre conquered them; which plucketh downe the courage of subiefts, so that the slave acknowledging his condition, becommeth humble, subieft, and hauing as they lay a base and servile hart. Where to the contrarie, men free borne, and lords of their owne goods in a royall Monarchie, if one would make them slavers, or take from them that theirs is, they would not take it, but easily rebell, bearing noble harts, nourished in libertie, and not abastardised with servitude. And thus much concerning a Lordly Monarchie: Now let vs speake of the Monarchie Royall.

CHAP. III.

Of a Royall Monarchie.
lord: which his counsell Alexander neuerthelesse rejected, willing that the Greekes should be reckoned of according to their vertue, and the Barbarians according to their vices; laying, that the whole earth was but one citie, and his campe the Castle thereof.

We have moreouer said in our definition, that the subiects ought to be obedient vnto the Royall Monarch, to shew that in him alone lyeth the foueraigne maiestie; & that the king ought to obey the lawes of nature: that is to say, to gouerne his subiects, and to guide his actions according vnto naturall justice, whose lufter was brighter than the light of the sunne itselfe. It is then the true marke of a Royall Monarchie, when the prince sheweth himselfe as obedient vnto the lawes of nature, as he witheth his subiects to be vnto himselfe. Which it is not hard for him looking into the dutie of a good prince to obtaine; as fearing God above all, if he be also piouflo vnto the afflicted, wise in his entreprises, hardie in his exploits, modest in prosperitie, constant in aduenturie, aduised in his speech, wise in his counsell, careful of his subiects, comfortable to his friends, terribile to his enemies, courteous to the good, dreadfull towards the euill, and just towards all. Which royall foueraightie fo let downe, as that the subiects stand obedient vnto the lawes of their prince, and the prince likewise vnto the lawes of nature: the law being on both sides a militeffe, or as faith Pindarvs, a queene raigning ouer both; it shall in the fame bonds vitue the subiects among themselues, and together with their prince: whereof shall grow a most sweet harmony, which may with wonderfull pleasure and felicite bleffe them both. This is that regall and lawfull Monarchie of one, which we feeke after, whether the kingdome defend by succession, as it most commonly doth; or by the law, as this of ours, or by election, as in many kingdomes towards the North; or by gift, as the kingdome of Numidia (which by Caesar brought into the forme of a province, was by Augustus the emperour giuen to young Iuba, who so of a flame became a king) or as the kingdome of Naples and Sicilie, giuen to Charles of France, and asiet to Lewes, first duke of Aniou, or left by testament, as in former times the kingdomes of Tunes, Fez, and Marocco, and was also of late put in practice by Henrie the eight king of England, who by his will left that kingdome vnto his son Edward the sixt, to whom he subtituted his sister Marie, and vnto her Elizabeth, who was afterward queene: or that the kingdome bee got by fraud and deceit, so that he raigne juilly, as Cecrops, Hieron, Gelon, and Pisistratus, who right wisely vfed their power, as faith Plutarch: and in our time Cosmus de Medics: or by chaunce, as the kingdome of Persia, by the neing of an horte set to Darius Histaspis one of the feuen Perian lords: it being fo before agreed, after they had flaine the Mages, who had vnsuped the kingdome, that he whose horte first nayed, should have the kingdome: or be it that the prince by force of armes, by right or wrong conquer his kingdome, prouided that he vprightely gouerne the same so by him conquered: as Titus Livius faith of king Ser- rius, Neque enim prater vim quiquam ad suum regni habebat. Neither had he any thing but force vnto the right of the kingdome; and yet he was a good king, as it ofteentimes hath bene seene of a robber and a theefe, to haue proued a vettuous prince; and of a violent tyrannie, to haue growne a luft royaltie. Or be it that the king bee choien for his nobilitie, as was Campion choien Sultan of Egypt by the Mamalukes: or for his iustice and deuotion, as Xuma in Rome: or for his age, as the antient Arabians made choice of the eldest amongst them for their king, as faith Diodorus, and they of Taphro- bana, as faith Pliny: or for his strength and force, as Maximinus the Roman emperor, being of such stature and strength, as that he seemed to haue come of the race of Giants: or for his feature and beautie, as was Helogabalus, therefore choien emperour of the fame Roman empire: or for his height and stature, as in Ethiopia the kingdomes...
were still gien to the tallest: or for that he could drinke most, as in Scythia, as *Aristotle* faith; who defineth a king to be him, who chosen by the people, raigneth according to the desire of them his subiects: from whose will (as hee in another place faith) if he neuer so little depart, he becommeth a tyrant. Which his description is not only without reason, but also dangerous: for that foueraigne power, which he faid to bee most proper vnto a king, must to needs fall, if the king could nothing command against the liking and good will of his subiects; but must to the contrary be constrained to receiue lawes of them. In briefe it should be lawfull for the people to do all things; and the most inft and best kings should so be accounted for tyrants: neither were a king to be reputed of any thing else, than as of a meane magistrat, vnto whom power were to bee gien, and againe taken away at the peoples pleasure. Which are all things impossible, and no leffe absurd alio, than is that which the fame *Aristotle* faith, That they are barbarous people, where their kings come by succession. When as yet his owne king and Scholler Alexander the Great, was one of them which descended in right line from the blood of Hercules, and by right of succession came to the kingdome of Macedon. The Lacedemonians should be alio barbarous, who from the same stocke of the Heraclides, had had their kings about a thousand yeares. The people of Asia alio, the Persians, and Egyptians, should so all bee barbarous: in whom not onely refted, but from whom all humanitie, courtisie, learning, knowledge, and the whole source and fountaine of good lawes and Commonwales have sprung: and so at last none but *Aristotle* with some handfull of Greekes should bee free from barbarisme. Whereas indeed nothing can be deuised more daungerous vnto the state of a Commonweale, than to conuert the election of kings vnto the suffrages of the people; as shall in due place be hereafter declared. Although *Aristotle* be in that also dellecued, where he faith, That there be three forts of kings; & yet haueing in his discourse reckoned vp fourte, in casting vp of the account he foundeth out a fift. The fift he calleth Voluntarie kings, as raigning by the will and good liking of the people, such as were the kings of Heroique times, whom he supposeth to haue bene Captains, Judges, and Priests. The second he faith, are proper vnto the barbarous nations, where kings come by succession. The third are made by election. The fouth was proper to the Lacedemonians, whom he faith to haue bene perpetuall generals in their warres; the fome still succeeding his father. The fift and laft kind, is of them which hauing themselves got the Lordly foueraigne, vfe their subiects, as both the maister of the house his slaves. As for the fift fort of kings, we find, that they indeed executed the offices of judges, captains, and priests, yet none of them are found to haue ruled at the will and pleasure of the people, either to haue receivd their authoritie from the people, before *Pitacus* king of Corinth, and *Timondas* king of Nigropont: but to the contrary *Plutarch* writeth, That the first princes had no other honour before their eyes, than to force men, and to keep them in subjection as slaves: whereof the holy scripture alio certifieth vs of the first Lordly Monarch *Nemrod*, leaving the soueraignitie to their children, in right of succession; as faith *Thucydides*. Which hath alio beene well confirmed by the succession of a great number of kings of the Asirians, Medes, Persians, Indians, Egyptians, Hebrews, Lacedemonians, Macedonians, Scyoniens, Epirots, Athenians: and their lines falling, the people in part proceeded to make choice of their kings by way of election, some others invaded the state by force, other some maintained themselves in Aristocratie and popular feignitie: as withalle *Hecdotus*, *Thucydides*, *Josephus*, *Berosus*, *Plutarch*, *Xenophon*, and other most auncient historiographers of the Hebrewes, Greeks, and Latines, sufficient to conuince the opinion of *Aristotle* of vntruth in those things that he hath writ concerning kings. Whereas also he
he comprehendeth the Lacedemonian generals, under the name of kings; he is therein deceived, seeing it is before declared, that he cannot be a king, which hath not the rights of a militeignite. And that the Lacedemonian kings, after the conversion of that Commonweale, were nothing but Senators, and subject to the magistrates command, we have also before shewed. Yea the generals power was not alwaies given unto them, as Aristotie luppofeth, who calleth them the perpetuall generals of the warfare; for as much as that power and authority was communicated to their citizens also, as to Ly- sander, Leonidas, Callistratis, Gileppius, whom the Lacedemonians oppressed with warres preferred before their kings. And albeit that Agesitas was one of their kings, yet so it was; that he durst not take uppon him the charge of a generall, until the Scyg- neurie had so commanded; as Plutarch in his lives reporteth. And when they were chiefe captains and generals, they gave them yet no roall power, no more than had the generals of the Atheans, which were made by election, considering that they were subject unto the state of the Atheans, who if they so detested punished them, as they did Democrates their generall, whom they fined at thirtie thousand crownes, as we read in Pausanias. So the Ephori punished their kings with banishment, imprisonment, and fines, yea and sometime with death, as we have before said. We must not therefore put these in the rank of kings, no more than him which is a Lordly Monarch, lord of the persons and goods of his subject, who hath his proper difference seperated from a Monarch Royall.

As for the third sort of kings, which he saith was made by election, that can make no difference of kings, no more than can the second, which he saith was by succession, for otherwise he should by the same means make also a sixt kind of kings, made by chance; as was Darrius the first; and so a fourteenth by donation, an eight by testament, and a ninth by fines and deceit, and a tenth by force: which were nought else, but to make an infinite sort of kings, who all neuverthelesse are comprehended under one kind. For the difference of Monarches is not to be gathered by the means of the comming to the state, but by the means of governing of the estate. Which as we said is comprised in three kinds of sorts, &c. the Lordly Monarch, the Royall Monarch, and the Tyrannicall Monarch. But whereas Aristotie under the name of kings comprehended them all which were woont for a short time to be chosen, to establifh or reforme the Commonweale, and that done, to give up their charge, are quite different from the regall power. Neither hath it any apperance to call them kings, which are nothing els but simple commissioners, such as were the dictators in the Roman Commonweale, whom Dionysius Halicarnassensis writeth, to have bene in power and office like unto them whom the Thessalians called Archos, the Lacedemonians Cephtos, the Mitylenians Efymenec, having like charge that the baily of Florence had at such time as that Commonweale was governed by a popular government; that is to wit, the Grand Councell of the people made choyce of eight or ten persons, best seene in their affaires, to reestablifh the state, and to put againe in order that which by præcesse of time was fallen into disorder, either in their lawes, or in their customes, in their ree- newes, or in creating of their officers: which done they discharged themselves of their offices; like as the Decemviri, or ten commissioners, which were chosen in Rome, to reforme that was amisse in the state, whom we should by this means, according to the opinion of Aristotie call also kings; which should be a thing very absurd; for as much as the qualitie of a magistrat, and much lesse of a commissioner hath nothing agreeing or common with the fueitagtique maieftic of a king. And albeit that Cesar in his Commentaries faith, the inhabitants of Autun to have eriet yeare chosen them a magistrat with royall power; that is of him but improperly spoken; for why, it is ma-

The difference of Monarches how it is to be gatherd, ed.
nifest, that he which was a magistrat could be no king. And that more is, the governors of the countries and provinces conquested by Alexander the Great, although that after his death ereuer one of them tooke upon him the soueraignant in the country or prouince that he governed; yet it was a long time before they durft stile themselves by the name of kings. The first that began was Antigonus, afteft the victorie by him obtained against Ptolomeus Lagus: after which he ser a crowne upon his head, and vfed in his titles the name of Euerbiai, or king. And immediately after, the Egyptians called Ptolome King; as to their imitation did the Assyrians Seleucus, and the Thracians Lyrmachus also. And not to go further, the antient kings of Loraine and Burgundie, after that they had yeelded fealiue and homage vnto the German emperour, loft the name and soueraignty of kings, and called themselves but dukes: for that now they were no more kings, according to that fit saying of Martial, Quis rex est; regem Maxime non habeat. For why, the name of a king is alwayes maieftick, and the most honourable that a soueraigne prince can haue: and for that cause the habit, the markes, the signes of kings, have bene alwayes particular, and proper vnto themselves: as the royall armes, the golden robes, the crowne and scepter, not to be communicated vnto other men. And there was nothing that made the maieftie of the Roman kings so venerable, as the royall ornaments which Tarquinium Priscus brought from the antient kings of Hetturia, as we read in the histories. And the Romans themselves, after they had driven out the proud Tarquin their king, although they abhorred the vertue name of a king, and much more the governement, having chaunged the royall state into a popular: yet so it was, that the Roman Senat vfed to send vnto kings, their allies and confederates, the royall marks of kings; namely a diadem or crowne of gold, a cup of gold, the inorie scepter; and sometime the popular robe embroidered with gold, & a chaire of ftoire, as the histories declare. And in the Commentaries of pope Gregory the seventh, we read that Demetrius was by the scepter, crowne, and enigne establisht king of Croatia and Selon: of which things the bishops of Rome haue ofentimes bene liberal(though I say)or prodigall? as well as the emperours: yet had they no more so to do, then had the Greek emperour Anastasius, who sent the Confularie ornament and titles of Augustus vnto Cleodatus king of France, who(by Aymon faith) receiued them in the citie of Tours: or than Inflinian, who gave vnto king Childebert the title of a Senator: by which things it is certaine, to be derogated from the soueraignty of anotheres maieftie, which is ielfe the chiefest, except they bee receiued from them that are in their confederacion their superiours. But as for the Frenchmen they had not made any league with the Greek emperours, but by their valour had thrust the Romans out of the possession of their kynge. True it is, that betwixt confederates of equall power, ornaments of honour, as girdles, rings, and such like, may both bee giuen and receiued, without any emparment to their maieftie: but to receiue the honor of a Conful, or of a Senator, is as much as to acknowledge the maieftie of a superiour. Frederike the emperour(first of that name) sent vnto Peter prince of Denmarke, a sword and a crowne, with the title of a king, which was a title contrarie to the effect, confedering that he yeelded himselfe vassall into the empire, and did fealiue and homage vnto the emperour, for the realme of Denmarke, promising and binding aswell himselfe as his succedours, to hold that kingdome of the empire, in this forme, Rex Danorum Magnus se in potestatem Imperatoris tradidit, obsequiosiuramentum fecit, se successoresque suos, non nisi imperatores & successorum eius permitte regnum aeguptos. The great king of the Danes hath deliuered himselfe into the power of the emperour, hath giuen hostages, taken his oath, that he and his succedours shall not but by the suffertance of the emperour and his succedours, take vpon them that kingdome, Where-
A in two wayes offended, first, for that allured with the ornaments sent him by the emperor, hee diminished his owne majestie: and then for that he bound vnto petpetual servitude, not himselfe only, but his posteritie also: who perceiving the etour, revolted from the empire, for seeing that the kingdome of Denmarke depended of the voices and suffragies of the Senat and the people: hee could not bind, not onely his posteritie, but not so much as himselfe vnto that law. The duke of Austria also was by the same empeour, and almost at the same time; honored with the same ornaments and title, yet with condition that hee should still remaine in the perpetuall obedience of the German Empire, wherein he then was, and ever had beene: but when he breaking his faith, had revoluted from the empire, he was within twelve yeares after spoyled both of his royall dignitie and title. By like errour Henry the first king of England, sonne to William the Conquerour, whilst he yet liued caused Henry his eldest sonne to bee crowned king: for hee straight way after, would needs be equall with his father, and take vpon him to manage the greatest affaires of state; in such sort that great quarrells and contentions arisde betwixt the father and the sonne, even vnto parts taking, which had without doubt ruinated the state, had not the sonne beeene before by death prevented. So also in this realme, when the familie of the Capets had viurped the kingdom, the better to conforme their weall and power, not as yet well grounded; left the kingdom after the death of their kings should fall into an Anarchie, they fell caufed their sonnes (whilest they themselves yet liued) to be crowned and proclaimed kings. So Hugh to assure this succcion, caused his sonne Robert to be crowned king; Robert, Henry: and he afterwards Philip; which manner of crowning of the sonnes, the fathers yeu liuing, after their estate and power better confirmed and eftablished, was againe left. And fo to doe, vnto mee seemeth a thing very daungerous, especially if the new crowned king be sicke with the ambitious desire of rule: for that the subiects more willingly behold the sunne rising then setting: except the king have many kingdoms, with great fluids, most high mountaines, or the deepest seas, one from an other divided, not easily with the wings of aspiering ambition to be passd. So Selencus king of both Aiaes, graced his sonne Antiochus not onely with the royall dignitie, but also placed him in the government of the kingdome of the higher Aia; which is a thing may well be sufferd where kings haue vfed to be created by the voices of the Senat, and the people: as are the kings of Denmarke, Suctia, Polonia, Tartaria, Bohemia, Hungarie, and Tunes: who commonly cause him whom they desire to raigne, to be before hand eletcd by the suffragies of the people, and to bind the princes by oath vnto him. So Changus first of all the Tartar kings, chosen king by his subiects, caufed Hecata his eldest sonne to bee crowned king, himselfe yet liuing. And Goftanus king of Sweden having viurped vpon that state against the king of Denmarke, caused his sonne Henry to be alio chosen king. And Frederik now king of Denmarke, was chosen king in the yeare 1556, two yeares before the death of his father: who not yet so seceded, but doubting left his vncest John and Adolphe after his death should praetice a new election, and so raise new stirs, requested the French king by M. Danzai the French embassador, and afterward by an embassador of his owne, (sent directly for that purpose) to stand his friend, and to receive him into his protection. So hee done, and yet also doe the kings of Marocco, Fez, and Tunes. And in our memorie Ferdinando of Austria yeu liuing, caused Maximilian his sonne to be chosen and crowned king of Hungarie and Bohemia: as shortly after Maximilian did the like for his sonne Ernestus; and so peoples voices by little and little taken away are at length quite buried in oblivion. The like was also attempted for the nominating of his succeflour by Sigismundus Augustus king of Polonia, but was leeted so to doc
Tirannicall Monarchie is that where one man treading under foot the lawes of God and nature, abusest his free borne subjectts as his flaves: and other men good as his owne. This word 

Tyrant deriued from the Grekes was of the proprietie thereof honorable, and in antient time signified no other thing then a Prince, which without the consent of the people, had by force or fraud possest himselfe of the state, and of a companion made himselfe their master: whom they called a Tyrant, although he were a right wife and just prince. So Plato writing to Dionysius the Tyrant of Syracusa by way of honour giuen him this title; Plato to Dionysius the Tyrant greeting, and the answer was: Dionysius the Tyrant to Plato health. And to the rest as well philosophers as friends, honestly called them Tyrants which had by force or finesse got the soueraigntie of their cities and states: in which name the Tyrants themselves also gloried. And to shew that the name of a Tyrant was aswell giuen unto a good and just prince, as to an euill and wicked, it appeareth evidently in that that Pittacus and Periander reckoned among the feauen Sages of Greece, were called Tyrants, haveng taken vnto themselves the state and government of their countries. But for the mere of their enemies, were constrained for the safest of their lives and goods; to have gardes of straungeters about their persons, and great garlions in their fortresses and strong holds: and for the maintenance of their fouldiers and retinue were enforced to lay vpon their subjectts great impositions and tributes: and seeing their liues not yet so afflicted, having but poore friends; and puifant enemies, put to death, or banished the one, to enrich the other; and having taken their goods, raufhed all their wives and children: they with these outrageous enormities raised a wonderful hatred of themselves through out the whole world. For we read that Dionysius the elder which had oppressed Syracusa had alwaies about him for the guarding of his perfon and the citie ten thouand footmen, and as many horsemen; besides a fleete of foure hundred gallies still readie furnish'd with all things necessarie: and yet thought it not a strength sufficient to keepe under thofe feve citizens that were left, whom he had vterly difarmed, and in most servile manner oppressed: although hee had before taken away not onely their societies and companies; but forbidden alfo neighbours and friends to eate together, and oftentimes commanded them returning home from supper or making merie, to be robbed and spoile by his garde; to the intent there might bee the leffe friendship amongst them, and so they more hardly conspire against him. And yet for all that Plutarque hath giuen him the praise of a good prince, as one who in justice and vertue exceeded many, who abusing the most honorable names of Kings, are themselves polluted and defiled with all manner of vices. For we are not much to reft vpon the vaine show of words.
words and glorious titles; when as often times the worst men arrogate vnto them
fables the most commendable names, showes; and recognizances of vertue; against
which sort of Princes, the subiects for all that vfe to call forth most reproachfull
saints: as the three Ptolemeis kings of Egypt; of whom the one had put to death his brother;
the other his mother; and the third his father: the subiects in derision called them
* Philadelphe, * Philomotor, and * Philopator. Alfo the most reuolent and holy
names have become abominable, for the wickednesse of them that have most filthy-
ly abused the name. The name truely of a king is holy, yet was it for the pride of
Turdinno, and the ranifhment of Lucretia by his fomme, made hatefull vnto the Romans.
And the crueltie of Scylla in his Dictatorshipp made the Dictators odious. So the im-
moderat ambition of Francois Valori made the Confalloniers of Florence hatefull
vnto the Florentines. And fo alfo it is evident, the name of Tyrant to haue bene hatefull
to all nations for oppression of the people.

But it may be, that one and the fame prince, whose dominion is large and wide,
may beare himfelfe as a king vnto his naturall subiects: and as a lordly monarck to-
towards them, whome he hath by iuft ware subdued, and as a tyrant toward the reft: or
that in the fame citie he may tyranifie over the rich and better fort of the citizens; and
yet show himfelfe courteous and gentle vnto the poore and bafer fort. And amongst
tyrants there are diuers sorts and degrees of more or leffe: and as there is not so good
a prince, which hath not some notable vice: so wee fee that there is none fo cruel a
tyran which is not endued with some good vertue, or hath not in him some thing to
be commended. Wherefore it is a thing of moft euill example, and therfore daunge-
rous withall, rashly and foolishly to cenefure a prince, whose whole actions and comportments
we throughly know not; whereas we ought first wisely to weigh his vertues and vi-
ces, his heroical or base and euill disposition: after the manner of the Persians, who
condemned no man to death (although convicted of the crime whereof he was ac-
cused) except it first appeared by his former life, whether his vices exceeded his vertues or
not. For so Linie did well, who hauing diligently reckoned vp Hannibal his vertues,
and comming afterward vnto his vices, faith, Has tot ac tantas virtutes ingentia vitia
aquabat, Thence his fo many and great vertues, were counterualled with great vices.

Wherefore leaft the good should be confused and so confounded with the bad; or
that we should vnder the name of a tyrant comprehend them alfo which were right
worthy and famous men: let vs compare the worst tyrant with the beft king; that by
such companion of the two extremees, those may bee the better perceived which are
in the midde betwixt both. Now when I say the beft king, my meaning is after the
common manner: neither doe I feke after fuch an one as is accomplished with all he-
roical vertues; or the rare paragon of iuftice, wisdom, and religion, a man without
all imputation: which in the fables of ancient worthies, were propounded with more
magnificence than truth, for princes to looke vpon and to imitate: such as never was,
not euer shall be: but rather fuch an example of a good and iuft king, as is indeed in the
ranke of princes to be found; and fuch an one as is always readie to bestow his goods,
his blood, and life, for the good of his people: What manner of prince is of Homer
in two words called ἐπικαιρος, whose whole endeauour is to bee indeed fuch an
one as Codrus and Pericles are reported to haue bene, who aduertified by the Oracle, that
the victorie over their enemies depended of their death, without fatter delay soddenly
sacrificed their lives: and Moses above all, whom Philo calleth the most wise law-gi-
ter; a most iuft prince, who besought God, That he might rather die the everlaffing
death of the wicked, and haue his name blotted out of the booke of life, than that the
people committted to his charge, should endure to great and grievous punishment as it
had
had deferted: by which prayers he appeased the wrath of God, like a most good

king, & true father of his people: than which name Augustus the great emperor is reported never to have heard any title or addition, vnto him more pleasing, at such time as M. Valerius Meftula, was by a decree of the Senate, and of the people of Rome, called Father of his country. For why, the best prince nothing different from the best father, as Xenophon was worne most excellently to say.

Now the greatest difference betwixt a king and a tyrant is, for that a king conformed himselfe vnto the lawes of nature, which the tyrant at his pleasure treadeth under foot: the one of them respecteth religion, justice, and faith; whereas the other regardeth neither God, faith, nor law: the one of them referreth all his actions to the good of the Commonwealth, and safeties of his subjects; whereas the other respecteth nothing more than his owne particular profit, revenge, or pleasure: the one doth all his endeavours for the enriching of his subjects; whereas the other seeketh after nothing more, than by the imputation of them, to encrease his owne wealth: the one of them accounteth his owne goods to be the goods of his people; the other reckoneth not only the goods, but even the bodies of his subjects also to be his owne: the one of them freely and ungrudgingly the publick injuries done against the state, and easily pardoneth the wrongs done vnto himselfe; the other most cruelly and unmercifully his owne, and pardoneth that which is done against others: the one easily forgiveth the offences of other men, but is of his owne misdeeds a severe judge; whereas the other most sharply and unmercifully the least offences of others, but is vnto himselfe most favourably: the one of them favoureth the honour of modest matrons, and other modest women; the other triumpheth in their shame and discomfort: the one refuseth not to bee freely and discretely reproved for that he hath done amisse; the other hateth nothing more than the grave free spoken man: the one enforceth himselfe to maintaine and keep his subjects in peace and quietness; whereas the other seeketh still to set them at odds, so to ruin one by another; and with the confiscation of their lands and goods to enrich himselfe: the one taketh pleasure to see his subjects, and to be of them oftentimes seen and heard; whereas the other seeketh their presence, and hideth himselfe from them, as from his enemies: the one reproveth his effate and feetie in their love towards him; the other in their fear: the one taketh no care but for his subjects; the other searcheth nothing more than them: the one chargeth his subjects as little as he can, neither exacteth any thing of them, but when the publick necessity so requireth; whereas the other drinketh his subjects blood, gnaweth their bones, and out of them also sucketh even the marrow, so by all meanes seeking to weaken them: the one advanceth into the highest degrees of honour the best and most vertuous men: whereas the other filch the greatest thecues and villaines, whome he may vie as spunges, to sucke vp the wealth of his subjects: the one frankly bestoweth the greatest and most gainful offices, if the state vpon men of best deserts, who free from bribes & corruption, may defend the people from all injury and oppression; whereas the other letteth the same to fall to such as will give most for them, so by their robberies and unreasonable exactions, to kepe the people vnder, and then afterward when they are well fattet, to cut such caterpillers thtoates also, so to be accounted great iufficiens: the one measureth his manners, according vnto his lawes; the other measureth his lawes, according to his owne disposition and pleasure: the one is readie to expose his life for the good of his country and people; the other wifhest it and them all to perish for himselfe: the one is beloved and honoured of his subjects; the other hateth them all, and is likewise of them hated: the one in time of warre hath no recouete but vnto his owne subjects: whereas the other hath no greater warre than against them: the one hath neither

guard
A guard, nor garrison, but of his owne people; whereas the other for the defence of his perfon, and keeping of his subiects in awe, hath alwayes a garrison of armed straun-
gers to go before him: the one liues secure in all quiet and tranquillitie of mind; the
other troubled with carefull and contrarie thoughts, still languishing in perpetuall fear.
the one expecteth a most blest and eternall life in heauen; the other still fearing cer-
taung pains of hell: the one hath the immortall good author of all his actions; the
other followeth the advice of wicked men and damned spirits: in brieve the one is pra-
fised and honoured of all men whilst he liues, and much mislied after his death; whereas
the other is defamed yet living, and most shamefully reviled both by word and writ-
ing when he is dead. And albeit that a tyrant abound in wealth, have honour, soue-
ignitie, health, and surpassing Champion like strength of bodie, with the deepe and
profound knowledge of many and great matters, and flowing eloquence most of ty-
rants to be in others feared; yet shall he therefore be never the better, but wel the worse;
abusing his wealth to fulfill his lust; his soueraignitie, to the oppressing of other mens
libertie; his strength for the performing of his villanie; and his knowledge for the cir-
cumventing of the plaine and simple, and themself confusion of all things. Which
so many and notable gifts, if they chance by the grace and goodness of God to bee
given to any good prince: we then esteeme of him, as of a God, sent even down from
heaven into the earth here amongst us.

But what need we to vie many examples to prove this to be true, being of it selfe so
manifest in euery mans eye. And seeing that we find in histories tyrannic to have bene
of all men so much feared, hated and detected, that euens chollers and weake women
have not doubted to aduenture with daunger of their lives, to gaine vnsto themselues
the honour of the killing of tyrants. As did Aristotle (not hee of Stagira, but hee that
was furnamed the Logitian) who flew a tyrant of Sicione. And Thebe, who flew her
husband Alexander, tyrant of the Phereans. And to thinke that tyrants might by force
warrant themselues, is but meere and vaine errore. For who were of greater force
than were the Roman emperors, who ordinarily had forcie legions at their command
in their provinces, and three moe in Italie, besides their Praetorian bands, for the de-
fence of their person: and yet in no place in the world were there so many princes
flaine; yea sometymes the captains of their guards flew them euin in their pallaces,
whome they guarded. As Cherea the tyrant, and the Mamalukes eight Sultans of
Egypt.

But he that would see the miserable ends of tyrants, let him but read the lives of
* Timoleon, and of Aratus, where hee shall see the tyrants drawne out of the
nest of their tyranny, stripped stark naked, theeuws beaten to death with clubbes in the
presence of Children, and the rest of the common people: and after that their wives
and children, their kinsfolkes and familiar friends most cruellly murdered and slaine:
and that more is the verie image & statues of them that were dead in their tyrannic, ac-
cused, and publicly condemned, delievered vnsto the common hangman to bee as it
were executed; their bones also taken out of their granes, and cast into most lothsome
lakeles, and the raking officers of these tyrants mutilated, and most miserably tor-
memented with all the cruelty that a people enraged could devise; their edicts & laws torn,
their castles and proud houses rafed and laid euin with the ground, and the verie me-
memorie of their name, by publike judgementes and written bookes, condemned to per-
petuall infamie, as an example to all future princes, to the end they might have in de-
testation such plagues, so pertinious and dangerous vnsto mankind.

And albeit that tyrants whilome they liued, have not wanted their flattering claw-
backs, whome they with rewards endured to write their vnworthie praylles; yet wee
read.
read, that after their death, such their histories, and panegyricall orations, before written in their prayers, were butt, torne and suppresed, and the truth (yea sometime with more too) brought to light, & in stead of them other most reprobfull and communelious writings published, in such sort, as that not so much as one small fragment of any books written in the praysie of any tyrant, were he never so great, is now extant or to be found. Which thing maketh tyrants, whilest they yet live to fret and fume as if they were mad: for that they see they must in time become a laughing stocke unto the people and their vere enemies. And albeit that they euill perfwaded of the immorta-
litie of the soule, think the fame to perishe together with the bodie, or haply before the body, which embaumd with sweet odours may be long preserved yet so long as they live they still seele the torment of the infamie to come, which they yet liuing fee shall befall them after their death. Whereof Tiberius the emperour grievously compained, but Nero more much, who wished that when he died, yea that while he yet breathed, all the world might with fire be consumed. And for this cause Demetrias, surnamed Pollorectes, to gratifie the Athenians undertooke the warre for the defence of their rights and libertie, to the intent to be honoured by their learned writings; knowing well that the citie of Athens was as it were the watch of the whole world, which might in like sort make the glorie of his noble acts to shine throughout the world, as doth a beacon set on fire upon the top of an high tower: neither was he therein deceived: but to soone as he gave himselfe over vnto vices and villanies, there was neuer ty-
rant better (than he was by them) washed; hauing his name most shamefully by them defamed, by whom he had bene before commended. And albeit that some may think tyrants, for that they have no taste of true prais,e to cote the leffe what posterior chide think or lay of them, yet in truth liue they most miserably if their life be so to be called, which liue in continual tearre, still see the most sharpe fling of griefe seeing them-
thes, their lawes, their wives and children, their kinsfolks and friends, ever in daunger. For it is impossible for him that hateth and teareth his subiects; and is againe of them all himselfe also hated and feared, to be able long to continue or stand. Whereby it commeth to paffe, that in stead of being asplaid by his enemies, hee is oft times vp on the lodaine asplaid by his owne subiects. Neither may he repose any trust or confidence in his friends, vnto whom he is himselfe oftentimes a trauayl and defloyall, cau-
sing them for the least fulpfion to be flaine: as we read it reported of Nero, Commodus, Caracalla, and such other tyrants. And sometyme the whole people with one rage and furie runneth headlong vp on the tyrant, as it did vp on Phalaris, Heligabalus, Alectes tyrant of the Epigots, and vp on Andronicus emperour of Constantinople, whom firft and let vp on a barte aslles backe, the people of Constantinople caueth to endure all the indignities and reproaches that were possible, before they would give him leaue to die. Yea and sometimes it chaneceth, that even they themselves are the occasion of the ha-
ftening of their owne death, as it is reported of Caracalla the emperour, who would needs know of Julius, his mothers Mathematician, whom he thought should succeed him in the empire (for that is a common course amongst tyrants in their affairs and do-
ings, to aske the councell and aduice of wiftards and duels) vnto whom the Astrono-
mer by his letters unfuered, That Marinus was the man that should succed him; which letters by chounce falling into the hands of Marinus: he thereupon with caueth Caracalla to be flaine, for feare of the danger prepared for him by Caracalla. So Commodus also, hauing hardly escaped the stobbe which a murtherous villaine was about with a dagger to haue given him, (who in giving of the blow faid, That the Se-
nat had sent him that) straight wayes after made a roll of al them whom he purposed to put to death: which roll by good hap comming into the hands of Martin his concu-
bine,
bine and the therein finding her owne name enrolled amongst the rest, to avoid the daunger prepared for her and the rest, caused the tyrant to be forthwith slaine. Of like examples all the antient histories are full, which show plainly the liues of tyrants to bee alwayes befit with a thousand incurable mishkes, death still hanging over their heads.

Now the state of a royall Monarchic is quite contrarie vnto a tyranny: for the king is so united with his subiects, that they are still willing to spend their goods, their blood, and liues, for the defence of his estate, honour, and life; and cease not after his death to write, sing, and publishe his prayses, amplifying them also in what they can. As we see in Xenophon the lively portrait of a great and vertuous prince, drawne vnder the person of Cyrus, whose praises he hath with wonderfull eloquence set forth, to give example to other princes for to imitate and conforme themselves vnto; as did Scipio Afric.

In, who having alwaies before his eyes and in his hands Xenophon his Cyropedia; and framing himselfe to the imitation thereof, profited so much, as that he in vertue, honor, and proueille, surmounted all the kings and princes, not of his owne age oneley, but of former times also; in such sort, that certaine pitars enflamed with the report of his fame, and knowing that he was in his houle in the countrey farre from any towne, came and beset the fame: against whom as he was about to put himselfe with his people in readyneffe, and fo to have stood upon his guard: they perceiving the fame, forthwith threw downe their armes, assuring him that they were not come thither, but only to see him, and to doe him honour, which they most humbly requested; that they might be admitted to do him. Now if the lustre and brightness of vertue in such a prince, hath drawne euene theeues and pitars into the admiration thereof; than of how much greater force ought it to be in good and loyall subiects? And what prince is there so foolish or void of fencs, which would not wondrfully reioyce to heare it reported, how that Menander king of the Baetrians, was for his vertue & iustice very well beloved of his subiects, as that after his death the cities were at great strife & debate amongst themselves, which of them shoulde have the honor of his sepulchre? neither could the matter bee appeale, vntill that at length it was agreed, that euery one of them should in the honour and memoriall of him build a feueral tombe or sepulchre.

What tyrants malice alfo or dissimulation is so great, whome Plinie his Panegyrical oration would not drine into a phrenie? who when he had therein with all worthy prayses so adorned Traian the emperour, as that it seemed nothing more could thereunto be added: he so concludeth the period, That nothing greater or better could bee wished for vnto the Commooneale, but that the immortal gods would imitate the life of Traian. Which excessive amplification, although it favoure of impietie, yet who doubteth but that it proceeded from the zace of a moft famous man, towards his moft excellent prince? for whose daunger at his going out, and welfare at his comming home, all the temples were filled; and who himselfe in his solene prayers, was thus wooten to covenant with the gods, That they should keep and preferue him, if they law it to be for the good of the Commooneale. What tyrant is so cruell, what shew fortuer he make, which moft hardly wifheath not for the honour which king Aegeas receiued; at such time as he was finned by the Ephori, for having alone robbed the hearts and gained the loue of all the citzens vnto him? What king is there, which wifheath not to have the furname of Aristides the Iuft: a title more divine and royall then euer prince yet knew how to get: albeit that in tead thereof many have caufed themselves to be called Conquerors, Besiegers, Lightnings. Now on the contrarie part, when we read of the moft horrible cruelties of Phalaris, Busris, Nero, and Caligula, who is he which is not mouded to a iust indignation against them? or hearing of their miserable
and wretched ends, can contain himself from rejoicing thereat?

Thus have we seen the most remarkable differences between a king and a Tyrant, which are not hard to be perceived between the two extremes of a most good king, and a most detestable Tyrant: but is not so easy to be deemed, when the prince taketh part of a good king, and some other part of a tyrant: so as it were tempering the good with the bad. For so things oft times fall out, that for the variety of times, places, persons, and other occasions presenting themselves, princes are constrained to doe such things, as may seem unto them tyrannically, and unto others commendable. Wherefore let no man measure Tyranny by Severitie, which is most times in a prince most necessary: neither for his castles, gardens, and garisons: neither by the souetaigne of his commandes, which are in deed more to be wished for, than the sweet requests of tyrants: which draw after them an inequitable violence. And that is it for which in law, he which hath bound himselfe at the request of a Tyrant, is always againe to be restored into his former estate, wherein he was: whereas if he that shall so doe at the commandement of a good prince shall not by the law be relieved: neither are those murders, procriptions, banishments, incests, ratiﬁments, and other such villanies which happen in ciuill warres, in the chausing or destruction of the states of Commonweales, or the establishment of the same, to be called tyrannies: for that in such violent conversion and change of state, it cannot otherwise be. As it fell out in the Roman Triumvirat, in the election of diuers Emperours, and in our time Cosmns de Med?ces, first taking upon him the dukedome of Florence. For he after the death of his kind man Alexander Med?ces, slaine by the conspiracie of his enemies, tooke vnto himselfe a strong garde of strauengers for the defence and safetie of his owne person: built castles and strong holds: fortified the citie with strong garrisons: imposed new tributes and custome upon the subiects: which vnto the common people, and men abusing the popular libertie, seemed violent oppreßions and tyrannies: but vnto the wise men necessarie and wholesome remedies: especially in such a sickie citie and Commonweal, as with most desperate diseases and incurable viles was like otherwise to haue perished: as also against such vnruuly citizens, and intuned to all licentious libertie; who had a thousand times conspiried against this new Duke, reputed for one of the most wise and vertuous princes of his time: but of them accounted a tyrant.

Now to the contrarie it hapned often that the state of a citie or Commonweal turnted by the too much lenite and facilite of one prince, is againe relieved and vpholten by the austeare severitie of another. It is sufﬁciently knowne how terrible the tyranie of Domitian was vnto the Senat, the nobilitie, and other the great lords and gouernours of the Roman Empire; in whom all that his lawes and edicts were by their procurement after his death repealed: and yet for all that was he even after his death also most highly by the general consent of all the provinces commended: for that the Proconsuls with the other magistrats and ofﬁcers of the Commonweal, were never before more vypright or free from corruption then they were in his time, for feare they had of his severitie, & him. But when Nero who succeeded him in the Empire, abhorring severitie, enlinded altogether to lenite, & things began to fall into a most miserable estate; the lawes being prostituted, justice pervertt, and the poore by the mightie oppressed; then Fronto the Conful with many moe with most earnest desire, wished for that cruelie and tyranie which they before had condemned in Domitian. Also when a prince with most harpe severitie as with a bridtle, keepeth in the mindes and licentious desires of a furious and headstrong people, as if it were an untamed beast: such wholesome severitie ought in no wise to be accounted or called tyranie; but to the contrarie Cicero calleth such licentious libertie of the vnruule people mere tyranie.

It may be also that a prince may exercise tyrannie against the great ones in the state, as
it always hapneth in the violent chaunge of an Aristocratic into a Monarchie, when as the new prince being in necessitie and poore, and not knowing where to have money, oft times falleth vpon the rich, without regard of right or wrong: or else infranchishes the common people from the setuitude of the nobilitie, and the rich by that one and felte same act to gaine the goods and wealth of the rich, and the sale of the poore. But of all tirants there is none leffe to be detedled than he which preeth vpon the rich to cause the necessitie of the poore. Now they that praise the goodnes, bountie, and courtefe of a prince, without wisdome; are themselves vnwife and ignoant in matters of state, abusing therein both their praiies and leafeare: for as much as such simplicitie without wisdome is most dangerous and pestitious vnto a king, and much more to be feared than is the great seperitie of a cruell, couetous, and inaccesible prince.

So that it seemeth our aunenti fathers not without cauie to have vied this Proverbe, That of a craftie and subtil man is made a good king: which saying vnto the delicate ears of such as measurte all things by false opinions rather than by sound reaons, may seeme right strange: for by the too much sufferece and simplicitie of too good a king, it commeth to passe that flatterers, extortioners, and men of most wicked disposition, without respect, enjoy the principal honors, offices, charges, benefits, and preferments of the Commonwealth, spoiling the revenues of the flate: wherby the poore people are gnawne vnto the very bones, and cruelly made flues vnto the great: in somuch as that in stead of one tirant, there is ten thousand. Out of which corruption also of the magistrats, and too much curtezie of the king, proceed many mischiefes and evils; as impunitie of offendarers, of murderters, and oppresseors: for that the king so good and so gratious cannot refuse to graunt them pat dean. In briefe, under such a prince the publique good is turned into particular, and all the charge falleth vpon the poore people: as wee fee in catharates and fluxes in sicke and rheumatie bodies, the maladie fyll falleth vnto the weakeft parts; which to be so, we might prove by many examples aswell of the Grekes as of the Latins: but we will go no farther than to this our owne realme, which was in the most miserable case that euert was, under the raigne of Charles furnamed the simple, and of some called Charles do nothing. It was scene also, great, rich, and florishing, in armes, lawes, and learning of all forts in the time of Francis the first: but especially some few yeares before his death, when as he waxing old, became fo wayward and inaccesible, as that no man durft come vnto him to craue any thing of him; having driven the courtly dogs, and shameles persons far from him, bestowing rewards, offices, honours, and benefits vpon none but such as were vetuous, and had well deservt of the Commonwealth: and withall so governning his bountie, as that at the time of his death were found in the common treauerie almost a thousand Seflertioes, that is to say, seautenie hundred thousand french crownes, besides three moneths tribute which was now due: neither was the Commonwealth vnto any then indebted, more than vnto the Swifferes, and the Bancke of Lyons, whom he would not pay, so to keepe them in awe: at which time he had firme amtie and peace also with all princes and people: and the bounds of his kingdom extended euuen vnto the gates of Millan: his realme full of great captaines, and of the wiseft men of the world.

But within twelve yeares after that Henry the second his fonne taigned (whose bountie was so great, as that the like was never in any prince of his time,) we saw the flate almost quite changed: for as he was sweet, gratious, and courteuf, so could he, not denie any thing to any person; so that his fathers treasures were in few moneths scattered, the great offices and places of command were set to sale more than euer, the greatest spirituall preferments without respect bestowed vpon unworthy men, magi-

Diners cautez ilis during prince vnto Tyrans.

A true Parable.

The happenyes rate of France vnder king Francis the first, a wayward and hard Prince.

The lenite and immoderat bontie of king Henry the second, most hurtfull vnto the kingdom of France.
Thus for but r" irregularities sold to them that would give most, and so consequently to the most unworthie, the greater customes and payments exacted than ever were before: and yet when he died, the estate of the receipt of Fraunce was found charged with two and fortie millions, after it had looff Piemont, Saucy, the isle of Corfica, and the frontiers of the Low countrey: Howbeit that all these losse were but little, in comparison of the losse of his reputation and honour. Whereas the facility of this great king bene tempered with feueritie, his lenitie with some rigour: his bountie, with a certainie fpecting, and that for a weake and fott spirit, he had borne a fott and courageous mind: we had no doubt linied both well and happily, neither had the Commonweale fallen into such miserable calamities as now we have endured.

But to hold this golden mean (some man will say) as it is hard for encretie man to do: so for princes whom diuets strong perturbations call out of the middle course into the one or other of the the extreames, it is of all others most hard. True it is, that vertue consisting in the meane, is environed with many vices, much like vnto a straight line, which is hard to be found among a million of crooked: which granted, yet so it is neuerthelesse, that it is better and more expedient for the people and the preferuation of an estate to have a rigorous and feuerie prince, than too gentle and courteous. The bountie of the emperor Pertinax, and the enraged youthfulnesse of Heliogabalus had brought the Roman empire even vnto the vertie point of verie ruine: when as the emperours Severus of Africke, and Alexander Severus of Syria, by a rude kind of feueritie and imperriall auftericie reestablifhed the fame, in the former brightness and majestie, to the great and wonderful contentment of all good men. Thus therefore is the proverbe that we received from our auncetors (That of an euill and fubtil man is made a good king) to be understood: for otherwise the word euill, of the proprietie of it selfe, signifies not so much feueritie, as the vertemoff point, or the extremitie of impertie, which our auncetors called euill: so Charles king of Nauarre was called an euill king, than whom none was more wicked of his time. Wee must not therefore judge a prince to be a tyrant for his feueritie and rigour, to that he do nothing contrary to the lawes of God and natur: But forasmuch as this discoure hath brought vs on fo far, let vs see alfo whether it be lawfull for a good man to lay violent hand vpon the perfon of a tyrant.

Chap. V.

Whether it be lawfull to lay violent hand vpon a tyrant; and after his death to disannull all his acts, decrees, and lawes.

He proprietie of the word Tyrant, being not well knowne, hath deceived many, and armed the subiects vnto the destruction of their princes. We haue before fayd him properly to be called a Tyrant, who of his owne authoritie taketh vpon him the soueraignty, against the will of the people, without election, or right of succession, neither by lot, by will, nor in due waft, nor speciall calling of God: and this is he, whome both the lawes and the writings of auncient fathers command to bee flaine: propounding also most ample rewards vnto such as should kill him: viz. the honourable titles of nobilitie and prouesse, armes, statues, crownes, and in briefe the goods of the Tyrant alfo: as vnto the true deliueter of his countrey, or as the Cretians vs to fay of his mother. Neither in this cause make they any difference betwixt a good and a vertuous prince; or a wicked man and a villaine. For it is not lawfull for any man living, of himselfe to invade the soueraignty, and to make himselfe maister of
A of his fellowes, what colour of virtue or justice soueraine they pretend : and that more is, in law he is guilty of death, that wrongfully taketh vpon him any the markes proper vnto soueraigne majestie. If then the subject will invade or take vpon him the state of his king by any whatsoever, or in a popular or Aristocraticall state, doth of a companion make himselfe a soueraigne, hee determuth death: So that our question in this respect hath in it no difficulty, but that such aspersers may of all the people, or any of them, be lawfully flaine. Yet true it is, that the Greeks have in this point differed from the Latins; as whether a man in this case ought by way of fact to prevent the course of justice? For why, the law Valeria published at the request of Pub. Valeria us Publicola giueth leave to every man to kill a Tyrant, and afterward to trie the cause of him so flaine. Which law seemeth alfo not to want good ground of reason: for that to proceed by way of justice, the Commonweale should be confounded with the firebrands of tyranny, before the fire once kindled could bee quenched: Besides that, who should call into question of justice the Tyrant, armed with his guard and garrisons? who should take him being posseeled of the castles and strong holds? were it not better by times to oppose him by force, than by too religious standing upon the proceed ing of the law, to losse the law together with the state? Howbeit the law of Solon is quite contrarie vnto this, expressly forbidding to proceed by way of fact, or to kil him that seeketh to posseele himselfe of the soueraignty, but flift to bring him vnto his trial; which seemeth more reasonable than the law Valeria: For that otherwise good & innocent men might oftentimes be taken out of the way and flaine by their enemies, vnder the color of aspiring, before the truth could be tried: who if once dead, are in that regard always as men inilly flaine. But these two lawes fo repugnant and contrarie, may in mine opinion thus, be well reconciled; if the meaning of Solons law be referred vnto him, who isposseed of aspiring, hath nor as yet posseeled the castles or strong places, deduced the people, nor armed himselfe with strong garrison: and the law Valeria vnto him who hath openly declared himselfe a Tyrant, seised vpon the castles and citadels, and strengthened himselfe with garrisons. In the first case wee find that Furius Camillus the dictator, by way of justice proceeded against Marcus Manlius Torquatus: and in the second case Bratus and Catilina even in the Senat and most open assembly of the people, slew Caesar, thinking of nothing lesse: But Solon, when as he too religiously (should I say) or superfluitously, had ordained that Tyrants should be lawfully tried before they were put to death, whilst he yet listed law Pipistratus of a subject to aspire vnto the soueraignty of the Athenian state, against whome for all that they which slew the Tyrants at Athens proceeded not by way of justice; whole children neuertheless Harmodius and Aristogiton slew, contrarie vnto the law, by the priuat authoritie of Solon only.

But here might many questions be made, as, Whether a Tyrant who by force or fraud having oppresed the liberie of the people, and fo aspired vnto the soueraignty, may be inilly flaine; having after his aspiring caufed himselfe to be so chosen or confirmed by the voyces of the people in generall? For why, seemeth that such a solemn act of election, is a true ratification of him in tyrannie, the people consenting thereunto. Yet am I nevertheless of opinion, that he may lawfully be flaine, and that with out any lawfull processe or triall, except he shall first renounce his authoritie, quit his forces, and so put himselfe into the power of the people: for why, that cannot be thought to be done by the free content of the people, which they do by constraints, being by the Tyrants disposed of their authoritie and power. As when Sylla caufed himselfe to be confirmed dictator for fourecorne yeares, by the law Valeria, which hee caufed to be published, hauing at the same time a strong and puissant armie of his own
Long prescription (crude in stead of a lust ti-
ule).

Within the citie; *Cicero said, That it was no law at all. And in like cafe Cefar, who about thirtie fixe yeares after, caused himselfe by the law Setuela, to bee made dictatour perpetuall. And also Cosmus Medietis, who after the death of his kinman Alexander having an armie in the citie of Florens, caused the Senators to chuse him duke of that citie for ever: about which election whilst they made some doubt, hee so thundered with his artillerie before the pallace, as that the Senat doubting otherwise of the faftific of themelves, and of the rest of the citizens, hafted the rather, to make choyse of him. Howbeit if the children or potterie of a tyrant, shal for long time, as by the space of an hundred yeares, in continual possession hold the soueraigne possesed by their great grandfathers or ancestors, and so by their iust comandments, gouve the Common-
weale; such a government ought not nowe to be called a tyrannie, for that in this cafe, as in all other things, a prescription of so many yeares fometh in stead of a lust title. And whereas it is laid, that the rights of soueraigne cannot be prescribed: that is to say, in leffe than an hundred yeares, and concerneth privie men, who the Commonweale yet standing upright, seek to vfurpe the soueraigne, but concerneth not the general conversion or change of the whole state of a Commonweale. Wee laid that the possession of the potterie of a tyrant ought to be of long continued without interrup-
tion or interpellation: that is to say, that the subiects have not with any conpactic re-
bellion, or intercessio, troubled the government of the tyrant, or of his potterie: for thereby it is in a fort eudent, and to bee gathered, the subiects of their owne accord have yeelded vnto his comandments, and to have taken him for their iust prince. But interpellation or gain saying, and resistance, may aswell be showed & declared by deeds as by words: of which fort was that which Aquila the Tribune of the people did, who in sight of all the people tooke off the crowne that was set upon the head of Cefars statute, Cefar himselfe in vaine fretting thereat; who afterwards vnto such grants of honours and preferments as he gaue vnto his friends, would still add that, If by Aquila his leve we may do it. And thus much concerning a Tyrant, whether hee bee a good man or an eulli, who without all right hath aspired vnto the soueraignitie of the Com-
monweale where in he liueth.

But the cheie question of his our discourse, is to know, whether a soueraigne prince come vnto that high estate by election, or by lot, by rightfull succession, or by iust warre, or by the especiall vocation of all mightie God; forgetting his dutie, and be-
come without measure cruel, couetous, and wicked, so peturiing the lawes of God and man, and such an one as we commonly call a Tirant, may be lawfully flaine or not. And true it is that many interpreters, both of Gods and mans lawes: have faid it to be lawfull: many of them without distinction joyning these two incompatible words together, a King a Tyrant: which so daungerous a doctrine hath bene the cause of the vter ruine and overthrow of many most mightie empries, and kingdoms. But to discide this question wel, it behoueth vs to distinguith an absolute soueraigne prince, from him which is not so: and also subiects from strangers, according as wee haue before declared. For it is great difference to say that a Tirant may lawfully be slaine by a prince a stranger, or by his owne subiect. For as of all noble acts, none is more honorable or glorious then by way of fact, to defend the honour, goods, and liues of such as are vniustly opprest by the power of the more mightie, especially the gate of iustice being fluft against them: as did Moses seeing his brother the Israelite beaten and wronged by the Egyptian, and no means to haue redresse of his wronges; so is it a most faire and magnificall thing for a prince to take vp armes to relieue a whole na-
tion and people, vniustly opprest by the crueltie of a tirant: As did the great Herce-
les, who traueling ouer a great part of the world with wonderful prowess and valour destryed.
destroyed many most horrible monsters, that is to say Tyrants: and so delivered people without number among the gods: his pottestime for many worlds of years after, holding moft great kingdoms, and other the imitatours of his verties: as Dio, Timoleon, Atratus, Harmodius, Aristogiton, with other such like honorable princes bearing the titles of chalffiers and controllable of Tyrants. And for that one only can be Temir-Culu, whom our writers commonly call Tamerlan emperor of the Tartars, denounced warre vnto Baizet king of the Turks, who then besieged Constantinople; saying that he was come to chastise his tiranie, and to deliver the afflicted people; whom indeed he in a fett battell vanquished in the plaines neare vnto Mount Stella: and having flaine and put to flight three hundred thousand Turkes, kept the tirant (taken prifoner) in chains in an yron Cage vntill he dyed. Neither in this case is it materiall whether such a vertuous prince being a stranger proceed against a Tyrant by open force, or finenes, or elle by way of iustice. True it is that a valiant and worthy prince having the tirant in his power, shall gaine more honour by bringing him vnto his triall, to chastise him as a muttheter, a manqueller, and a toober: rather then to vfe the law of armes against him. Wherefore let vs refolue vpon that, that it is lawfull for any stranger to kill a Tyrant; that is to say a man of all men infamed, and notorious for the oppression, murder, and slaughter of his subiects and people. But as for subiects to do the fame, it is to be knowne whether: the prince that beareth rule be an absoloute soueraigne; or not: for if he be no absoloute soueraigne, then must the Soueraignty of necessity be either in the people, or in the nobilitie: in which case there is no doubt, but that it is lawfull to proceed against a Tyrant by way of iustice, if to men may preuaile against him: or else by way of fact, and open force, if they may not otherwise have reason. As the Senat did in the first case against Nero: and in the other against Maximus: for that the Roman Emperours were at the first nothing else but princes of the Commonweal, that is to say the chiefe and principall men, the soueraignty neuertheless still refting in the People and the Senat: as I haue before shewed, that this Commonweal was then to have bane called a principalitie: although that Seneca speaking in the person of Nero his scholler layeth: I am the onely man amongst living men, elecched and chosen to be the Lieutenant of God on earth: I am the Arbitrator of lyfe and death: I am able at my pleasure to dispose of the state and qualitie of every man. True it is that he tooke vpon him this soueraignty authoritie by force wrested from the Senat and people of Rome: but in right he had it not, the state being but a vertie principalitie, wherein the people had the soueraignty. As is also that of the Venetians, who condemned to death their Duke Fadler, and also executed many others, without forme or fashion of any lawfull processe: forasmuch as Venice is an Aristocraticall principalitie, wherein the Duke is but the first or chiefe man, soueraignty still remaining in the state of the Venetian Gentlemen. As is likewise the German Empire, which is also nothing else but an Aristocraticall principalitie, wherein the the Emperour is head and chiefe, the power and majestie of the Empire belonging vnto the States therof: who thrust out of the government Adolphus the emperour in the yeare 1296: and also after him Wenceslaus in the yeare 1400, and that by way of justice, as having jurisdiiction and power over them. So also might we say of the state of the Lacedemonians, which was a pure Aristocratic, wherein were two kings, without any soueraignty at all, being indeed nothing but Captaines and Generals for the managing of their wares: and for that cause were by the other magistrates of the state, sometime for their faults condemned to pay their fine; as was king Agesilaus: and sometime to death also as were Ages and Pausanias. Which hath also in our time hapned vnto the kings of Danemarke and Sweden, whereof some haue beene banished, and the others died in.

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prison: for that the nobilitie pretendeth them to be nothing but princes, and not Sou-
eralaigues, as we have before shewed: so also are they subjectes unto those states which
have the right of their election. And such were in ancient times the kings of the cities
of the Gauls, whom Cæsar for this cause oftentimes calleth Regulus, that is to say little
kings: being themselves subjectes, and insufficient unto the Nobilitie, who had all the
foueraigne: causings them even to be put to death, if they had so detested. And that
is it for which Amphitryon the captain generall, whom they called the king of the
Liegeois said: Our commandes (laith he) are such, as that the people hath no lefe power
over vs, then we over the people: wherein he shewed evidently that he was no sou-
eralaigne prince: howbeit that it was not possible for him to have equal power with the
people, as we have before shewed. Wherefore these sorts of princes, having no so-
eralaigne, if they polluted with wickednes and villainie, cannot be chastised by the
authoritie and severitie of the magistrat, but shall abuse their wealth and power unto
the hurt and destruction of good men; it always hath and shall be lawfull not for
strangers only, but even for the subjectes themselves also, to take them out of the way.

But if the prince be an absolute Soueraigne, as are the true Monarches of France,
of Spain, of England, Scotland, Turkie, Molchonie, Tartarie, Peruia, Ethiopia, India,
and of almost all the kingdomes of Affricke, and Asia, where the kings themselves have
the soueraigne without all doubt or question; not dividied with their subjectes: in this
case it is not lawfull for any one of the subjectes in particular, or all of them in general,
to attempt any thing either by way of fact, or of justice against the honour, life, or dig-
nitie of the soueraigne: albeit that he had committed all the wickednes, impiete, and
crueltie that could be spoken; For as to proceed against him by way of justice, the sub-
ciet hath no such jurisdiction over his Soueraigne prince: of whom dependeth all po-
wer and authoritie to command: and who may not onely revoke all the power of his
Magistrats; but even in whose presence the power of all Magistrats, Corporations,
Colleges, Estates, and Communities cæfe, as we have said, and shall yet more fully in-
due place lay. Now if it be not lawfull for the subject by way of justice to proceed
against his prince; the vaßall against his lord; nor the slave against his master; and in
breife, if it be not lawfull, by way and course of justice to proceed against a king, how
should it then be lawfull to proceed against him by way of fact, or force. For questi-
on is not here, what men are able to doe by strength and force, but what they ought
of right to do: as not whether the subjectes have power and strength, but whether they
have lawfull power to condemne their soueraigne prince. Now the subject is not on-
ly guilty of treason in the highest degree, who hath slaine his soueraigne prince, but
euen he also which hath attempted the same; who hath given counsel or consent thereunto; yea if he have concealed the same, or but so much as thought it: which fact
the lawes have in such detestation, that when a man guiltie of any offence or crime,
dieth before he be thereof condemned, he is deemed to have died in whole and perfe-
cit, except he have conspired against the life and dignitie of his soueraigne prince:
this onely thing they have thought to bee sech, as that for which he may worthily
seeme to have bene now already judged and condemned; yea euen before he was ther-
of accufed. And albeit that the lawes inflict no punishment upon the eulius thoughts of
men; but on those onely which by word or deed breake out into some enormitie: yet if any man shall so much as conccit a thought for the violating of the person of his
soueraigne prince, although he have attempted nothing, they have yet judged this
fame thought worthy of death, notwithstanding what repentance fouer he have had
thereof. As in proofe it fell out with a gentleman of Normandie, who confessed him-
selfe into a Francifcan Frier, to have had a purpose in himself to have slaine Fran
tie the
A. first, the French king: of which uill purpose and intent he repenting himself, received of the frier abolition, who yet afterward told the king thereof; who sending for the gentleman, and he confessing the fact, turned him out to the parliament of Paris for his trial, where he was by the decree of that high court condemned to death, and so afterwards executed. Which wee cannot say, that the judges did for fear; seeing that they had oftentimes refused to ratifie the editts and letters patents by that gracious king granted, notwithstanding whatsoever commandement hee did give for them to confirm the same. And so in Paris, although a foolish man and altogether out of his wit, called Cabebee, drew his sword upon Henrie the second, Francis his son, as with a purpose to have slain him: but without effect or hurt done, yet was he nevertheless condemned, and so put to death, without any regard had vnto his lunesie or frendie; although the lawes euerie where excuse the madde and lunetike man, from all punishment, what murther or villanie soeter he do; seeing that hee is more than enough tormented with the frantike furious passion it selfe. And least any man should think themselves to have bene the authors of these lawes and decree, so the more straitly to provide for their owne safety and honour, let vs see the lawes and examples of holy Scripture. Nabugodonasso, king of Assyria, with fire and sword destroyed all the country of Palestyne, besieged the cite of Hierusalem, tooke it, robbed and rafed it downe to the ground, burnt the temple, and defiled the sanctuarie of God, slew the king, with the greatest part of the people, carrying away the rest that remained into captiuitie into Babilon; and yet not so contented, caufed * the image of himselfe made in gold, to be set vp in publique place, commanding all men without exception to adore and worship the same, vpon paine of being burnt alive: and caufed them that refused so to doe, to be cast into a burning furnace: and yet for all that the holy * Prophets directing their letters vnto their brethren the Iewes, then in captiuitie at Babilon, will them to pray vnto God, for the good and happie life of Nabuchodonasso and his children, and that they might so long rule and raigne ouer them as the heavens should endure. Yea even God himselfe doubted not to call Nabuchodonasso his feuant; saying, That he would make him the most mightie prince of the world. And yet was there ever a more detestable tyrant than he: who not contented to be himselfe worshipped, but caus’d his image to be also adored, and that vpon paine of being burnt quick. And yet for all that we see the prophet Ezekiel, entreated with the spirit of God, antnie with Sedebia, king of Hierusalem, greatly to defeat his peridious dealing, diloyaltie, and rebellion against king Nabuchodonasso, whose vaflall hee was, and as it were reioyceth him to have bene most unjustly flaine. We have also another more rare example of Saul, who professed with an euill spirit, caufed the priests of the lort to be without iust cause slain, for that one of them had receiued David flying from him, and did oftimes what in his power was, to kill, or caufed to have bene killed the same David, a most innocent prince, by whom he had got so manie victories over his enemies; at which time he fell twice himselfe into David his hands; who blamed of his most valiant fouldiers (ouer whom he then commanded) for that he would not suffer his so mortal an enemy then in his power, to be flaine, being in most affurted hope to have enjoyed the kingsome after his death, hee detesteth their counsell, saying, God forbid that I should suffer the person of a king, the Lords annointed to be violated. Yea moreouer hee himselfe defended the same king perfecuting of him, when as hee commanded the fouldiers of his guard overcome by wine and sleepe to be wakened, And at such time as Saul was flaine, and that a fouldiour thinking to do David a pleasure, presented him with Saul his head: David forthwith caufed the same fouldier to be flaine, which had brought him the head, saying, Go thou wicked, how durft thou lay thine impure hands upon the Lords annointed?
ted: thou shalt surely die therefore: and afterwards without all dissimulation mourned himselfe for the dead king. All which is worth our good consideration. For David was by Saul persecuted to death, and yet wanted not power to have avenged himselfe, being become stronger than the king by the aid of his enemies, unto whom he fled even against his will: besides that he was the chosen of God, and appointed by the hands of Samuel, to be king of the people, and had also married the kings daughter: and yet for all that he abhorred to take upon him the title of a king, and much more to attempt any thing against the life or honour of Saul, or to rebell against him, but chose rather to banish himselfe out of the realme, than in any fort to seeke the kings destruction. So we also read, that the most holy and best learned men that ever were amongst the Iewes, whom they called the Efers (that is to say, the true executors of the law of God) held, that soueraigne princes whatsoever they were, ought to bee vnto their subjects inuiolable, as persons facted, and sent vnto them from God. And wee doubt not, but that David a king and prophet, led by the spirit of God, had alwaies before his eyes the law of God, which faith, Thou shalt not speake evil of thy prince, nor destroy the Magistrat. Neither is there any thing more common in all the holy Scripture, than the forbidding not only to kill or attempt the life or honout of a prince, but even for the vile magistrats also, although (faith the Scripture) they be wicked and naught. Therefore he be guilty of treason against God and man, which doth but destroy the magistracie: what punishment then can be sufficient for him that shall attempt his life? For the law of God is in this case yet more precise than are the lawes of men: For the law Iulia holdeth but him guilty of treason, which shall give counsell to kill the magistrat, whereas the law of God expressly forbidden in any fort to speake of the magistrat evil, or in any wife to destroy him. Wherefore to answeare vnto the vaie and frioulous objections & arguments of them which maintain the contrarie, were but idly to abuse both our time and learning. But as he which doubteth whether there be a God or not, is not with arguments to be refuted, but with feuete punishments to bee chastised: so are they also which cal into question a thing so cleere, and that by booke publikely imprinted; that the subjects may take vp armes against their prince bee a Tyrant, and take him out of the way howsoever: howbeit that the most learned divines, and of best understanding are of opinion, that it is not lawfull for a man not only to kill his soueraigne prince, but even to rebell against him, without an especial and vn doubtfull commandement from God; as we read of Iehu, who was chosen of God, and by the prophet appointed king of Israel, with express commandement vnterly to root out all the house of king Ahab. He before as a subject had right patently borne all his wickednesse and outrages. Yea the most cruel murderers and torturing of the most holy prophets, and religious men, the vnworthy murthers, banishments, and proscriptions of the subjects; as also the most detestable witchcraft of queene Iesabell: yet for all that durst he attempt nothing against his soueraigne prince, vntill he had express commandement from God, by the mouth of his prophet, whom God indeed so affiled, as that with a small power he slew two kings, caused leucie of king Ahab his children to be put to death, with many other princes of the kings of Israel and of Jude, and all the idolatrous priests of Baal, that is to say of the Sunne, after this hee had caused Iesabel the queene, to be cast headlong downe from an high tower, and left her bodie to be borne in peeces and eaten vp of dogges. But we are not to apply this especial commandement of God, vnto the conspiracies and rebellions of ministring subjects against their soueraigne princes. And as for that which Calum faith, if there were at this time magistrats appointed for the defence of the people, and to restrain the insolencie of kings, as were the Ephori in Lacedemonia, the Tribunes in Rome, and the
the Demarches in Athens, that they ought to resist and impeach their licentiousness and cruelty: he sheweth sufficiently, that it was never lawfull in a right Monarchie, to assult the prince, neither to attempt the life or honour of their soueraigne king; for he spake not but of the popular and Artillocatie states of Commonweales. And we haue before shewed, that the kings of Lacedemonia were no more but plaine Senators and captains: and when he spakest of states, he faith, Possibly, not daring to affirue anything. Howbeit that there is a notable difference betwixt the attempting of the honour of his prince, and the withstanding of his tyranny; betwixt killing his king, and the opposing of ones selfe against his crueltie. We read also, that the Protestant princes of Germanie, before they entred into armes against Charles the emperor, demanded of Martin Luther it were lawfull for them so to doe or not; who frankly told them, That it was not lawfull, whatsoever tyrannie or impietie were pretended; yet was he not therein of them beleued: so thereof ensued a deadly and most lamentable warre, the end whereof was most miserable, drawing with it the mine and destruction of many great and noble houses of Germanie, with exceeding slaughter of the subiects: whereas No cause (as faith Cicero) can be thought just or sufficient for us to take vp armes against our country. And yet it is most certaine, that the soueraignitie of the empire refleth not in the person of the emperor (as we will in due place declare) but being chief of the state, they could not lawfully take vp armes against him, but by a generall content of the state, or of the greater part of them, which was not done: then much lesse is it lawfull to take vp armes against a soueraigne prince. I cannot vfe a better example, than of the dutie of a sonne towards his father: the law of God faith, That he which spakest euill of his father or mother, shall be put to death. Now if the father shall be a theefe, a murtherer, a traitor to his country, as an incestuous person, a manqueller, a blasphemer, an atheis, or what so you will else: I confesse that all the punishments that can bee deuided are not sufficient to punish him: yet I say, it is not for the sonne to put his hand therein. Quia nulla tanta impietas, nulla tantum sectus est, goad sit parricidio vindicandum. For that (as faith an auncient Oratot) no impietie can be so great, no offence so hainous, as to be reuenged with the killing of ones father. And yet Cicero reasoning upon the same question, faith, our country to be deereet vnto us than our parents. Wherefore the prince whom you may justly call the father of the country ought to be vnto euery man deereet & more reueued than any father, as one ordained & sent vnto vs by God. I say therefore that the subiect is neuer to be suffered to attempt any thing against his soueraigne prince, how naughty & cruel heuer he be; lawfull it is, not to obey him in things contrarie vnto the laws of God & nature: to flie and hide our selues from him; but yet to suffer stripes, yea and death also rather than to attempt any thing against his life or honour. O how many Tirants shoulde there be; if it should be lawfull for subiects to kill Tirants? how many good and innocent princes shoulde as Tirants perfit, by the conspiracie of their subiects against them? He that should of his subiects exact subsidies, shoulde be then (as the vulgar people accomplish him) a Tirant: he that should rule and command contrarie to the good liking of the people; shoulde be a Tirant: (as Aristotle in his Politiques fayeth him to be:) he that should keepe strong gardes and garrisons for the safetie of his person, shoulde be a Tirant: he that should put to death traitors and conspirators against his state should be also counted a Tirant. And in deed how shoulde good princes be alluered of their lives, if vnder the colour of tirannie they might bee slaine of their subiects, by whom they ought to be defended? Not for that I would faie not to be lawfull for other Princes by force of armes to prosecute tirannie (as I haue before faied) but for that it is not lawfull for subiects so to doe. Howbeit that I am rather of Diogenes the Cinique his opinion, who
who one day meeting with Dionysius the younger, then living in exile at Corinth, and
seeing him merly sporting himselfe in the streets with jesters and minstrels; verie fo-
berlie said unto him, Truly thou art now in an estate vnworthie of thee. I heartlie
thank thee (said Dionysius) for having compassion on me. And thinkest thou said Dio-
gen~e~ that I thus say for any compassion I have of thee? mistake me not, for I speake
it rather in diptole of the life thou now leadest, to see such a vile slave as thoworthy to
grow old, and die in the accursed state of tirannic, as did thy father, thus to sport thy
selue in securitie, and quietly to passe thy time among vs. For can any hangman more
cruelly torment a man condemned to torture, than feare? Fear I say of death, of infa-
mie, and of torture: these bee the renewing furies which continually vex Tyrants,
and with eternall torment torment them both night and day: Then euie, suspi-
fion, feare, desire of revenge, with a thousand contrary passions at variance among them-
selves, do so disquiet their minds, and more cruelly tiranize over them, than they them-
selves can ouer their flauces, with all the torments they can devise. And what greater
wretchednesse can happen vnto a man, than that which presteth and forceth the tyrant
to have a desire to make his subiects beasts and looles, by cutting from them all the
waies to vertue and learning? To bee a flave and subiect vnto a thousand fynes and
prayers into other mens lives: to heare, fee, and understand, what is done, said, or
thought of all and every man? and in stead of ioyning and uniting of his subiects in
love and amitie together; to low amongst them a thousand quarrels and dislentions:
to the end they should alwaies bee at defiance among themselves, and in distruft one of
an other? And who can doubt but that a Tyrant still languishing in such torment, is of
all men most miserable, and more afflicted and tormenteed, than if he should die a thou-
sand deaths? Death (as saith Theophrastus) is the end of all miseries; and the repose of
the unfortunate, as saith Cæsar: neither the one nor the other being in that point in-
sufficientis, as not periuated of the immortalitie of the soule, or that it longer liued
than the bodie, or that there remained any farther paines for the wicked after this life:
so that to with a Tyrant slaine as a punishment for his delects, is but to with his good
and reft.

But most Tyrants have ordinarie neare vnto their owne persons certaine Mynnis-
ions, of whom they make great account and reckoning: whom they vie as spanges to
fuck vp their subiects blood, vpon whom when occasion serueth, they discharge them-
selves: to the end that the people enterring into furie, should deie vpon them, and spare
themselves: So had Tiberius, Sejan; Nero, Tugillus; Dionys the younger, Phylife;
and olflate Henry king of Sweden, George Prefchon, whom we read to have beeene gi-
gen as a prey vnto the furious people, and by them to have beeene rent and torne in
peeces. So the Emperor Antonius Caracalla to pleafe the people, put to death all
the flatteters who had before induced him to kill his brother. Neither did Caligula
in better fort inure his claw-backs. And by these fleights haue Tyrants oftentimes wel
escaped the rage and furie of the people. But if the conspirators began their furie at
the petson of the Tyrant himselfe, then were not onely his friends and favoitres, but
euen his wives, childen, and neerest kinsmen, most cruellly slaine. Which they did
not onely all Greece over, but in Sicilie also: as after the death of Hiero the Tyrant,
enfued the slaughter of all his friends and kinsfolk, the rage of the people with unspea-
kable cruulie butting out, euens to the dismembering of his sisters and colens: his sta-
tues were cast downe, all his edicts revoked, not onely those which were vniust and un-
reasonable, but euens those also which were right commendable and necessarie; to the
intend that no memoriall of Tyrants might remaine: yet true it is, that oftentimes their
good decrees were still kept. And that is it for which Cicero said, That there was no
thing
thing more common, than to approve the acts of a Tyrant, and yet to place in heaven them that had slaine them. And yet he in another faith it be a doubt, not yet resolved upon, viz. whether a good man ought to come unto the counsell of a Tyrant consulting even of good and profitable matters? And yet this question dependeth of the other: for if a man make confience to be absituant vnto a Tyrant, consulting of good things, for feafe lest in so doing he should seeme to approve his tyrannie: wherefore should he then approve the good laves and decrees by him made? for that is also no lesse to ratifie his tyrannie, and to give example to others, as well as to give counsell vnto a Tyrant, in good and commendable things. Except one should say, that tyrannie which yet is in the force and strength of it selfe, is shored and countenance by the counsell of good and honest men, under the court of some one or other good and commendable act, which would otherwize of it selfe fall, by the onely euill opinion conceived of tyrannie; whereas he which is alreadie dead, cannot be againe reunited to ratifie his other euill acts. Yeit oftentimes falleth out, that not only the good & profitable acts of Tyrants, but euen their euill and vniuelt acts and orders are of necesseitie to be retained alio, if we will haue the Commonwealth in safetie to stand. Wherefore Thrasybulus after he had put to flight the thirte Tyrants of Athens: and Aratus having slaine Nicholas the Tyrant of Sicyone: and to the imitation of them Cicero after the death of Caesar the dictator, persuaded the publication of the lawes of forgetfulness, to extinguih the defire of revenge: yet for the most part ratifying the acts of those Tyrants, which they could not vterly difanull, without the ruine of the whole Commonwealth. As for that we read the acts of Nero and Demetrius, to have bee reuoked, and difanulled by the Senat, that concerneth certaine perpetuall edicts of theirs, which for that they had a perpetuall inneconuenience annexed vnto them, would if they had not bene abrogated, haue in time vterly ruinated all that was now against set in order: as for their good & commendable lawes, they were not at all altered. For what time was more glorious than Nero his fift five yeares raigne? what more fit or better for the well ordering of a Commonwealth? Infomuch that Traian himſelfe a most excellent prince, deemed no man to haue bene like vnto Nero, for the well governing of a Commonwealth. Vnto this the opinion of the lawyers agree, who hold theuccelſours of Tyrants to be bound vnto all such things as the Tyrants their predecessours haue vterly promisde or done, but not vnto the reft. So the emperour Constantine the Great, by a law abrogated such things, as Licinius the Tyrant had before vniueltly decreed, but confirmed the reft. The like we read to haue bene done by Theodosius the younger, and Arcadius the emperours, after the death of the Tyrant Maximus, by this law, Que Tyrannus contra me refcriptum non colvere praedemerus: legi timiis eius extirate non impugnanda, What the Tyrant hath against right decreed, we command to be of none effect; not impugning his lawfull decrees. And albeit that these two yong emperours, to be reuenged of the Tyrant Maximus, had by a generall edict renouked all the prodigal gifts and preferments, which he lawfully had bellowed vpon wicked men, and of no defect in the Commonwealth: and also difanulled his judgments and decrees: yet would they not repeale any thing that had bene by him decreed or granted, without fraud and deceit, and the hurt of the Commonwealth. Those last wordes without fraud and deceit, which we read in Theodosius, his law, are added against Tyrants Agents, & Brokers, who are especiallly to be laid hold vpon, to the end that others take not example by them, to build their houses, or enrich themselves by the ruine or hurt of others, during the time that tyrannie beareth sway; or that the Commonwealth is with ciuill wares diuided. As it happened in the state of Milani, rent in funder by the Venetians, the French, the Swiflers, and the Spaniards, euerie one of them taking.
unto them selves so much thereof, as they could by force and strength, as if it had bene.

by good right, and the forces the rest; where amongst others it begeth a famous lawyer, a faunctor of the Spaniards, by fraudulent means to obtain the goods of Trinutilius, a worthie captain of the French part: but the Spaniards afterwards driven out, and the French returned, it was right well beaten with his owne lawes and decisions, being by the captain Trinutilius againe thrust out of his vnuift posseion, and that by his owne doctrine. In which case yet the force of lawes and decrees ought not to be of so great force and power, as natural and upright equestie it selfe, which cannot be fully comprised in any lawes, but is to be left unto the religious arbitremt of men who know how to manmage the affaires of state, and wisely to balance the particular profit, with the counterpoise of the publique, according to the infinit variety of times, places, and persons; awaies remembering the profit of euery man in particular, and of all together in general, not to be one and the same: and that the publike is awaies to be preferred before the priuat, except the priuat be grounded upon the greatest equestie and reason. As if the Receivers in the heat of the cuill warres, or in theaigne of a Tyrant, or in such time as lawfull enemies make invaision, shall be enforced to pay the publike money: it is good reason it should be allowed them, as paid unto the Commonwealth. For so it was judged by decree of the parliament of Naples, for them that had paid vnto the receivers of Charles the eight, when as after the returne of the Spaniards, they would haue enforced the receivers to haue paid the money twice, natural reason (in this case) preferring the priuat profit before the publike. For the receivers could not otherwise doe, the Frenchmen then fully possessed of the kingdom of Naples. But if the Receivers or debtors of the Commonwealth, shall without any hummons or constraint, or for some colourable fuit, pay vnto the enemy, or a Tyrant, part of that which is due, to accept in stead of the whole, they shall yet still remaine not only debtors for the whole, but be in daunguer alfo of treason. Wherefore to conclude this question, It is not meet that the good decretees or laws of a flaine tyrant should be repeale or disannulled.

And in this, the princes much deceiue them selves, which ouerthrow and make void all the acts of Tyrants, their predeceffors; and namely they which giue reward to them that have slaine Tyrants, to make them away vnto the suetaigne. For they shall never assure them selves of their owne lives, if they fiercely punish not the conspirators against their owne prince and murthurers of him, although they were never so great a Tyrant. As most wisely did Severus the emperor, who put to death all them which had any part in the mutther of the emperor Pertinax: which was the caufe (as faith of the emperor Pertinax: which was the cause of insult, that there was no man which durft attempt his life. So also Vistellius the emperor put to death all the murthurers and conspirators against Galba, who had presented requests signed with their owne hands vnto the emperor Otho: to haue had of him reward for their disloalite. And Theophilus emperor of Constantiople caused them all to be called together, who had made his father emperor, after they had slaine Leo the Armenian, as if he would haue well recompensed them for so great a good turne: who being come together with many other, who though not partakers of the mutther, were yet delitious to be partakers of the reward: he caused them altogether to be slaine. And that more is, the emperor Domitian put to death Epaphroditus, Nero his manumised servant, and secretary to the state, for having holpen Nero to kill himselfe, who most instantly requested him to doe, being thereby delievered from the executioners hands, and cruel exemplication death. And these things wee read not only of Tyrants, but even good kings also to have done, not so much in regard of their owne feticie, as of the dignitie of them that were slaine. As David did vnto him who
who in hope of reward brought him his father in lawes head cut off, but slaine by his enemies. And Alexander the Great caused cruelly to bee put to death him that had murdered king Darius, abhorring the subiects which durst to lay hand upon his king: although Alexander himselfe by lawfull warre fought after his life and state, as beeing his lawfull enemie. And yet in mine opinion the thing that hath most preferred the kings of France and their persons immolated, is for that they have not vted crueltie to wards them which were neere vnto them in blood, albeit that they were attainted, convicted, yea and condemned as enemies to their prince, and guilty of treason. As John the second, duke of Alencon, although he was twice for the same cause condemned, as for that he had with the enemys confirpt against king Charles the seventh and the Commonweale, and the sentence of death pronounced against him by the Chancellour, yet for all that would not the king, that he should bee executed. Many have blamed this the kings too much clemencie, as daungerous: but they see not, that kings in so doing, do not so much deliuer their kinsmen from punishment, as themselves; neither so much to provide for other mens saftetie, as for their own; nor that in forbidding the blood of their kinsmen to be shed, they spare their own; nor that hee which put teth a prince of his owne blood into the executioners hands, or caufeth him to be murdered, forgeth a knife to cut his owne throat. For wee have scene the emperours of Constantinople both of antient and latter time, and many kings of Spaine and England, who fouling their hands in the blood of their princes, suffered themselves afterward in their persons that which they had done to others. For not to speake of those things which are reported to haue of late bene done in the houfe of Caltfyle: one king in that nation cruelly murdered fix of his brethren: and in lesse than thirtie six yeares fourecore princes of royall blood, were (as Philip Comynes in his Commentaries reported) in England either slaine or executed by the bloudie executioners hands. Now the greatest fatetie of a foneraigne prince, is to haue their subiects perfuaded, that they ought to be holy and inviolat; although it much concerneth the Commonweale also, the kings stocke to be most sacred, leave the princes of the blood being taken out of the way, the Commonweale fall also; or else troubled with endless sedition, bee rent in peeces, as we hall in due place declare. I know well that some have blamed Seleucus, for not haueing put to death Demetrius, sonned the Beifeiger, one of the most valiant princes that ever was; but haueing onely kept him in prison: And Hugh Capet, for haui ng kept in prison the cattell at Orleans, Charles the laft of the blood of king Charles. And Henrie the first, king of England, for haui ng kept in prison vntill his death, his elder brother Robert, hauing before caused his eyes to bee put out: As also Christien father to Frederike king of Denmarke, for haui ng kept his cosen the king of Denmarke thritt out of his kingdom, fute and twentie yeares prisoner, who as a priuats man there died in prison, in the cattell of Calenboum, being 77 years old: And John king of Sweden, who kepteth his elder brother Henrie (recessed by the people) prisoner ever since the yeare 1567, leaft he should trouble both him and the Commonweale. But they have bene, and yet are by this means more reuerenced and honoured of their subiects, than if they had put these their so honourable prisoners to death.

But here some men wil obiect, The keeping of such princes princes, to be a thing full of perilliand daunger: which I confesse, and was the onely reason that moved the pope to counsell Charles of France, to put to death Conradin his prisoner, the fonne of Manfroy king of Naples. As with like cruelty had Potomie, last king of Egypt caufed Pompey the Great, after his flight vnto him from the bataille of Pharsalia, to bee slaine; his counsellors laying vnto him, That dead men bit not. And yet neuerthelesse, neither...
Neither could this Ptolomee escape destruction: neither wanted there heirs now of the house of Aragon, who sealed not to drive out them of the house of Anjou, and to recover againe the kingdom: and albeit that he which put him to death, beeing himselfe afterward also condemned to die, escaped: yet if it was, that the infamie of so detestable a murder, without cause committed vpon the person of a young innocent prince, hath yet rested upon them which did the execution to their owne destruction. And truely our ancestors seeing John duke of Burgundie, rashly in the vniuersal time of judgement, confessing the murder of Lewes his kinman, duke of Orleans: and yet to have easily escaped the daunger, said, That surely from thence forward a man might have the blood of princes good cheape, and in so saying said well. For the same John comming afterward vnder safe conduct, was himselfe likewise suffered, and in cold blood slaine, they that were the authors of his death escaping vnpunished.

CHAP. VI.

Of an Aristoocratic.

An Aristoocracie is a forme of Commonweale, wherein the lesser part of the citizens with soueraigne power commanded over all the rest; and euerie citizen in particular, and in that it is contrarie vnto the estate Popular, for that in the Aristoocracyall state the lesser part of the citizens command, and in the Popular state the greater: and yet in that they both agree, that they which have the soueraignty, have power to command over euerie one in particular, but no other all in generall. Wherefore a Monarchie is in that better and more honourable than the other two; for that in the power of one extendeth it selfe over all in generall, and in particular also; a thing in mine opinion well worthy the noting. And like as a Monarchie is either Royall, Lordlike, or Tyrannicall: so also an Aristoocracy may be Lordly, lawfull, or factious; which in auncient time the called an Oligarchie; that is to say, a Seignorie of a very small number of Lords. As were the thirtie lords of Athens, ouerthrowne by Thrasybulus, whom they called the thirtie Tyrants. Or the ten commissioners, commonly called the Decemviri, appointed to reforme the lawes and customes of Rome: and long after the Triumviri, who by force oppressinge the libertie of the people, invaded the soueraignty. And that is it for which the auncients have alwaies taken this word Oligarchie, in the euill part, and Aristoocracy in the good: defining it to be A government of good men. But we haue before declared, that in matters of state (to wnderstand of what forme euerie Commonweale is) we must not haue regard whether the governours thereof bee virtuous, or other wise; but to the government thereof. It is also a difficult matter, and almost impossible, to establishe an Aristoocracy composed onely of good men: for that cannot bee done by lot, neither by election, the two vitall means whereunto we may ioyn the third, by lot and election together, as impossible as the other; vntil with fortune haung no agreement. Neither is lot and fortune to be admitted vnto the consultations of honest causes: and if the same should be committed vnto the choyce of the promiscuous and vulgar people, they would not make choyce of men altogether unlike themselues; that is of fools, of wicked and most impudent men,good and wise men (if there be any) euerie where being the least part of the people: and what more shamefull thing could there be, than the honour and reputation of wise men, to depend of the judgemen (should I say, or of the rathneffe) of the head strong people? Yet let vs grant some few good and wise men to bee in the citie, truely they will shun even the verie sight of the wicked,
A. wicked and of the bedlem multitude: neither if they come into their common assemblies, be so shamelesse and impudent, as to name and make their choice of themselves as of wife men. For so Laziantus Firmians meeetely lefteth at the seven Sages of Greece: If they were but wife (faith he) in their owne judgements, then were they not wife: but in the judgement of others, much leffe, who were not wife in judging no more wife but seuen, and all the rest foolees.

But some may say it should do well herein to imitate the auncient Romans, and other Latins, in the choice that they by solenn e oath made of the most valiant and warlike man of all other for their General: who so chosen, should make choice of a second for his Lieutenant most like himselfe; and he likewise of the third: and the third of the fourth: and so in order one valiant man of an other, untill the number of their Legions were filled. This truely might seeme a good way for the forming of a Commonweal of good and worthie men, at the first beginning thereof: But who should prefine the measure and number of those good men? and who should be furee vnto the Commonweal, that every one of those good men, should still make choice of an other good man like himselfe; rather then of his sonne, his brother, his kinsman, or his friend? and admit it were so done, sith euery where there are so few good men, who should defend them from the multitude, and violence of them that were left, as fools and wicked men? But admit that a Commonweal may at the first be made of such a select number of good men; how long shall we think it can so stand? And that is it for which there neither is, nor euer was any pure Aristocratic; wherein the most vertuous onely had the foueraightie. For albeit that the Pythagorians having drawne vnto their line the most noble and honoroble princes of Italie: in the time of king Servius Tullius had changed certeine Tyrants, into just Realigies, and were in hope also by little and little to have brought the Oligarchies, and Democraeties, into Aristocratices, as in some places they had alreadie done: yet notethelasse it so fell out, that the popular men, and ringleaders of the people, seeing all power and authority, under the colour of vertue, to be taken out of their hands, entered into great conspiracies, and arming the people against the Pythagorean, and the desperate rout, against the better sort: (as eafe it was for the stronger to oppresse the weaker) burnt them in their diet, and massacred almost all the rest that escaped from the danger of the fire: which shamefull murther of the Pythagorians raised great furres in Italie.

Wherefore whether they be of the better sort, or of the worse; of the richer sort, or of the poorer; or of the nobler, or of the bafer; or of the more warlike, or otherwise which hold the foueraightie, so that it be the better part of the citizens or people, we call it by the name of an Aristocratic. This better part of citizens or people we need not to define by any certain number: for that the varietie of numbers is infinite, and can by no man be comprehended. As admit there be ten thousand citizens, of whom an hundred haue the foueraightie: if in their common assemblie three score of them shall be of one opinion for the making of a law; that law shall in generall bind the other fortie which haue part also in the foueraightie, but are the fewer in number, together with the other nine thousand nine hundred excluded from the government, and the fame three score being of one mind together, shall rule the whole ten thousand in particular: Neither yet for all that is the foueraigne right drawne vnto thofe three score; But as in every lawfull Colledge and Corporation, the greater part is every where the better: so it followeth that three score being of one accord, shall ouer rule the other fortie both altogether and a part: except by law concerning foueraightie it be prouided, that two thirds of the citizens agreeing among themselves, should preuaile against the rest; as we see it set downe in almost all the lawes and statutes of Colledges: by which

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means
meanes threescore foure citizens, shal in the aforesaid number of an hundred, be supe-rioar vnto the other thritie six. Wherefore in an Aristocratic we are not to have re-gard how little, or how great the number of the citizens is; provided that they which haue the foueraigntie ouer the rest, be fewer in number than the one halfe of the whole. For admet there be an hundred thousand citzens in a Commonweale, of whom ten thousand haue the foueraigntie ouer the rest, it shal as well be called an Aristocratic; as if of ten thousand citizens, one thousand onely should hold the estate: considering that both in the one and other Commonweal, the tenth part hath the foueraigntie: so we may say where the hundred, or the thousand part of the citizens bear the lawes,and the fewer that they be, the more auffered and durable is the state; so that they be not at variance amongst themselves. As the estate of the Pharsilians was the most durable of Greece; and yet it had but twentie Gouernours. And the Lacedemonian Common-weal,which carried away the prize of honour from all the others of the East: albeit that it was most populous, yet for all that it had in it but thirtie Gouernours, chofen out of the better sort, to continue in the government so long as they lived. The Epidaurians faith Plutarcke had but an hundred and fouere score of the noblest and wealtihest of the citizens which had part in the foueraigntie: out of which number they chose the coun-tellours of the state. The auntient Commonweale of Marseille in Prouence (which in the judgement of Cicerone was the best ordered Commonweal that ever was in the world,) had in it six hundred citizens which held the foueraigntie: out of which number of six hundred were taken the Senators, and fiftenee magillrats, and of these fiftenee magillrats were three Presidents fet ouer them in maner of the Roman Praetors. The like we may deeme of the Rhodians and Theban Common-weales, after that their popular estates were chaunged into Aristocrates, the richer sort posessing them-selves of the foueraigntie: than which nothing can bee more commodious for the Commonweal, especially if good citizens cannot be had. For which caufe Titus Flaminius the Consul setth the towns and cities of the Thebians in forme of an Aristocratic, making Senators and Judges of the richer sort, and giuing to them the foueraigne power, whom it concerned most, that their Commonweal should continue in rest and peace. Which order Andrew Doris seems to have followed in reforming the Commonweal of Genua, by him drawnne from the obeyance of the French, in the yeare 1528, at which time he by the consent of the citizens there established an Aristocratic of eight and twentie families, chofen as well out of the base commonallie, as out of the nobilitie, so that they had fix houses within Genua, all whom by a lawe he made noble, & partakers of the foueraigntie of the state;leauing vnto their discretion, every yere to chuse vnto them ten other citizens, such as they should thinke fittest for their vertue, for their nobilitie or riches. Out of these eight and twentie families, he established a Counsell of fouere hundred men, every yere to be chosene for the governement of the state; who also made choice of the Duke, and eight Gouernours for two yeares to continue, whom together they call the Seignorie; for that vnto them it belongeth to manage the weightier affaires of the Common wealth: except some such great matter happen, as may require the aduise of the Senate, which consisting of an hundred persons, is usuallie every yeare chosene by the nobilitie, by secret voices, by lot giuen, as they do in Venice. And euery one of these eight Gouernours after his office expired, continueth for two yeares Procurour of the Common wealth: and from that time forward, is mayneth one of the privie counsell, together with them which are and have bene Dukes, who are Procurours of the Common wealth so long as they live. Besides that there are fortie Captaines every yeare chosene, and an hundred men deputed to euery one of those capaines, which is a legion of foure
four thousand men, appointed for the strength and defence of the city: One of which legion there is one Colonel, or chief Captaine, whom they call the General; who are all chosen by the voices of the nobilitie: As for their jurisdiction or administration of justice, they vie strangers, viz., a Prætor, who is always a stranger; with two Lieutenants his assistants, the one for the receit, the other for criminal causes: And five other Civilians, judges for all private causes for two yeares, all strangers also; whom, they call the Rotas. Yet besides, there are twenty extraordinary Judges chosen out of the Citizens, for the extraordinary deciding of causes. Besides whom were also five Syndiques to receive informations against the Duke, and the eight Gouvernours, after that their charge was expired, causing proclamation to be openly made, That if any man had any complaint against them, for any wrong or injurie received from them, he should come in and be heard: at which time if none complained, they had letters testimoniall given them, in wittes of their upright dealing in their office. The same yeaee that Doria established an Aristocracie at Genua, they of Geneua also changed their Pontificall monarckie into a Popular state, governed in manner of an Aristocracie. And albeit that the Towne long time before pretended it felt not to bee subject unto the laws either of the Duke of Saunoy or of the Pope, but to be free from them both; yet the citizens thought it not best for them to attempt anything, untill that discord about the Soueraignty was rifen not only betwixt the Duke & the bishop, but even betwixt the bishop and the people also: at which time they tooke hold upon the occasion then presented unto their desires for the changing both of their Religion & state. Wherefore their Commonweale now set at libertie, they established a Counsell of two hundred citizens, with soueraigne and perpetuall power: but that the people still refused unto them selves the confirmation of laws, the election of their Syndiques and other the great magistrates, and the treaties of peace and warre; all which belong unto the right of Soueraignty, as we haue before declared. Now out of this great Counsell of two hundred, they made choice of a perpetuall Senat of three score persons: and out of that Senat, they take five and twenty to be of the primie Counsell for ever, chosen all by the great Counsell, and the foute Syndiques chosen every yeare for soueraigne Magistrates, beside the other Judges and magistrates ordinarie. But the difference betwixt this Commonweale and that of Genua is notable, but especially in this, that the Genowasses vse every yeare to change their great Counsell of fower hundred, and Senat of three score, with other their Magistrates, except some few which continue for two yeares. Whereas the great Counsell of Geneua, the Senat, and primie counsell are once chosen for ever; yet so, as that the continuance of every one of them every year is still referred unto the Citizens: which is most straitly looked unto; whereby it commeth to passe, that the Commonweale of Geneua is more firme, and leffe subject unto alteration or feditious innovation than that is of Geneua. Moreover the choice of the great Counsell, the Senat, and of the primie Counsell at Genua is not made all at once, as at Genes and Venice: but a roome being become void by the death or attainder of a counsellour of the primie Counsell of five and twenty, they proceed to the choice of another out of the great counsell, to put in his place into the primie Counsell: and after that of a citizen, or at least wife of a Burgeois, to put into the great counsell, a man not any way spotted or defamed: not hauing any regard in the choice of them, vnto their wealth, or nobilitie, but in what they may vnto their vertue and integritie only: a thing (as we read) vfed amongst the Lacedemonians, who after the death of their Senators, made choice of others in respect of their honour and vertue only.

The Swifters except the Grifons, and the other five little cants, haue almost the same forme of a Commonweale; as we see at Zurich the great Counsell of two hun-

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dred, the Senat, and the prime Council, established after the manner of Geneva: or to say better, that of Geneva after the forme of Zurich; which is almost like unto that of Berne. Which notwithstanding differ in this, that with these the great Council & the Senat change euerie yeare; which they do not at Geneva: for with these the fraternities, which they call Zunft, euerie one of them composed of one, two or three occupations: which are eleven at Schaffoufe, twelve at Zurich, fifteen at Basel; and in other places more or lesse, chuse twelve persones of euerie fratrietie, for the great Council; and for the Senat they chuse two, as at Zurich; or three, as at Basel; of whom this one is the chiefe of the fraternity. So that the great Council at Zurich, consists of two hundred, of 244 at Basel, of 86 at Schaffoufe. And of Senators at Zurich the number is five; at Schaffoufe twenty sixe; and at Basel sixtie three. But they which are choosen by the voyces of the fraternities are confirmed also by the great Council, & by the Senators or magistrats, or by the old Senat, as at Basel. For the one halfe of the Senat is that which was before, which had the charge alreadie fixe monethes. And the other yeare of the Senat, is of those which are but newly chosene, to the intent that the Senat should not be wholly changed all at once. True it is, that the auctent Senat of Basel, chosie alwaies the Senat for the yeare following; and the Burgomasters who had for their companions three Tribunes at Zurich, and two at Basel, who with the Burgomasters being four, haue nine other persones, as asiftants joyned unto them; & so together make the colledge of the thirteene men (as they call it) vnto whom all the manning of the secret affaires of the Commonwealth are committed, and without whose authoritie nothing vially is propounded vnto the Senat or great Council to resolute of. There are also at Zurich eight men, which haue charge of the common receit, ouer whom one Bourgomaister is gouernour. And at Zurich and Schaffoufe the new Senators determine all cause criminal: whereas in all the other townes the Pro-ouer of the empire, with three Senators in the name of the whole Senat decide the fame: which proouer is also chosene of Senat, & generally none may bee choosen into the Senat which is defamed or base borne. By all which it is manifest, that their estate is gouerned Ariftoctatically; and yet more at Berne, Lucerne, Freiburg, and Soleuvre, where the fraternities and companies haue no voyces in the state, neither power or authoritie to meet together, more then for matters concerning their occupacions and trades: but euerie yeare foure captaines or chiefe men of euerie citie, chosene out sixtie other citizens, men of greatest integritie, and without all imputation: who three daies before Easter make choice of the great Council, consisting of an hundred of the better part of the citizens at Lucerne, and of more than two hundred at Berne; which great Council afterwards chuseth the Auoyer, which they call Schuldheffer, and the other magistrats. And particularly the Auoyer, with the aforesaid sixtieene, and the foure captains chosse the Senat, which is of xxvj at Berne, and xvii at Lucerne: who haue the power of the state at Berne for a yeare. The foure captains are also annuall cho- sen by the great Council; by which captains and the treasurer, all the judges are ele- cted and confirmed by the Senat: which Senat hath also the deciding of the first appea- lles. The second appeales are decided by the same Senat of xxvj, and xxviij others whom the Senat shall make choice of. But the last appeale of all is vnto the great Counsell, the chiefe whereof is the Auoyer: where if question be of the life, fame, or fortune of any the citizens: it is by the decree there made decided, without further appeale. The same order almost is vfile in the state of Freiburg, in making choyse of the great Counsell, consisting of two hundred of the better part of the citizens: by whom afterward is chosen the Senat of twenty foure persones, and the Auoyer with the foure captains.

Whereby
Whereby it is well to be understood, those estates of the Swiflers to be Aristocraticque, yet popularly tempered: for that the way is open for all the citizens of what degree soever, unto all the officers and places of command, benefit, and charge in the Commonweale, if they be not men inflamed, distracted of their wits, or otherwise utterly ignorant of government. That is also belonging unto popularitie, that almost all their magistrates are annual; which temperate their estates with better laws and orders than the rest. For commonly the Aristocratical estate admitted none but the Senators, the nobilitie, or richer fort, unto the honour and offices of the state, the rest being quite excluded. Howbeit there have bene moe Aristocratices, consisting of the more antient and noble families, than of the richer or more vettuous. As the Commonweales of the Samians, the Cordyrians, the Rhodians, and Cnidians, and almost all the Commonweales of Greece, after the victorie of Lyfander, were by him changed into Aristocratices of the most antient families, in chusing out ten or twenty, or at the most thirtie, unto whom hee committed the soueraignty for the government of their estates. We see also the state of Venice, to be as we haue before shewed meere Aristocraticke: And them also of Rhaguse, of Luca, of Ausbourg, of Nuremberg, to be composed in forme of Aristocratices, of the most antient families, although they be but few in number. For as for the Rhagusians (in antient time called Epidaurians) having new built the citie of Rhaguse, meere unto the antient citie of Epidaurus, ytterly rased by the furious of the Gothes, and exempting themselves from the government of the Alhanois, establised among themselves an Aristocraticke forme of a Commonwealth, governed by the most noble and antient families; following therein almost the example of the Venetians: yet still much more respectful and careful of their nobilitie, than are the Venetians. For a Venetian gentleman may marry a base woman, or a common citizens daughter: whereas the Rhagusian gentleman may not marry a common citizen, neither a stranger, how noble soever, if he be not a gentlewoman of Zara, or Catharo, and bee farther worth at the least a thousand ducats. There are also but twenty four houses, which have part in the state: out of whom are drawne ducers families, out of which the great Council of about three hundred gentlemen is drawne; provided alwayes that they bee twenty years old, when they are so chosen. These make choyce of three score gentle: Senators, for the managing of the affaires of the state, and in cases of appeale, so that they be above the value of three hundred ducats: who have also the hearing of criminall causes of importance, as if question be of the life, honouer, or state of any gentleman. Beside this Senat there is a priutie councell of twelve persons, with a yearly prince or governour of the citie; and fiew matters of requests (whome they call Provisors) men appointed to receive the requests of the people presented unto them in what court souer. There are also six Consuls to decide civil causes, and fiew other judges for criminal matters, and thirtie others for the deciding of such suits and controversies as exceed not the summe of three hundred ducats. Many other meaunt officers they have alfo, of whom we will in due place speake. Truely this Commonweale of Rhaguse hath of all others that we haue heard, the purest Aristocraticke, and fairest from all.
popular mixture. The city of Luca also governed after the same fashion, admitteth only the ancient families to be partakers of the fouraigntie of their government, who are but few, albeit that about the year 1555 there were numbered two and fifty thousand citizens besides women. Out of the nobilitie are created an hundred and twenty yeatey Senators: of whom are chosen the ten Councillors of the priuie Councell, with the prince whom they call the Gonfalonier. And in these consifteth the fouraigntie state of this Commonweale. Other officers there be also, as Consors, Pretors, and Receivers, of whom we will in due place speake. Suffiseth it now for the present to have shewed duiers Aristocratciall estates, in respect of fouraigntie, to the end by duiers examples both of the ancient and new Commonweales, we may the better understand the true nature of an Aristocratic.

And forasmuch as duiers men believe, and some of them of greatest knowledge of the Germans have by writing also published, the German empire to be a true Monarchie: we will also speake of that estate, whereof although we haue in briefe somewhat spoken before, yet here we will more at large theore of discurse, and show the same to be an Aristocraticall estate. True it is, that from the time of Charlemagne unto the raigne of Henrie the first, the Falconer, it was a pure Monarchie by right of succession, continued in the toyall blood of the said Charlemagne. But the deffcnt of Charlemaigne, taking end in this Henrie the Falconer, the Monarchie by the voyces of the princes being translated from this Henrie, hath of long time continued by the right of election: infomuch that the seuen princes Electours, haung by little and little withdrawne the fouraigntie, haue left nothing unto the emperour, but the bate marks thereof in show, the fouraigntie itselfe in effect remaining unto the state of the seuen electors, of three hundred German princes or thereabouts, and the ambafladours deputed for the imperial cities. Which when it first happened, I see no man to haue yet written: For that such things as by little and little and little crepe into a Commonweale, are scarcely at all perceived, neither well felt, untill the change be quite made. Now we haue before shewed that it is an Aristocratike state, wherefore the lesser part of the citizens or people command over the rest together, and one enemie one in particular.

And so it is, that the estates of the empire, composed of three or foure hundred men (as I have said) have the fouraigntie power principally over the emperour himselfe, and over all the other princes, and townes of the empire in particular: as also to give laws to all the subiects of the empire, to determine of peace and warre, to lay taxes and impotitions upon the people, to appoint judges both ordinarie and extraordinarie, to judge of the goods, honour, and liues of the emperour, the princes and imperiall townes: which all are the true marks of fouraigntie. Which if it be so, as most certaine it is, who can deny that the state of the German empire is a true Aristocratic? And that to bee true which I haue saide, is most evident; sith it is so, that the power of fouraigntie command dependeth of the acts and decrees of the estates. But the decrees are made by the seuen princes electors, accounted for one third part of the voyces: and by the other princes of the empire, in number not above three hundred, who have also another third part of the voyces: and by the deputys of the free cities or imperiall townes, in number somewhat, or thereabouts, which have the other third part of the deliberative voyces: by whom all the laws and decrees of the empire, or whatsoever els is propounded, have yfed to be made, established, disestablished, or confirmed. And hath nothing particular in respect of the state, different from other Aristocrates, but that the seuen princes electors haue (as we saide) one third part of the voyces; the princes another, and the imperiall townes the rest: in such sort, as that if the seuen electors and the deputys, or the deputys and the princes, or the electors and the other princes,
be of accord and agree in one, the decree whatsoever passeth. And for that the ecclesiastical princes are the greater number, they oftentimes carry away the matter against the lay princes: which was the cause that the same lay princes, who had before renounced the Romish religion, took in euill part the diet which Charles the first held at Ratisbon; neither being either firm for; would come. And like as the gentlemen of Venice, Luca, and Rhagule, until they be twenty yeares old enter not into the great council, neither have any part in the soueraignty: even so likewise the children or neere kindmen of the German princes, be they young, or be they old, have no voyces in the diet, if they be not qualified princes of the empire: which are a certaine number of Dukes, Marqueses, Countes, Landgraves, Burgraves, Margraues, Barons, Archbishops, Bishops, and Abbeys. And albeit that the duke of Loraine be a prince of the empire, and hath a voyce with the rest of the princes, yet so it is, that his vnde the countie Vaudemont, of the same flocke and houfe with him, as other like princes of the same ranke and order, have neither voyces nor places in the assembly of the states and princes of the empire, but are reckoned amongst the children of those princes. Howbeit yet many are of opinion, the princes and imperial cities to have their soueraigne states apart, neither to be bound vnto any other mens commandments or lawes, otherwise than as friends and confederats; in such sort and manner, as the Swifferes have their cities and jurisdicctions among themselves, one divided from another. But the difference is to him that looketh neeter thereinto, right great, euerie Canton being soueraigne in it self, and not subiect vnto the lawes and commandments of others; neither otherwise bound among themselves than in alliance offennise or defensive, as we haue in due place declared: whereas the German empire is united by the states generall in soueraigne, who not only have powre to bridle the princes and cities, with fines, exile, profcription, and other euere punishments, but alfo to depose and thrust out of the empire euery soueraigne themselues, as they did the emperours Adolphus and Venelius, with many others. Befide that, the states make ordinacie decrees and lawes, which bind all the souberets of the empire, as well in generall, as in particular. And that more is, the ten circles or circuits of the empire, hold their particular states, and yet bring their requets, complaints, and grievances, vnto the states generall, to receive their commandments and resolutions, as lawes. Moreover the princes electours, the day after the coronation of the emperour, protest themselues to hold their states of the empire, and not of the emperour, albeit that they doe their homage betwixt the emperours hands. In briefe, all jurisdiction and soueraigne of all appeals in euill causes, above twenty crownes by the ammove lawes, and fourtie by the new, appertaine vnto the imperial chamber, as to all the appeals of the souberets of the empire: which chamber is compos'd of twenty foure judges, and one prince of the empire, chosen euerie yeare, according to the order of the ten provinces or circuits. And it to be that any controversie arrie betwixt any of the princes, or the imperial cities themselfes; whether it bee for their bounds, their liues, their honour or states, the deciding thereof of belongeth vnto the judges of the imperial court: except it please the whole states of the empire to take vnto themselves the hearing and determining of the matter, in such their general assemblies as we haue before spoken of. As in the yeare 1555, it is fet downe in a decree of the empire, That if from that time forward any province, prince, towne, or souberet of the empire should beare armes against the German nation, hee should bee judged by the states of the empire; who to that end were appointed to hold a diet at Wormes. And in the fame diet helden at Ausburg, it was forbidden all the princes of the empire, to raise any armie, or to take vp armes in the aid of any strange prince, and that vppon a great penaltie. And that more is, it is expressely and most straitly forbidden by the laws * of
of the empire, any prince, town, or corporation, to be so hardie, as to prohibit, or let
the appeales of the subiects vnto the imperiall chamber, and that vpon great paine also.
And in fine, the emperour himselfe, as head of the assemble of the states, more straitly
bindeth them as it were into one bodie and Commonweale, than if they were but of
themselves onely: and yet in him refeth not the majestie of the empire, but in the
whole assemble of the states. For other which hold the soueraigne power in Com-
monweales, doe themselves creat princes, dukes, and earles, whereas the emperour is
himselfe by the other duke and princes of the empire created. How therefore can hee
being the selfe same man be both the soueraigne and subiect of the empire, lord, and
vassall, maister, and yet constrained to be obedient vnto the estates? And not vnto the
estates onely, but euene vnto the deputies and lieutenants of the empire? Which vnto
some may seeme right strange, and yet is indeed most true. I truely my selfe have read
the letters of a great lord, pensionarie vnto the king, directed vnto Memnonianie the
Conneftable, bearing date the twelth of May, in the yeare 1552: whereby hee aduerti-
seth, that Henrie the second (then the French king) had infe cause to complains vnto the
duke of Saxonie, and the countie Palatine, lieutenant for the empire, to have his justice
against the emperour Charles the fift, and his brother Ferdinand king of the Romans,
according to the golden bull, and decrees of the states: for that they contrary vnto the
lawes of the empire and customes of their ancesftors, having intercepted the kings
letters directed vnto the estates of the empire, had not sufferd the fame to bee vnto
them delivered, but also forbidden the archbishop of Metz, chauncelour of the empire
to receiue or presente the fame vnto the states, as his office was. And by the assemble
of the imperiall diet holden at Heidelberg, in the yeare 1553, it was decreed, that none of
the emperours court should manmage any the affaires of the empire; as I have scene
by letters from the French ambadour. And as for monies extraordinariy rayed by the
decree of the estates, for the affaires of the empire, they are not brought into the
emperours coffers, but are laid safely vp in flore in certayne cities therefor appointed:
Stautbourg, Lubec, and Ausbourg: Neither is it lawfull for the emperour to take
so much as one peny out of the common trauersed, without the confer of the state. Al
which most plainly show them to be in an errour, and much deceived, which call the
German emperour a Monarch; for which deeeme that Aristocratall estaffe to bee a
right Monarchie. Whereas all to the contrary the emperour Maximilian the first,
great grandfather to him which nowaigneth (altebeit hee was ambitious enough)
yet in a discourse which hee had with the states of the empire concerning such mat-
ter, told them, That hee thought it not needfull to take the imperiall crowne at the
hands of the Bishop of Rome, neither to stand vpon such ceremonies, seeing that the
soueraigne power, as they knew, rested in the states themselves. Neither is it lawfull
for the emperour of himselfe, or at his pleasure to call together a diet of the empire,
without some especiall and extraordinarie vigent caufe, neither to dissole the same:
but at the breaking vp of euerie diet, order is there taken for the diet to bee helden the
yeare next following. So that it is not lawfull for the emperour to rall an assemble of
the states, which it was lawfull for the Roman magiftrats to do, as also for other magi-
frats in euerie popular and Aristocratall Commonweale, so that it were done by
commanding of euerie one, as in particular, but not of al together, as in common: Af-
fter the auncient manner of the Romans, whereby the Consul might by his edict call
together all the Senattors, one by one into the Senat, vpon paine of proceeding against
them, by seifiing vp their bodies or goods, by way of imprisonment, taking of pledges
or raving of their houses. And yet for all that the German princes are not bound to
come vnto the diet of the empire, if they be by none commandted, but by the empe-

A tour, as they gave Charles the fit the emperor well to understand, in the yeare 1554: and also Maximilian the second, restituting in the yeare 1566, to have any diet then according to his request holden. And if it fortune the emperor, or king of the Romans, to come vnto the frontiers of their territories, the princes eruerie one of them in their degree goe to meet them, but yet in such sort, as if it were but to meet a strange prince.

Now if one should say that the Emperor beateth himselfe as a Judge, and deter- miner of all quarrels and controwerties betwixt the Princes, or the imperiall Townes; True it is at the first motion, and when the parties are content to accept thereof, and that also but as Lieutenant for the Empire: as in like case the Duke of Saxonie, and the County Palatine might also judge as the Imperiall Lieutenants: and yet for all this, appeal made vnto the Estates of the Empire suspendeth the power of the Emperor, aswell as of the imperiall Lieutenants. Yet might some say, that the Princes of the Empire by their letters, and in the assemblies of the States, maye such magnificall titles towards the Emperor, your sacred Majestie, and suchlike, which cannot be applied but vnto him which is himselfe a Soueraigne: such as flauces would scarce vse towards the greatest kings on earth: titles for fashionsake, foolishly or wickedly (should I say) given by flatterers vnto men, which are onely fitting the most mightie and immortall God. And yet do in deed no more increase the power of the Germaine Emperor, then of the King of the Romans: whom by such prodigall pompe and words, a man might also think to have the power of soueraigne Majestie; so that in that Empire there should be two Soueraignes: and yet for all that one of them subjicet vnto the other. For so George Helfiusftein Baron of Gondelphingen, pronouncing the speech of Ferdinand king of the Romans in the generall assemblie of the States of the Empire in the yeare 1556, calleth him their Soueraigne Lord.

But the greatest argument of Soueraignetie is, that the Emperor gueth the fees of the Empire being void, vnto whom he pleaseth, and inueseth in them whom he feeth good: and that without the consent of the States. Whereunto I againe answere, that the expresse consent of the Estates is not necessarie, and yet is it not altogether done without their good liking, who neuerthelssse permit the same; when as they might as well cut off this point, as they have done the other marks of Soueraignetie. And howbeit that the embassador Marillac was of opinion, that the Emperor had not this power: and therefore advertised king Henry, how that the Emperor Charles the fit had at Bruxes in the yeare 1551, inuesed Philip of Spayne in the Duchie of Millan without the consent of the States of the Empire: yet can he not find so much as any one inuesiture of any Imperialle fee, in the conferring whereof the expresse consent of the Estates was had. But certain it is, that the Emperor bestowed not these fees or inuesitures, but as in qualitie of the Lieutenant of the empire: in such sort as he recei- neth the fealtic and hommage of the princes, for, and in the name of the empire. As in like case Ferdinand the emperor without the consent of the estates of the empire, recei- veid Granuellan sent vnto him with speciall charge and deputation from Philip king of Spayne in the yeare 1565, to do for him the fealtic and hommage due vnto the Empire, for the Duchie of Millan, and the perpetual Lieutenancie of the principality of Sienna: granting vnto him as a vassall of the Empire charters of his fealtie done: and for the confirmation of his possession therein. The same is to be thought concerning the confirmations of benefices, and other royall rights, which given by the princes or cities of the empire, or by the Chapters and Colleges of prietells themelves, are yet neuerthelssse to be confirmed by the Imperiall authority: according to the agreement made betwixt the Bishop of Rome, and the estates of the Empire. As for letters of conduct.
The maistrie of the Germaine emperour by this French author still enpainted

safe conduct which he giueth vnto embassadors, heralts at armes, and other strangers, whereunto the ordinarie clause is adioyned in these words, \textit{Forasmuch as wee for our Imperiall power may do all things: they shoue right well that the Emperour was in ancient time a soueraigne Monarchie; which he now is not: For why then should the Electors and other princes of the Empire refuse to grant vnto the emperour, the diet which he requested of them in the yeare 1565? or why then should both hee and his officers be by them forbidden so much as to touch the monies by them raisd for the maintenance of the warrs. And to cut it short, we need not but to look into the articles of the oath made by the Emperors (by vs before declared) to know yet more evidently, that the Soueraignitie of the Empire is not any wise in the emperour, albeit that he carrie the crowne, the scepter, and weare the other moste precious and imperial habits, and in all solemnities and ceremonies hath the precedence before other the Christian kings, yea and that men attribute vnto him the title of \textit{Most sacred Majestie}, all in deed haung the shew of soueraigne and royall majestie, but yet not the thing it selfe. And yet to say the truthe, a man knoweth not how to do him so great honour, as the maistrie of the sacred empire, whereof he is the head,defteueth. But the manie of well gouerned Aristocratike states, is to grant vnto him the laste power to whom they giue the greatest honoure: and sometimes also leaste power vnto them that be of moost power: as of all others the Venetians in the ordering and gouernment of their Commonweal best know how to vfe that matter. Seeing therefore wee haue thus shewed the Empire to bee but an Aristocraticall estate, we may well conclude, That there is neither prince nor imperial citie which hath therein the soueraignitie, being nothing elle but members of the empire, every one of them gouerning their estate under the power, and without any thing derogating from the lawes and ordinances of the empire. Wherein many are deceived, which make so many Commonweals as there are princes and imperial townes; the contrarie wherof we haue before shewed. But as in this realm every citie and figniorie have their Judges, Confells, Sheriffs, and other their particular officers which gouerne their estate; so is it in the Imperial townes and cities: but that here are more royall judges; whereas in the empire there is none but the Imperial chamber ouely which receiueth the Appeals from the other judges and lieutenants of the empire. And yet notethelesse when it chanceth the empire to be divided into factions, and part takings; or that the princes bandie them felues one of them against an other (which hath bene too often seen) then every towne and prince for the most part beare them felues, as divers Aristocraticall estates, and particular Monarchies; making of euyry member a particular boodie of a soueraigne Commonweale.

Now as the state of the Empire it selfe is entirely Aristocratique, so also the great imperial townes and citie hold their estates in Aristocraticall forme: as Aulburg, Nuremberg, Wormes, and others, which are almost all Aristocrates; albeit that in truthe some of them are more popular than others, as is the cite of Strasbourg. But for breuitie sake I will for example onely set downe the state of the cite of Nuremberg, the greatest, most famous, and best ouer all the imperial cities, established in forme of an Aristocracy; wherein of an infinite number of citizens there are but xxvij. auintient families which have power ouer all the rest of the subjectes, which are within the jurisdiction of Nuremberg. Out of these xxvij. families, they euyry yeare first make choice of two Cenfors; men without any imputation; which done, all the rest of the magistrates are euyry one of them displaced: then the Cenfors according to their owne discretion make choice of xxvi. Senators: who out of themselues chufe xii. persons, for the managing of the secret affaires of that Commonweal: and out of the
The same Senat also make choice of other xiiij. Sherifffes also: beside the vij. Bourgma-
sters, which are an other particular counsell, whose authoritie and power is much like 
unto that of the Decemviri in Venice. And these Magistrats which we have spoke of, 
are they which manage all the greatest affaires of that Commonweath. I speak not 
of the fiue criminal judges: nor of the twelve appointed for the deciding of civil caus-
es; neither of the Prouditor for virtuos, the two treasurers: nor of the three maifte-
of the wards: almost of like authoritie with the procurators of Saint Marke at Venice, 
to the imitation of whom they of Nutemberg seeme in some forte to have bene def-
trous to fashion their Commonweale. And albeit that of the imperialt townsome 
of them be freer than other; as are those which be neither in subjection nor protection 
of other princes, namely Nutemberg, Strasbourgh, Lubec, Hambourg, Bremer, 
Wormes, and Spires. Yet so it is, that they all as subjectes have a teurent regard unto 
the maieftie of the German empire. True it is, that there are many which have exemp-
ted themselves from the power of their princes, to maintaine themselves in libertie: and 
now of late to hold of the empire, as the towne of Brunswich, which hath withdrowne 
it selfe from the obedience of the princes of Brunswich, Wormes and others, which 
have exemped themselves from the power of their antient lords. As in like case the 
Swissers and Grifons, now divided Commonweals, but sometimes subjectes of the em-
pire. And namely, the lords of the Canton of Fribourg, in the treaty of Combour-
geoisie,betwixt them and the lords of Berne, call the towne of Fribourg a member of 
the empire, albeit that they have their state therefrom divided unto themselves in full 
souveraigntie. Some others acknowledge and confess themselves to hold their libertie 
and privileges, for the governement of their estate from the emperour; as they of 
Vri, Vnderwald, and Schwitz, having their letters patents therefore from Leuces of 
Batavia the emperour, bearing date the yeare 1316. They also of Tietmarth for the con-
fidence they had reposeof in the strength and situation of their country, (placed in the 
frontiers of the kingdome of Denmarke) withdrew themselves from the German em-
prise, and established their Commonweale in forme of an Arilocratie, of eight and 
sortie of the better sort of them, who so long as they live have the soueraignie, and 
when one of them is dead, still choosing another in his place. True it is, that in the yeare 
1559, Adolph duke of Holff did what he could to have subdued them, pretending that 
Chriifterus his great grandfather had of the emperour Frederike the third obtained the 
souveraignie ouer them of Tietmarth, for having dismemberd themselves from the em-
prise; as I have seene by the letters of Maister Dani, ambassadour for the king into 
Denmarke.

Wherefore it is manifest not only the whole estate of the Germanie empire, but 
even the imperiall citie, themselves also to be governed in manner and forme of pure 
Arilocracies. But heere we must have regard in considering of the Arilocraticall estate 
that wee confound not the princes and chiefe magistrates of a Commonweale 
with kings: nor a counsell of the nobilitie with a Senate: wherein Historiographers 
often times erre and goe astray, and that specially when as in a Commonweale there 
are so few of the nobilitie or better sort to mannage the state, as that they are both Se-
natours and magistrates: which governement of few, the Greekes call an Oligarchie. So 
the Pharafalian estate was governed by twentye of the nobilitie: the Lacedemonians by 
thirtie; neither were there there in all the citie of the Greeks after the victorie of Lyu-
der. They of Thetmarth were governed by eight and sortie; and had no other Sena-
tators then the Seignorie it selfe: the Cnidiens by three-score (whose of their inte-
gritie of life they called Amymones) but these were but annuell magistrates: where- 
as the other were perpetuall. And all be it that the Cnidiens never gave any account
of that they had done in time of their government, yet were they not therefore soueraigne lords, but soueraigne magistrats; who their magistracie once expired, were again to restore vnto the nobilitie, the soueraigne gouernments by them committed to their charge. In like case they of Zurich chose every yeare thritte six magistrats, of whom twelve by countie governed foure moneths: which forme of gouernment continued vnto the yeare 1329, that the common people enraged and rising vp in mutiny caft them out, creating in their stead a Senat of two hundred of the nobilitie, with a Conful full chief amongst them: and all those estates had the counsell of their nobilitie and Senat all one. Yet doe they better and much more surely, which in an Aristocratic (how little foucer) be it devise the counsell of the nobilitie from the Senat: as amongst the Rhagufians, where although the number be but small of them that governe that Commonwealth, being it selue shut vp into a small roome: yet of them is made a Senat of three score men, out of whom are selected twelve to manage the seeret affaires of their state. Hércethfore also the Commonwealth of Chio established in forme of an Aristocratic by certaine Genua gentlesmen of the house Auvilian, having won it from the emperours of Constantinople: euyre yeare made choice of twelve counsellors of estates for the Senat: out of whome they chose souere, who with one soueraigne prince or magistrat governed all the affaires of state: the authentic of which fouere for all that, was but for six moneths, the soueraigne magistrat; yet fil holding his place for two yeeres: in which manner of government they honorably maintained their estate, vntill that of late yeares it was by the Grand Signior taken from the Genowayes, and so vnitrd vnto the Turkish empire.

And thus much concerning the definition of an Aristocratic. Now as concerning the profits and dangers incident vnto an Aristocraticque estate: & the manner of the goouernment thereof, we will in due place declare. It refleth now to anwer why that which Aristode faith concerning an Aristocratic, being altogethet contrarit vnto that which is by vs before set downe. There are ( faith hee) souere forts of Aristocratices: The first, where none but the richer for, and that to a certaine revenue, have part in the government of the Seignorie: The second, where the estates and offices are given by lot vnto them which hold most wealth: The third, where the children succeed their fathers, in the government of the Seignory: And the fourth, when they which take upon them the state, vs a lordlike power and command without lawe. And yet neuertheles in the same booke, and a little after, hee makest five forts of Commonwealths, viz. the Regall, the Popular, the goouernment of a few, the government of the nobilitie: and after these a fift kind, composed of the other fouere: which (as hee faith afterwards) is no where to be found. But such a medley of Commonwealthes wee haue before not onely probable but even by necessitate reasons also, proceed to bee impossible, and by nature altogethet incompatible: wherefore letting that passe, let vs now also shew how the divers forms of Aristocratices by Aristote let downe, to bee no way considerable. First hee no where defineth what an Aristocratic is: the verie caufe of his errour. For what can bee more vaine, than to say it to bee an Aristocratic where the richer or the better fort have onely part in the goouernment? For it may bee that of ten thousand citizens, six thousand of them having two hundred crownes of yeerly revenue, haue all part in the Seignorie; and yet neuerthelesse the state shall be a popular state, considering that the greater part of the citizens have the soueraignitie: for otherwises there shalbe no popular Commonwealth at all. The like might be said for the goouernment of the better fort also, who might chauce to be the greater number of the citizens, which should have part in the Seignorie: and yet according to the opinion of Aristote, it should also be an Aristocraticall estate, al
be it that the greater part of the people beare therein the sway. As for the government of good men, if we shall measure them according to the highest degree and perfection of virtue, we shall not change one such: but if after the common manner, and opinion of the people, so euerie man will call himselfe a good man. But to judge of an other mans integrity and vertue, as it is an hard matter for any man to do, so hath it also vsually in such cases seemed a thing most dangerous: Insomuch that the wife and grave Cato being chosen out for the purpose, durst not judge sentence whether Q. Luc. Catius was a good man or not. But admit that in euerie Commonweale the good are in number fewer than the bad; & yet haue the gouernment of the common state: why for the same reason hath not Aristotle made one fort of Aristocraty, wherein the nobilitie hold the souerainetie: seeing that they are ever fewer in number, then the base & vulgar fort: why also makest he not an other fort of Aristocracie, wherein the most antiquitie families although but of base degree bore rule? As it chanced in Florence after that the nobilitie were driven out. For it is right certain that there are many base families, who although they be not famous or much spoken of for any great thing by them, or their auncetstours done, are yet more auncient and honest then a number of boisterous gentlemen, who happily scarce knewe their owne fathers. He might also make an other fort of Aristocracie, wherein the talleft and greatest should haue the souerainetie as he himselfe (faith they do in Ethiopia: and so consequently also an Aristocratie of the fairest, of the strongest, of the valiantest, of the wiest, of the learned, of the others with such like qualities of the bodie, or of the minde: as wee see to bee incident but into the lesser fort: whereas should entitle an infinite multitude and variety of Aristocraticque Commonweales. But that seemeth also unto mee most strange that hee should lay the second fort of an Aristocratie, to be where the richer fort by lot haue the government and managing of the state, whereas alwaies, elsewhere, hee had faid, lot properly to appertaine vnto the popular state. Thus the Athenian Commonweale was of all other most popular, he with Xenophon agreeeth: and yet for all that the greauest honours, offices, and preferments were not therin given, but vnto the richest before the time of Pericles. And in Rome which was also a popular state, before the law Camileia the greatest honours, priesthood, and preferments, were not bestowed vpon any of the common vulgar fort of people; but vpon the most auncient gentlemen whom they called Patricii: a most certain argument that the Commonweale may bee in state popular, and yet governed Aristocratically: and that there is a notable difference betwixt the state of a Commonweale, and the government of the same, as we haue before faid. As for the fourth fort of Aristocracies, wherein (as Aristotle faith) some few which take vpon them the managing of the state, we a Lordlike power and command over all without law, in manner of a tirannical: we haue before showed the difference betwixt a Monarchie royall, Lordlike, and tirannical: the like difference whereof is also in the Aristocraticall government: wherein the Lords may gouerne their subjeccts as flaes, and dispose of their goods, as may the Lordly Monarke, without law and yet without tirannising also: not unlike the good maister of the familie, who is alwaies more carefull of his flaes, than of his hired Servantes: and so also loueth them better. For why it is not the law which maketh the iust and rightfull government, but the true administration of jusitic, and euallaw distribution thereof. And the fairest thing in the world that can be desir'd in matter of state, (in the judgement of Aristotle himselfe) is to have a wife and vertuous king, knowing how to gouerne his people without law: considering that the lawe oftentimes fretteth many but as a state to deceive and enslave men; and is also of it selfe dumb and inexorable: as the nobilitie of Rome complained at such time as the people would needs have lawes, and be gouerned by
them, after that the kings were driven out, who governed without law & gauge judgement according to the diererstie of the facts, or causes presented before them; which manner of Iustice the confulls and nobilitie, who in some measure held the Commonweale in an Ariftocratique state continued, until that the people desirous to bring it vnto a popularstie, requested to bee governed by the equalitie of lawes, and not to have their lines, fame, and fortune, to depend of the judgement of the nobilitie & choice magistrates only: which their request after that it had bin, with much a do yeres debated, against the Lordlike Ariftocraticall government of the nobilitie: they at length at the instance of their Tribune Tereutius Arfa caused it to passe in force of a law, that from that time forward the nobilitie, consulls, and magistrates, should themselves as well as the people, be bound to all such lawes, as the Decemviri to that purpose appointed by the people should set done and make. It is not therefore the law which makest good Princes, or magistrates in a Commonweale, be it a Monarchie or Ariftocratic; but upright reason and Iustice, swaymen in the mindes and foules of just princes and Magistrates; and that much better then in tables of stone. Neither ever were there more cruell tyrants then were they, which bound their subjects with greatest multitude of edicts and lawes, which the tyrant Caligula of purpose, and to no purpose, caused to bee set downe in so small letter, as that they could hardly be of any man red, but with Lutes eyes, to the intent thereby to entangle the more through ignorance transgressing the same: whole successfoul and vncle Claudius in one day made twenty edicts: and yet for all that there was never greater tiance then then: neither worse or more viliuous men. But as an Ariftocratic well ordered is of it selfe a marvelous faire and goodly State: so can there be none worse if it be once corrupted: when as for one tyrant there shall be many: and that especially when the nobilitie shall bandie it selfe against the people: as it often times chaunceth; and as we reade it to have in ancient time fallen out, when as in many Ariftocratique estates none was by the nobilitie admitted into their number for the government of the State; but that they must first sweare, to be for ever enemies vnto the people, and all popular men: a course not so much tending to the destruction of the cominatall and people, as of the nobilitie and mightie men themselves: and so the yette subjeccion of all Ariftocrates, as we shall in due place declare. And thus concerning the Ariftocraticall estate: now let vs likewise see what a popular estate is.

CHAP. VII.

Of a Popular Estate.

Popular estate is a forme of Commonweale, wherein all or most part of the people togeather commandeth in soueraigne power the State altogether, and ouer euerie one in particular. The principal point of a popular estate is feene in this, that the greater part of the people hath the Soueraigne command and power not onely ouer euerie one in particular, but also ouer the lesser parte of all the people together. As for example in Rome, where there were but four and thirtie tribes or companies of the people: eighteene of these companies together, had soueraigne power ouer the other fourteen and: and authoritie to establish lawes, whereunto both they and euerie one of the Citizens in particular were subiect and bound, wherfore Tiberius Gracchus the fatious Tribune of the people requested Marcus Otianus his companion and fellow of himself to giue
A vp his office, before that the eighteene tribes had given their voices for the depositing of him: for withstanding of Tiberius propounding and urging the lawes for the diuidion of lands: and for opposing himselfe against the profit of the people. Also at such time as Lucius Rullus, the buflie Tribune by request which hee presented unto the people, concerning the diuidion of lands, desir'd that the commissioners which had that charge, might bee chosen by the greater part of the seuentene tribes of the people only: Cicerone then Conful tooke thereupon occasion amongst the other things to croffe the entertainement of his request, and publication of the law, saying: that the Tribune in so doing went about to decoy the other eighteene Tribes, that is to say the greater part of the people of their voices, which the Consuls obiection was the lesse to have bene regarded, and the more easily to have by the Tribune bene answered, for that his request was, but it pleased the people (that is to say: the greater part of the 35 Tribes) that the lesse part of the people (that is to say the seuentene tribes) might appoint the commissiioners, so that the majestie of the people notwithstanding his request remained still whole and untouched: considering that the lesse part of the people was thereunto to be deputed, but at the will and pleasure of the greater part: so by the law Domitiis it was prouided that ifb y the death of any of the Augures, Prefets or Bishops any benefice fell void, they should assamble but 17 tribes of the people for the nominating of him, whom they would have chosen Bishop: so that he which was by nine of the tribes of the people nominated and allowed, was by the chapiter or Colledge of Augures or Bishops to be admitted and receiued.

B When I say the greater part of the people to have the oueraignitie in the popular estate: that is so to be understood, when the voices are to bee taken by Pole as in Venice in Rhaguse, in Genua, in Luca, and almoft at Ariocteaurique Commonweales: but if the voices be taken by tribes, parishes, or companies sufficeth it, of them to have the greater part, also albeit that there be in them far the lesse part of citizens, as it hath commonly chanced in ancient popular Commonweales. In Athens the people was diuided into ten principal tribes, whereunto in favour of Demetrius, and Antigonus they joyned two others, of them called Antigonia and Demetria: and againe the people was diuided into thirtie fixe classes or companies. But such diuisions according to the diuers encreasings of the people, and more easie and commodious giving of voices are often time changed. So Romulus at first diuided all the people in Rome which then was about 3000 into three tribes or parts: and after that euerie part into ten companies, appointing ouer euerie one of them at head: how be it the voices (as Liny faith) were then al giuen by poll. But by the ordinance of king Sermius the people was againe diuided into fixe companies, according vnto every mans wealth and revenue: in such sort: as that the first companie wherein the richest were enrolled, had al much power as all the rest: if the centuries of this first companie were al of one accord and mind in giuing of their voices, that is to say fourecore centuries, which were but eight thousand persons: so that in that case the voices of the other fixe companies were never asked. But if two or three centuries of the first companie were not of the same opinion with the rest: so many centuries of the second company were drawn out as might supply that defect, and that so often in euerie companie, vntill the number of fourecore companies were filled vp. So that in taking voices they seldom came vnto the third & foureth company: but most seldom vnto the first, and vnto the sixt nearest in which fixt companie was the refute of the people, and poorest citizens, which according to the view then taken were in number about threecore thousand: beside the bourgelles and citizens of the fixe first companie in number sixteene thousand.
And had this ordinance of king Servius still remained in force after kings were driven out, it had not been a popular state but an Aristocraticall, for that the lesser part of the people had then therein the fovereignty. But shortly after the expedition of the kings the common people seeing themselves oppressed by the wealth & power of the greater, resolved thrice from the nobility, and held their state apart: to the intent they might every one of them, as well the poore as the rich, the base as the noble, have their voices alike; neither could they be before quiered, until they had obtained power out of the bodie of thefemelues to chufe their Tribunes, the mainitainers of their liberties: whereof their Tribunaltial assemblies began first to be held. But for as much as the nobility & richer fort dispersed among the tribes, caused the poorer & meaner fort (for the most part their followers) to give their voices at their appointment & pleasures; there was a decree made, That from henceforth the nobility should no more be present at the assemblies of the common people: which was then diuided into eighteen tribes, which by little and little in continuance of time tooke such increase, that they grew to the number of five and thirtie tribes; who at length by means of their fatisfous Tribunes got unto themelues the fovereignty of the Commonweale, with power to make all the laws, and chufe all the magiftrates, except the Consuls, the Praetors, and Censors, which for that they were the greaftest magiftrates, they were still chosen by the greatest assemblies, that is to fay of the nobility and people together, the whole bodie of the people being (as we fay before) diuided into tribes or companies. But for as much as the enfranchised men, and fuch as by defert had obtained the libertie of the citie, mingled through all the tribes of the people of Rome, in number far exceeded the naturall and antient citizens, and fo by multitude of voices, carried all things away from them: which (as we have before faid) was by Appius the Censor done: thereby to gratifie the vulgar people, and by that means to obtaine of them what he would: Fabius Maximus the Censor by great wisdom overthrew all the grace that Appius had by cunning got, by threfthing all the enfranchised men, and fuch as were of them defcended, into foure tribes by themselues: so to preferve the antient and freeborn citizens in the right of their voices. For which onely fact by him brought to passe without tumult or feditious, he obtained the name of Maxi¬mus, or as we fay, the Greateft. Which his order ftil continued, until that about 300 yeares after, Servius Sulpitius Tribune of the people, would needes haue the enfranchised men againe enrolled into the Tribes of their maifters by whom they were before manumifed or fet at libertie: but before this his motion was brought to effect, he was himfelfe flaine: which for all that in the time of the ciuill waures betwixt Maritis and Silla, was by Marius (hauing ceifed upon the cite) efefed: so to make the estate of the Commonweale more popular, and to weaken the authoritie of the nobility and richer fort. Demofthenes after the victorie of Philip king of Macedon at Chardonaea attempted the like at Athens; by prefenting a request unto the people, That the enfranchised, and other the inhabitants of Athens, might be enrolled in the number of citizens: which his request was then euem openly rejected, albeit that there then were not above 20000 citizens: which was feuen thousand more then was in the time of Pericles, when as were found but thirtene thousand citizens enrolled, out of whom also 5000 Strangers, who had flyly crept in for citizens, were feld for slaves: and yet the multitude of the slaves was than ten times more than the number of the citizens.

This which I have faid, may well ferue to aunfwere that which might bee alleaged, That there is not, neither haply euer was any fo popular a Commonweale, as wherein the subjects had all voyces alike; or if they had, that they could all meet togerether to make lawes, create magiftrates, and fve the other markes of fovereignty: a good part of them
A them to the contrary being ordinarily still absent, and so the lefle part making the law. But it fufheeth, that the greater part of the tribes carriedit away the matter, albeif that haply in fome one tribe a thousand citizens were in voyces equall vnto another, where in there were ten thousand; confidering that the prerogative of euerie mans voyce was in this tribe refteued vnto him. Yet hereby it came to passe, that the more ambitious for of men ofteentimes by bribes or favour corrupted the chiefemen, and as it were the ringleaders of the tribes, especially at fuch time as the lefle part of the people was prefent at the assemblies: Which to meet withall, it was therefore ofteentimes provided, that when any law of importance was made, it should in no wise bee againe repealed, except there were fix thousand citizens at the lefle prefent at the assembly, who gane their consent to the renoaking thereof; as is ofteentimes to bee feeen in Demoffhenes. And the Oftraeisme (as Plutarch wrieth) tooke no place vpon any man, except fix thousand citizens at the lefle agreed in one therein: which yet was the lefle part of the people. The like whereof is alfo obfervd in the lawes of the Venetians, being of any great weight or importance; and namely in laws concerning the execution of justice, wherunto this clausel is adioyned, That the great Countell hall not in any thing derogat from the law established, except there be at the lefle a thoufand Venetian gentlemen there prefent; and that of them, eight hundred all agree in one and the fame opinion, for the repealing of the law. Whereunto the Roman lawes, concerning corporations and colleges, feeme alfo to have had regard, where two third parts of the Collegiaits, and of them alfo the moft voyces muft agree, to give any law or order vnto the reft. And in all the assemblies of the Venetians, which have bene called together for the government of the feigniorie in our daies, there have fcarcely at once met together fiftene hundred gentlemen; fo that when the law villeth a thoufand of them at the lefle to be prefent, the meaning of the law is, that there shoule two third parts of those which have voyces in the flate be still prefent, and of them eight hundred to be all of one opinion for the pafsing of any matter: which I thinke to bee therefore done, for that eight hundred of them make the greater part of fiftene hundred: a thing requisite, where voices are taken by the Poll, as in Venice, and not by tribes or companies, as they did in Rome and other popular eftates, by reafon of the infinite multitude of them which had part in the feigniorie. And in Rome, vntill the law Fufia, (made 693 yeares after the building of the citie) they confounded the voices of the tribes, to the intent it might lefle be vnderftood, which way euer tribe had gone, fo to avoid the difpleasure of the citizens among themselves, about the gining of their voices. So at Strasboue the moft popular of the German cities, and at Mets, although it came into the power of the French, yet they give their voices by tribes; as the three popular Commonweals alfo of the Grifons, call the tribes and companies vnto their assemblies, for the creating of their magiftrats, and making of lawes: yet fo, as that the greater tribes have the greater part of the luftrages or voyces. True it is, that the cantons of Ve, Schwitz, Vnderwald, Zug, Glaris, and Apenzel, which are true Democracies, and hold the more popular libetie, for that they are mountaineers, make their assemblies for most part in open places, and there euere one of them (being fiftene yeares old) give their voices for the chusing of the Senat, the Aman, and their other magiftrats, which they doe by lifting vp their hand, after the auintent forme of the Athenian vecrori, and manner of other fuch popular Commonweales, sometimes constraining their neighbours with drye blowes to hold vp their hand, as they did of old. In like manner the tribes of the Grifons, which are of others moft popular, and moft popullaly governed of any Commonweale that is, make their common assemblies for the choice of their Aman: (which is the foueraigne magiftrat in euery one of their little cantons:)
where he which hath bene Aman the three yeares before, standing vpright, and excusing himselfe vnto the people, caueth of them pardon for whatsoeuer he hath done amisse in his office before; then after that hee appointeth out three citizens, out of whom the people chose one for their Aman or chiefe magistrat for the yeare following: after whom they chose also his lieutenant, who is as it were the chancellour, and thirteene other counsellors, of whom foure are of the counsell for the more secret affaires of the state, and after them the Camarilign, or Chamberlainge treasurer for the common treasurie. But in this there is a notable difference, between the government of the Grifons, and of the other Cantons of the Swiflers: for that which can give vnto his side, two or three of the principal officers, of any one canton of the Swiflers, who are ruled by certaine great men bearing swey amongst them, may affirme himselfe to have gained the whole canton: whereas the people of the Grifons hold themselves in nothing subject or pliant vnto their officers, if the good liking of the whole commons be not gained: as I haue feene by the letters of the bishop of Bayonne, ambassadour for the French king: and afterward by Maistre Belliuerre ambassadour also, and a man of good understanding in matters of state, hauing the same charge, gave the king to understand, in the moneth of May 1555, how that the ambassadour of Spaine had almost caueth all the companies of the Grifons to rebel, in somuch that in assemblie of the Cade, there were more voyces for Spaine, than for France. And after that how that they of the Communalte of Lingueldine, hauing not receiued the money promised them by the Spaniards, laid hand vpon the Spanish petitioners amongst them, and putting them to torture, afterward condemned them in a fine of ten thousand crownes to be by them paid into the common treasurie. Wherein the French ambassadour do well bate himselfe, that notwithstanding the Spanish practice, they within two moneths after, together with the rest of the cantons of the Swiflers sent 27 ambassadours into France, to reneue and confirme their former alliances.

These examples of popular cities we haue set downe, that thereby the force and nature of popular states and Commonweales might the better be understood: Wherefore let vs then conclude; That to be a popular State or Commonweale wherein the greater part of the people haue the foueraigntie; whether their voices be gien by poll, by tribes, companies, parishes, or commonwealtes. And yet Aristotle writeth vnto the contrarie: We must not faith he, according to the common opinion judge the estate popular, where the greater part of the people haue the foueraigntie: And afterward for example bringeth forth xiiij. hundred citizens in a citie, of whom a thousand of the better & richer fort haue the foueraigntie, excluding the felse: we ought not faith he to deeme this a popular state; no more than that to be an Aristocratie, wherein the lesser part of the citizens haue the foueraigntie, being men of the poorer fort. And after that he concludes thus: The popular estate is wherein the poorer ffort of the citizens haue the foueraigntie; and an Aristocratie where the richer fort beare the rule, whether they be more or fewer in the one or in the other much concerned. And by this means Aristotle to esstablish his owne, teiceth the common opinion of all people; yea even of the Philosophers and law-giues themselves: which common received opinion hath alwaies beene, is, and shall be mistris in matters of state. And yet he had neither true nor probable reason to depart from the common opinion; whereas thereof ensued a thousand intolerable and inequitable absurdities. For so we might say that the faction of the Decemurii or ten commissioneres, appointed for the correting and amending of the euill lawes and customes of Rome, taking vpon them the foueraigntie, was a popular estate; albeith that all historyes cal it an Oligarchie, although they in that barenes of the Commonwealth were not chosen for their wealth, but for their
their wisdome onely. And to the contrary, when the people for the maintenaunce of their popular estate had driven them out, a man might say that the state was then changed into an Aristocratie. So should we also say, if twelve thousand of the richer fort had the soueraignty, and but five hundred of the poorer fort were excluded, that that state were an Aristocratie. And againe to the contrary, if there were but five hundred poore gentlemen, which had the government over the rest of the richer fort, one should call such a Commonweal a popular state. For so faith Aristotile, calling the Commonweales of Appollonia, Thera, and Colophon popular states, wherein a few amunient verie poore families had the soueraignty over the rich. Yea he paleth on further and faith, that if the greater part of the people having the soueraignty, giue the great offices and honours of their state vnto the richer or tallest of their citizens, it shall no more be a popular, but an Aristocratique estate: which is an other soule errou in matter of estate, considering that to judge of an estate, the question is not to know who haue the magistracies or offices: but onely who they bee which have the soueraignty and power to place and displace the magistrats and officers, and to giue lawes vnto every man.

And these aburdities, and others also much greater then they, ensue hereof, in that Aristotile hath mistaken the manner and forme of the government of a Commonweale, for the soueraigne state thereof. For as we have before said, the state may be a pure royall Monarchie, and yet the government thereof popular: as namely if the prince giue honours, offices, and preferments therein to the poore, as well as to the rich: to the base aswell as to the noble, and so indifferently to all without respect or accepting of person. As also it may be that the state be royall, and yet the government aristocratical: as if the prince giue the honours and offices to a few of the nobilitie, or to a few of the richer fort onelie, or some few of his favorites. And to the contrary, if the people having the soueraignty, giue the most honorable offices, rewards, and preferments vnto the nobilitie onely, as they did in Rome, vntill the law Canuleia, the estate should be in deed popular, and yet the government Aristocratique. So if the nobilitie, or a few of the beiter fort should have the soueraigne, and yet bestowe the most honorable charges and preferments vpon the poore and base fort, aswell as vpon the rich, without favour or respect of person's: the state should be Aristocratique, and yet popularly governed. But if all or the greatest part of the people having the soueraigne, shall giue the honorable offices and preferments indifferently to all, without respect of person, or by lot, as the Stae of Solon, whereby it was provided, that in bestowing of honours and places of authoritie and command, regard also bee had vnto mens abilitie and wealth. So likewise if the nobilitie onely, or some few of the richer fort should have the soueraignty in the state, and fo exclude all the rest of the people from the honorable places and preferments in the Commonweal, to keepe them to themselves alone: one might say that estate not to be aristocratike only, but also aristocratically governed; as we may see in the state of Venice. But here happily some man will say, that none but my selfe is of this opinion, and that not one of the amunient, and much lesse of the moderne writers which instead of matters of state or Commonweales, have once touched this point. True it is that I cannot deny the same; yet this distinction neuerthelesse feemeth vnto me more then necessarie, for the good understanding of the state of every common weale; if a man will not cast himselfe headlong into an infinite
nite labyrinth of errors, where into we see Aristotle himselfe to have fallen; mistaking the popular Commonweal for the Aristoectatique; and so contrary wise, contrary to the common received opinion, yet and contrary to common sense also: For these principles evil grounded, nothing that is fircm and sure can possibly be thereon built. From this error likewise is sprung the opinion of them which have forged a forme of a Commonweale mingled of all three, which we haue for good reasons before rejected.

Wherefore let vs firmly set downe and resolve that there are but three forms of Commonweales, and no more, and those simple also, and without any confused mixture one of them with another, albeit that the government be sometimes contrary to the state: As a Monarchie is contrary to a Democratic or popular estate; and yet nevertheless the souertainty may be in one onely prince, who may popularly governe his estate, as I haue before said: and yet it shall not be for that a contusion of the popular estate with a Monarchie, which are states of themselues incompatible, but is well (as it were) a combyning of a Monarchie with a popular government, the most affected Monarchie that is. The like we may deeme of the Aristoectatique estate, and of the popular government: which is by farre more firme and sure, then if the estate and government were both Aristoectatique: the state standing almost immovable, when as the subjectts by such a moderate kind of government are amongst themselves combnyed, as also into the Commonweale. And albeit that the government of a Commonweale may be more or lesse popular, aristocratique, or royall, (as of tyrannies, some may be more cruel than others,) yet to it is that the state in it seflc receiued no competition of more or lesse. For the souertainty is alwaies indivisible and incommunicable in one alone, or in the lesse part of all the people, or in the greater part thereof; which are the three forms of Commonweales by vs let downe. And as for that which we haue said, that the government may be more or lesse popular, may be deemed too to be, by the Commonweales of the Swisser, where the mountaine Cantons of Vri, Schwitz, Vndertuald, Zug, Glaris, and Apenfel are fo popular, as that the souertainty of the Commonweal refeth onely in them all, so that they be fourteen yeares old, in forsch that their chiefe magistracies & places of greatest command are sometyme given even to verie Sadlerts, and such other mechanicall men: neither of the aforeaid Cantons is any one of them walled except Zug. The other new Cantons and Geneua, are lesse popular, governning themselues by certain lords, which they call the Councell, as I haue learned by Master Bafle fountaine Bishop of Limoges, who long and discrietly without blame, as any one embassadour, hath to his great honour mannged this charge. And albeit that the Bernoies and they of Zurich compose their Senat of divers handy crafts men, yet they vs commonly to treat their Anoyers (or chiefe magistrats) of their most noble and auncient families: whereby they are lesse subject unto seditions and tumults; whereas the lords of the three Cantons of the Grisons being more popular, are also more subject unto seditions and tumults, the people in their assemblies being hard to be governed; and once moused, hard to be pleased; as the embassadours of princes haue alwaies by experience found. For the true nature of the people is, to desire libertie without restraint of bit or bridle whatsoever: and to have all men equall in wealth, in honour, in paines, and rewards: without regard of nobilitie, wilscdome, or vertue: and as Plutarch faith wisely to have all cast into lot, and euery balance, without respect or favour of any man, then if any valiant or honourable minded of the nobilitie or richer fot shall by any means attempt to restraine the people so intemperatly abusing their libertie; them straight waies they do what they can to kill or to banish, and confisicating their goods, divided the same among the poorer sort, and that
that the rather, if they be rich, or seem to aspire: Yea oft times it happeneth, that the common people put vp with the punishment or slaughter of some one mightie man, violently breaketh out upon the rest, and that especially if it be once come to armes, and that the nobilitie bee by the force of the people one throwne. As it happened at the establisning of the popular estate of the Swiiftars, after the battell of Sempach, where almost all the nobilitie was slaine atmos the rest which were left constrained to renounce their nobilitie; and yet neuerthelesse were excluded from all honours and offices of charge in the Commonweale, except at Zurich and Bernce (which is in them the lesse to be maruell'd at, for that the nobilitie there, with great latitie and without force of armes, made their peace with the victorious common people, now before quite spent with ciuil warres.) Yet for all this infolencie, did the Swiifters more moderately vie their popular libertie, than did in antient time the Grecians or Italians, who oftimes would needs have all bonds and obligations buttst or canceled: yea sometime the common people set on by such as were farre endeued, ranne vppon the creditors and rich men, robbed their houses, and enforced them to make an equall diision of their possessions and lands, forbidding them the hauing or possesseing of cattell or lands, above a certaine number or rate by them set downe: from which kind of dealing the Swiifters have alwaies abhorrond. And albeit that the publicke pensions of princes, and gifts of strangers, in some of the Swiifters cities, are not laid vp in the common trea-

Bure, but diuided among the people in particular; in the diision whereof hee that hath most male children hath also a greater part than the rest: yet for all that, when as they of the canton of Glarit requested of Morlet, the French kings ambassadour, in the yere 1550, That the priuate and extraordinarie pensions, which the greater men yearely receieved of the king, might together with the publicke pension bee equally diuided amongst them all: King Henrie denied fo to doe, and said, He would rather restraine his bountie, than suffer his priuate liberalitie to be fo at their pleasure confounded with the common. Yea that worse is, the infolent libertie of the aumitie Geecie popular Commonweales, proceeded to that libertie (should Hay) or rather lewed madness, as to banish them that were more wise and discreet than the rest for the managging of their affaires, as they did Damone, maifer to Pericles: and not onely wise and discreet, but euен the most iuft and vermontous also; as was Aristides in Athens, & Hermelor in Ephesus: which what thing is it else, than to go about to pluck vp vertue itselfe by the root? But they were afraid lest fo great brightnesse of vertue in one great citie, or subiect, should so dazzle the eyes and minds of the rest of the common people, that forgetting their libertie, they should chuse rather to live in subjection vnto so wise and vermontous a man, than to rule themselves. Which thing they the more feared, if vnto his vertues and good parts were ioyned nobilitie, or power, or experience in great matters; who with force ioyned therewith, might from the citizens either with their will, or against their will, extort their libertie. Whereas the nobilitie and better fort, to the contrarie make no account or reckoning of the popular flat: but thinke it good reason, that he which hath the most nobilitie, wealth, vertue, or knowledge, should be also the more esteemed, respected and honoured; and that the honourable charges in the Commonweale, should of right be due vnto such men: and therefore alwaies desire and fecke to have themselves alwaies diuided and seperated from the dregs and rascall fort of the common people. Sith therefore the princes and nobilitie so much differ from the common and bale people, it is a thing impossible by any meanes to make them together equal: or being made in honors and command, euene to reconcile the among themselves, together with the Commonweale; and so (as they fay) with one and the same breweing to moderat two so contrarie humors. Albeit that Solon vaunted, that
that if he had power to make lawes, he would make them such as should be most in-
different, both for the rich and the poore, the nobilitie and the base: which the nobili-
tie thought Solon to meane of the equalitie in Geometricall proportion; and the peo-
ple of the proportion Arithmetical: whereby it came to passe, that both the states
yielding vnto him, gave him power for the making of them lawes, and establishing of
their Commonweale. But these things, as also what commodities or inconveniences
attempted vpon euetie Commonweale, shall in their due places bee more at large de-
cclared: sufficeth it now with what breuietie well might be, to haue set downe the de-
scriptions and kinds of all Commonweales, as also what is to euetie one of them pro-
per, strange, or common with others: and also who in euetie Commonweale hath
the power of Soueraigne maiestie. Now let vs prosecute euetie part and limme,
as it were, of a Commonweale, which are tied vnto the Soueraignty of the
state, as members vnto the head; viz. the Senat, the magistrats,
the officers, colleges, and corporation, and that in such
order as wee haue here rehearsed
them.

Fine Lib. Secund.
THE THIRD BOOKE OF
OR CONCERNING A
COMMONWEALE.

CHAP. I.

1 Of a Senat, or Counsell of Estate, and the power thereof:

Senatus a lawfull assembly of Councillors of Estate, to giue aduise to them which have the soueraigne and suuereitye in euery Commonweale. For so ordre requireth, that haueing before spoked of them which have the power of soueraigne maieftie, and of the marke thereof, and also touched the diversitie of Commonweales: We should now alfo speake of the Senat, as of the chiefe and principal part of a Commonweale, next vnto the prince. Not for that a Commonweale cannot altogether be without a Senat or Counsell: for a prince may be so wise and discreet, as that he cannot find better counsell than his owne: or els haueing not whome to truft, take aduice neither of his owne people nor of strangers; but of himselue alone, as we read of Antigonus, king of Asia, and of Lewis the eleventh the French king; whom the emperour Charles the fift doubted not in that to imitate: as alfo of Caius Julius Cæsar among the Romans; who never spake any thing vnto others, of the enterprizes he had in hand: nor of his iournies, no not so much as of the day of battell; and yet performed great matters, albeit that he were beter with many great and right puillant enemies: and was therefore the more redoubted, for that his desigues were so close and coueret, as that they were still executed before they enemy could perceiue them: who still was by that meane ouertaken, and the hee were aware surprised. Besides that, the captains and souldiers reposing themselues in the wiordome of such a prince or generall, were alwayes in expectation, preit, and readie even in a moment, to perftome whatfoever he should command, but with the holding vp of his hand: No other wise than the members of a bodie well composed are alwayes readie to receive & put into execution whatsoever reason fhall command them, although they be no whit partakers of the concei thereof.

Now many haue (and that in mine opinion) without cause doubted, Whether it were better for the Commonweale to haue a most wise and vertuous prince to gouern the same without counsell; or a dull and viftit man of himselfe for government, but well provided of a grace and wise counsell? And truely vnto the wise neither the one nor the other seemeth any thing worth. But if the prince be so wise as they suppose, as that
that he greatly needeth not of councell: yet the greatest point for his advantage in matters of any confection is, to keep his designes and resolutions secret, which once laid open and so made knowne, serve no more but as mines discovered; causing oftentimes the ruine and decay of most famous cities and states. And therefore the wifest princes haue still vied to speake and take most of such things as they meant leasf. And as for an heauie headed and foolish prince, how should he be well provided of a grave and wife counsell, fith that the choice thereof dependeth of his owne will? and that in a prince there is no greater signe of wifedome, than to know well how to make choice of wise men, whose counsell he may vfe and follow.

But forasmuch as the brightnesse and beautie of wifedome is fo rare amongst men, and that we must with all obedience reuerence such princes as it shall please God to send vs; the fairest with that they can make is, That they may haue a grave and wise counsell. For it is not by much fo dangerous to haue an euill prince and a good counsell, as it is to haue a good prince misled by euill counsellours; as said the emperor Alexander. Wherefore we say, that a prince ought to follow the good aduise and counsell of his grave and wise counsellours, not onely in his more great and weightie accidents, but euin in his masse and leaft matters also (albeit that in trueth nothing can be meane or little, which concerneth the Commonweale:) For there is nothing that giueth greater credit and authoritie vnto the lawes and commandements of a prince, a people, or state, or in any manner of Commonweale, than to cause them to passe by the aduise of a grave and wise Senat or Counsell: and the rather, if it be doubtfull whether it be profitable or no, which the prince or state would haue done. And that of all others, Charles the fit: the French king, was woont best to doe: For haung a purpose to drue out of his kingdome the Englishmen, who in factie held all the castles and townes in Aquitaine; and now prouide of all things, which he thought needfull for the doing thereof, he receiued the complaints of the Frenchmen of Aquitaine (the king of England his sufcibets) against the English governours, directly contrarie vnto the trauetie of Bretagne: who for such appeals and complaints vnto the king, had vied them euill. Vpon which occasion, whether of purpose leught for, or by chance offered, the king tooke hold: but yet would not vndertake the warre, without the counsel and good liking of the nobilitie and people, whose helpe he was to vfe therein. Wherefore he commanded them all to be assembled vnto the parlement of Paris, pretending that he had feat for them to haue their aduise, and by their wisedome to amend what had by himselfe not altogether so wisely bene done or considered of. Which warre by that counsell decreed, prospered in his hand, and tooke good successe. But when the sufcibets see things done either without counsell, or contrarie to the will and decrees of the Senat or counsell, then they contenme them and fet them at naughty; or els fearfully and negligently do the commanuds of their princes and magistrats: of which contempt of lawes and magistrats, enuie the feditious and slanderous speeches of the people; and so at length most daungerous rebellion, or els open conspiracie against the prince, drawing after it the vter subuerion of all estates. And to Hiero king of Sicilie was together with all his kindred and friends most cruelly slaine, for that he so proudly and insolently contemned the Senat, nor in any thing asked the aduise thereof, by the aduise whereof his grandfafter hauing invaded the soueraigntie ) had before governed the state fiue yeares and more. The same errour committed Ceasar, not only in the time that he was Confull, but in his dictorship alfo, neuer ving the aduise or counsell of the Senat: The principall occasion that was taken for the killing of him, being for that he vouchsaft not to rife vnto the whole bodie of the Senat, consifting of about a thousand Senators) comming at once vnto him ; too arrogantly and indeed
indeed too foolishly done, not that Caesar was by nature or disposition so proud, but for that when he would have risen vp vnto the Senate, he was by Cornelius Balbus (his flattering claw-backe, and a man of all other most inward with him) perswaded not so to doe. For which seluesame caufe, also the Romans had long before flaine their first king and founder of their citie, and driven out their last king the proud Tarquin: for that both of them concerning the Senate, did all things on their owne heads and the latter of them seeking also quite to suppress the Senate, by putting of the Sentators to death: which thing was not dangerous onely vpnto those princes which wee haue now spoken of, but also vpnto Lewes the eleventh the French king, who in nothing asked the advice of his Counsell, but had thereby (as he afterward confessed) brought himselfe within an inch of his utter ruine: for which caufe, he would not that his sonne Charles the eight, should understand any more but three words of Latine (and those, such as are razed out of the historie of Philip Comines,) to the end that mutting of his owne wildeome, he should tell himself vpon the grave counsell of others, and fo by their advice to manauge his affaires rather than by his owne. For it is certaine, that great learning in princes is often times a thing no lesse dangerous than a knife in a mad mans hand, except he be by nature well giuen, and more vertuously instructed and brought vp. Neither is there any thing more to be feared, than great learning accompanied with injustice, and armed with power. There was never yet prince lesse learned (except in deeds of armes) than Trajan, neither any of greater knowledge than Nero; and yet for all that, this man had never his peere for cruelty, nor the other for bountie; the one of them deadly hating the Senate, and the other in all things following the advice thereof. Seeing therefore that a Senate is a thing so profitable in a Monarchy, and so necessarie in all Popular and Anftrocraticall estates, as is in man wit and reason, without which his body cannot long gouerne it selfe, or haue at all any being let vs first speake of the qualities requisite in Sentators or Counsellors; then what number they ought to be, and whether there ought in a Commonwealth to bee more Counsellors than one, and of what things, they are to counsell of: and last of all, what power is to be giuen vpnto the Senate or Counsell in a Commonwealth.

First we said the Senate to be a lawfull assemblie: which is to bee understood of the power which is giuen them by the prince, or fowreaigntie in other states, to assemble themselves in time and place to them appointed. As for the time and place when and where they are to meet, it is not much materiall, Sith that the divers occasions and opportunities of accident doe oft times of themelues require, and as it were point out the same. Yet is the decrees of Lycurgus in the mean time to be commended, forbidding any portraiture or picture to be in the place where the Senat should conft, for that the obiect of such things as we behold, often times deftract the phantast, and transport reason else where, which ought wholly to be intentiue to that which then is to be consultt of. We faid moteouz in the definition of a Senat, that they should be Counsellors for the estate: to put a difference betwixt them and other counsellours and magistrates of the Commonwealth, who are oftimes called to give their advice vnto the counsellours of estate, yea and vnto the prince himselfe, euery one according to his qualitie and vocation; and yet are not for all that counselours for the estate, but onely upon occasion men extraordinarie called. And as for the name and title of Sentour, it signifieth a man well strucken in yeares: as also the Greeks call the Senat yergeorbas, which thouweth well that the Greeks and Latins componed their Sentats of Seniories, or aged men, whom our countrie men call Seignours, for the authoritie, reverence, and dignitie, which hath alwaies beene giuen vnto the auncients, as vnto the wifet age, and men of greatest experience vpon that hope and opinion that they
which were elder than the rest, should also in wisedome exceed the rest. For so it is provided for, in the lawes of Charles the great; **Nulla per sacramentum fidelitis permittatur, nisi nobis & uiniciu,proprio senori**: Let credit be given to no man upon his oath, but vnto vs and euerie proper elder: whereby he meant the manoomited mens patrons, rather than the Senators: as if honour and reuerence were due rather vnto the elder, than the yonger. Also by the custome of the Athenians, when the people were assemled to give their advice, the husiuer with a loud voice called all them that were fiftie yeares old together, to consult of that which should be good and profitable for the Commonweale. And not only the Greeks and Latins have given this prerogatiue vnto the aged, to giue counsell vnto the Commonweale, but also the *Egyptians, Persians, and Hæbreves*, who taught other people well and wisely to governe their eftates. And what more divine order would we haue than that of God: who when he would eftablish a counsell vnto the Israelits his people, *Assemble vnto me* (saith he) *seuante of the most amunit of the people, wise men,* and *fearing God.* For albeit that a man might find a number of diffecet, wise, and vettuous yong men, experimented also in the affaires of the Commonweale (a thing for all that right difficult,) yet so it is that it should yet be a thing right perilous to compose of them a Senat (which were rather to be called an assemblie of yong men) for that their counfell should not be receiued, either of the yong or of the old: for that they of like age would electe themselues as wise as they, and the other themselues much wiser than such yong counfellours. And in matters of state (if in any thing in the world) opinion hath no leffe, yea and oftentimes more force than the truth it selfe. The common people thinketh, and that right well, yong men nexter, or else right seldom to excell in wisedome: but they which are such, can neither gouern the people, nor chaffice the offendours, or in the open assemblies of the people persuade them vnto that which is good and profitable. Neither is there any thing in a Commonweale more dangerous, than the subiects to haue an euill opinion of the Counsell or magistrats which command over them: for then how shall they obey them? and if they obey them not, what issue is thereof to be expected. And therefore *Sorlon* forbad any yong man to be admitted into the Senat seemed he neuer to wife; which the Græcians in their owne language haue better set downe than the Latins; *et atque honesti homines seueri.* And *Leucippeus* before him, had compos'd his Senat of the elder fort. And *not without caufe* haue the lawes given the prerogatived of honour, privileges, and dignities vnto the Elders; for the presumption we ought to haue that they are wiser, of better understanding, of more experience, and fitter to giue counsell than the yonger fort. Yet for all that, is not that granted to all old men: no not to them which haueing before excelled in vertue and wisedome, are now growne to old and decrte, as that their naturall forces faile them, and their braines weakned, can no longer do their dutie, but are now as men deluite of wit and judgement, vnable longer to vfe the instruments by nature given them to reason with, so that in them their verie mind seemeth to be with age both weak and sicke; whom *Plato* himselfe, who appointed the Elders to be keepers of his Commonweal, hath excused from any longer bearing of charges in the Commonweal, or for any more giuing of counsell. It is also saide in the holie Scripture, *That God haueing chosen feuenteic Elders* powred vpon them abundance of wisedome: for which cause the Hebrewes call their Senators, the Sages, or wise men. And *Cicero* elegantely (as he doth all things) calleth the Senat the soule, the reason, and vnderstanding, of a Commonweale; meaning thereby to conclude, that a Commonweale can no more maintaine it felle without a Senat, than the bodie can it felle without a soule, or a man himselle without reason: and that Senators should by long experience and practive be able
able and readie, to heare, consider, and resolute of the greatest affaires of the Commonweale. For whatsoever things are notably done in warre, or peace; in making of laws, in appointing the orders and degrees of the subiects, in returning the manners and conditions of the people; and in briefe in the whole disposing of the Commonweal, are all nothing else but the execution of such things as are by a wise counsell deliued and resoluted vpon: which the Greeks for that cause called τεστατος των έυμαθην, as if nothing could be more facted than good counsell, and the Hebrewes, יסודות, as who should say, the most sure foundation of all things, whereupon all faire and commendable actions are built, and without which all things fall, and are turned vpside downe. When I say a wise counsell, my meaning is that politique wisdom should bee ever joined with faith and justice: for it is no leffe, and I know not whether more dangerou, to have a Senator or Counsell consisting of cruel and wicked men, how wise and expert foucer they be; than of the ignorant and foolish: for that thesa as they cannot much proft, so can they not much hurt the Commonweal; whereas the other by their mischiciou counsell to revenge themselves, make no question or doubt to endanger or overthrow the whole state of the Commonweal, so that they onely may stand safe in the midst of the ruines thereof, yea and many times contraric to their own conscience, stick not most earnestly to croffe their aduersaries opinions, although most profitable to the Commonweal, turning their privat hatred vnto the common deftraction? albeit that they reap no other proft thereby, then the triumph which they account themselves to have gotten of the shame of them, whom they have in counsell vanquished, drawing them of their owne faction as it were in a string after them.

An other fort of Senators there are also which are led neither with enui, hatred, nor loure of any man, but with an obstinate conceit and loure of their owne opinions, from which they will not by any reason or persuadion suffer themselves to be removed, and therefore come into the Senat armed with such a force and multitude of arguments, as if they were euene there to combat with their enemies; least that they should seeme to have erred in their discourses, or lightly to have changed their opinions. And that were is, such strong conceited men, account it a great shame to them, to agree with any other man in opinion; but thinke themselves to haue most braly acquired themselves, if as when men diuie but one naiie with another, they also shall obtrude one opinion to another: than which I cannot tell whether any thing can bee worse, being a thing no leffe to be shunned, than a rocke in the deep sea. But as a wise master in a wrouth sea, if he cannot by reason of the tempest in saftie put his ship into the desired port, yeeldeth then vnto the wind, and taketh in all his sailes, lefe other wise carrieth away by force of tempest he suffer shipwrecke: and for thicke it out, vntil the sea be againe calmed, and more favourable winds arise: Even so the inremouable resolution of a Councillor, in consultations of matters of state, was never of wise men commended; but alwaies deemed as a thing joyned not onely with a certaine obstinacie, but also arrogancie of mind: Whereas to the contrarie, sometimes to change a mans opinion, is not onely commendable, but also wholesome and profitable vnto the Commonweale: and according to the new occurrents of time, to apply also the deuises of new counsels: sometim with the agreeing voices, approving the opinion euen of the more ignorant and simple fort. And therefore Sir Thomas Moore in the Vtopian Commonweale by him deniued, wilyly set downe, That nothing should bee disputed or reasoned vpon, the same day it was propounded, but to be still referred vnto the next assembly of the Senat: to the end, that he which had rashly and undeniued deliuered his opinion, should not afterward bee forced himselfe to maintaine the fame, rath
ther than to yeld to reason.

Wherefore it becometh a wife Senator, even in the entrance of the Senate, to lay downe all faction towards his friends, all hatred towards his enemies, and all high conceit of himselfe; ayming at no other end, but to the advancement of the glory of God, and the welfare of the Commonweale. Wherein the manner of the Lacedemonians was to be commended, who were so readie to defend whatsoever was once decreed for the good of the Commonweale, as that they which had before impugned the same, would now fo conforme themselves for the establishing thereof, as that they would themselves retell what they had before to the contrary commended: and all because it was not lawfull for them to dispute of the lawes once established by the Senate: which manner of custome the Achæans and Florentine Commonweales, afterwards borrowed from the Lacedemonians. And albeit that learning be alwaies necessarie for a Senator or Councellor, especially the knowledge of antiquitie, and of the estates of Commonweales: as also to be seene in the lawes of his owne country, which he ought not to be altogether ignorant of, yet is a sound judgement joyned with faith and justice, and integritie more necessarie: by means whereof he may easily persuade any thing without much eloquence. But above all things a Senator must beware that he suffer not himselfe to be corrupted with the bountie of forren princes: neither bee beholden to any forren lord or prince, for any thing that he holdeth of him, whether it be for realtie and homage, by mutuall obligation, or by pention, which hee receiueth: which although it be a thing most dangourous in a Commonweale, and ought therefore to be capital: yet for all that there is nothing than that more common in the Councell of princes. Except in the citie of Venice, which hath a Senator so free from this kind of base corruption, as that even for that cause their prieffs (bee they never so free or nobly borne) out of comming into the Councell of state; for that they are thought to be sworne to doe nothing against the commoditie or profit of the bishop of Rome. Whereupon it is, that commonly the citizens before the giving of their voyces, crieu out aloud * Fora i Preti. And namely they banished Hermolus Barba- rus their ambassadour vnto the pope; as they did not long ago cardinal Male, their ambassadour vnto him also, for that they had of him receu’d the cardinals hat, without leave from the Seigneurie. But I find, that in this realme there haue bene thirtie fiue chancellors, which haue bene cardinals or bishop at leaft; and so in England the like. And in Polonia, where the archbishop of Gnesin is by inheritance alwaies chancellour of the realme: the kings of that countrie haue bene glad to make a lay man their vice-chancellour, by no oath bound vnto the bishop of Rome. As for pentions given by straungeres vnto the minions or ambassadours of other princes, it is a thing so ordina- tory, as that it is grown into a verie custome. Yea Mounfier Cosignac the French ambassadour into Turkie, was so bold as to presume to marry a Greek gentlewoman, without making of the king at all acquainted therewith. And not long after, another also at the infligation of Achemet Baffa, and the duke of Naxo, would likewise haue married the prince of Valachia his siette: which poore prince for refusing to give his consent thereunto, which he for seare had before graunted, was by the Baffa thruf out of his estate, and Stephen Bather (who now governeth the kingdome of Polonia) placed in his stead. All which, with other such like enterprizes, are dangerous in an estatte, and therefore in a well ordered Commonweale, in no wife to be suffered. And these vnto me seeme to be the chiefe qualities and ornaments of a good Councellor of Estate.

But beside these, in many Commonweales nobilitie of birth is alwaies in a Senator required; as at Venice, Rhagae, and Nuremberg: and amongst the Polonians it was
A by Sigismundus Augustus, in the year 1550 by law provided, That no man should be chosen a Senator, except he were nobly descended, by the fathers side at least, & had also borne arms. In other places choice was made of them by their wealth, as at Geneva, & in ancient time in Athens by the lawes of Solon: and so almost in all other ancient Commonweales. And namely Augustus the emperor, would not that a Roman Senator of his time should be lesse worth than thirtie thousand crownes, supplying of his owne bounty what the wife Senators being poorer wanted: not that it was so necessary unto their Council, but that so they might have wherewith to maintain their estate, answerable unto their calling: as also least the rest proud of their wealth, should contemne the other which were poorer, as commonly it falleth out in the Aristocraticke estate, where the Senator is chosen by his wealth. And by the ancient order of the Romans also, no man could be made a Senator, except he had before borne some honourable place or charge in the Commonweale. And therefore the Censors from five yeares to five yeares, registed in the roll of the Senator, all them which had borne any great or honourable office or place in the Commonweales: &c. such as had bene Censors, Prætores, Ädiles, or at leaft Quaestors. And for that in the overthrow of Marcius 90 Senators were slaine: Sylla created Dictator, to supply the order of the Senators, which he favoured, created twentie Quaestors, and Caesar forty, who at the same time should be made Senators, with power also to give voyces, which before was not lawfull, untill they had by the Censors bene nominated and registed. Which indeed is a laudable custome, and in many well ordered Commonweals at this present obserued. As in Polonia none is receiued to be a Senator, which is not a Palatine, a Bishop, a Castellan, or Captaine; or else before hath bene employed in some honourable ambaftage, or bene general of an armie. Neither hath any man place in the Great Turkes Diuano or Council, but the four Visiter Baffles, the two Cadilifquiers or Chauncellors, and the twelue Beglerbegs, goutenouts of great provinces. But whereas we have before saide, that Senators are to be chosen out of such as haue before borne some honourable place or office in the Commonweale: that concerneth not them which shamefully buy their offices, neither the Commonweale wherein honours and offices are bought for money: for thofe vertues which we paid to bee requir'd in a Senator, namely justitie, faith, integritie, wisdome, experience, and knowledge in the lawes both of God and man, are things so facted and duine, as that they cannot for any reward or money be bought. Now that a Senator should by the Senat be examin'd or tryed, is a new and unwonted thing: as men whose either the Censors, or the other offices and honours by them before obtained, had sufficiently alreadie tried. Yet in the time of the Gothes, the Commonweale being by them chaunge, we read it to haue bene done: For to faith Theodoricus, with Cæsariode, Admittendos in Senatum examinare cognit felicitas honor Senatus, The carefull care we haue of the honour of the Senat, causeth vs to examine such as are to be admitted into the Senat.

As for the number of Senators it cannot be great, considering the perfection requisite in a Counsellour of estate. True it is, that in popular and aristocraticke Commonweales, to avoid seditions, and to feede the enraged famine of the ambitious, which haue part in the fouraegnticke: they are oft times enforced to augment the number of the Senators; as in Athens by Solon's law, they by lot every yeare made choice of foure hundred Senators; whereunto it pleased them afterwards to add another hundred, that so fifty might by lot yearely bee drawne out of every one of the ten tribes: vnto whom they ioyned also another hundred, to make vp the full number of 600. After that they had vnto the ten tribes ioyned two others, namely the tribes of Z iiiij

Antigonum.
Antigonus and Demetrius, albeit that in the time of Pericles, there were not in the city above 15,000 citizens, and 20,000 in the time of Demosthenes. For which cause (as I have said) Plato in his popular Commonwealth by him set downe, appointed the Senate to consist of an hundred threescore and eight of the better and wiser sort, which was the thirtieth part of 50,400 citizens the full number of them, of whom he would have his Commonwealth to stand. And in like case, Romulus took the thirtieth part of his subjects to make the first Roman Senate of, choosing out of 6000, (the whole number that then was of the citizens) an hundred, and them also by him chosen not by lot, but by difcretion, even of the nobler sort of his people: viz. such as whose ancestors had never served as slaves. But afterward, the Sabins being according to the league receiv'd into the city, hee added unto the former number another hundred, unto whom, after the kings driven out, Brutus also put an hundred more, which number of three hundred Senators, to continued by the space of almost four hundred years, without increasing or diminishing. But in the time of Cicero, it is manifest that there were about five hundred, by that he writeth four hundred and fifteen Senators, to have given voices when Pub. Claudius, who was afterwards tribune, was brought in question for having polluted the sanctuaries of Bona Dea, by committing of adultery with Pompeia: at which time, when the Senators were not constrained to be present in the Senate, no man can doubt, but that many of them then dispersed into all the provinces of the Roman empire, or otherwise busied with their own affairs, or leant with age and sickness, were then also absent. And after that, Caesar to have more beholden unto him, and for the better establishing of his owne government, augmented the number of the Senators unto a thousand, chusing into that honourable order, not onely citizens of all sorts, but even Frenchmen and other strangers also, namely Lucius Licinius the Barber, as saith Aaron. But Augustus (after the Commonwealth againe pacified) seeing the danger of so great a number of Senators, brought them to the number of six hundred, with purpose to have brought them also to the ancient number of three hundred, which was not more than the ten thousand part of the whole number of the citizens, being then almost infinite.

Wherefore the number of Senators is not to be appointed, according to the multitude of the people, neither to secure the ambitious desire of the ignorant, and much less for the drawing of money from them, but only for the respect of the virtuous and wisedome of them which have defeted the place; or if it be not possible otherwise to satisfy the ambition of them, which have part and interest in the estate of popular and aristocratical Commonwealths, but that of necessity the gate of the Senate must be opened unto the multitude, that it be yet so ordered, that none should therin have deliberative voices, but such as had borne the greatest offices and charges in the state: as in the Cretisen popular Commonwealth, all the citizens had free access and entrance into the Senate, and there might franke and freely deliver their opinions, but not with authority to determine any thing, that power being still reserved unto them only which then were, or had before beene the great magistrates. And in the Senate of the Achaen, none but the genetall and the ten Dimirghi, had power to determine of such things as were in counsell propounded. Howbeit a wife lawgiver will never goe so farre, if hee may otherwise avoid the popular sedition: for beside the manifest danger, which is for reueling of counsell communicated to so many persons: it giveth also occasion unto the factious for troubling of the state, if they which have the power to determine and resolve upon matters, shall in opinion differ from them which haue but voices consultative, which indeede are accounted as nothing: for preventing of which dangers, both the one and the other, the ancient Grecians in their Commonwealths...
weals, still created a counsell apart, of the grassest and wiest of their Senators (whom they called προβολια and προσπαθητος) to consult of the more secter and vrgent matters of state; as also by themselves to dispose of the grassest affaires of the Commonweale, and to consider what thing were to be consulted of in the open Senate, or publikly to be propounded vnto the people. Besides that, what an hard matter it was of such a multitude of Senators, to assemble to many as were requisite, and to make them to agree when they were assembled; the estate in the mean time standing in danger & the opportunity for the well manning of matters passing. The Senators office amongst the Romans was most glorious and full of honour; and yet could Augustus the emperour never bring to passe, that the Senators should be present at the ordinarie Senat, which was holden the calends or ides of euerie moneth at the fastes; albeit that he fet great fines upon them that were absent, and gaue not their afligance: which grew so heauie vpon the offenders, as that he was glad to take of them so offending euerie fit man by lot. And Rufius Cepio the rather to invite them to that their dutie, by his last will and testament left a certaine summe of money to them that came into the Senat. For it was requisite that there should be fitte Senators at the leaft for the making of any decree, and oftimes an hundred, or two hundred, yea and sometimes foure hundred, which was two thirdes of fitte Senators; as in corporations and colledges the manner is. Howbeit Augustus the emperour at length taking away the necessitie of so great a number, appointed two hundred to be sufficient, being two thirds of three hundred; which was the lawfull number of the Senators appointed by Brutus. Moreover the Senat was not ordinarily assembled but three times a moneth; and if it pleased not the Consull(without whole commandement the Senat might not assemble it fell) it the greatest magistrat in the absence of the Consull, sometime an whole yeare paffed without calling together of the Senat: as Cesar did in his first Consullship, hauing the Senat bent against him; and yet in the meane time by prodigall bountie caufed even what he would to be decreed by the people. Whereas Solon had much better provided for the matter among the Athenians, hauing beside the ordinarie Senat of 400, euerie yeare to be changed, appointed also a priuie and perpetuall Councill of the Areopagi, consisting of three score of the wiest and grassest for the citizens, men without reproch, who by all the degrees of honour were rifen to have the manning of all the most secret affaires of the state, and to foresee that in time of daunger the Commonwealth should take no harme. Of which counsell how great the need was, was then well understood, when as Pericles to gain the fauour of the common fort, had taken away the authoritie from the Areopagits, and translated the same vnto the people: for shortly after, the state of that Commonweale forst taken both with forren and domesticall wares,began forthes to decline and decay. Wee find also, that the Etolians, beside their great Counsell, which they called Panatolium, had also their priuie Counsell choen of the grassest and wiest men amongst them; of whomme Linius speaking, faith, Sanctius et apud Etolos consilium corum quos apologet appellabant. There is among the Etolians a more facted (or priuie) Council,of them whom they call apologetos: and immediately after, Arcanum hoc gentis Consilium. This is the secret Counsell of the nation: Whereas before he had said, Legibus Etolorum canebantur, ne de pace bellowit, nisi in Panatolio & Pilaico Consilio agetur, It was provided by the lawes of the Etolians, that nothing should be entreated of concerning peace or waare, but in their Panatolio, or Pilaican Counsell. Wee read also, that the popular Commonwealth of the Carthaginians, beside their Senat of fouthe hundred Senators, had also a particular or priuie Counsell of thirtie Senators,men of greatest expedience in their publike affaires and matters of state: Of whomme Linius thus faith,
Carthagenenses xxx legatos seniorum principes ad pacem petendam mittunt: id erat sanctius apud eos Consilium, maximaque ad Senatum regendum vitæ. The Carthaginensians (faith he) send thirte en ambassadors, the princes of their elders to sue for peace: and that was the more facted Councell with them, and the greater power for the ruling of the Senat: which manner of Councell the Romans wanted. And therefore LIsiue wondered (as at a right strange thing) that the ambassadors of Greece and Asia, which came to Rome, could of so great a number of Senators understand nothing of that which king Eumenes then plotted in the full Senat, against Perseus king of Macedon, Eo filamenti caria clausa erat, The court (faith he) was with such silence shut vp: Whereby he sufficiently sheweth, that in his time, as also long before that, nothing was done or agreed upon in the Senat, which still was not by one or other of so great a number reucaled. For which cause the Senatouls themselves sometimes were constrained to become clarkes and secretaries in the secret affaires of the state, and to take of euerie man an oath, not to reucale any such thing as was in the Senat decreed, vntill such time as it was put in execution: For as yet no capitall punishiment was appointed for such as shuld reucale or betray the secret council of princes. And indeed how could any thing there be kept secret, where five or 600 Senators were priuie to all that was done in the Senat, beside the clarkes and secretaries for the state? When also the young Senators children, before the time of Papyrus Eratxstatus might come into the Senat, & cary the news of such things as were there done, vnto their motheres. Augustus was the first, who out of the Senat made choice of some few of the wiser for to be of his priuie coniil, without guiing the rest of the Senat to vnderstand, that he would with them reuel the most important and secret affaires of state, but onely to have their advice concerning such things as were to be afterward propounded in the open assemblie of the Senat. Immediately after whose death, Tiberius the emperour requested of the Senat, to hauue twenty Senators appointed him, with whome he might (as he would haue them to beleue) consult of such things as the Senat was further to bee mouded of. Whose example the wiser for of the emperours afterwards followed; namely Galba, Traian, Adrian, Marcus Aurelius, and Alexander Severus: of whomse Lampridius speaking, He neuer (faith he) made decree without the advice of twentie lawyers, and diuers other of the Senatours, (men of great euidently and vnderstanding in matters of state) euin to the number of fiftie, to the end there might be no fewer than were necessarie for the making of a decree of the Senat. Whereby it euidently appeareth, that in that priuat Councell of fiftie Senators, with the prince, were the greatest matters distracted, and that it was not onely to consult of that which was to be in the Senat propounded, but euin to reuel and determine of the most secret and important affaires of the state, and so by little and little to draw them from the Senat, vnto the more priuat councell of the prince. By which meanes was also provided for another difficultie (otherwise in a Monarchie inevitable) which is the multitude of Senators, which could not still follow the prince; vnto whomse for all that his councell ought to bee alwaies asistent, especially in a Monarchie, where the prince is to vifir diuers his provinces: or is himselfe in person butt in his warres. For which caufe and no other, the aunsient diuines and poets, have faigned Pallas alwaies to sit on the right hand of Jupiter, but not Jupiter on the right hand of Pallas: to give vs thereby to vnderstand, That the Councell ought alwaies to be present with the prince, but not the prince to bee tied to the place where the Councell is resident: which were a thing not onely not agreeable with the majestie of a fonetaigne prince, but also impossible. And albeit that there bee many things in euerie Commonweale dispachted by the priuie Councell, wherewith it is not needfull either the people or the rest of the nobilitie to be made acquainted: yet so
it is, that in a Monarchie it is expedient and requisite that the prince should himselfe under stand them: or at least wise that euery man should thynke that he doth, so to giue the greater authoritie and credit vnto such things as are by the Counsell decreed, and that the subiects should not complain and say, The king under standeth not hereof: And for this cause the Grand Signior of the Turks hath alwayes a lattiffe or grate, opening into the Diuano, or chamber wherein his Counsell sitteth, to the intent to keepe his Baffaues and them of his counsell in aue; whilest they thinke him their prince alwayes to fee them, and to obseiene their proceedings and doings.

But it may be, (may some man say,) that a Commonweale may be fo little, and men of experience in it to low number, as that not a Senat, but even such a priuie Counsell as we speake of, cannot therein be made. In which case of so strait a Commonweale, it is not needfull to divide the Senat apart from the priuie Counsell. As in the Commonweale of the Pharafalians (which was within most narrow bounds shut vp) there were but twentie persons which had the foueraignitie, who in that state servued for the nobilitie, the Senat, and priuie Counsell. And yet nevertheless in the Laedemonian Commonweale alwayes both before and after the conquest of Greece, there were but thirtie lords, both for the state and the Senat: and yet out of this number of thirtie, they made choice but of twelve for the managging of the secret affaires of their state, as we read in Xenophon: establishing the same form of government in Athens also, where they deputed thirtie lords for the government of that state, as they did in all the rest of the cities of Greece, except some little ones, out where Lysander placed ten chiefes men, without any other Senat or priuie Counsell. And the reason was, for that they had resolved to chayne all the popular states of Greece, into Aristocracies; which they could not have done in the letter towne, if they should in them have erected a Signiorie, a Senat, and a priuie Counsell: But for the present there is almost no Commonweale, be it Popular or Aristocratie, which hath not a Senat and particular or priuie Counsell: yea and ofentimes beside both them, a Triumuirat of some few, for the managging of the more secret affaires of state, and that especially in a Monarchy. For so Augustus the emperour (albeit that he surpasse all the rest that came after him), both in widdome, and happiness be side the Senat, which he had filled with 600 Senators, and the priuie counsell of twentie feelest men, had also another neeter and more inward counsell of Mecenas and Agrippa, with whom he resolued of his highest affaires, calling vnto him none but them two after the victorie of Actium, to resolue with, Whether he should still holde, or discharge himselfe of the empire. So Julius Caesar, had none but Q. Pedius, and Cornelius Balbus of his most inward counsell, vnto whom also he gave his manner of writing in secret carater, for them the better to understand his secrets thereby. So Cassiodorus speaking of the secrats of princes, faith, Arduam nimis est principis muriisse secretum, Too hight a thing it is (faith he) to have deferued to be of the princes priuictie. We fee in like case, that the court of the parliament of Paris, was the aunnunt Senat of the realme of France: but when it tooke pleasure in deciding of ciuill controuersies, nor could not well bee remoued from the citie; the kings appointed another counsell, which for that it handled matters of greater importaunce, in the time of Charles the fourth, was called the Great Counsell: which when it was also entangled with deciding of extraordinarie suits and controuersies, by the lawes of Charles the eight, and much more by the lawes of king Lewes the xii, who appointed a court of twentie judges; king Francis the elder remoued that Great Counsell from medling with the sectet affaires of state, having got vnto himselfe another counsell of certaine feelest princes his friends: which of the Laines is called, The Familiar Counsell, and of our countrey men, The princes priuati Counsell. But Franci
being dead, Henrie his fonne got another counsell also: which for that it consisted of few, was called the narrow or frait Council. But at last, when that Familiar or privat Council was thought to exceed also with the multitude of Councillors, Henrie the third, the sonne of Henrie ordained another Council, which for that it was only to consult of matters concerning the State of the Commonweale, and not of suits and controversies, was called the Council for the State. Beside thefe, it was thought meet that there should also be a more secret or chamber Council, wherein the king rising from his bed, should confirme or reject such things as were by the Council decreed; there are princes letters opened, ambassadors reported, and messages delivered. There is also another Council of the Finances instituted by Henrie the second, and by little and little taken from the auditors, wherein are adfiant the intendants and secretaries of estate of the Finances, and the treasurer for the common treasure. Beside all which princes have always had a more frait Council, of two or three of their most inward and faithful friends; who to highly stand in the princes favour, not so much for their youth or perfon, as for their wifedom and vexture. As for the chamber Council whereof we spake, it consists but of a few, and albeit that by the decree of Charles the ninth, made in November, in the yere 1563, it is in the first article expresed, that so soon as the king was vp, all the princes and the council might come into the chamber, yet was not that his decree therein observed or kept. Which pluralitie and diversitie of Councils in the kingdom of France, ought not to feeme strange, seeing that in Spaine there be ten, beside the frait and inward Council, which are always in divers chambers next unto the king, and yet within the compass of the same house or lodging; to the intent, that the king going from one of them to the other, may the better be informed of his affaires: as namely the council of Spaine, the council of the Indies, the council of Italy, and the council of the Low countries, the council for the waftes, the council for the order of Saint John, and the Inquisition. Now if any man there be, that thinke the greatnest of that kingdom (than which never yet was any greater) to require so many councils: I deny it not, but yet so he may see also in Venice, which hath no verie great territory, foure counsellors, beside the Senat and Great Council: viz. the counsell of the Sages for matters at sea, the counsell of the Sages for matiers at land, the council of the Decemviri, or ten men, and the council of the Septemviri, or seven men; where the duke maketh the seven men, which they call the Seignorie, when it is joyned with the council of the ten men, and the three presidents of the fortie, beside the Senat of sixtie; which with the magistrats may come to the number of six score. And what then should I, but that where there be but few men worthy to be of counsell for the state, but that the Senat may be made right little, and the priuate counsell lesser, and yet divided from the Senat also. The state of the Rhagufians is but ftair, & comprifed almost within the fame bounds, wherewith the walls of the citie are enclosed, and yet the Senat confifteth of three score. In the city of Nuremberg is a Senat of twentie six Senators, and a priuate counsell of thirteene, beside another counsell of the feuen Bourgomasters. The Canton of Schwitz is the leaff of all the Cantons, and yet for all that beside the Senat of fortie five persons, it hath a priuate counsell of feven, of whom the Aman is chief. Which fetes the fame form of counsell is alfo kept in the citoy of Vri. As for the cantons of Zurich, Berne, Schaffhau, Baffil, Soleura, Friburg, and Lucerne, they have alwaies beside the Great Counsell, a little counsell also. The Great Council of Berne consists of two hundred Senators, and the little of two ctwie; At Lucerne of an hundred, and the little of two ctwie eight; At Saint Gal also the Great Council is of sixtie six, and the little of two ctwie foure: At Coite the Senat is of thirtie, and the priuate counsell
A council of fifteen. And without going so farre, it is well knowne, that the state of Geneva is enclosed within the compass and circuit of a mile, yet for all that beside the council of two hundred, it hath a Senat of sixtie; and after that a priuie council of twenty five. Neither is there any canton so little, (except the three cantons of the Grisons, governed by the common popularitie) which hath not a priuie council beside the Senat, wherein some haue three, and some haue foure. As in the canton of Baflil, where the secret matters of state are manageed by two Bourgomasters, and two other chief men of their colleges, whom they call Zumpe maisters. And in like case at Berne the two Anoys, and foure ensigne bearers, have the ordering of all the secret busines of their state; as hath the priuie council in a Monarchie. And namely in the diets and assemblies of the thirteene cantons, there is none but the priuie council of the ambassadours, which make their decrees, and direct their commissions, concerning their common affaires: I say then that it is a thing most profitable in euery Common weale, to haue at the least one priuie council beside the Senat, that the auncient rulers of both the Grecians and Latines haue so taught vs, reason so flowed vs, and experience therein confirmed vs.

But there is a notable difference betwixt the Senat of a popular or Aristocratique Commonweal, and the Senat of a Monarchie: for in them the diuyses and consultations are had in the secret or priuie counsell; but the resolutions and decrees are all made in the great Counsell, or in the assembly of the States, or of the people, if the matter be such as is to be vnto them published: whereas in a Monarchie the manner of proceeding is quite contrarie, wherein nothing is communicated or imparted to the people, or the nobilitie, but such things as seeme vnto the Senate doubtfull, or of greater importance, are still reserved vnto the priuie Counsell; and if the matter concern the soueraigne, it is referred vnto the judgement of the soueraigne prince onely. And albeit that the Senat or Counsell in a Monarchie seeme to do all the rest of it, yet still we see all to depend of the princes commannd. And this which we have saied concerning the manner of consultation, is almoste no where better put in practice then in Venice: where if any difficultie arise in the counsell of the sages, it is commonly disdained by jointing of the Decemviri vnto them, (and therefore vnto such decrees as are by them made are joined Con la Giunta:) and if they cannot so agree, but stil rest among themselues in opinion diuided, they call vnto them the Septemviri or counsell of seauen: but if so nothing can be decerte for the diuersitie of opinions, the matter is then propounded in open Senat: And sometimes also (although but seldom) if the matter be of such consequence, or so much concern the maieftie of the State, as that the authoritie of the Senat seemeth not to be thereunto sufficient, or that the Senat be thereupon diuided, it is propounded in the great counsell of all the gentlemen of Venice, where it taketh the last and finall resolution; which as Aristotelle wrieth, was also the auncient custome of the Carthaginians, where if the Senat could not agree, the difference was disputed, debated, and disdained by the people.

Now all this differing of resouling and determining, proceedeth from the diuersitie of the soueraigne, and of them which have the managging of the government: for what the Senat decreeth in an Aristocratique, or popular Commonweal, that the nobilitie, or people ratifiseth and commanndeth if the matter fo require: contrarie to that we fee to be done in a Monarchie, where the wiser the prince thinkest himselfe, the lesse he vseth the counsell of the Senat: (albeit that he oft times aske the advise thereof, to make his doings the more acceptable, or for the easing of himselfe, committeth vnto them commisions for extraordinary justice, or the judgment of inextricable matters and causes of appeals) especially if the Senat be so great as that the prince by publi-
thing of his secretes to so many persons, shall not come to the point of his designes. By this meane Tiberius the Emperour fought to kepe the Senat busied in desciding of great and extraordinary causes, to make it by little and little to forget the understanding of matters of state. And after him Nero likewise ordained that the Senat should have the hearing of Appelles which before were made vnto himselfe, and that the time for the offence for done by the Senat should be as great, as if he had heard the cause himselfe; By this meane making of a Senat an ordinarie court and juridiction of Judges: who in the time of freedome of that popular Commonwelth used to judge, except ordinallie in conspiracies, and other such like great offences against the state: or that the people which had the hearing of many causes, had committed the understanding thereof vnto the Senat. For which cause Cicero accusing Verres faith in this fort, Quo consigient socii? quem implorabunt: ad Senatum deuenient, qui de Verre suppliicum fumat? non est sofstatum, non est Senatuum: Whither shall our friends and allies flee? whom shall they ask help of: shall they come vnto the Senat, to take punishment of Verres? it is no thing in vle, it appertaineth not vnto the Senat. Wherein many deceiue themselves, which think that the Senat judged, when they saw that the Senatours were drawne by lot to judge of publike and criminall causes, sometimes by themselves, sometime with the knights, by the law Livia, and afterwards with the knights and the Treasourers, by the law Aurelia: for there is great difference betwixt the bodie of the Senat, and the Senatours taken in the quality of judges, and betwixt the privie Counsell, and the counfellours thereof comming into the foueraigne courts to judge. For before Nero the Senat neuer had so much as ordinarie jurisdiction or power to judge of any matter; And namely Augustus would not that the Senat should trouble it selfe, with the judging of the honour, or of the life of Senatours, albeit that they were thereunto importuned by his friend Maecenas. And albeit that Tiberius the emperour often times sent vnto them such causes, yet was it but extraordinarie and by way of commissione; which Adrian the emperour afterward cause to passe into the forme of an ordinarie jurisdiction. We see in like case that Philip the faire, or as some others say Philip the long, to discharge himselfe of the Court of parlement, and easifie to take from it the dealing with the affaires of state, made it an ordinarie Court, giving it jurisdiction, and a sitting place in Paris: which Court was in untientime the Senat of Francie, and yet at this day called it selfe the Court of Peeres erected by Lemes the yong, (accoding to the true opinion) to give counsell vnto the king; as we may see by the creation of Countie D'Majcon for a Peer, by king Charles the first, in the yeare 1359, where it is said that the king of Francie ordained the twelve Peers, to give them their counsell and aide, and armed it selfe, as yet it doth at this present, (by way of prerogatie of honour) the Court of parlement (without any other addition) as it is to be seene in the letters which it wrothe vnto the king; whereas the other Courts of later time establisshed, vfe their particular additions; As, The Parlament of Tholoue, of Roan, of Burdeaux, of Dion, of Gratarample, and Aquasexia. But in the raigne of Charles the ix, at such time time as the Court of Paris liked not of the decree of the Senat, whereby the king in the Court of Roan was by the voices of the princes declared sufficient for the government of the kingdome without a Regent, according to the law of king Charles the first: the king yet vnder age, aduised the court, to meddle only with the desciding of controuetisies, and the equall administration of justice: for that the king his predecessors had for that only purpose appointed that Court, and there placed them, and not to become his tutors, or protectors of the realm, or executors of his towne of Paris; and therefore commannded such lawes and edicts as hee had appointed to be proclaimed in the court of Paris, to be published: wherein if any thing
A thing should be contained that seemed not to stand with right and reason, he could (as he said) be content to be thereof roud; but yet so as that after he had underlood the matter, if it were his pleasure to have the law proclaimed, they should forthwith without farther reply do that they were commannded: with which the kings edict, the court was wonderfully troubled; and for that the judges were equally divided into two opinions: the one being willing to have the kings edict published, and the other denying the same. The Court thought good againe to aduise the king, that the court might not be enforced to allow or publish such things as should thereunto seem unreasonabile or uniuift. Wherewith the king displeased, cau'd his pruie Counsell to be called, and by the authortie thereof a decree to bee made the xxiii. of September, whereby the parlyment of Paris was forbidden once to call in question the lawes or decree proceeding from the king concerning matters of state: which was also before by king Franca decreed in the yeare 1528. In like case the great Counsell which was not almost employed but in affaires of state, in the reigne of Charles the feuenth, and Charles the eighfe, was by little and little so filled with futes, that Charles the viij. made it an ordinarie court of feuenteene Counfellours: whom Leuws the xij. made vp xx. beside the Chauncelour, who was President thereof, (in such sort, that vnder king Francis there was but a President in stead of a Chauncelour) who were not imploied but in hearing of extraordinary caufes by way of commis- sion, or remitting of the pruie counsell, and ordinarily the appeals of the Prouost of the houſhold. We fe also the pruie Counsell it selfe to be as it were brought into the forme of an ordinary court, by hearing the differences betwixt the Townes and the Parlaments, and oft times betwixt particular men, even for small matters: to the end that such a great company of the nobilitie, and men of marke, should be busied with some thing, having as it were the understanding of the affaires of state, which can never be to good end, if they be communicated to so many perſons: where the wiser sort are commonly ouer ruled by the greater part, joyning hereunto also, that it is imposible, to keepe the counfell of the state secret: or to know in such a multitude who it is that doubteth the fame, not to call them out who are holden for fupped. Except by vning the curfe of the auient Athenians, by vertue whereof the Senators by a secret judgement which they called το τις υπελαφιος might with all libertie, and without displeaſure condemn the blabbing Senator, or him that had defiled the honour of his eflate. As in like case the Roman Counfors without forme or fation of proceffe, had accustomed to remoue the vnworthie Senators, and by that meanes to exclem out of the Senat; except they would pui themſelves vpon their triall before the judges which were about the Counfors, or that the people had given some new office, or honorable charge to him that was fo remoued by the Counfors, or condemned by the judges. But the Romans were much to blame, both for too eafe receiuing and remouing of the Senators, and that in too great number: For Fabius Buteo made Dictator to supply the deſef of the Senat, at one time receiued in an 177 Senatours. Wheresas Lentulus and Gellius Counfors at one day remoued 64. Howbeit, it were more feemly and agreeing with the dignifie and honour of a Senat to receive into it few, and then alfo chofen and called out as pearles; than to exalt vnto a high degree of honour men worthie and vaworthie, and afterwards to call them downe againe with eternall infamie and dishonour, vnto whom they had before given their helping hands: Besides that it can not alwaies be done without danger and feditio, or the diskonne of him that ruleth. It is foure hundred yeares since that the Pruie Counsell of England at the instanſe and fute of the Archbifhop of Canterbury (then Chauncelour) esablifhed, there were there into but fiftenee perſons then chofen; neither hath it euer since pasted the num

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The pruie counsell on a secret judgemont brought into the forme of an ordinarie court by hearing of praetere and particular caufes.

Maters of state not without danger to be communicated unto many.
ber of twenty; and yet by means of that little Counsell they have retained their state
moll faire and flourishing in times both of peace and warre, as is by their histories to
be seene; and by the treaty of peace made betwixt Lewis the ix, and Henry the first,
king of England; which for the more assurance thereof was sworn by the Prince and
the xvij prince Counsellors: viz., one Archbifhop, one Chancellour, one Bifhop, six
Earls, and six other Lords, with the great Treafurour, and a magiftrat whom they call
chiefe Iustice of England. Now I doubt not but that in every Commonweale, many
by vaine ambition, favour, impudency, or corrupt bribery, in fortue again the
Prince and people will find means to enter into the sacred Senat; against which in
conveniency remedie might be well provided, if we would but the Solons law. For he
would have none to be admitted into the Senat of the Areopagit, but such as had
without touch, by all the degrees of honour ascended vnto the highest places and pre-
ferments of the Commonweale: for he deemed him to be well able to hold a place
in the Senat without flaggering or falling, that could hold himselfe vpright in such
dangerous and flippier ways. And that is it for which all the auntients both Greeks
and Latins, have so highly commended the Senat of the Areopagit, composed of
fiftie persons, as we read in Athens. The fame manner is yet vfed among the fift
tffer cantons of the mountaine Swiphers, that they which have passed through all the
honourable estates should continue Senators for ever: but this is not the way to have
good resolution, and yet leffe to keep the affairs of state in secret, in that the Sena-
tors of the little cantons, which are fiftie fiftie in Zug, and an hundred fiftie fiftie in
Appenzel, and more or leffe in the others, when queftion is of matters of importance,
may erie one of them bring with him into the counsell two or three of the citizens,
such as he liketh beft of. Whereby it commeth to passe, that sometime there are fiftie
or fiftie hundred, part Senators, part others, assembled together into the Senat, and yet
all have deliberative voices therein. Whereas multitude is ever an enemie, vnto wise
refolutions.

And thus much concerning the number of Counsellors of estate: let vs now also
breefly speake of them that are to propound matters in the Senat; and then of fuch
things as are there also to bee propounded. As touching the fift, men of auntient
time haue alwaies had great regard vnto the qualitie of them which were to propound
any thing in the Senat. For we fee that to have beene the propr charge of the greate-
teft magiftrats in Rome, whom for that caufe they called Confuls: or in their absece,
the greatest magiftrat that was in Rome (to wit, the Prætor of the citie) supplied the
place of the Confuls, receiving the particular requests both of the citizens and stran-
gers, of ambaffadors from forren princes, and allies letters from the gouernours of
their provinces: which letters he read in the Senat, asked erie mans opinion, com-
manded the decrees of the Senat to be written, & also dismissed the Senat. Amongst
the Grecians the greatest Prætor executed the fame office, who among the Atheniens
was called ἐργαν εκάνης: & the rest as they were created in some places πρὸς κυπατοι καὶ
προσβολαι, who bare almost the fame office that do the prouiditores in the commonweal-
ch of Rhague, & the lages in the state of Venice: howbeit that there the three Auogadors
ordinarily propounded vnto the Senat, that whereof it is to consult. In the councel of the
Greeks the president caufed to be cried aloud by a sergeant. That if there were any per-
son that had any thing to say concerning the good of the state, he should speake: which
Titus Livius speaking of the Acheans affirmeth generally of all the Greeks. But as for
the Aetolians, their custome was most notable, worthy to be of all men regarded, being
highly commended and approv'd by Philomen general of the Achean league; which was,
that the president, or hee which in full councell propounded any thing which
which seemed unto himself good, should therein have no voice himself. A great
means to take away the practices and court-trains, which are commonly made in
Popular and Aristocratie estates, where the basest heads easily draw others to their
opinions. Howbeit I cannot commend the fashion and custome of them of Genes,
where none but the duke alone hath power to propound in the Senat that which plea-
feth himself. For besides the difficulty of speaking with the duke on enemie side befor,
and troubled with infinit affaires, and to lay before his eyes a thousand divers reasons
for the debating of the matter in the council: it is also daungerous to give so great
authoritie to one person, that he may open or kepe secret to or from the Senat, whatso-
uer himself pleareth: it being not lawful for any man to propound any matter but
himselfe. It is also much perilous one citizen, who first declareth his opinion to be of
such authoritie and power, as that the rest which are to speake after him, dare not freely
say what indeed they thinke. And that is it for which it is wisely provided in the realm
of France, that it is permitted to all them which have accessse into the council (al-
though they therin haue neither deliberative voice nor place) euerie man to propound
his owne requets, & to aduertise the counsell or that which is profitable for the
Commonweal: to the end it may be the better provided for. And oftentimes their opini-
on is also thereof demanded, and then afterward the advice of the counsellors of the
estate, which in counsell have place and deliberative voice, in such fort and order, as
that the great lords deliver their opinions last; to the end, that the libertie of the lef-
ther should not be impaired by the authoritie of the greater princes or magiftrats, and es-
sially by the power of ambitious and factious men, who cannot in any case abide to be
contradicted. In which course they which have oude voyces consultitate, make way
for them which have oyce deliberative: and oftentimes broach unto the counsell
good and liuely reasones: and where they in any thing erre, they are without ielousie
againe by the others brought into the right. Which is a custome much more com-
mandable then that of the Romans, where the Consull first demanded the opinion
of thechiefe man in the Senat, or els of him that was appointed Consull for the yeare
following. And yet neuertheless the contrarie was vfed before the people: for first
the particular men delivered their opinions, and after them the leffer magiftrats, and
last of all the greatest, to the intend that the libertie of the lefther should not be prevented
by the authoritie of the greater. Ioyne hereunto also, that the ambition to speake first
doeth oftentimes draw after it the emule of some, and the ielousie of others. So wee see
the cruell emperours to discharge upon the Senat, the discontentment that the people
had of their cruelties, caused such things as they would have done to bee propounded
or red in the Senat: which to gainfay or seeme to dislike of was death. Which was
not to demand the advice of the Senat, but indeed most impertinently to command the
same. Whereof an auntenit Senafor complaining faith. Vidi mus curiam linguentes, in
qua dicer e quid velles periculo sum : quod velles miserum esset. We haue seeu (though hee)
the court dombe, wherein to speake that you wouldst was dangerous; and to say that
thou wouldest not, was a thing right miserable: For that the emperor Domitian, (conu
sulcis senebat quod omnes sequerentur) alone decreed what all men should follow: and
commendeth Trajan quod eorogante sententias libere diceret, inuencetque senten-
tias non prius sed melior: For that he propounding of matters, euerie man might freely
speake his mind: and that opinion prevailed not which was first, but best. By the cu-
stome of the auntenit Hebrewes, the king refrained from comming into the Senat, leauf
any should bee contrarie vnto him, or hee to any; for so they writ in their Com-
mentaries.

It were also to be willed, that the Counsell should sit in the morning yet falling,
for that is not to be holden for a councell well digested, which is done after dinner, as faith Philip de Commynes, and especially in countries where the people are subject unto wine. Salomon detesteth those princes, who when they ought in the morning to feed their mind with religious contemplation of high and divine matters, doe with full feeding pamper the inordinate desire of their languishing & broken lust, & with new nourishment kindle the fire of new desires: Which he in three words declareth, wo (faith he) unto princes which eat early. Which is a thing so much the more to be detested, by how much many think it to be the greatest brauere, to bee well whited with wine. For what can be more beastly, than was the old manner of the Germans, who neuer vied to confult of their greatest affairs, but in middeit of their cups persuaded so that every one of them warme with wine, should discoure the verie secret of his hart, and to be the more eloquent to persuade what they thought to bee most expedient. Which custome they have noe way well changed, insomuch that even their privat and domestick contracts made when they are in drinke, are to none effect or purpose, it being alone a sufficient caufe for the judge to renounce them being so made. Now as concerning such things as are to be confulted of in the Senat, they depend of such occasions & affairs, as in course of time present themselves. The ancient Romans first confulted of matters concerning their religion, as the marke and end wherat all humane actions ought both to begin and end. There was never also, faith Polybius (he himselfe being an Atheist) a people more deuout than this: adjoyning therunto moreover, That by means of religion they had established vnto themselues the greatest monarchy in the world. Then after matters of religion, and worship of the immortall gods, are to be entreated of the greatest and most vrgent affairs of state, and most concerning the Commonwealth, as the making of peace or war; in both which, long delay is no lesse dangerous, than is too hasty resolution. In which case, as in all things doubtful, the ancients had a rule which suffered no great exception, which was, That we ought not to do, neither to councell any thing to be done, whereof we doubt whether it be iuit or iniust, profitable or hurtfull; or if the harme that may ensue bee greater than the profit that may come of the enterprize that is to be taken in hand: but if the harme be evident, & the profit doubtful, or contrariwise, there is then no deliberation to be had or doubt made which to chuse. But the doubt is greater, when as that which we are to confult of, hath in show most & greater profits, if we can bring it to good effect, than it hath hurt if wee faille therein. Howbeit the more wholesome opinion of the ancients is to bee preferred, viz. That when question is of matters of estate, things doubtful, or subject to the change of fortune, are not at all to be embrased. And therefore the subtiller forte, cause the that be more simple, to propound and persuade in counsell such things as seeme vnto themselues doubtfull; to the intent that so the blame may rett upon them, if things fall out euill: & yet the honor redound vnto themselfes if it fall out wel. Howbeit nothing ought to be thought commendable and well done, which dependeth of the event. For it behoveth vs by most certaine arguments and reasons to shew wherfore this or that is to be done, and not by the event: yea it behoveth a wise man rather to shewe vnsfortune, than to presume of happie success. And therefore a wise councellor neuer refeth himselfe vpon the chances of fawning fortune, or vpon adventures, but still forceth himselfe by good and wise discourse to gather the true effects of precedent causes: albeit that hee oft times see, the most adventurous and rash, to be the most happie & fortune in their attempts. And therefore the antient diuines (who couered wifedome in fables) doubted not to exclude that goddesse whom they called Fortune, out of the councell of the gods; lest that which should be sought for by wisedome, should seeme to have bene obtained by the rashnesse of fickle fortune. And yet for all that wee see nothing
A thing to be more commended or blamed, than the good or evil end of mens actions: and to wise made measured by the foot of fortune. But if the law condemn the fouldiers firm with the enimy without the commanadement of his captain, although hee carry away the victorie; how much more dangerous ought it to be, to put the hope of counsels, & state of the Commonweal the inceertaine hope of fortune? Besides that, such continual adventures do oftentimes draw after them the ruine of adventerous princes. And therefore to avoid that nothing should be rashly or unadvisedly decreed in the counsell, it like well the aduice of Sir Thomas Moore, To propound the day before what was in the Senat to be resolue on the day following: to the end that such deliberations might the better be digested: provided for al that. That question be not of the particular interest of any of them which have voice in the counsell: for in that case it is much better to resolve upon the matter the same day, & without delay, than to attend untill the sound judgement of some be prevented by the subilities of others, & that men come prepared with long traines of reasons, to refute that which ought of right to be concluded. For as the truth, the more naked and simple it is produced, the fairer it is; so if it be certaine, that they which disguise it by figures or colours of Rethorique, take from it the lustre and natural beautie thereof: a thing which a man ought above all things in matters of counsell to shun. True it is, that to use oloquence, in the assemblies of the people, and with the sweetnes of speech to delight the ears of the ignorant multitude, or with faire words to blind their eyes, or with pleasing reasons to turne their minds from rage and furie to peace and quietnes, is a thing not onely commendable, but necessary also. But at these things are far to be removed from a Senat or counsell, if aduise be to be for gought or required of such Senators as we have spoken of, that is to say of wise men. And the Lacedemonian beautie, full of good reasones, is to be vset, that they all may have time to speake: & that no orator having got the possession of speaking, shold with long discourse or speech exclue the best & wiftest of the senators. And therefore by an old decree of the Areopagits, it was not lawful in that grave counsell, to use either any induction or after-speech. As for the deliering of their opinions by secret luffrages, as amongst the Venetians; or by changing of places, as amongst the Romans, I cannot greatly commend of either, but especially if the matter in consulta- tion consist of many points, of which some are to be liked of, and other some to be rejeccted: so that it is necessary to propound enierie article or point apart, which the Latiins terme dividere sententiam, and so to caufe the Senators to passe & repasse from one side to another. Into which difficulties the Venetians falling, are oftentimes constrained to leave their secret voices given by lots, and to giue the same by word of mouth; which they vse to do, when question is of the life, fame, or fortune of any man, according to the maner of the antient Greeks & Romans: a thing which cannot by secret voices, by lot, without injustice be done, for the infinit variety of cases which may present themselves to be judged upon. Now as the Senat of a Commonweale is not bound to the certain hearing and deciding of causes, so ought it not to trouble it self with intermedling with the jurisdiction of the magistrates, except it be in the controversie of the greatest magistrates, or for greatique courts among themselves. And for this cause Tiberius the emperor, in the beginning of his reign prosecuted in the Senat, That he would not alter any thing in the course of justice, neither have to do with the jurisdiction of the ordina- rie magistrates. And they which make a confusion of a Senat & prince counsell, do greatly diminish the dignity & honor thereof, for that it ought to be regarded as to confirme the princes actions, & wholly to attend the publike affairs: worke enough to butie a senat, except it be when question is of the life or honour of the greatest lords and princes, or of the punishment of cities, or other such causes of like conquence and impor- tance.
tance, as may well adhere the asemble of the Senat; as in auintent time the Roman F Senat, by commision from the people, had the hearing of the treasons and conspiracies of their allies, against the state, as we see in *Litur*.

Yet refleet the last point of our definition, that is to say, that the Senat is established to give advice and council to them which have the soveraignitie in euerie Common- weale: To give advice (I hay) and council; for that the Senat in a well ordered Common- weale, ought not to have power to command, not to direct out their mandats, neither to put into execution their aduises and consultations, but onely to make report thereof unto them which have the soveraignitie. Now if a man should ask, Whether there be any Commonweale wherein the Senat hath such power? It is a question but of fact: but if demand were made, whether of right it ought so to have or not? our G opinion is, that in a well ordered Commonweale it is in no wise to be suffer'd: for that it cannot be without impeaching of the soveraignitie, and that much lesse in a Monar- chie, than in an Aristocracie, or a Popular eflate. And in that the maieftie of a sove- raigne prince is knowne, in that he can, and his wifedome, in that he knoweth to weigh and judge the aduise of his counsell, and so conclude according to the resolucion of the wiser part, and not of the greater.

Now if any man thinke it strange or inconuenient for all other magiftrats and sove- raigne courts, to have power to command, in their owne names to direct out their commissions, and the Senat that judgeth of their authoritie and controverfies, to be depruied of this power: let him consider that vnto such magiftrats and courts, power is given them euyn by their infitution, election, and creation, and by the charters and grants vnto them made for the limiting of their charge and power, without which neither martiall nor civill or domesticall affaires can well be gouerned: whereas there was not ever Senat in any auintent well ordered Commonweale, which had any power to command by vettue of the infitution thereof. So we see, that in the kingdoms of France, Spaine, and England, the priuie counsell is not erecte or instituted in forme of a bodie politique or college; neither to have power by the election or or- daining thereof, to order or command any thing, so as is necessarie for all magiftrats, as we shall hereafter declare. And as for that that some will say, That the priuie coun- cell may difanull and reuerse the judgements and decrees of the magiftrats and sove- raigne courts; and so conclude, that it is not without great authoritie and power: mine answeare is, that the decrees of the counsell depend not in any thing of the coun- cell it selfe; but of the royall power, and by commision onely, in qualitie of extraor- dinary judges for the execution of iustice, besides that the commision and authoritie of the priuie counsell is always joyned with the perfon of the king. And therefore we see in a Monarchie all the decrees of the priuie counsell to beare these words with them, By the king in his priuie counsell: which can do nothing if the king bee not present or at leaft wise confirm the acts of his counsell. But wee haue before shewd the power of all magiftrats and corporations to ceale, and bee suspended in the presence of the prince. Now if the power of the Senat be nothing in the absence of the prince, and much lefse in his presence, where then is the Senats power? And if the Senat cannot of it selfe decide and determine a controverfie; how can it then dispose of such things as belong vnto the state of the Commonweale; and that is it wherfore we see such things as are decreed vpon by the Senat, to bee still referred vnto the prince: or if they bee of lefse importance, yet to bee still confirmed with the princes authoritie, hand, and seale. Which is no new matter, but of auintent time done. For we see an old charter ma- king mention of one Endobale, countrie of the Palace of king C lootire, who fitting in counsell with the Senat, was to report the decrees thereof vnto the king, to the end to have
A. have them by him either approved or rejected.

But the doubt is greater, whether the Senat in a Popular or Aristocratie estate ought to have more power than in a Monarchie, or not? Considering the great difference there is betwixt one lord and many, or betwixt one prince the fouraigne command of his people; and an infinit number of men; as in a Popular estate. Besides that, we read also, that in the Roman Commonweale (which is holden to have beene one of the most flourishing and best ordered that ever was), the Senat had power to dispose of the common treasure, and publike revenue (one of the greatest points of fouraigne) to appoint lieutenants and goernours of princes, to grant triumphs, and to dispose of religion. And for this cause Tertullian faith, That never any God was received in Rome, without the decrees of the Senat. And as for ambassadours of kings and people, none but the Senat received and dismissed them. And that which more is, it was forbidden upon paine of treason, to present any request unto the people, without the assent of the Senat before had, as we have before declared. Which was not only in Rome observed, but also in all the Grecian Commonweales. For offending whereby Thrasiobulus was in Athens accused of treason, as was afterwards also Androstan by Demophones. Which order is even at this time better observed and kept at Venice, than ever it was in Rome or Greece. And yet notwithstanding all this I say, that the Senat of the Popular or Aristocratie estates ought not to have but the advice and consultation of matters of state. But the power still depending upon them, which had the fouraigne. And as for that which is said of the power of the Roman Senat, that which it had, was nothing else but dignitie, authoritie, counsel, and not power: for that the people of Rome might when it was good confirm or repeal the decrees of the Senat, which had no power to command, and much less to execute the decrees thereof; Dionysius Halicarnasius hath well noted, and Livie himselfe oft times ving this forme of speech, Senatus decreuit populus insift, The Senat decreed, and the people commanded. Wherein Festius Pompeius is decreed, interpreting the word insift, commanded, for decreuit, or decreed. So that it belonged to the Senat to decree, and to the people to command. As when Livie (speaking of the authoritie of Scipio Afric. nas), faith, Nutus eius pro decreto patrum, pro populo insifse effe, His will was in stead of the Senators decrees, and the peoples commands. And that the least Tribune of the people, opposing himselfe against the Senat, might staye all the decrees thereof. I have here before noted certaine places out of Titius Livius: whereby it evidently appeareth, that the Senat could in nothing command: and especiall by the decree where it is said, That the Confult if he should thinke it fo good, should present the request unto the people, for the making of a dictator: and if it pleased not the Confult, then the Praetor of the citie should take that charge upon him: who if he would then do nothing, then one of the Tribunes should do it. The Confults (faith Livie) would therein doe nothing, and forbade the Praetor also to obey the Senat: Now had the Senat had so much power to command, as had the Confult, or one of the Tribunes of the people, it would never have vied such kind of speech; neither would the Confult have forbidden the Praetor to obey the Senat. For indeed the Senat could not command the Praetors, but vied these or like words, If it should so seeme unto them good; or if so it were their pleasure. So the same man in another place faith, Deccernunt patres et Marcus Lutius Praetor urbanius si ei videretur, Decemnius Agro Saviniti, Appulego, quoad eius publicum erat metiendo, denidendogque crearet, The Senators decreed, that Marcus Lutius, Praetor of the citie, if he should thinke it so good, should appoint ten men for the measuring and dividing of so much of the Samnite and Appulian land, as belonged to the Commonweale.
Now if any man should say that these words, *Si et videretur* (if it should so seeme) into him good imported a command: the contrarie is proved in that, that *Livio* speaking of the punishment of the Campanians, faith, That the Consull *Fulhurius* hauing red the decree of the Senat which carried these words: *Integram rem ad Senatum referet se et videretur: interpretatum esse, quid magis Republica ducaret*, *affirmatione spes permisfam*: That he should, if he thought it to good, referre the whole matter into the Senat: to haue fo interpreted the decree, as if the matter had beene committred to his discretion, to determine what he should think best and most expedient therein to doe for the Commonweale: at which time question was of the liues and goods of all the Campanians, part of whom the Consull of himselfe without further authoritie from the Senat caufed to be put to death, and the rest to be sold by the drume. But that the dignitie of the Magiftrats was in the Roman Commonweale greater than the Senats, it appeareth by that, that such as wrt letters vnto the Senat and people of Rome, if they therein comprehended the Magiftrats also, they still placed them in order before the Senat: as is manifest by the inscription of their letters, in this fort; *Cn. Plancus Imp. Cof. defig. S. P. D. Cof. Pret. Tribb. pleb. Senatui, Populo, plebiique Romane: Cn. Plancus Generall, Consull eft, vnto the Consulls, Pretors, Tribunes of the people, the Senat, People, and Commonwale of Rome fende greeting. Wherefore Cicero doth but orator like taunt *Vatinius*, when he faith, Art not thou a most certain murthe re of thy country? thou lefleft not vnto the Senat, that which noother man tooke from it; that Legates should be appointed by the authoritie of that order. And he in *Livio* when as he speaketh of Triumphes, sayeing, It was neuer before by the people determined of triumphes, the esimation and bestowing of that honoure having alwaies beene with the Senat: no not the kings themselfes to have impaited the maiftie of that order: he speaketh (I say) but like an orator: for that there was nothing which might not bee taken from the Senat, the magiftrat propounding a request to the contrarie vnto the people: as we have by examples before declared. But howfouer the Senat for the maintenance of the authoritie thereof made decrees, yet could it not command or put in execution any of those things that were by it decreed: neither had it so much as any Lictors or Sergeants, the true markes of them which have power to command. But the Magiftrats hauing the decrees of the Senat in their hand, directed their owne mandats and commissions for the execution thereof, if they thought it so good: affuring themselfes to be out of blame in doing that the Senat had before decreed, it being alwaies ready to mainaine them in so doing: So the Senat being no way able to restraine Cesar, tooke their refuge to that auumnt decree of the Senat, which was commonly made but in the dangerous times of the Commonweale, *vident Consules ac eueri Magiftratus ne quid detrimenti capiat Republica*: Let the Consulls and other magiftrats foresee that the Commonweale take no harme: with which decree of the Senat (faith Cesar) the Consulls armed, boddenly raiied their power and took vp armes against Cesar: by which words it appeareth, authoritie to haue beene in the Senat, but the chiefes command in the Magiftrats. But if any Tribune of the people once opposed himselfe against the decree of the Senat, not onely the authoritie of the Senat, but of the Consulls and other magiftrats also ceased. And for that caufe there were ordinarily some of the Tribunes at the gate of the Senat, (before that the law Atinia gave them entrance into the Senat house) vnto whom the decrees of the Senat were brought and showed, for them to confirme by writing ouer them this letter *T*, or reiect by putting thereunto this word *Peto*, that is to say, I forbid it. So that the Senat did nothing but by sufferance of the people, or of the Tribunes, who were as it were epifals of the Senat, and keepers of the libertie of the people, hauing alwaies
A always free power to take exception to whatsoever was decreed, if the people by express law took it not from them, permitting the whole deciding of the matter profounded, vnto the Senat, without the interruption of the Tribunes. As it did at the request of Tiberius Gracchus, the Tribune of the people, giving leave vnto the Senat for that yeare to dispose of the Consularie provinces, with express prohibition vnto the Tribunes for the opposing of themselues, for that time onely. For after that time the people oft times gaue the provinces and gouernments, without the advice or authority of the Senat. Now to say that the Senat had the disposing of the common treaure, true it is, but that was but vpon suffertance, and so long as it pleased the people; as we may see by the law Sempronill, whereby the people decreed that the souldiours shoulde be appared of the charge of the common treaure. And he that hath no power but by suffertance, and by way of intretie hath no power at all, as we hauie before said. So in like case we see the Auogadours or Triumvir in the Venetian state often times to oppose themselues, not onely against the proceedings of the Sages and Decemviri, but even of the Senar alfo, and so cause the matter to be brought vnto the hearing of the grand Counsell.

But here againe a man may say, that if the Senat in bodie or lawfull assemblie had no power to command, there was then no difference betwixt the decrees of the Senat, and that which they call the authoritie: for so it was that if there were lefse then foure hundred Senatorys, by the decree of Augustus, (who were afterward brought to the number of fiftie) that they agreed vpon, was called an Authoritie, but not a Decree of the Senat. As also we may see by the law Cornelia, published at the request of a Tribune of the people: whereby it was forbidden the Senat any more to grant punitleges or dispensations, except there were two hundred Senatorys at the least present. Whereby it is to be gathered, that the Senat in such number had power to command; whereunto I say that a decree in the nature of it selfe carrieth with it no command, no more then the sentence of the judge, if the commission be not on foot. Now the Senat never judged or determined, neither could give out any commission or mandate; and therefore never had the power to command their decrees to be put in execution, without the power and authoritie of the magistrats still being of none effect. And yet whatsoever decree the Senat had made, and were it neuer to well by the power of the magistrat confirmed; was but annual as Dionysius Hilaris, heath well written; and not perpetuall as Cenon supposeth.

But how then (might some man say) did the Senat cause three hundred souldiours, citizens of Rome, which remayned of the Legion that had facked Rhegium in Sicilie, where they were left in garrison, to be led away; and being spriet and beaten, to be all afterward beheaded before the people, without any regard had vnto the opposition of the Tribunes, or appeales of the condemned, most miserably crying out, the facted lawes to be therein broken and troden vnder foot. But herein question was of militarie discipline, which in that respect hath nothing common with domestical lawes and customes. Beside that it was done but by the advice of the Senat, the execution thereof being performed by the magistrats, who were not bound to obey the Senat, if they had not beene thereunto willing. Yea moreover such was the crueltie and horriblenes of the villanie by the garrison souldiours committed at Rhegium, who themselves most cruelly rifeled the citie, which they ought with their blood to have defended against the affaults of the enemie: as that it causd al the ordinarie power of the lawes to ceale: no punishment being thought sufficient to revenge the fame. Which cases when they chaundered, the tittles and querts of lawes were little at all regarded, especially in the midst of such a noife of weapons. But as oft as the Senat or Consuls
attempted to infringe the soueraignty of the people, or to break the laws, as oft times they did the Tribunes, were straight waies ready to oppose themselves against them. For in that Caius Cornelius Tribune of the people, made a request vnto the people, that the Senat from that time forward, should not decree any thing against the libertie of the people, and the maiestie thereof: it sufficiently declareth the Senat oft times before contrary vnto the law, to have viuped the rights of soueraignty: howbeit therein is not to be respected what was done, but what of right ought to have bene done. Howbeit it is manifest, that the Senat in the latter times thereof had power to make lawes: but then it had left off to be a Senat, and was then become rather an ordinarie court of judges. And yet the magistrats themselues, as the Praetors, the Ediles, yea and the famous lawyers also made a great part of the Roman law, albeit that they had no power to command at all: but all this dependeth of the good liking of the prince or people, without whose authoritie and command, the force of the law, edict, or decree made, was nothing. Seeing then that the Senat in a Popular estate hath no ordinarie power to command, nor to do any thing but by suffertance; much leffe power shall it have in an Aristocratie estate, or in a Monarchie: and so much the leffe in a Monarchie by how much kings are more eloue of their estates, than are the people, and better know than they, how to defend their owne soueraignty.

But whereas we said, It was not lawfull without the priuittie of the Senat, to propound any request vnto people, that indeed was so provided by the law Popilia and Hottensia: yet was it lawfull awaies without the priuittie of the Senat, to propound requests vnto the Comminaltie: and although that by the Consulatirie law Cornelia, it was also forbidden without the priuittie of the Senat, to propound any request vnto the Comminaltie, yet was that law shortly after againe by the law Pompelia repealed and abrogated. Wherein many with great libertie abuse the words Populi et Plebis Romani, (the People and Comminaltie of Rome) and especially the Greekes, and such as ignorant of the Roman antiquitie, interpret the Greeke writers.

That is also worth the noting, that albeit that the request which the magistrats were about to propound vnto the people, were disliked of the Senat, yet might they nevertheless lawfully move the same vnto the people, after they had once made the Senat acquainted therewith. The same may ferue also for an aunswere to that which Iosephus the historiographer faith, That Moses forbade the king to deny any thing concerning the publique, without the aduise of the Senat, and the high priest (howbeit that this article is not to be found in all the law) yet thereof it followeth not, that the king was thereby of necessitie bound to follow their aduise. For albeit that the Roman emperors termne themselues the principall Senators, or chiefe of their councell; yet such additions in nothing diminished their maiestie. Yea albeit that they called the Senators their companions, or good lords and maisters, as did Tiberius, who in the beginning of his tainge called the Senators Indalgentissimos dominos, His most loving Lords, as we read in Tacitus. But how much princes gave vnto the Senat, and the Senat vnto princes, Plutie the younger doth in two words (as it were) declare; where he thus speaketh of a cernain decree of the Senat. Voluntati tamen principis sui, cui in nulla re fas putaret repugnare, in hanc quoque re obsequi, but to obey the will of their prince, whereunto they thought it not lawfull in any thing to resit, even so in this this thing also to show themselves obedient.

And further also, the Senators or Councellours of the estate, to speake properly are no where accounted either as officers or commissioners: neither is this realme are they by any law, or edict, or charter of the kings made councellours, but only by a short briefe without any scale, signed with the kings hand, expressing in few words, that the king
king during his pleasure giueth them place and deliberative voice in his counsell. But the king being dead, they must have another such briefe for the holding of their places, except such as for their calling, or the charge they have in the Commonweale, have access and entrance into the counsell.

Now if any man ask, Why a Senat in a well ordered Commonweale, should not have also power to command? The principal reason is, for that it should have power to command also what it had in counsell decreed, the soueraignty should rest only in the counsell; and so the counsellors of the estate, in stead of counsellors should then of become maisters, having the manning of the affaires, and power to dispose of all, at their pleasure; a thing impossible to be done, without the impairing, or to lay bettter the vter subversion of all soueraignty and majestie: which is so high and so sacred, as that it belongeth not vnto subjects, of what estate or condition soever, once to touch it either nie, or a tarde off. W hereby it is to be understood, that giue command vnto a Senat, to go about the destruccion of the Commonweale, and vter ruine of the state. And for this cause the Great Councell of Venice (wherein the majestie of their state consists), seeing the Decemviri to take vpon them aboue that which was committed to their charge, for bad them vpon pain of high treason to command or deter-mine of any thing concernynge the state, nor so much as to write their definitne letters; but to have therein reconuente vnto the Seigniorte, vntill the Grand Councell were assembled. For which selse same reason, and that moe of the citizens also might be partakers of that honour, they haue decreed, That the six counsellors of estate, asilants vnto the duke, shall not be but two moneths in that so honourable a charge: to the end that the custome to command should not breed in them a desire still to continue the same, as also to aspire higher. Howbeit I am not of opinion so to haue the counsellours of estate changed and rechanged; but rather to haue them perpetuall, as they were of antient time at Rome, Lacedemonia, and Pharsalia, and yet are in Polonia and Geneva. For the yearely chaunging which they made in Athens, and yet make in Venice, Rhagufium, Luques, Genes, Nuremberg, and divers other townes of Germanie, doth not onely greatly obfuscote the glorie of the Senat, which ought to shine as the sunne, but also draweth after it the inenite dazer of disclosing and publishing of the secrets of the estate: joining hereunto also, That the Senat all new, cannot bee enformed of affaires pasted, neither yet well continue the entertainment of the affaires present. Which for that it feemed vnto the Florentines a thing verie daungerous, they at the request of Peter Soderin their Gonfalonier (and a chiefe man in the reforming of their estate) decreed, That all the Senat of foure score, shoulde from six moneths to six moneths be re-moued; excepting suche as had before bene Gonfalonists or chiefe officers in the Commonweale, whom they appointed perpetuall Senators, of purpose to instruct the other new Senators in the affaires of state. The same order they of Genes are faire also to take in their mutable common Senat, wherein such as haue bene dukes and Syndics are perpetuall Senators. Wherein the Rhagufians are better provided of their Senar than are the Venerians, whose example they feeme to haue followed in the forming of their Commonweale: For in Venice the Senat chaungeth every yeare at once: but in Rhaguse the Senators which are also but one yeare in charge, change still one after another, and not all in one yeare. But if the desire of honour bee so great, as that the citizens cannot other wise be satisfied, except they all by turns may haue place in the Senat, we must then imitat that which Salom did; who in the Popular estate of the Athenians by him framed, appointed a mutable Senat of foure hundred citizens every yeare to be changed: but withall hee made a perpetuall priue Council of the Areopagis, to the intent, that that mutable Senat, and yearly change of all the other magistrats.
magistrats might thereupon rest, as upon a most fitme and sure stay. And thus having spoken of a Senat, order requireth that we should also speake of the Officers and Commissioners in a Commonweale.

### Chap. II.

Of the Officers and Commissioners in a Commonweale.

S in the whole bodie of the law concerning Commonweales, are contained many things right fruitful and commodious: so also amongst the rest, the reasoning and discourse concerning publike persons, hath alwayes bene thought most profitable: and albeit that many things concerning magistrats are thought common and visuall, yet lie the same for most part almost wrapped vp in obscurite: For that they which have therof reasoned, do therein define nothing plainly. Wherefore I have thought it best to begin this our discourse of their definitions. An Officer therefore is a publike person, who hath an ordinary charge by law limited vnto him. A Commissioner is a publike person, but with an extraordinary charge limited vnto him, without law, by virtue of commission. Which definitions so by vs set downe, that they may become more plain, it shall not be amisse to make a division of publike persons, even from the first beginning of them. And first I call them publike persons, who are to attend vpon the publike affaires: of whom there are two forts, one which hath power to command, where they call Magistrats: and another fort which hath no such commanding power, but is onely to vnderstand and to put in execution the commandements of the others: and are yet all publike persons also. Howbeit for all that, all publike persons are not Officers, or Commissioners; as Archbishops, Bishops, and Minifters, are publike persons, and beneficed men rather than Officers: which we must not mingle together, considering that the one fort is established for matters divine, and the other for worldly afferaires, which ought not to be confounded. Joynig hereunto also, that the establishing of them which are employed in divine matters, dependeth not of the politike edicts or laws, as the Officers do. Let vs then see the definitions by vs set downe, whether they be good or no, before we enter into the division of Officers, for that no man, either lawyer, or of them which have before entreated of the state of Commonweales, hath truly told what an Officer, a Commissioner, or a Magistrat is: which for all that is a thing most necessarie to be understood, seeing that the Officer is one of the most principal parts of a Commonweale, which cannot stand without Officers and Commissioners. But forasmuch as Commonweales were first servd by Commissioners, before they were servd by Magistrats or Officers (as wee will hereafter show) it is fit that we should first speake of Commissioners, and of the difference betwixt them and the Magistrats or Officers.

Aristotle faith, That a Magistrat is he that hath a deliberative voice in the Senat, and in judgement, with power also to command. He also calleth the magistrat d'pax which is not proper but to them which are of power to command, and agreement not vnto officers that serve, as Vihers, Sergeants, Trumpetors, Scribes and Notaries, whom he putteth into the ranke of Magistrats, and yet have no power to command: so that this definition is in that respect too short. Besides that, it is a thing more absurd, that he should not be a Magistrat, which hath no entrance into the prouinc councell, neither yet deliberative vowe, nor power to judge: for if it were so, there should be but few magistrats in all Commonweales, considering that there are so few concellors of the priue
A use council in well ordered Commonwealths, and among them not one which hath deliberative voice, but by commission: and albeit that they had such voice, yet had they no command, as we have before declared.

And as for the lawyers, there be but few of them which have touched this thing: and namely do not. For venem confesseth, That it always seemed unto him an hard thing, rightly to define a Magistrate. And indeed in the definition of a Magistrate by him made he is deceived: For he saith, That a Magistrate is he to whom the prince hath given any charge: in which fence and sort, all Commissioners should be magistrates. But D. Cursias, besides the definition of Aristotle, promiseth to bring three others: A Magistrate (faith he) is a publicke person, who hath preheminence in doing of Justice; or he which sisteth in seat of Justice; or else he which hath jurisdiction and publicke judgement: so that by his account he appointeth foure definitions, with that of Aristotle. Which is directly against the Maximes of all Philosophie, and contrary to the principles of Logike, that one should give more than one definition to one thing: and is also impossible by nature. But if any say, that many descriptions may be given of one and the same thing, for that the accidents are marie which are in one thing: true it is, but an hundred descriptions cannot declare and make manifest the substance or nature of a thing: Which in the Art of reasoning is a great fault: but in the knowledge of the law much greater, and especially in the matter of Magistrates and officers, which is the entrance of the law, where the lawyers begin. For the principall marke whereby a Magistrate is knowne, which is, To have power to command; is in these three definitions wanting: and the magistrates lieutenants have the hearing of causes, are presidents in judgement, and sit in the seat of justice, and yet for all that are no magistrates at all. The bishops also sit in publicke judgement, and fear of justice, and have the hearing of causes: For when Lentulus the Great Bishop, made relation unto the Senat, of the decrees of the college of Bishops, and the law Clodia, concerning the consecration of Cicerons house, thus he began his speech, Pontifices religionis sunt, justiciae, legis Senatus. The Bishops (said he) are judges of religion, and the Senat of law. So doe the Cades, or Mahometane Bishops in the East; and yet for all that they are no magistrates, confiding that they had or have no power to command, nor to call men before them, to imprison them, or to put their owne judgements in execution: neither have they any serjeant or officer whom they can command, no more than have the Cades, or Paracades in Turkeie, or the antient bishops of Rome; which is a thing worth the marking. And sometimes dear contrary, some have authority and power to command, which have no jurisdiction or hearing of the cause at all, as wee will hereafter shortly shew. And that more is, the Commissionets of publike extraordinary causes, in antient time deputed by the people of Rome, whom the law calleth quentes particulai, had (as at this present Commissionets appointed by the prince have) power to hear the cause, to sit in justice, to judge, to command, to compel, and yet for all that were no magistrates. Which bring fo, none of the aforesaid definitions can bee good.

Besides that there is another fault in them, for not hauing distinguished the magistrates from the other officers, nor made any difference between an officer, & a commissionet; whereof a great confusion and medley of commissionets and officers must needs entice. Carolus Saginus, who seemeth more curiously to have searched into the definition of a Magistrate, is yet therein many waies also deceived: For he calleth all them magistrates which have any publike charge of worldly affaires, without making of any difference between officers and commissionets, or bewixt the magistrates and other officers, which have also publike charge; besides that he giveth power to all magistrates, to judge, to command, and to put in execution, even vnto the Atrubites. Howbeit as a definition
tion ought not to extend farther, or leafl; way, than doft the thing that is defined: fo F ought also the defcription of a magiftrat in this our treatife of a Commonwale, to agree to all magiftrats of all Commonwales indifferently.

Now in the definition by our felves proposed, we first fay, all officers (whether they were magiftrats, or magiftrats fervants) to be publique persons: who in that differ from private men, for that private men have nothing to doe with the affaires of the Commonwealth. We fay alfo the magiftrats to have an ordinarie charge, whereby to differ from Commissioners, who have also publique charge, but yet extraordinary, according to the occasions in the occurents of time presented: fuch as were in autentique time the Dictators, criminall Quellers, and other judges extraordinarily by the people of Rome appointed, at the motion and requiff of the Magiftrats. And laft of all we fay, their ordinarie charge to be to them by law limited and bounded: for the erection of their publique ordinaries charges, erected by the name of offices, which otherwise should be no offices, if there were not for them an expressa edict or law. A thing always obferved in the autentique Commonwales both of the Greeks and Latins; and now also better than ever: and to this end Princes cause their edicts to be publifhed, in their foueraigne and inferior courts: and in this realm of Fraunce, the charters of offices newly erected are fealed with greene wax, with labels of greene and red flift, and this style, viz. To all men present and to come, with a continuance perpetuall: whereas the letters patents of commiffions, are fealed with yellow wax, with a label of plaine parchment, without any perpetuities. And albeit that all Corporations and Colleges be granted by the prince with a charge by law limited and fesus, as I have fayd: yet fo it is, that if the king will augment or increase the number of the corporation or colleges of judges, or other magiftrats, yea or of the moft base or vile officers: as of Sergeants, criffes, trumpetours, land meafurers, broakers, and fuch like, it muft be done by publique edict, verified and inrolled: of examples whereof all the records of the courts of justice are full. But whereas we fayd the lawes concerning officers to be perpetuall, that is to be underftood of the perpetuities of the offices, which continue for ever after they be once by edict erected, (what time fooner it be that is prefcribed unto the officers themselves,) vntill that by contrary edicts or lawes the fame offices be againe put downe. Although the officer hold his place but for the space of eightene moneths, as did of long the Cenfors their cenftorship, (which for al that was at length prorogued for five yeares, for that great an office could not in leafl; time well be discharged) or for a yeare: as did all the other offices in Rome, by the law Villia: or for fix moneths, as did the Senators of Florence, after it was a popular eflate; or for two moneths, as did the fix Counfellours of the Signiorie which are affiftant unto the duke of Venice: or for one day only, as the Captaines of the two fortrefles of the caftle of Rhagifie, whose office is perpetuall, albeit that their command laft but for one day. But howfocuer it be that offices be erected with ordinarie and publique charge, it muft still be done by law: not for that it is needfull to haue parchment to write it in, or greene waxe to feale it with, or yet magiftrats to publish the edicts concerning the erection of fuch offices: for the writing, the feale, the verification, albeit that they give credit unto the lawes which are made, yet make they no lawes, no more than they doe other acts and contracts. But to the contrary there were never lawes more strong or better kept, than thofe of the Lacedemonians, which Lyceurgus forbad to be written, and were for that caufe called Rhetes: for he was perfwaded that they fhould the rather remaine inviolat, and of long continuance, if they were once put in the hearts of his citizens and not in tables, in their mindes and not in books. The Athenians in like cafe had a certaine forme of prefenting their requiffes vnto the people, which if the people re-
A ceuded, it then passed into the force of a law: which they vfed to ingraie in brasse, and to fet it vnto a pillar, left any man should vnder the colour of igno- rance excuse him felfe in transgressing the fame. So when question was for the eredtion of an hundred new Senators in Athens out of the two new Tribes of Antigonus and Demetrius, the law for the eredtion of them was published vnto the people: which was also done in the eredtion of all other offices as is to be done in Thucydides, Plutarch, and Demofthenes. The like is to be laid of the Roman magiftrats: for the Confuls were created by the law Liciuia: and the Tribunes of the people by the law Duilia: and when question was for the creating of one of the Confuls out of the people, it was done by the law Liciuia. And afterward the Pre tor for the admifttration of justice in the citie was made by the law Sextia. And the foure Pretors for publice criminall caufes, (beside the other before eredted) by the lawes Cornelius and Babia. So may we also fee of all the other Magiftrats eredted by the Emperours: that it was alwaies done by exprefle Edict, wherein the time, the place, and their ordinarie charge are limited. As in the firft & twelth bookes of the Code, and in the Edicts of Iufuinius it appeareth where every magiftrat hath his particular Edict.

We have put alfo into our definition of an Officer, that he must haue an ordinarie charge, for that the commandes of the people of Rome granted by commissions and extraordinarie charges were alwells called by the name of Lawes, as were those that were made for ordinarie offices: the charge, the time, and place being full limited by commission: as a man may fee by the commissions granted vnto the Dictators, which were sometime made by the decree of the people, as I haue before shewed. And alfo by the commission granted to Pompey for five yeares, therein to end the Pirats warre: with command owr all the coasts and hauen towne of the Mediterranean Sea, all granted vnto him by the law Gabinia. As alfo by commission giuen him the warre against king Mithridates, granted by the law Manilia. But as much as there were not extraordinarie charges, a man could not call them offices, which are full ordinarie and perpetuall. And for because those warres were in short time to be ended, it was not meece therefore to create a new magiftrat, whose office and charge should be perpetuall, but onely extraordinarily to commit the care of that warre vnto a moft afficient Captaine and Generall: vnto whom five yeares time was limited at the request of Coutotes: to the intent that Pompey in that time might end the warre, and not longer to protract it to be so alwaies in employment: Or if the warre were sooner ended, that then his commission should end alfo. And all such extraordinarie charges we call by the name of Commission. The Dictatofhip was alfo a charge giuen by commission, and not an ordinarie power: for why, the Dictator was not but extraordinarily and without law nominated by the Intereex or Conful, some great matter requiring: and for that all offices ceased the Dictator being created, his commission was limited but vnto fix months at the moft, and if he had done dispacthed the businesse for which he was appointed Dictator, his commission then also expired, and his authoritie ceased: as we haue by many examples before declared. And as a man may fee by * Aemilius Mamercus, who choen Dictator, and the fame day having dispacthed the businesse for which he was choen, the very next day following gave vp his charge: showing therein how little he liked of long rule or authoritie. Howbeit such is the nature and power of all Commissions, as that according to the pleasure of him that hath the soueraignty, they may be either reuoked or proroged. And albeit that commissions in Popular and Arif trocra tique Commonweales are almoft full limited vnto a certaine time; yet in a Monarchie that extraordinarie and permifuis charge is tied to no time at all: for why, in Popular and Arif trocratie citates and

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governments, the greater the charge is given by commissi
the more need it is to
have in short time expired, lest longer power might give occasion to ambitious
minds to take unto them selves the government, and so to oppresse the libertie of the
state. And therefore the dictator ship was but for six moneths, neither was that pow-
er ever longer proroged to any man in that free Commonweale, except to Furius Ca-
milias. For at such time as the people of Rome had extraordinarily created the
Decemviri with a yearly and soueraigne power, for the reforming of their old lawes and
customes, and the making of new and more commodious for the state : their commis-
mission which should not have passed, a yeare being expired, was againe by the people for
another yeare proroged, with absolute and soueraigne power: and all other magistrats
suspended during the time of their commissi, until that out of the old lawes of other
cities they had gathered the lawes of the twelve tables. Upon which continuance of
bearing rule, these Decemviri took occasion to oppresse the libertie of the state, and to
take upon themselves the soueraignty, had it not by force againe bene wrong out of
their hands, and that not without the great trouble and turmoile of the citie. For
which cause the people from thenceforth erected the offices of the Tribunes of the
people, as defenders and keepers of their libertie; who alone of all the magistrats held their
places after the creation of the dictator, all other magistrats and officers being for that
time suspended. The Florentines did otherwise, who almost curiously fixed yeare extraor-
dinarily created eight or ten Commissioners, with soueraigne power, and without li-
mitation of time, for the ordering of their Commonweale, and the reforming of the
abuses therein: who being once created, all other their magistrats ceased. By which
meane these ambitious in effect took upon themselves the government, albeit that in
outward appearance they made faire show of the giving vp of their charge. For the
suspension of all magistrats in generall, is a thing very dangerous, not onely in Popu-
lar and Aristocratie states, but euen in a Monarchie also: which yet I never knew to
have happened in this kingdom of France, but at such time as king John was taken
prisoner by the Englishmen: For then Charles the fi.ft having gotten of his father the
government of the kingdom, appointed fitte commissioners for the reforming of the
Commonweale, with power to examine the dosings and abuses of all the other magis-
trats, from whomse as then all power was taken. At what time the Commonweale
definitue of governours, was by the seditious wonderfully disturbed: but more of these
things in their place.

But the better and the more easilie to understand the difference betwixt an office and
a commissi, a man may in some fort say, that an office is a thing borrowed, which the
owner cannot demand againe before the time it was lent for bee expired: but a com-
nissi is a thing which one hath but by suffere, and as it were by leave, which the
owner may againe demand when he seeth good. And that is it for which Tacitus
merily speaking of the raigne of Galba, which continued but three moneths, faith, Pra-
carum seni imperium & breui transitum. The old mans empire was but by suffere
and in short time to passe away: not for that he had indeed his empire by suffere,
but for that he was now growne extreame old, and being vnfit for the government of the
empire, forefaw that in short time it must againe by naturall death bee taken from
him, although he had not (as indeed he was) bene before slaine. Howbeit a Commissi-
on is of such nature, as that it expireth so soone as the charge thereof is executed, al-
though it be not reuoked, or that the time was granted longer for the execution ther-
of, and yet neuerthelesse may be alwaies reuoked, whensoever it shall please him that
granted it, whether the matter for which it was granted be yet entire or no, as we
haue before shewed by the example of the Dictators. And to this purpose there is an old
old decrees of parliament yet extant in the records of the court of Paris, against the pur-

suitants sent to Troy with the judges for the publick extraordinary causes, being indeed

none of the body of the court, who (the commission expired) neuerthelesse yet bearing

themselves as pursuants, were by the court commandned to resigne vp their office, and

a decree made them to be no officers at all.

I stand longer vpon this point, which although it may seeme easie vnto men of ex-

perience, yet vnto others it may seeme strange: yea two of the greatest orators of their
time, namely Demosthenes and Ctesiphon grounded the state of their orations and pleas

vpon this point. For when Ctesiphon had preferred a request vnto the people, That it

would pleasde them, that Demosthenes for his good deeds towards the Commonweale

and namely for having most strongly fortified the wallse and castles of the city of

Athens) might in the open theatere be rewarded with a crowne of gold. Ctesiphon De-

momosthenes his greatest enemie, opposed himselfe against the entertainment of the re-

quest, alleging for the cause thereof, That by the law no man was to be rewarded, ex-

cept he had first given an account vnto the people of his office well discharged, as all

magistrats were bound to do. Demosthenes for that it concerned his owne honour and

reputation, taking the matter in hand, made of all others a most excellent oration for

Ctesiphon, or more truly to say, for the crowne he would haue had, alleging, That the

law spake not but of Magistrats; and that charge of repairing and fortifying of the wall

es, and other fortresses, was no magistracie or office, but onely a simple commissione and

therefore in his vulgar tongue faith, 

Wciitswv, &c. 

which the Latines properly called Curato, which is to say a Commissi-

on. Whereby it appeareth, that publike charge, for repaiting of the wallse, not to have

bene an ordinarie matter, but extraordinarie, for that there is not still need for to repara-

tion. Neither ought it to seeme strange, if Demosthenes well knew to distinguishe and

put a difference betwixt a commissione and an office (as having bene of longe time exer-

cised in the publike affaires, and as it were in the middest of the Commonweale) both

which Aniftale altogether confounded. The one of them also having alwaies man-

naged the affaires of state; and the other as faith Laertius, never intermedling therein.

And that is it for which Nicholas Groucheius, and Carolus Sigonius, for not having un-

derstood the difference betwixt an office and a commissione, have so much troubled

themselves with replies and reioynders, without any resolution at all, as men ignorant

in the knowledge of matters of law and of state. All which shall I hope be well mani-

fested, by that which shall be set downe in this booke.

In the laws of Charlemaigne Commissioners were called miss, a mitteno; which

signifieth sent; which the Germans call by an old word Skaten: whereof they called

the court of judges, which were extraordinarilie sent into the provinces (were indeed

nothing else but Commissioners) Seuarius. But here perhaps may some man say, That

the Commissioners of the castle of Paris, and judges of the court of Requests of the

Pallace, are also officers: which being so, how could it then be, that an office and

a commissione should not be also one? Whereunto I answer, That of antient time

those judges were but simple commissioners, with authoritie and power during plea-

sers, who yet afterwards for the common good and profit were made perpetuall offi-

cers, with an ordinarie and perpetuall charge and power committed vnto them

thems: their old and former name of commissioners, yet by abuse or for the honor of

that court full remaining: whereby those judges of the court of Requests, are yet called

the Commissioners of the Parliament; as judges appointed, and againe to be reuoked

at the pleasure of the prince. Which judges of the court of Requests (for all that) can-

not now be reuoked by the king himselfe, except they first bee by capital judgement

condem
condemned, or willingly of themselves resign their places: for so it was by the law of Leves the eleventh provided. Not for that commission is incompatible with an office, most part of commissions being not directed but vnto magistrates or officers: but for that an officer in the quality of an officer, cannot be also a commissioner, for the same charge limited vnto him by his office. For such commissions as they call Excitations, extraordinary directed vnto officers for matters concerning the renewing the jurisdiction, or authority of their offices, are not properly commissions, if the time or the place be not by the commission altered; as to judge according to the latter proceedings, and to leave the former: for after that the time and order appointed by the law, is altered by the authority of the prince or magistrate, it is to be now determined by commission. Now the difference herein which the lawyers hold, is notable. That if any officer have judged of a fact contained in his commission, in the quality of an officer, that his judgement is naught: but yet that is to be understood in a thing which concerneth not his office: For if there be a concurrence of the commission Excitation, with the charge contained in the creation of his office, the ordinary hearing of the cause is to be preferred before the commission, even as the quality of the officer is to be preferred before the quality of the Commissioner: and the acts of the officers more affirmed than the acts of the Commissioners. And so in such concurrence of authority, if the officer commission in a matter belonging to his owne charge, have not declared in what quality he had the hearing of the cause: the act by him done shall be taken, as the act of an officer, so the intent it may be the more firm and sure. It is also manifest, extraordinary commissions extenuating the power and authority of magistrates or officers, to be odious, or at leaste violation, if they bee not for the reforming and amending of the abuses and corruption of the officers. As they do in Venice, from five yeares to five yeares: And euery yeare in Genes, where the Sindies are afterwards Commissioners, to hear the abuses committed by the magistrates & officers (which in auitent time in Athens was given to certaine ordinarie magistrates) as also at Rome by the law Bebia; when as before Quaestors or judges were by commission appointed by the people. That extraordinary hearing of causes of the judges by commission, was also gratious: which Vespasian the emperor appointed for the hearing and determining of suits and controversies, which in the time of the civil wars, were growne infinitely, and for the deciding whereof the whole lites of all the magistrates would have scarce sufficed. Commissions may also bee granted for things concerning the greater part of officers, or a whole corporation or college, in which and like cases commissions are necessarie. And I remember that king Charles the ninth, hearing directed his letters patents, in the yeare 1570, for the generall reformation of the waters and forrests of Normandie, which drew after it question of the fairest of his demaine: from the hearing whereof the precedent and councelloots of the parliament of Roan were forbidden: Which interiotion although they left nothing unattempted to haue letted, yet so it was, that in fine they agreed thereunto, after that I had againe and againe presented vnto them the kings commandes, to that effect and purpose, and commenced suit not onely against the principall men of that provinciall court, about matters concerning my commission, but also against the whole body and corporation of the cite of Roan, for the rights which they pretended against the king; and that, that was the cause for which I had obtained the interdiction.

But briefly, and yet more plainely and plentifully to make plaine all forts of Commissioners, whether they be for the government of provinces, or for the warres; or for the administration of justice, or for the kings receipts and treaure, or other things concerning the state. We say, that the commissions come full from the fourraigne princes.
prince, or from the magistrates, or from commissioners deputed by the soueraigne prince; for a fourth there is not. Againe Commissioners deputed, are either taken out of the number of magistrates and officers, or out of other priviat men. And if the commission be directed vnto the magistrates or officers, it is either for matter belonging vnto them by their office, or otherwise not belonging vnto them. And in what sort soever it be that commission be directed, whether it be to an officer, or a particular person, it is directed with power and authoritie to heare and proceed in the case; either without appeale, or else with appeale refereed vnto the soueraigne prince, (if the commission came from him) or vnto the magistrates named in the commission; or els a commissioner is appointed by him where the soueraigne hath deputed: as sometime commission is given out for the instruction of the affaires, or proceedings vnto the definitive sentence excluxinly or inclusinly, faulting the execution thereof, if appeale bee made. Sometime also Commissioners are appointed by the magistrates to examine a fact, or the right of a matter, or both the one and the other together; sometimes without any power or command, and sometime with both.

This diuision extendeth to all Commissionets, in what forme of Commonweale foever it be. As is to be seene in the state of the Romans, where the manning of the warres, and government of the countries and provinces newly conquered, at the first belonged vnto the ordinarie magistrates and officers, viz. the Consuls, Praetors, and Quaestors, yea even a good way from the citie, whilest that the Roman empire was yet contained within the bounds of Itacie: But after that the bounds thereof were extended further, they then began to appoint Commissioners to gouern those provinces, in stead of their ordinarie magistrates, who although they were all by one name called Postfatters, yet for all that they gouerned the provinces in stead of Consuls, Praetors, and Quaestors: they were also called Proconsuls, Propraetors, Proquaestors, that is to say, Commissioners, or Lieutennants sent in stead of Consuls, Praetors, or Quaestors: As is in Lince to be seene, who speaking of Philo, the first Proconsul faith, Allum cum Tribunis Plebis est, ad populum servent vs cum Philo Consulatu abyget, pro consule rem gere- ret. The tribunes of the people were dealt with, that they would move it vnto the people, that when Philo was out of his consulschip he might rule as proconsul. But after that the empire was growne great, and also extended farre, such commissions were by the suffrancse of the people granted by the Senet, to such as were lately gone out of their offices in the citie, who agreed among themselves for the government of the provinces; or if they could not so fall to agreement, cast lots for them, which they called Compare inter se, et sortiri: Except the charge and commission were of such consequence and importance (by reason of some great warre already riven, or like to arise in the province) as defetued to have some valiant and great captaine without lot thereunto by the Senet appointed: Where if any partaking or factions chanced to arise about the matter, the people at the request of the Tribunes appointed one thereunto by commission. As it did Scipio Africanus, to whom the people gave commission for the manning of the warres in Spaine and Afrike, and by that means drew Hannibal out of Italy, and discharget that country of a long and most dangerous war. The like commission was without lot extraordinallie by the people also granted to Paulus Aemylius, to make warre against Persecus king of Macedon. And so also to the great captaine Pompey against the pirats, by the law Gabinia, and against king Mithridates, by the law Manila: all they which the yeare before had borne office, being rejected, the people naming whomse they pleased and best liked. Howbeit that this was no very common matter, but righe seldomes times done: For ordinarily the Consuls, Praetors, and Quaestors discharget, and so going out of their offices in the cities, cast lots for the provin-
provinces, if they could not otherwise agree for the government of them among them.  

whether commissioners appointed by the prince, or people having the foneraigne, may appoint their deputies and so commit the matter to others.

And albeit that a man might make many questions concerning commissions granted, as well by the foneraigne prince, as by the magistrates, in time both of peace and warre: yet will I thereof touch but two or three, and those most necessary to be understood of them which have the managing of the affaires of state, whether it be in peace or warre. Wherefore leaving the rest, and to bee brief; wee say that the commission ceaseth by the death of him that granted the same, or by his reposing of the commission: or in case that the commissioner during the time of the commission...
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oner done /iter his commissi-
on remoued, and yet before he had
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Pope Innocent
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A commissiun alwayes
taketh end by
the death of him
that granted it?
dement of his predecessor, although he died, the matter yet whole and entire, and the rather if it be well and for his profit done; which the magistrates cannot do to the commissioners by them appointed, for that their ratifications in treaties of justice are never to be received. And thus much concerning all the sorts of Commissioners.

Now, that we have already said of Commissioners, hath no place in officers, for that their power endeth not together with the death of the prince, although it bee in some sort holden in sustentation, and as it were suspended until they have letters from the new prince, or confirmation from him for the continuance of their offices. And for this cause the parliament of Paris after the death of King Lewis the eleventh, decreed that the officers should continue in their charge, as they had before done, until that they received command from the contrary from the new king; following therein an augment decree given in like case in the month of October, in the year 1380. Howbeit the court of Toulouse after the death of Charles the eleventh, otherwise decreed than had the parliament of Paris, viz. That all their jurisdiction should cease, until they had received new commandement from the new king; and yet that if any occurrences should chance wherein the authority of the court should bee requisit, that then the court should proceed by letters and commissions, intituled *The people holding the Parliament royal of Toulouse* , formed with the seal of the court, without any mention making of the king. But forasmuch as the king comming into his kingdom by right of succession, vth his maiestie before he be consecrated; as it was judged by a decree of the parliament of Paris, the nineteenth of April, in the year 1398 (contrarie to the opinion of many) it belongeth not vnto any officers, parliament, or Senat, to doubt of the power or maiestie of the prince: which if it were not, neither were they to have any authority or power; neither are in any other sort to proceed, but as officers vnto the king, and under his obeyeance. But if it were lawfull for the people to make choice of their king, as it is in Polonia, Denmark, and Hungary; (where the kings beeing dead, the maiestie of the kingdom is to returne vnto the people) another thing were to bee said: For then the magistrates vse not the princes name in the vacancie of the kingdom (for that then there is no king) but every one of them do their lawfull acts and duties, as if they had such power from the Senat and the people) by force of the law, and power proper vnto the magistrates: whereas Commissioners and judges extraordinarily appointed, can by no meanes (the prince being dead) hold their authority and power; for that they do nothing by the vertue of the law or of ordinarie power; and not for that commissions be odious, and offices gratious (as some have thought) for oftentimes a commision is more gratious, yea and more profitable also vnto the Commonweal than any officers ordinarie power. And as for the decree of the parliament of Paris (bearing date the sixteenth of October 1381) whereby it was ordained, that the kings edicts and commands should have like power the king being dead, that they had whilst he yet liued; that is so to be vnderstood, if the charge committed bee then begun to be put in execution. And therefore if the power of the magistrates be annual, and the king die before the magistrates yeare be expired, yet may the magistrat notwithstanding hold his office for his yeare: or if it be perpetuall, continue the same in such sort and for long as the law giueth him leave, for that his office dependeth not of a simple command which may still be revoked, or of a charge which cannot be recommaund, but is grounded upon a law, received, published, verified, and registred: in such sort as that his office cannot be supprest but by a contrarie edict or law. As when question was for the suppresting of the militarie Tribunals, (for the discord betwixt the Senat and the people, before created with the power of the Consuls) and in their steads to restore again the Consuls, it could not be done vntill that by the law Licinia, that power
A of the Tribunes was againe taken away. And in our time when as the fift and fixt pre-
dident of the parliament of Paris were to be suppreffed, they were not yet therefore
displaced(for that against their wills they could not, except that for some capital crime
they had bene before condemned) but an exprefse edict was made, that after their
death none should be more placed in their roomes, but to their offices to be suppre-
fed. So by a generall edict made by Charles the ninth, at the request of the eftates of
Orleans, in the yeare 1560, all offices erected after the death of king Francis his grand-
father, were againe suppreffed. And oftentimes it happeneth, that one officer is by one
law made; but more often, that many are made at once: as when threccore sergeants
were at once created by one edict of king Francis the first; and the criminal judges at
once erected throughout the realme by an edict in the yeare 1527, when as before the
same man was judge both of criminal and civil caufes. Which course was so straitly
obtained and kept in the kingdome of France, as that the verie clarke of the clarke of
the parliament, were by exprefse edict made an office, though afterwards by another
edict againe suppreffed, at the instance of the chiefe clarke, in the yeare 1544: as were
other small charges, which the Roman Commonweale were by the magiftrats them-
theselfes commonly given vnto their servants, without any law at all. Neither is it su-
fficient for the magiftrats and other officers to be by the law created, but that their suc-
cessors also have a particular declaration, to teftifie that they have obtained their offi-
ces, and yet no need of any new edict or law. And for this cause the princes commis-
sions directed vnto the officers in the quality of officers, continue in force to their suc-
cessors: for that the prince therein maketh choice of the magiftrat or officer, and not of
the person: but if choice be made of any mans person, whole name is expressed in the
commission, he being dead, his successor in the same office cannot execute the com-
mision, for that the prince made choyce not of the magiftrat but of the person.

Yet there are other differences also betwixt an officer and a commisitioner: for that
the power of an officer besides that it is ordinarie, it is also better authorized, and larger
than is a commisitioner, & that it is for which the Edicts and lawes leave many things
to the conveiences and diuisions of the Magiftrats; who indifferently applie and inter-
pret the lawes according to the occurrents & exigence of the caufes pretended: Where-
as Commissioners are otherwise bound, and as it were tryed vnto the verie words of
their commission, and especially where question is of the affairs of state: as in the
charges and commissions of Embaffadours or Commissioners deputed to negotiate
betwixt princes, where the Commissioners may not without danger of their lives passe
one point beyond the letter they have in writing, if this clause (which is oftentimes put
vnto the charges and instructions of Embaffadours and Commissioners to treat with
princes) be not thereunto annexed, viz. That if anything els be to be done, the Emb-
affadour shall at his wisedome and dierection, according to the change of places, 
times, and persons, have care thereof: much like vnto that clause whereof Eschines
the Orator speakeith in the oration which hee made for the defence of his legation;
where he saith, that this clause put into the the commission of Embaffadours, viz.
That they should do whatsoever they law to be for the common good; extended not
vnto that they had in their exprefse and particular charge: so that the aforesaid clause
extendeth not vnto the principall obligations and resolutions of treaties, as to the mak-
ing or breaking of peace, but onely vnto the accessories and matters of lesser impor-
tance. As if question be of any thing to be granted vnto the enemies or friends, for
the enlarging of their power to the hurt of the Commonweale, it is not lawfull for the
Embaffadours without speciall command to intreat thereof: For seeing that in the
lesse affairs of private men, an Attorney or Proctor having a generall authority with

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full and enter power, may not yet for all that give, acquite, or alienate any thing, or give or take an oath of any person without a special charge; much lesse ought he so to doe in things touching the publique, and namely in things concerning the state: well may things done without commission, be confirmed, yet could they not of right without commission be so done. For albeit that in privat matters he may say him selue to have well and duly executed his charge, which hath done it better than was to him injoyed, yet in publique affairs of the state it is not alwayes so: for the Soule diour which hath affailed the enemy, or the Captaine which hath gien battell contrarie to the Generals command, are both worthy of death, although they obtaine the victorie. For what could yet have more honotable bene done, or more worthy eernal praise, than was that which was done by Fabius, collonell of the horsemen under Pappryus Cesar the Dictator? who with the losse but of an hundred men only, flew twenty thousand of the enemies; and yet for that he contrarie to the Dicatars command had injoyed battell with the enemy, he was brought in question of his head, neither had he escaped, had not the Dictator overcome the enemy by the earnest intreating of the people: so rested contented. And therefore Cesar in like case speaking of one of his captains called Syllanus, said him he had done well and wisely in not giving of battell, although he were sure to have caried away the victorie: for that said he it is not the dutie of a captain, to doe any thing that is by his Generall forbidden him. Yea so much it concerneth not to doe any thing that is forbidden in matters of warre, as that the Lieutenant general to an other man, ought not to give the enemy battell, except it be so expressly given him in charge: which was the cause that the Countie of Aquedmond was shrewdly shent of the Spaniards, for giving battell vnto the Marellall of Termes (although he therein tooke him prisoner and discomfitted the French armie) for that he had harsed the whole state of the low Countyes, if he had lost the battell: But this latter point is to be understood of such as be Lieutenants, or subject to the command of others, who by vertue of their office have not power to command. For an officer, as the Consull, or in his absence his Lieutenant; or with vs the Constable, the Marshall, or other General of the armie, placed as in title of office, to have full and absolute command over the armie, and to manage the warre, may by vertue of his office, and without attending any other special command, make warre upon the denounced enemies, pursueth them and give them battell, besieging them, and take their fortresses and strong holds, and dispose of the armie according to his discretion, if he not expresse commandement to the contrarie from his soueraigne, and so his power suspended: yet having taken any strong places, or the enemies Genetall, he may not without speciall command deliuer them, or yet make peace with the enemy. True it is, that in popular estates these points are not, neither can be so straitly kept, the generals thereof of the monarchies, doing almost all; which in a Monarchie depend of the will and pleasure of one onely prince: For why it is more easie to know the pleasure of the prince, than of the people, if of one man, than of many thousands. As we may still fee in Linne large commisions by the people gien unto the generals of their warres: as in the warres against the Hettuecians, all power was gien unto Fabius, Omnium rerum arbitrium & a Senatu, &e apople, & collegis, Fabio Consului Commissionem, The disposing of all things (faith he) was both of the Senat, and the people, and his fellow in office committed to Fabius. And in another place, initio liberum pacis ac beli arbitrium permissionem, At the beginning the free disposing of peace and warre was committed unto him. And yet neverthelesse they kept this difference betwixt them which had the manning of their warres by vertue of their office, and them which did the same by commission; as that the Consuls, Praetors, and others, having power
A to make warre by vertue of their office, might auow and juftifie their owne actions, without any other ratification, except they had taken upon them some thing that concerned the soueraignty of the people; whereas the Commissioners, if they therein paffed their commiffion, must of necessitie have their actions by the Senat or by the people ratified. As Pompey having had commission for the managament of the warre against king Mithridate, passing farther made warre also against divers other nations and people, at his pleasure bestowing the kingdomes, cities, and towns by him conquered and wonne: and albeit that the people would infringe or reuoke nothing of that hee had done, yet neuertheless after his triumph, hee oftentimes requesteth the Senat, that those his doings might by it be ratified: and finding the Senat to make thereof difficultie, and to use therein long delays; he to strengthen and backe himfelfe againft his enemies, and such as were about to looke into his doings, joined himfelfe in friendship and alliance with Cefar, so to make themselves both of them the stronger. For albeit that hee had a generall commiffion, and that in that case all was at his discretion: and therefore (as some thinke) needed no ratification: yet is it not so, the generall clauzes of commiffions being alwaies to be interpreted and ruled to the best good and profit of the Commonweale, not in any thing guing power to doe that is hurtfull vnto the publike state: which is not a thing lawful or permitted eu'n vnto a privaue man to doe, hauing a charge in generall terms committed vnto him. Wherefore these words expressed in commiffions, be they Gouernors, Captaines, Judges, or ambaffadors (for things to be done) C At their discretion according to their wisedome; or at their will and pleafure: and others, fuch like, are still to be fo interpretted and ynderstood, as euerie good and wise man would interpret and understand them, still respecting the good and profit of the Commonweale: wherein if any fault be committed, account thereof is to be giuen; the least fault that can be, being still in matters of state, and publike interett to be enquired after: no excuse of error, or ignorance, being therein to be admitted or accepted. And much the lesse, if he which hath taken vpon him such publike charge had it not laid vpon him, but was by him fough for: neither offered vnto him, but by force by him extorted. For if privaue mens faults, when they have taken vpon them the charge to doe any thing one of them for another (although it bee of their owne accord) be not excusable; how should they then be excused in matters concerning the state and Commonweale.

But to the intent that the force of Commissions and offices may the better be understood, it shall not be amisse to produce the examples of the ancients Romans, and to compare their manner of speech in the making of them, with that of ours. As in that which Peflius Pompeius faith, Cum imperio esse decetatur apud antiquos, cui nomina sim a populo debetur imperium, He was fai'd of the ancients to haue power, to whom by name power was by the people giuen: which is as much as to say, by express commission, without appeal vnto any other magiftrat, vnto whomsoever hee authorized the law gaue power to command: For that a magiftracie or office cannot be without power to command. So wee fee in Livius, at that time as Hannibal besieged Rome, Placuit omnes qui Dictatores, Confules, Centores, seu fieti cum imperio esse, donee recepiet hoffis a mari, that is to say, A decree was made (or commiffion giuen) that all such as had bene Dictatores, Confuls, or Centors, should haue power and authority to command, vntill the enemie were departed from the waus. So Cicero speaking of Augustus Cefar faith, Demus imperium Cefari, sine quo res militaris geri no potest. Let vs giue (faith he) power and authority vnto Cefar, without which militarie affaires cannot be managed. For why, Oftiananus yet but young, could by the law neither bare office, nor lead the armie, much lesse without power and authority take vpon him a generals charge:

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charge: and therefore Cicero persuaded, That the charge for the manning of the warte should with power by commission be given unto him; which place of Cicero hath much troubled both Siganus and Grubius. For had Othianus bene either Consul or Praetor, Cicero would not have vSED these words, for that he should then by law have had the power and command of a magistrat.

Beside this, there was also a notable difference between the manner of propounding the request for the creating of a magistrat, and of a Commissioner: For the magistrat was visibly created by virtue of the laws before made; the magistrat thus asking the people, *Quos vellent Consules scriri*, Whome they would to be made Consuls? and so of the other magistracies and offices being vacant. But for commissions of command, they vSED these words, *Vellent inberent ut huic vel illi imperium esset in hac vel illa provinciæ*. If they willed and commanded that or that man should have the government in this or that province. As is reported of Sapio Africano, who had commission with power to command, although he were not yet of age to bear office, or to be a magistrat. And Cicero speaking of all sorts of commissions, faith, *Omnes Potestates, Imperia, curationes, ab omnibus populorum profecliuris*, It becometh all potestats, commands, and commissions, to come from the bodie of the whole people. Where by the word *Potestates*, he understandeth the governours of princes, who were properly so called. And by the word *Imperia*, Captains, who had particular commission to man- nage the wares (howbeit that the word *Imperia*, is understanded also of the ciuil magistrats) with power to command. By the word *Curationes*, is meant all other charges, without power to command. The word *Imperator*, signifieth properly a general or chief captain, as *Lutic* speaking of Pompey, *Totus Imperator ante quunm miles*, So often a generall before he was a fouldior. But generally the word *Curato*, importeth all sorts of commissions; as is easily to be gathered by this place of Cicero, *Idem transire in magistratibus*, *Curationibus*, *Sacerdotia*: The same I translate into magistracies, Commis- sions, and Priests; which are the three sorts of publike charges. *Vplan* the lawyer also well distinguished a magistrat from him whome he calleth *Curator republicae*, of whom he hath made an expresse booke: whome the law calleth by a Greeke word *doylaw**: who had no power to cond: me, not to appoint any fine, which was lawfull for all magistrats to do, as we haue before showed.

But it is to be noted, that all commissions passe into the nature of offices, as oft as that is by law made an ordinarie charge, which was before done by commission, as we haue by the examples of our owne Communweale before declared. And that which was before given at the pleasure of the magistrats, becommeth also an office, if he hath the souerainie doth by law establishe the same. As in aunient time the Consuls, as it were by commision made choice of the six Colonels, whom they called *Tribunos militum*, untill that about 642 yeares after the foundation of the citie of Rome, it was by an expresse law (made at the requent of the Tribunes of the people) fet downe and decreed, That from that time forward it should bee an ordinarie office, and the people haue the choice of them: which was ever after obfauued, except from such great warre were in hand, as that it was thought needfull, that extraordinary choice should be made of those Colonels by commision: As in the Macedonian warre against king Perseus, Licinius and Cassius the Consuls, made a motion vnto the people, That the Tribunes, or Colonels of the fouldiors, might for tharte yeare bee chosen by the Con- suls, as indeed they were. So likewise in aunient time also, the Consuls, Prætors, and other great magistrats made choice of their slaves and femuants for their vthers, Secreta- ries, sargeants, Trumpetors, and such like; as they did also in this realme, untill the time of Philip the Faire, who was the first that tooke this power from the bailiefs and fene- schals,
Magistrat is a public officer, which hath power to command in a Commonweale. And an Officer we said to be a kind of publice person, who hath an ordinarie charge by law appointed vnto him. But a Commissioner we said to be a publice person also, with a publice, but an extraordinary charge, at the pleasure of the prince. Now orderly proceeding required that we should before speake of Commissioners, then of officers; for that they were before any lawyers or Officers establisht. For right certaine it is, the first Commonweales were by foueraigne power governed without law, the princes word, becke, and will, fearing in stead of all laws, who both in time of peace and war, by commissions gave out charge to whom they pleased; and againe at their pleasure revoked the same, all depending of their full and absolute power, being themselves not bound to any laws or customs at all. And that is it for which Pomponius writeth, the Roman Commonweale to have bene at the first governed by regall power, without vse of any law. And Iosephus the historiographer, in his second booke against Appian, desirous to show the most honourable antiquitie of the Hebrews, and of their lawes, faith, That Magistri of all others was the first that euer wrote lawes. And that in five hundred years after, the word Law was neuer heard of. Alleging in proofe thereof, That Homer in so many books as were by him written, neuer vse of this word vis or Law: a good argument that the first Commonweales vfed not but Commissioners, considering that an officer cannot be establisht without an expresse law (as we have said) to give him his ordinarie charge, and limited to a certaine time: a thing seeming to diminish from the power of soueraigne. For which cause kings and princes (eloquent of their flate and greatnesse) have vtile annexed vnto all their letters patterns of office, an auncient clause retaining the marke of lordly Monarchy, viz. That the officer should enjoy his office so long as it good with the princes pleasure. Wherby it appeareth the officers power to depend of the princes power, rather than of order. And albeit this clause be to no purpose in the kingdom of France, for that by a law by Leves the eleventh establisht, ordinary offices and charges by the princes once lawfully bestowed, cannot from them on whom they are do bestowed be again taken, except they have committed some criminal cause worthy of death; and that in Spayne, England, Denmarke, Sweden, Germanie, Polonia, and all Italie the like order be obseru'd: yet for all that, the Secretaries of estate never forget the same: a great argument that all charges and offices were of auncient time in the nature of commissions; which wherith it bee profitable vnto Commonweales or not, shall in due place be hereafter declared. But let vs before speake of the Magistrat which whaine before de-
fined to be a common or publique officer with power to command.

Now there is no lesse difference amongst writers betwixt the officer and magistrate, then there is betwixt the officer and commission. For albeit that every Magistrat be an officer, yet every officer is not a magistrat; but only they be Magistrats which have power to command, which their greeke names ἀρχαῖος, and ἀρχὴν well declare; as who should say Commanders, and the latine word Magistratus, which is as much as to say masters and commanders. And for that the Dictator was he which had the greatest power to command, the augent writers called him Magister populi, the word Dictator signifying a Commandeur; as who should say, laying the word, and it was done: for that edcuere is as much as to command, which is proper unto Magistrats: for that edicts are the Magistrats commandes. Howbeit that many herein deceite themselves, who supposing the booke written in latin in the name of Mar. Varro to be his, say that the Dictator is so called, quael dicturus ab interreg, as so called of the Interrex: But by the same reason the Collonell of the horsemen might be also called a Dictator; for that he was then also so appointed by the Dictator, as is to be sene through all the historie of Livie, and should rather be called Dictatus, as a man appointed: in the signification palatine, than Dictator in the actiuie. Wherefore Dionysius Halicarnassius Varro his domestical friend better faith, the Dictator to have beene so called as an Edictor, that is to say, a foreigne commander, and was therefore called Populi magister, or the Master of the people.

Now we haue before declared the definition of a Magistrat by the yonger lawyres, and by Aristotle himselfe let downe, to be in no wife to be allowed or maintained: who call none but him a Magistrat which hath a deliberatiue voice in judgement, and in the priuie counsell, with power to command; and principally faith hee to command: for in his first booke de Republica, seeing the number of officers to be infinite, whom he calleth all ἀρχαῖος, a name proper vnto Magistrats hauing command in the Common weale: he findeth himselfe therein much entangled, for that hee on other side besides them necessarie for the ornament and glory of the Commonweale: and then after them all the Magistrats, minifters, as Sargeants, Vhetes, Secretaries, Notaries, all whom he calleth by the common name of Magistrats: even as he doth them which have power to command: and so passing on further, faith such minifters to have also power to command, τὰ ἀρχαῖα ἀρχηγίας. And yet for all that in another place he maketh question, whether that the Judges and Oratours are to be called Magistrats: whereunto he answereth, that a man may say them to be no magistrats, having no part of the command of the Commonweale; And therefore Cato Vetustis chaftifing the Registeres, Comptrollers, and Receivers, you ought (faith he) to remember your vocation, and that you are but minifters, and not Magistrats, as Plutarch reporteth. As for Preachers and Oratours whom he calleth ἤγοικας, if so it be that they have no command or ordinarie power, it is right certain that they are no Magistrats at all; but yet often times they are also Magistrats, I mean such as in Popular and Aristocracie etates and Commonweales have power to perswade or disswade the people, to or from such things as they thought to be for them vnprofitable or disprofitable, whom they called Rhetorases. Howbeit that in Athens every particular man, (so that he were fiftie yeres old) had of himselfe power to speake; and the rest by the magistrats leave: whereas in Rome it was not lawfull for any man to deliuer any speche vnto the people, but by the leau of the chiefe Magistrat in the assemblie. And as for the doubt that he maketh of Judges, as whether they be Magistrats or not; the resolution is easie, if we will graunte the diuision of judges let downe by Inftinian, the emperou to be good: which is, that some of them be Magistrats, and some of them
be not. We must therefore now confess, that amongst them which have publicke
and ordinarie charge, that is to say, of Officers, some of them are Magiftrats, (viz: such as have power to command) and some of them not; (as having no such com-
manding power) but feruing onely as the magiftrats minifters: which division see-
meth vnto vs necelitie for the auoyding of such businesse as might arise of a diuision
of it selle imperfect. Wherefore we have said that such publicke persons as have an
ordinarie charge limited vnto them by lawes, or by edicts, without any command
at all, to be simple officers, whom the Emperor of latter times ofter times in their
lawes call officiales, being indeed but minifters vnto the magiftrats. The auntient Do-
ctors of the law had for most part followed the opinion of Accursius, who fet downe
neither any definition nor distinction of Officers nor of Commissioners, nor of Ma-
giftrats; but simply faith, That there are foure forts of Magiftrats, viz, them whom
they called Illustres, the Spectables, the Clarissimos, and the Perfeftzsimos, to whom
he guesth all command. All which are rather honorable qualities and titles attributed
vnto the magiftrats and Officers, according to the conditions of their persons. How-
beit that in this diuision of them also according to their titles and qualities, he hath lef-
out the Patriez, who were of greater reputation and dignitie than the rest: as also the
Augueziales, who were fupercious vnto the Clarissimos: for why Lutifianian the empe-
rour appointeth these degrees of honour, the Patriez, Illustres, Spectables, Clarzsimi,
finite Speciai, and the Perfecti/zsimi, all which honors and titles were given awefell vnto
priviate men as vnto magiftrats. But as for that which Bartholome faith, That there are
some which have honour without charge; as Counties and Marquises, vnto whom
for all that he attributeth power to command, and the adminiftration of justice, it
defereth not answer; for that he therein is most manifeftly contrarie vnto himselfe.
So also is there small probability in that he faith, Scholasters as magiftrats to have
jurisdiction ouer their schollers, and power to eltablifh lawes and ordinances: for so
domesticall power and the discipline of families should be alo altogether confounded
with the publicke jurisdiction, which we have before shewed to be a thing impos-
scule. Alexander Imolens the greateft lawier of his time, hath touched much neeter
the true definition of a Magiftrate: in that he faith, None to be Magiftrats but they
which are ordinarie judges; And yet is not this enough: for why they are such magi-
strats as haue power to command, and yet haue not any ordinarie jurifdiction: as the
Ceniors, and the Tribunes of the people. And to the contrarie some there be (which
being no magiftrats) haue an ordinarie jurifdiction, but without any commanding
power, without Pursuant or Sargeant, as had in auncient times, and now also in every
place the Bifhops, who haue the heating and determining of all faced and religious
things, and yet were nevertheless no magiftrats. The Bifhops faith Lentulus are jud-
ges of Religion, and the Senat are judges of the law. So one may fee neither the aunti-
tent nor late writers to have handled this point, or yet so much as touched the diffi-
culties or differences of Officers, Magiftrats, and Commissioners, as the matter well
defeured. And albeit that the true definitions of Magiftrats, officers, and commis-
sioners be not to be found in the papers and writings of Lawyets, yet are the fame to be
gathered from them, and from the dificute of good history. For Vipian writeth it
to be lawfull for all magiftrats, excepting the Duumuiti, by inflicting of judiciall pains
to defend their jurifdiction: which extendeth not onely vnto the impoifing of fines vpon
the offenders, but euen to the attaching of their goods and bodies, and calling of
them into prifon. And yet it appeareth (may some say) that Vipian having excepted
these Duumuiti (who were in like power that the Sherifes were in townes without
any jurifdiction at all) yet nevertheless accounteth them in the number of Magiftrats,
and
and feemeth also to say, these Duumuirii to have also had jurisdiction: For otherwise in vain were they excepted, if they had not such authoritie and power. And yet the same lawyer in another place saith, these Duumuirii to have had no jurisdiction nor the hearing of any casues whatsoever, but were only to receive needfull cautions, and to deliuer possesion: which sauoured more (as faith he) of power than of jurisdiction. And yet in this case (as faith he) they were but simply the Praetors deputys, who in their absence gave them this commission, for preventing of the daunger which might in the meanes time happen, of men of necessitie must be driven to runne still vnto the Praetors: who in like case also afterwards gave them power to appoint tutors vnto the poorer sort of orphane for the preseuation of their goods. Whereby it is evident them to have had no jurisdiction or power by vertue of their owne magistrate, but only part of the Praetors jurisdiction, and that also by leave and sufferrance. But they which have nothing but such deputed or precarie jurisdiction, can of right call nothing thereof their owne: Wherefore whether the power of the Duumuirii consisted only in hearing power to command, or in jurisdiction, it was undoubtedly but by leave and sufferrance: whereby it is to be understood, these Duumuirii not properly to have bene at all magistrats. But they which have power to command, together with jurisdiction, may call men before them, attache them, and with penall judgement defend their jurisdiction, &c also put their judgements in execution: wheras they which have power only to command without any jurisdiction, may well cause a man to be apprehended, but not proceed further. And in that some are deceived, who for that by the old law Aliteria Tarpeia power was giuen to all magistrats, to impose fines vnto the summe of threescore six shillings, therefore suppose all magistrats to have had judicall power also. For if the fine were by the magistrat imposed for publike judgement fake (as by a Tribune of the people,) it was lawfull for the partie that was so fined either to pay the fine, without further examination of the matter, or to appeale vnto the people, and so to trie the cause of his fine, as is in Litiue oft times to be seen: which was done by the law Iciia. For why the fine of it selfe inflicted not any infamie vpon the partie so fined, but for the publike crimes fake: as the punishment of beating with fists im- paired not any mans reputation, but the cause wherefore he was so beaten. But if a fine were set vpon him that had not obeyed the magistrat sending for him, or for not answer- wering being asked, or for any other cause, not impairing his credit: it was lawfull for the magistrat by taking of dittrasse to exact the fine, without appeale: For that by the law Tarpeia, there was a certaine limit and measure for fines appointed, and set downe vnto the magistrat, that so the disobedient citizens might without any trouble of the state he kept in order, and their infolencie restrained.

Now the least fine vpon any man to be imposed, was one sheele; and the greatest two oxen, or thirtie sheele: which for that according to the diuersitie of the cattell it made the penaltie either lightier or heavier, and for that they could hardly be brought and looked vnto in the citie, a sheele was valued at ten asles, and an oxe at an hundred, that is to say, at so many pound of brasse. But afterward the riches and territorie of the Romans encreasing, extraordinary and greater fines were imposed, if greater cause so required. As Litiue writeth of Fulanius, who for that hee being Praetor and general against the enemie, the Roman armie was put to flight, and he the Praetor reported to be the first that fled; the Tribunes of the people fined him at thirtie thousand peeces of brasse, when as before the greatest fine was but two oxen, or thirtie sheele: howbeit that the fine was oftentimes forguen, for that the sentence of the people condemning a man vnto a fine, carried alwaies with it the note of infamie.

And for that we are by way of discourse drawne thus farre, wee will here amend an
error in *Aulus Gellius* (about this matter) not as yet corrected. For he in his *Notices* Attic., speaking hereof, writeth, The greatest fine to have been of thirtie oxen, or two sheepe; instead of thirtie sheepe, or two oxen: and thereof gathereth, that as then there were me oxen than sheepe in Italy, and that it was thereof called Italy: the word *italian* with the Greekes, and with *Varro* signifying an ox. But *Dionysius Halicarnassus,* *Varro* his domestical friend, writeth, That by the law *Tarpeia,* it was permitted to all magistrates, to impose fines: and yet a measure thereof to have been by the law appointed, *vol.* That the fine should not exceed two oxen, or thirtie sheepe at the most. In like errour offendeth *Festus Pompeius,* and in the same words with *A. Gellius,* so that the one of them seemeth to have been deceived by the leading and authority of the other. Both of them also writ, a sheepe in auntient time to have been called *Ouis,* in the masculine gender, which yet you shall no where find; although we see *Boues* for oxen, to be oft times vied in the feminine gender: But it may bee that they mistooke *Duos Oves,* that is, Two Sheepe, for *Duos Bones,* which is, Two Oxen. And leaft any man should thinke me to attribute more to *Dionysius Halicarnassus* a Grecian, than to *A. Gellius,* or to *Festus,* both citizens of Rome, they themselves are of them selves refuted: For both of them confesse, the least fine to be imposed, to have been a fine of one sheepe; and the greatest, of thirtie oxen, or two sheepe: whereas (if they would have agreed with themselves) they should have saide, the least fine to have beene of one ox. Neither do we as yet fee whome we may preferre in the searching out of the Roman antiquities, before this *Dionysius Halicarnassus,* excepting *Varro,* whole domestical and familiar friend this man was, out of whome he had many good things: For as for the books which are in his name carried about in the Latine tongue, as well the foolishness thereof declare them to be none of *Varroes,* as for that in them it is read, many things to be in them (spoken by contraries.) But *A. Gellius* writeth, *Varro* in his one & twentieth booke *Rerum Humanarum,* to call *Mutilam* a Sabine word: but the latter Grammarians to take it to be so called by the contrarie, whereby it is cleere those booke not to have beene *Varroes.* Yet these things which we have written concerning the estimation of the cattell exacted for a fine, are confirmed by the authoritie of *Demetrius Phalereus:* For he writeth, a dramme of sileuer to have beene appointed by *Solon* laws, for a reward to him that had killed a thicke wolfe; but *dues* drammemes vnto him that had killed an hee wolfe: for that a thicke wolfe easly killeth a sheepe; but that the hee wolfe being stronger, killeth an ox. Whereby it is manifet, oxen to have beene three as cheape in the country about Athens, as in Italy. For ten *Ases,* or the Roman Denarius over-weigheth the Greeke dramme. And in the same place in *A. Gellius* there is another more notable fault, where he faith, *Mutilam,* *que suprema diei tur,* in singular dies institutam fuisse, The fine which is called the greatest, to have been imposed euerie day: where the word *dies,* or daies, is to bee put out; for the meaning of the law was, that the greater fine might be exacted of euerie citizen in particular, if so be that many of them had in the same fault offended: for otherwise it was not lawfull for the magistrat the same day to impose divers fines, if many had offended: whereof the impunitie of offences, and contempt of the magistrat shoulde enuie. For prove hereof let that example of *A. Gellius* leere, *Marco Terentio quando moque catalis respondit,* ne: *excusatus est,* ego et noum *mutilam* dico. Forasmuch as *Mar. Terentius,* being summoned, aunswered not, neither made his excuse, I let the fine of a sheepe upon him. Another error also there is in *Festus,* where he writeth *T. Menenius Lanatus,* & *Seffianus Capitolinus* the Consuls, to have made the law concerning fines: for it is a thing not heard of; lawes to have beene made by the Consuls: and as for that law it was made in the yeare 297, after the building of the citie: in which yeare *Sp. Tarpeius,*
peius, and Aes. Aterius were chosen Consuls: but true it is, that about six years after T. M. Atinensis, and Pub. Sefius Capitolinus, being Consuls, made a request unto the people, That the fine before imposed in cattle, might be converted into money, valuing cattle twice at ten Asses, and currie ox at an hundred. But whereas Dionysius writhe it to have been lawfull onely for the Consuls to impose a fine, ought not to seem strange; for that at such time as the law was made, there was neither Praetor nor Edile in Rome, the first Praetor being there made 386 years after the foundation of the city. And Cicero having as he thought best, made lawes for his Commonwealke, which he to the imitation of Plato had conceived, amongst the rest made one, whereby he giveth unto all magistrats jurisdiction and diuination. But they which thinke the same to have bene the verie Roman lawes which we see in Cicero, are much deceived; as we will hereafter shew, all magistrats not to have had also iurisdiction, which yet seemed unto Cicero both good and profitable. And yet the magistrat that hath iurisdiction (to speake properly) whether it be that he have it in his owne right, or from others, hath also (as a certaine lawyer) all such things as without which he cannot exerestate his iurisdiction; that is to say, power to command: which is full saide to be annexed unto iurisdiction, and without which iurisdiction is but vaine and to no purpose. Whereof it followeth, that the iurisdiction of the auantick bishops, and of our bishops also, without power to command, was not properly a iurisdiction, but onely a simple heating and understanding of matters. For that which Lucullus the bishopp said in the Senat, the bishops to have bene the judges of religion, and the Senat of the law, tendeth to that end, and is so to be understood, as that when queestion is of religion, credit is to be gien vnto them, as is vnto other men skilfull in their professions and trades; or as vnto judges appointed either for the bare examination of the fact, who are properly called Recuperatores (or as we term them Delegates:) or for the understanding of that is just and right, who more truely are arbitrators by law appointed, and not by the agreement of the parties, and yet are often called judges. And therefore wee see the Vefall Virgins (in Linie) which had polluted their virginite, to have beene alwaies chastised and punished by the Praetors of the citie, but never by the bishops. And so when Publius Closiun was about to have committed adulterie with Pompeia Cesars wife, in the temple of the goddefe Bona Dea, the full Senat had the determining of the matter, concerning the religion and facinties by him pollud. So in the beginning of the Christian religion, the Christian bishops (as Augustine, Iccophor, and Inftinian do witness) had not so much as the least iurisdiction of any matter, or the examination of the pricstes themselves: howbeit that Inftinian granted to them the examination of them that were of their owne ordre and calling. Neither would our auncestors have any part of commanding power to be gien vnto bishops, and that the court of the parliament of Paris, hath oftentimes by the decrees and ordinances thereof witnessed. But why then (might some man say) doe we see consitories, prifons, examinations, and fines to be permitted vnto bishops? What other thing else do all these things declare, but a mere commanding power? Yea Philip the Faire, and king Lewes his sonne, grante vnto the bishopp of Paris power to apprehend and arreste men offending in his Dioces. Howbeit I suppose those former things to belong rather to their vocation, than to their power to command; for that the execution thereof belongeth vnto magistrats: and yet such power of staying and apprehending granted to the bishopp of Paris was by a decree of the Senat forthwith againe from him taken. And although that not long since Henrie the second had graunted vnto all bishops the power to stay and apprehend men for heresie and impietie: yet neuertheless was that law shortly after againe abrogated. Yea the bishops themselfes do in their owne decrees professe them-
themselues to haue no power for the execution of any thing: yet is it with vs permitted vnto them, to stay and apprehend offendours, within the boundes of their con-

fistories and courts; so that they go no farther.

And when as fines contrarie vnto the lawes were by the Bishops vpon men imposed, the Parliament of Paris receiued euery mans free appeal from them: yea and afterwards power was taken from them also, for calling of men before them; which they call, A liuely summoning or Citation. For there is an old decree yet extant, whereby the Bishop of Paris was grievously fined, for that he had vfed such calling of men before him. But when as the Bishops vnder the colour of ministring of oathes, and of the contempt of Religion, had with vs drawn vnto themselfes the hearing almost of all matters, (for Alexander immolens was of opinion, the power of administering an oath to be sufficient to give vnto the Bishops jurisdicition also) the greater Courts forbade them vnder the colour of ministring an oath, to take vnto them the hearing of any matter. And at length it was forbid them also to haue the hearing of the causes concerning the possession of benefices: and so after much, long, and hard sute, provided for by the decree of Martin the fift Bishop of Rome; which decree is yet extant in the publique records. Yea the Spaniards stuely, the most earnest defendours of the See of Rome, would not that their Bishops should have to doe with any publique or privat judgements: except it were for Religion and Church matters, of which opinion I see Felinus (a man skilfull in both the lawes, and a moft subtill interpreter of the Popes decrees) to haue beene. And albeit that certain ambitious decrees do give vnto the Bishop of Rome more autotitie and power than to all other princes and people: yet pope Innocentius the fourth, and every other good expounder of the law, haue long since rejected these decrees: with all such others as haue preferred the bishop of Rome before the Councell of other Bishops and Princes. And Bartholom himfelle when he had fearfully written, The subiects not to be guilty of treason, which for the honor and wellfare of the Bishop of Rome had taken vp armes against their prince; craued pardon for that hiserror. Trulie in mine opinion it were better and more profitable also for the Commonweal, commanding power to be giuen vnto Bishops together with so great jurisdicition as they haue: or else that their jurisdicition, to be restrained vnto the hearing of matters of religion onely; as we see the amiot Romans, the Swiflers, them of Geneua, and the Germans to haue done. And yet the cenfuring of manneres is of necessitie to be giuen vnto the Bishops: which being once taken away, I see no what course would be taken for the punishment of secret wickednes & villanie, whereof we will in place convenient hereafter speake. Howbeit for all that, the imposing of fines is not to be permitted vnto bishops, or yet commanding power to be giuen them: For why should the magistrat be enforced to put into execution the vnjust sentence of the bishop: for it is utterly forbidden magistrats to enter into examination of the bishops proceedings: except appeal be made as from the bishop abusing his power, vnto the more higher courts; which with vs is seldom done, for the heauines of the penaltie, it is shall be found the appeal to haue bene made without just cause: for so the interpreters of both the lawes determine the acts of magistrats which haue taken vpon them the determining of things belonging vnto the bishops, to be of none effect: as also if such things chaunce to be delided in the bishops consfitorie as belonging vnto the magistrat, they confesse them to be to no purpose. So that if a Priest be convicted of incest, or of forgerie, before the magistrat, and confesse the fame, in the bishops consfitorie no regard is had of such his confession made: for so it is in the Popes decree expressed. But when this case had happenned, wherein the Popes Legat called before himfelle the acts and things done before the magistrat, & disannulled the fame: appeal

The authoritie of the bishop of Rome not to be preferred before the authoritie of other princes.
was made vnto the parliament of Paris, where I remember it was long time doubted, whether the evident proofes wherupon the priest was before the magiftrat conuicted, ought to be void or not; for of the rest of the acts it was leffe doubted: wherein the court at laft judged, That it was in the Counsell to be disdised. And againe when the like case was in question before the criminall judges, I my selfe being present, the same court delayed againe the cause, and referret it vnto the Counsell: least it shoulde have seemd either to abrogate the ambitious decrees of the Pope, or to give vnto the wicked licence to offend. For what could be more absurd, than to suffer a priest by the law Cornelia conuicted of forjerie, and by witnesses published, by retracting the cause, to reiect the witnesses; and so when as no moe could sufFifie the matter, freely and without punishment to commit villanie even in the midst of the Commonwealth: Our ancestours neuer handled the publique judgements of priests, with duni- ded examinations: But the Court of Paris, although it often times by just decrees either quite abrogated, or with equitie tempered the Popes decrees and ordinances, yet neuer more justly than in this case: which when it had ofte times bene delayed, at length by a law made at Molines, that decree of the Popes law was with vs taken away. So by little and little are the Pope lawes to be cut short and abolisht. For at first in the beginning of the Christian Church, the authoritie of Bishops was short within a certaine bounds, which insulman would have to extend farther by this law by him made. Si quis aduersus Clericos, Monachos, Diaconos, Ascetriorias, actionem habet Episcopus index efo: sententiam vero episcorum magistratus executur: If any man have any lute against Clarke, Monkes, Deacons, or other the religious persons, let the Bisho be the judge, but let the Magistrats haue the execution of the bisho sentence: but the words of the law following, do giue leaue vnto the magistrat to examine the bisho sentence, except there be a other judge by the prince appointed. Which words have troubled many, doubting whether they ought to put in execution the bisho command or not, before they haue vnderstood of the equitie of the sentence. Now if no appeal be made from the sentence, most are of opinion, That it is without farther examination of the magistrat, to bee put in execution: but if appeal be made, that then enquiritie is to be made of the equitie of the appeal, which yet some deny to be lawfull. Yet in mine opinione, if question be of the thing it selfe, or of the matter of the judgement, and that the judgement be not giuen contrarie to the Popes decrees, then the magistrat ought not farther to enquire of the cause. But if the bisho thall by his sentence go about manifestly to infringe the popes lawes, whether the error be in the matter it selfe, or in the forme of the judgement; that then the magistrat may farther enquire of the sentence; that is in case he abuse the popes authoritie and decrees. The magistrat may also farther examine the sentence, if the bisho thall in judgement giue sentence contrarie to the lawes of the kingdome, although he seeme to have grounded the same vpon the popes decrees: as indeed many of their decrees are quite contrarie vnto the positive lawes of Commonwealthes: in which case, the magistrat shall not suffer the lawes of the kingdome to be infringed by the Popes authoritie. In all other cases it is ment that the magistrat should faithfully put the bisho sentence in execution: and so with vs we vfe. The same law, and like maner of proceeding the Easiterne people vfe also: with whom their Bishops have the bare hearing of matters, and the magistrats the execution: for which cause the bishops have neither sargeants nor pursuants, the chiefe tokens and marks of authoritie and magistracie.

But yet question might be made whether all magistrats have jurisdiction and power to command or not: for that M. Messala the lawier, and M. Varro have leaft in writing, That some magistrats had power to call men before them, and also to lay hands
A hands upon them: other some had power also only to lay hands upon men: and other which had power to doe neither the one nor the other: and that they which had power only to lay hands upon men, had also only a Sargeant and nothing else: and that they which had power to doe both, had both Sargeants and male-bearers: whereas they which had neither power to call men before them, neither to lay hands upon them, had neither sargeants nor male-bearers. When I say power to lay hands upon men, my meaning is to have power to sever upon the bodie or goods of men: for by our customes many having prædiall iniurdition, (or as we term them manours) may lay hand upon men land, but not upon their bodies: which was not by the ancient Roman laws permitted; of whom it is needfull here to speake, and in briefe to declare their power, the more manifestly to shew the power of all sorts of Magistrats, in every kind of Commonweale. For the great magistrats, that is to say, the Consuls, Praetors, and Cenforos; and amongst the commissioners, the Dictator, and he whom they called the Interrex; then also the Proconsuls, the Propraetors, and in generall all the Lieutenants & Gouernours of countries, had power to call before them not only the privat citizens particularly, but even the lesser magistrats also: excepting the Tribunes of the people, whose bodies (for that they were most sacred) it was not lawfull to violate. Neither might these aforesaid magistrats only summon and appreheind men, but it was lawfull for them also to punish and imprison them, and in briefe to pluck downe and raze their houses and pallicies, who refused to obey these magistrats commanding them. But the Tribunes of the people had no power to call men before them, yet had they authoritie to command any citizen to prison, yea euen the Consuls themselves. So L.Drufus Tribune of the people call'd in prison Philip the Consul, for that he had interrupted him as he was speaking unto the people: which then by the law was death. Befide that it was also lawfull for them to oppose themselves not only against all the magistrats, and the whole bodie of the Senat, but the opposition even of one of the Tribunes was of power to stay all the proceeding of the celt of the Tribunes his fellowes in office: On which great power they presuming and bearing themselves, doubted not contrarie vnto the law to call men before them, and to take upon them authoritie and iniurdition. Which thing Labeo the lawier gaued them well to vnderstand, who being by one of them summoned, refused to make his apperance before him, openly protesteing for defence of himself, That the Tribunes were not ordained or appointed for the administration of justice, or to have iniurdition, but only to oppose themselves against the violence and abuse of other magistrats, and to give aye and succour vnto such as appealed being vnjustly oppresst, and to imprison them which would not yeeld, and give place to their opposition. So the Tribune Sempronius, seeing that the Cenfor Appius would not give vp his office, after that he had bene eiguentee moneths Cenfor, (according to the law Aemylia, which had brought the tearm of fute yeares before prefixed to the Cenfor, vnto the tearm of eiguentee moneths) told him that he would thrust him into prison, if he obeyed not that law (which he did by consent of sixe others of the Tribunes his fellowes in office): but Appius having practised with three other of the tribunes to oppose themselves against the commandement of the other feamen, by that means held still his office: for why, the opposition of one only of the Tribunes sufficeth to stay the proceedings of all the rest, if order were not otherwise taken by the people, by taking from him his power and office: as by the request of Tiberius Gracchus, it was taken from Marcus Octanius the Tribune, oppposing himselfe against the law Agraria, that it might not take place. And this is it for which a Tribune of the people, speaking to the nobilitie said, Faxone inuent-vox ista Veto, qua Collegas nostros committentes tam lati audiitis, I will make.
oftentimes A nun
Which the could
Another Yet
For and therefore they had created, that things could not be there indifferently ordered, where the commanding power was with the nobilitie; and onely the power of giving help with the Tribunes. And that the people could never have like part in the Commonwealth except the power to command were made common vnto both. The Tribunes complained the people to have no magistrates which had power to command: the Tribunes (they said) to have power to oppose themselves, and to yeeld the people releefe, but yet to have no power to command; neither that the commanndable could be made equall with the nobilitie, except the offices and power to command were made common vnto both: and therefore they made request, That the Consuls might be chosen as well out of the commanndable, as out of the nobilitie, which when it could not be obtained of the nobilitie it was agreed, certaine Tribunes of the fouldiours with the power of Consuls, to be indifferentley chosen out of both forts: which manner of government continued ffortie five yeares, without any Consull, untill such time as that it was agreed, That one of the Consuls should be still chosen out of the people. Howbeit a man might say, That the Tribunes in so saying made their power lesse than indeed it was, they having power to oppose themselves, and to command men to prison; which is a part of power. For so Ulpian speaking properly and as a lawyer, faith, That it is not lawfull without leave and commissione from the magistrats, to call into judgement the Consuls, Pretors, or Proconsuls, or generally any of them faith hee, *Qui imperium habent, et in quaque possum in carcerem duci*, which have power and can command men to be laid in prison. And so wee conclude, that they which have power to commit men to prison, although they have no jurisdiction, are in right magistrates, as the Tribunes in Rome, the kings attorneys in Fraunce, and the three Augadours at Venice. Neither do I thinke that agree with Plutarch, who faith in his Problems, That the Tribunes were no magistrates, for that they had neither made-bearer nor seat of Iuotie, the true markes (as he faith) of magistracie: for why, they had sergents, the token of their command; as M. Cæsars affirmeth. And lesse is it to the purpose, that hee al-leageth of Appius the Consull: of whom, contending with one of the Tribunes in the assemblie of the people, Libius thus writeth, *Tribunes viator em mittit ad Consulem, Consull Lißorem ad Tribunum, pristinum esse clamitant, sine imperio, sine magistratu*, The Tribune lent a sergent unto the Consull, and the Consull lent a Lißor unto him again, crying out, That he was but a privat man, without power, without magistracie: For so the Consull said but to impaire the power of the Tribunes. Which for all that was so great, as that Licinius Stolo one of the Tribunes, was so bold, as by force to constrain Manlius the Dictator to depose himselfe of his Dictatorship. Another of them also committed both the Consuls to prison, for that they would not at the request of the Tribunes discharge ten fouldiours from going to the warres. Yet true it is, that the power of the ten Tribunes of the people was shut vp and contained within the walls of Rome. And therefore Mar. Fabius, and Luc. Valerius the Consuls, seeing that they could not leuie their fouldiours, for that the Tribunes opposed themselues against them, commannded their chaires to be carried out of the citie, and so did there what they saw good. Yet oftentimes the Tribunes tooke upon them more than belonged to their place, or than was by law permitted them, oftentimes propounding their edicts.
A

cedit and prohibitions. Whereof Livie speaking, faith, *Commune edictum Tribunis ne quis Consularem faceret: sibi faciesset se ida suffragium non observatos*.

The Tribunes generally forbade any man to give his voice to the making of a Consul, but if any man to did, that they would have no regard of any such voice given. Which was but an abuse, and presumption upon the power of the people, to forbid them the free and entire choice of their magistrates: out whome in generall, albeit that no man could command, yet did the Tribunes do out euerie one of them in particular, although they could by no right fo doe. Moreover they tooke upon them the administration of justice, to all such as came vnto them, as is if they had had power to call men before them: as it is to be seene in Plutarch, where he saith, That the Tribunes administered justice in the place which was called Basilica Porta. And Alconius Paduanus faith, *Tribuvos, Questores, Triumviri, Capitales non in cellis Curialibus, sed in suis injury vixisse, The Tribunes, the Questors, and Triumviris, judges of criminall causes, to haue administered justice not in Iuoric chaires, (as the manuer of the great Roman magistrates was) but vpon their benches. And Appian also faith, *Liviis Divitis the Tribune, to have bene most diligent in the administration of justice, and doing of right to euerie man.* Pomponius also reckneth the Tribunes of the people amongt the Consuls, Pretors, and other magistrates which administered justice vnto the citizens and strangers in Rome. Wherefore Cicero faith them to have bene called Tribunes of the people, for that they might examine the wrong done by the Pretors: which what manner of examination should it have bene, if they had wanted jurisdiction? Yet they had not onely taken vpon themselues jurisdiction, but appointed also commissioners: and in many causes made them whome they called *Ediles aditus*, their deputies or Lieu
tnants; which they could not have done, had they not had authority and jurisdiction. For why, that authoritie thou thy felte haft not, thou canst not giue vnto another. Howbeit yet all this their presumption was but usurpation and abuse; as Labeo the lawyer well shewed them, who being lent for by them, would neuer (as we said) come before them.

The fame opinion we are to have of those officers or magistrates whom they called *Ediles Curiales*, who had neither power to call men before them, neither to attache any mans bodie; and therefore neither had male-bearer nor sargeant, (as Marcus Varro and Messalla have noted) and yet by the sufficency of the Pretors vstuped a great part of their authoritie and jurisdiction. Which the Pretors of the citee oppressed with the multitude of causes easilie suffered, at the first committing vnto them causes concerning the fale or alienating of things mouable: who afterward tooke vpon them to have to do with lands and things immoveable also: and after that drew vnto them also the hearing of courtifans and common harlots causes, who might by no meanes fet vp that bafe and filthie trade of life, but that they must first openly professe the fame before the *Ediles*, and that they would prostitute themselues. Which the amitiets did, to the iument that such women as reason could not keepe within the bounds of modestie, should yet for shame of such publike profession (offe lowd a life before the magistrat) be restraineit. But after that in latter times many even of the most noble dames in Rome (hauing together with their chastitie also lost their modestie,) ashamed not right impudently to make such open profession before the *Ediles*, That they would prostitute themselues. The emperor Tiberius tooke order, that from thenceforth the magis
trats should proceed against them by way of justice: & at the same time also to reprefle the presumption and encroaching of the *Ediles* and others, by decree appointed vnto what numme, and what caues, their authoritie was to extend: which yet they had not by their amitiets instution, and much lesse to call particular men before them, or to com-

B

The power of the *Ediles*.
commit them, although they had power to call a general assembly of the common people.

As for the Quæftors, I see not that they ever had, or yet took upon them to have had any jurisdiction or power to commit men: for so Varro faith, that they had not: albeit that the year after their office expired, they had sometime the government of some province bestowed upon them: as Græchus the younger after his Quæftorship had the government of Sardinia given unto him. From which time they had as much and more power in the government of the provinces committed unto them, than had all the magistrates in Rome: but that was not by way of commission, as had all the rest of the governors of provinces.

As concerning Quæftors, Fr. Ottomana and Carolus Sionius (both of them most skilfull antiquities) say, That they had well as they writ, Poteſtatem, sed non Imperium, (that is to say) power, but not command a thing altogether impossible: for that the word Potætas (or power) in terms of law, or in the person of a magistrate, importeth always with it power to command. And namely Pliny, where he faith, That the government of a province had almost ample jurisdiction and power of life and death; calleth it properly by the name of Potætas. And wee oftentimes in antiquities read, the Quæftors Edicts, that is to say, their commandements and laws. Varro also and Mefala call the Consuls, Quæftors, and Pretors, Maiores Magiftratus (that is to say) greater Officers; and the rest, Minores, or lesser. And faith moreover, That it was not in the power of the Pretors (who yet had both jurisdiction and command) to assemble the armie of the citie, which the Quæftors might, Prefori exercitum urbanum consuecum non liceret: Consul, Cenfori, Interregni, Dictatoris licere. He saith it not to be lawfull for the Pretor to call together the armie of the citie; but yet to be lawful for the Consul, the Cenfor, the Interrex and the Dictator so to do. And at such time as Hannibal besieged Rome, there was an edict made, That all such as had bene Dictators, Consuls, or Quæftors, should have a commanding power, vntil such time as that the enemy had raisd his siege. Plautus (faith Linius) omnes qui antea Dictatores, Consules, Cenforum esse sunt, cum imperio esse dones hostis a merita discessisset. Which they would not have done if the Cenfor had not had a commanding power, whilest they yet were in their offices; especially seeing that they which had bene Pretors, had no such power given them. Besides that, if the Tribunes (whom Varro putteth in the number of the lesser magistrates) had power to command, why should not then the Cenforo haue, whom he calleth the Greater Magistrates? Yea that more is, Plutarck gieuth more authoritie and power vnsto the Cenforo, than to any other of the Roman magistrates: yet attribute I not so much vno his writings, but that I see him being a Grecian, to be oftentimes deceived in the antiquities of the Romans. Wherefore that is it which hath deceived many, that the Cenforo, although they had power, yet had they no jurisdiction: albeit that Onophrius writ, That the Cenforo in some cases, and for some crimes had power to condemne men: but what ofte cases or crimes were, hee theweth not. For either they must have bene publice crimes, or privaie crimes: of privaie crimes the Pretor of the citie judged; of publice crimes the Pretor of the publice judgements, and Triumviri of criminall and capital caufes determined. True it is,that the Cenforo were controllers of the peoples manners: but there is great difference betwixt the judging of criminall caufes, and the reprehending of mens manners and behauiours. And therefore Cicero said, The Cenforo judgement, no farther to touch the partie by them condemnded, than to make him blush. And that therefore, as all that the Cenforo judgement concerned only a mans name and credit, so it was called an ignominie or discredite, but not an infaigie. For why, he faith not, That the Cenforo touched any mans honour, to the intent
tent to note it with infamie, but rather with a certaine ignominie, or kind of disgrace, which many have rashly abused for infamie; howbeit that there is great difference between infamie & ignominie. Carolus Sigonius hath therein erred defining ignominie to be an infamie: and in the fame place faith, That there are certaine capital causes, which draw infamie with them, and yet without crime, contradicte to the principles of the law: Whereby we are taught, that he which is by publike judgement for any crime condemned, is thereby become infamous: And that the fouldour for his fault worthily by his captaines castrated, was thereby become ignominious, but not infamous, vntill that by the Pretors expresse edict he were so declared. The aunts and doctors of the law have called Ignominie, the infamie of a fact done. Whereof Cassius the lawyer faith, That he thinketh that a Senator put out of the Senat, can neither bee judge, nor beare witnesse, vntill he be againe restored: howbeit he doth say, That hee doth but thinke so. Which phrase of speech Vopian also vfeth, when as he faith, Se putare eique in adulterio deprehenta est & absoluta: notam obesse, That he did thinke, that vnto her that was taken in adulterie and acquitted, yet the note thereof was a blenfhe. For certaine it is, that he which is by judgement acquitted, is safe from the infamie of the law, but yet not from the ignominie of the fact. And Caius Gratus faith, That hee did alfo thinke the honour and reputation of a man to be impaired, Quando quos ordine moveretur, when a man is put out of his place. Festus Pompeius alfo leteth downe three forts of militarie punishments, vex Deprehensa, cafitatio, ignominia. Deprehensa, faith he, is greater than cafitatio, and lefther than ignominia; and above all these the law addeth infamie. For otherwise if infamie, and the Cenfors note of ignominie were all one, the threefore and fourere Senators by Lentulus and Gellius the Cenfors at once displaced and thrust out of the Senat, as alfo the four hundred knights, who by Valerius and Sempronius the Cenfors were castrated, and their horfes and publike wages taken from them, had bene also infamous. Yeath that more is, all the people of Rome had beene noted with infamie, by the sentence of Luius Salinator, who rafed and noted all the tribes, and as Valerius Maximus faith, Inter ararios retulit, put them all from their freedom, and made them to pay all duties as strangers; For that they had by publike sentence first condemned him, and afterward made him Consull and Cenfor: only the tribe Metia he excepted, which had neither condemned nor acquited him, neither thought him worthy of those to honourable offices in the Commonweale. Hee alfo afterward noted Claudius Nero his companion in the Cenforship, who alfo requited him againe with the like. VVhy therefore Cicerone speaking of the Cenforship, thus faith, * Illud commune proponam, nunquam animaduerttionibus Cenforis hanc civitatem in consentam, ut rebus indicatis suisse, I will (faith he) set before you that common matter, this citie never to have bene so contented with the Cenfors animaduersions, as with judgement. And bringeth for example C. Gets a Senator, who by the Cenfors thrust out of the Senat, was afterwards himselle made Cenfor. And after that he addeth, * Quod si illud quoque judicium putaretur, ut ceteris turpi judicio damnarti, in perpetuum omni honore ad dignitatem privaverit, sic hominibus ignominia notatis, neque ad honorem, neque in curiamreditus est? timoris enim caufam non vixit reman in illa potestate esse voluerunt. Qvare qui vobis in mentem venit haec appellare indica, qua populo Romano refereatis, ab iuratibus judicibus repudiar, a magistratibus neglegi, ab is qui eandem potestatem adcepi just solent commutar? Is that (faith he) should also be thought a judgement, as others with infamous judgement condemned, they should for ever be defpised of all honour and dignity: fo vnto men (by the Cenfors) noted with ignominie, should bee no meanes for them againe to returne vnto their honour, or into the court: For why, our auncetors would cause of feare, but not danger of life to be in the Cenfors power. Wherefore
fore how came it into your mind, to call these judgements, which may by the people of Rome be revoked, by the sworne judges be rejected, by the magistrates bee neglec-
ted; and of them which have obtained the same power be visibly changed. Where-
by it evidently appeareth the Cenfor to have bene without all manner of jurisdiction.
For the Pretors had the hearing and examination of the suits of the farmars of the
publike revenues of all such things as concerned tributes, rents, writings, reparations,
and farming out of publike things, made or done by the Cenfors: for that the power
of the Cenfors was quite different from the jurisdiction of the Pretors. And so with
vs (here in France) power is given unto the governours of provinces, but yet with-
out jurisdiction: except it be, that they by consent of both the parties, take upon them
to decide or determine any matter. And so we may in like sort say, That the Cenfors
had power to command, but without any jurisdiction.

There were also other magistrates in Rome, which had power to command, and ju-
risdiction also in criminall causes, as those whom they called Triumuri Capitales,
whose power and authoritie extended yet onely unto strangers or slaves: except per-
haps such were the vnworthiues of the magistrates, and their corruption, or offence so
great, as that the other magistrates did willingly winke at the proceeding of these Cap-
tal Triumuiti, & at the publike punishment by them taken upon such notorious offen-
dors. Thefe Triumuiti beside this had also the putting in execution of all the capital
judgements of the people, or of the other magistrates.

Now by this discourse of the Roman magistrates and their power, it appeareth, that
in Rome there were some magistrates, who at the beginning of their first institution had
no power or command, or else power yet without jurisdiction, and yet to have at
length usurped both. Howbeit I deepe not them to be called Magistrates, which have
no power; well they may enjoy some publike honour or charge, but no magistracie.
For the true propriety of the word Magistrat, importeth and draweth with it a power
to command. And he that will have regard vnto the phrase and manner of speech
of the auntient Latines, and especially of the lawyers, shall find them to have called the
offices with honest charges in the Commonweale, by the word Honores, Honor (faith
Calistratus) est administratio republicae cum dignitate, Honour is a government of the
Commonweale with dignitie or reputation: and those which beside their honour had
power also to command, them they noted by the word Imperia. As in Luiue we see
the nobilitie to complain in this sort, Salios, ac Flamines sive Imperys as potestatibus
relinqui, The Salij and Flamines to be left without command, without power: un-
derstanding by the word Imperia, the great estates of the citie, whether it were by commis-
mission, or by office, such as had Maie-bearers and power to command allowed them.
And by the word Potestates, meaning the governours of provinces, whom Vlpian
the lawyer in proper termes calleth also Potestates. Which also Alexander Severus the
emperor meant, when he with a loud voyce faith, Non patiar mercatores potestatum, I
will not suffer the buiers of the governments of provinces.

Now as a man may haue a publike charge without honour, as Citiers, Sargeants,
Trumpetors, (which in auntient time were slaves, & of the magistrates familié without
title of office) and especially the towne clares and notaries vnto the magistrates, or
Commonweale, vntill the time of Valentinian, who forbad slaves any longer to haue
that charge. So a man may say also, That there are publike charges with honour, with-
out power to command; as embassadours and prince councillors, secretaries of
effaire, and treasourours; the auntient Ediles and Questors, and our Receivers. So
also some other there be which have honorable charge, having also the hearing of
many causes, and yet without command: as the auntient Roman Bishops, and our
A great Prelates. Others have honorable charge, with power also to command, and yet without jurisdiction: as the Tribunes of the people, the Centors, and our Governors of counties, together with the Kings Attorneys. Some others there be also which have ordinary, and honorable publique charge, and power to command with jurisdiction: and those are they, whom properly we call Magistrates: such as were the two Consuls and Praetors; who were encaided even to the number of sixteen. As for the Dictators, Governors of provinces, and those whom the Romans called Interreges: and Praefectos et Alium. Latinum, et Ananias, et Acab: they had more power and authority, then all the other magistrates we have spoken of: yet were they not magistrates, but commissioners only; as we have before showed: albeit that some called them by the common name of Magistrates; but yet not they which knew how properly to speake. And so oftentimes it happeneth that they which have the greatest honor, are yet destitute of all power and command: as amongst the Venetians the Chauncelour is created out of the people, which is with them the greatest honor; and yet without any power. So the Procurators of S. Marke, are also (with them) highly honored, and in all Commonweales the counsellors of state, Embassadors, Bishops, and prelates, who have no command, and yet are more respected, than the other little Procurators, and diuers other judges, which have power to command, and jurisdiction to decide controversys, with administration of justice both high and low.

There are also publique charges, who have neither honour nor command, but rather to the contrary draw after them a certain kind of dishonour: as the Hangmans office; who after the charge committed vs to him for the execution to death, was by the Praetors edicts commanded still to lodge out of the city: a custome yet observed in Tholoufe, and in diuers other cities also. Other publique charges also there be, not much more honest, and yet neuertheless necessary unto the Commonweale, and profitable unto them that have execution of the same: to the end that the profite arising thereby, might in some sorte cover the dishonour thereof. And under this division are generally comprehended all publique persons placed in title of office, or in commissions, or in simple dignitie without power to command.

And in like manner we might diuide all publique officers & magistrates, according to the duties of the publique charges, which euery one of them hath: some in matters of religion, others in the affaires of state: these have the administration of justice: others have the charge of the publique reuenues, some of the fortification and reparation of publique places, and others the provision of viuats, and other things needfull: these have the manning of the warres, for the defence of the subiects against their enemies: these the care of the publique health and welfare of the people, and these the outwight and charge of the high waies, rivers, forrests, ports and passages: all which publique charges may be given either in title of office, or in commission, or simple dignitie without command: or els with a commanding power also, or only by way of the execution of the commands of others, such as are the magistrates ministers, towne clarkes, notaries, vieters, turneys, sergeants, criers, etc. Which to great a multitude of honours, offices, and publique charges, to comprehend under the simple name of magistrates, or as the Greekes call it ἐπαρχεῖς, were but to confound the whole discourse of publique honours and offices, of all magistrates and commissioners together.

Therefore in euery Commonweale for the creating of magistrates and officers, and such as are to be implanted in common charge, three things are chiefly to be respected: First them that have the choyce and creation of them: then of what manner of persons
persons choice is to be made: and thirdly in what manner and forme they are to be created or chosen. As for the first, it is a thing belonging onely vnto the foueraigne, as we haue in due place declared. And the second, although it most properly belong also vnto foueraigne, yet for the most part it ordinarily followeth the lawes to that end and purpose establisshed, and especially in the Popular and Aristocratike estates: wherein (as generally in all forts of Commonweales) offices, and publike charges are givn vnto men, either for their vertue and wifedome, or else for their wealth, or for their nobilitie; or indifferently for all these things together: for why there is no Commonweale so barbarous, which hath not some regard of these things in bestowing of the offices and publike charges of the state: but which of these considerations were most to be respected, belongeth not to this place to discouer. And as concerning the third point, which is the manner and forme for the choice and creation of magilistrats and officers, it is of three forts: For either it is done by election, or lot; or by a mixture of both together. Election is made either by linely voyce, or by holding vp of hands, (which the auntient Greeces called vgosonia) a thing yet vied amongst the Swiffers: or else by tables or billets, by beanes or stones, and that in two forts, viz: by open, or by secret suffrages. By lot choice is made of one, or mo of the citizens to be magilistrats, or out of all forts and degrees of the people, at a certaine age, by the laws appointed. Now as for choice to be made by election and lot mingled together, although it be a thing not much vied in auntient time, yet is it now at this present a thing most common in Aristocratikal estates, and especially in Genes and Venice. As the Romans alwaies also did in making choice of the judges of capittall causes, concerning life and death; who were by lot drawne onely out of the order of the Senators, before the law Sempronia, or out of the orders of the Senators and the knights by the law Sempronia also; or out of both those orders, and the Tribunes of the common treaure, by the law Aurelia, the people being still excluded. But in a Popular estate, either must all the citizens together judge of euery man in particular, or of the lether part together, and that without lot or election. (For where the whole multitude of citizens have authouritie and power, there is no place left for election or lot:) or else must some citizens by lot, or choice, or both drawne out, judge of euery man in particular; or some, of some chosen by lot or election onely, or by lot together; or else some partly by lot, partly by election taken out of all the estates of the Commonweale, to judge of some of the other citizens; or else some by lot drawn out of all, with some other taken out of one or many estates of the Commonweale; or part by lot and election drawn out of all, and other part out of a certaine order of the citizens. And thus much concerning all the meanes that can be imagined concerning the variety of them which haue any publike charge: and for the estate, qualitie, and condition of euery one of them, with the forme of their calling and imployement.

**Eschines** the orator, diuiding the offices and publike charges of the Athenians, hath cut them much shorter, and more obfereely reckoned them vp, than was fit for so great a citie, considering that therein were moe magilistrats and officers, than in any other Commonweale that then was, for the greatnesse thereof. Hee said, That there were therein three forts of officers: one fort of them which were taken by lot or choice; another of them which had publike charge about the space of 30 dayes, such as were they which bad the oversight of publike reparations and buildings; and the third fort, of such as were by the auntient lawes appointed; as commisioners chosen for the warres, or for the administration of justice, such as were the magilistrats. But by this diuision cannot the diuerfitie of magilistrats and officers be judged, no more than by that of Demosthenes, (altogether different from that of Eschines his aduertisarie.) For hee faith them.
them only to be magistrates, which were by lot drawn in the temple of Theseus: or they to whom the people had given extraordinary power to command, or made choice of for captains. The division also of Pares, and Metalsa, is also too short, who make but two sorts of magistrates in Rome, viz. the great and the little. The great magistrates they called the Consils, the Pretors, and Censors, as chosen by the great estates: and the other they called the little, as chosen by the common people: the ceremony of their oath-sayers divination being more solemn in the choice of the greater, than in the choice of the lesser. But better it were to search and find out the essential divisions of magistrates, and such as might be true in every Commonwealth; as are those by us already set downe, concerning the charge of magistrates. Yet we may also otherwise divide magistrates into three sorts, in respect of their power. The first may be called Soueraigne Magistrates, as owing obedience unto none, but unto the Soueraigne majestie only. The second are lesser Magistrates, who owe obedience unto the Soueraigne Magistrates, and yet have command over other magistrates also. The last sort are they which owe obedience unto other superiour Magistrates, and yet have no command but over particular persons only. Let us then in order speake of these three sorts of Magistrates, and first of the obedience of Magistrates towards their Soueraigne Prince.

CHAP. IIII.

Of the obedience that the Magistrate oweth unto the Lawes and Soueraigne Prince.

Being that the Magistrate next unto the Soueraigne Prince, is the principal person in the Commonwealth, & upon whom they which have the soueraignest discharge themselves, communicating unto him the authoritie, force, and power to command: it is good reason before we passe further, briefly to touch what obedience he oweth unto his Soueraigne Prince; which is the chief part of his dutie. Now in this the Prince and Magistrate, and both of them do most differ from a privat man: for that the Prince feeth no man in the state or Commonwealth, whom he may compare or preferre before him selfe; but as one placed in a most high degree, and next unto the immortall God, beholdeth all his subiects set a great way beneath him: whereas the privat man cannot by any publicke right command over any other subject, although that he by privat and domesticall commands rule and gouerne his owne famillie. As for the Magistrate, for that he is to regard many persons, hee must oftentimes change his port, his gesture, his speech and countenance, for the good performance of his dutie towards all: which no man can well discharge, except he first know his duty towards his Soueraigne prince, as also how to submit him selfe unto the other Magistrates his superiours, how to respect his equals, and how to command his inferiours, how to defend the weake, to withstand the great, and to doe injustice to all. And that is it, for which the aumtents commonly lade, Magistracie or Authoritie to declare what was in a man, having as it were upon the stage in the Theatre, and in the sight of all men, to performe the parts of many persons. And so also may we say, man to shew what his office is: For if he be such an one as he ought to be, hee gracest his place: whereas if he be otherwise, hee debaucheth not only the authoritie of his place and office, but even of the majestie of the state and Commonwealth. So Luise speaking of Quintus Flaminius, a man unworthy his high place, saith of him, Non qui sit bohorem adiectisset, sed indignitate sua vim ac ius Magistratu quem gerebat dempisset: That hee had not (by his
his office) exceeded his honour; but by the unworthinesse of himselfe, impaired the force and power of the office which he bare.

Now the better to know what obedience the Magistrat oweth vnto his Soueraigne, it is needfull first to understand, what it is that a Soueraigne Prince may of right com-
mand euery Magistrat to doe. For why, the lawfull commands of Soueraigne Prin-
ces are right desires, and unlike themselves. Some of them settong for perpetual edicts or laws concerning all persons, of what condition or qualitie soever they bee; or but for certaine persons, and for a certaine time, by way of prouision; others some containe some privileges, or exemption contrario to the edicts or laws, for some one only, or for some few of the subiects; or some graunt not contrario vnto the law, or some reward for the good, or punishment for the evil, or some office or commission; or else ferue for the expounding of some edict or privilege, or for the denouncing of warre, or the making of peace, or for raising of funddours, or for the erecting of Faires or Markets, or for the leuying of taxes, subsidies, fifteenes, new impositions, or loanes: or for the fending of ambaffadours to congratulate the good haps of other princes; or to mone their misfortunes, or to enreat of marriages, and alliances, or other such like things: or for the building or fortifying of places to be fortifed, for the repairing of bridges, his wayes, ports or passage, or for to judge of certaine suits and proceedings in the law, or for the execution of some commands, or for the maintenance of letters of justice, or for the restoring of such as be vnder age, or of full age, or of such as be condemned, or for some particular, or for some remission, or pardon, which may bee of divers sorts. Of which commandes so before declared, some containe divers kinds, as do privileges and graunts, whether it bee for some gift given, or for exemption and immunitie from all charges, or from some one: or letters of discharge, or of estate, or to have the freedom of a citizen, or for to be made legitimat, or for nobilitie, or knighthood, or for the erecting of corporations or colleges, or other such like things. All which letters may be diuided into two sorts, that is to say, into letters of juridiction or command, or letters of justice or state. Albeit that the word "tebenus," or we command, be as well in the letters of justice, as in the letters of grace and favour, as is to bee scene in the lawes and letters patents of the Grecce emperours. Yet the letters of grace, or which proceed from the onely power and authoritie of the prince, are properly in France called Mandements, or Commands; and the secreteries which dispatch them are also called the Secretaries of the Commandes: whereas the letters of justice are most commonly dispatchd by the other secreteries; beside the difference of the great and little feale, and for the most part the diversitie of the waie: or the single or double label, or the seale hanging in sike of divers colours, making the difference of the letters to be knowne. The ancient Latines called such instructions as were by princes given to their ambaffadours, or gouernours of counties, or generalists of their armies, Mandate Principis, or Princes Commandes, which we do call by the name of of instructions. For to the word Mandate is taken in the law, where Justinian the emperour saith, That hee had made a booke of Mandats or Commandements for the gouernors of provinces.

But leaving the subsilue of words, let vs go vnto the matter, and examine the force of the clausers commonly set downe in the letters patents and mandates of princes. And first these words, \textit{universalis presentibus \\& futuris} (To all men present and to come) are joyned vnto such letters patents as are to endure for ever: (howbeit that no worldly thing can so for ever continue) but not vnto temporarie edicts made by way of prouision, nor to commisions, nor to any other letters of prouision. But this clauser, \textit{Quantum satis est \\&c.} (to much as shall suffice) is of much greater impor-

The power and force of certaine clausers commonly set downe in the letters patents, and princes Mandats expounded.
A rance, & ordinarily ioyned vnto letters which they call letters of jurisdiction or justice, whereby the prince leaueth vnto the discretion of him to whom such his letters are addressed, to allow of them, or to refuse them, as his conscience, and the equitie of the cause shall require: which is not in letters of commandement which leave nothing vnto him to whom they are directed, except happily sometimes the examination of the fact only: as in these words, 

_Siparet &c._ (If it shall appear vnto you &c.) In such sort that one may say of all sorts of charters or letters of justice, albeit that they be granted by the prince, that they import not any command or constraint whatsoever vnto the magistrat to whom they are directed: But to the contrary, that by our lawes and customs it is most religiously provided, that the magistrats or judges should vnto such charters or letters have no further respect, than in that they were agreeable with equitie and truth. And although that the same forme of letters of justice, be graunted in England, as also in Spayne, and other kingdomes; yet so it is nevertheless, that it is done rather for the particular profit of some one, than for the greater or increasing of the majestie of the king, (who granted them by way of benefit vnto the partie) or for any necessitie there is thereof: seeing that the whole is remitted vnto the power of the magistrat, after the granting of such letters, which was not before the graunt thereof. Which was the cause that the people in the assemblie of the Estates in parliament at Orleans, presented a request vnto the king for the cutting off of this formality of letters: as letting not but to the oppressing of the people, without any profit thereout of to be drawne vnto the king or Commonweale. The auncient Greeks and Latins also never knew this forme of letters of justice: but the magistrats vpon the request of the parties did as much as do our judges vpon the graunt of such letters of justice. And the claue, _Quantum sitis err quodique aedemittit_ (so much as may suffice for the manifesting of the matter) is the same which was contained in the Praetors edicts, in this forme, _Si qua mihi in ista causa aedemittur_ (if any just cause shall seeme vnto me.) True it is that the power to correct, supply, and expound the lawes, concerning the ciuill jurisdiction, together with the restitution & relieting of them which had beene circumvected, or deceived by the formalities of the lawes, (a power before gien vnto the Praetors by the vertue of their office) resteth now (I know not how) amongst the marks of soueraigne majestie; and for this cause the Praetors authoritie and lawes were called honorable; which the interpreters of the law call _nobile officium._ Wherefore as offices are confounded, when as the prince countreth vnto himselfe such things as belong vnto the magistrat: even so also are the rights of soueraigne impaited, when as they are by the magistrats vipted. Now as for the declaration, and correcting of the edicts and lawes, we have before said that it appertaineth and belongeth vnto them which haue the soueraigne: But as for restitutions against the extremities of the law, and all that concerneth letters of justice, it greatly appeareth not that the soueraigne princes haue much troubled themselves therewith, but have left them to the magistrats to be in their name decided. I except only certain letters of justice, which passe vnder the great Scale, and whereunto the aboeaied claue, _If it shall be just, If it shall be agreeable vnto equity and truth;_ is inferted: which claue so much displeased a certaine great personage, holding one of the highest places of honour in this Realme, (who understood not the force thereof) as that he would have raced out the same; laying the majesty of the king to be thereby impartial; howbeit that he was therein to be excused, as being a stranger, and not well seene in the lawes and customs of a strainge countrey. But how could the majesty of kings be in this respect impaired or diminished? seeing that the auncient kings of _Egypt_ caused their magistrats solemnely to swear, never to obey their commandements, in case they commaundd them any thing that
that was vnjust: as we read in the layings of the Egyptian kings reported by Plutarch. Seeing therefore that the allowance or reiecting of letters of justice directed in the kings name vou to the magistrates, dependeth of the equitie and discretion of the magistrates themseilves, it needed not vs to speake any more thereof. Wherefore let vs now proceed to those refcripts or letters of command, which for that they concerne the state of the Commonwealth, and publique and not priuate causes, are called refcripts of State; or letters of command or statute. Concerning which, a double question may be made: One whether such refcripts or letters of the prince, containing only the simple examination of the fact, without giving any further hearing of the matter vnto the magistrat, according to the defert thereof; whether (I say) the magistrat fully informed of the truth of the fact according to the tenour of his letters, ought to proceed to the further execution thereof being vnjust, or to hearken vnto the vnjust commandes of his prince? The other, whether the magistrat having neither power to examine the equitie or truth of a matter, may refuse the vnjust commandes of his prince: the doubt therein being the greater, if they shall be thereunto by the prince more straitly urged, or expressly commandad: For sometime princes by their particular and secret letters, as to request the magistrates; fo with curtie requestes accompanying their vnjust commandes: yet oftentimes in their letters patents their requestes are joyned with their commandes, because they would not seeme to wreft all things from them against their wils; but to request many things of them: as when they say, We pray and command you, wherein the prince seemeth as in nothing more to derogate from his soueraine majestie: for if the thing be iust and honest which hee commandeth, what needeth requestes? if vnjust or dishonest, why doth he command it? Now the magistrat is never to be requested to doe his dutie, or intreated not to doe wrong, or that which is vnjust or dishonest, as Cato the Censor faith. Besides that, to command is a thing incompatible with request. It is wisely laid, τίνα τυφώνων ὑποθεσίς παρεγγείλατε εις, Tyrants requestes to bee commandes: wherefore let vs supposse no thing to be more straitly commandad, than that which the prince semeth by syled speech or intrieate to peruisse. Wherefore to resolute this point, if the princes letters giue vnto the magistrat nei ther the examination nor the hearing or decidinge of the fact, or of the right and truth of the caufe, but that only the execution of the princes command be vnto him committed: the magistrat in this case may not in any iust take vpon him the examination or hearing of the matter; except the letters of command be notoriously false, faultie, or absurd, and contrary to the lawes of God and nature (as we read of the commandes of Phara and Agrippa:) or else to robbe and spoile the poore people; as in our time Albert Marques of Brandenburg, who amongst other his notable cruelties, set vp sundrie gibbets in all such townes and cities as he had taken in, threatening his fouliours to hang them thereupon, if that contrary to his command they should spare to robbe and spoile the poore inhabitants: albeit that he had neither iust, nor yet any colourable cause, for his taking vp of armes against his country. Now if a man subiect vp to a particular Lord or Justice, be not in law or right bound to obey him passing the bounds of his territorie, or the power to him giuen, (albeit that the thing which hee commandadeth be both iust and honest) but may well refuse his command: how should the magistrat then be bound to obey or to put into execution the princes commandes in things vnjust and dishonest, the prince in this case transgressing and breaking the faced bounds of the lawes both of God and nature? But some will say, no prince to be found so euill advised, nor that it is to be supposed that he would command any thing contrarie vnto the lawes of God and nature: and true it is; for why he worthily losteth the title and honour of a Prince, which depar-
A departing from reason, and forgetting the duty of a prince, breaketh the lawes of God and nature.

We have before (as we suppose) sufficiently enough declared, what and how much a prince may doe by the right of his soueraignty, from whence many things may be derived pertinent unto this question here in hand: for why it is not well to be understood what obedience is by the magistrat due unto the soueraigne maiestie, except the rights of Soueraignty be before well understood and fully knowne. But here the question is, what commands of the prince, and how farre the magistrat ought to execute the same? for sometime dishonest and vnprofitable thinges are by princes commanded, which the ciuill magistrats themselves doe more willingly, and shamefully put in execution, than they were by the princes commanded. As not long agoe in the time of the ciuill warres, (wherewith all France was on a light fyer) the president of the court of Normandie (whose name deleruweth to be buried in perpetuall oblivion) being commanded extraordinarily to leve thirtie thousand crownes of them which professed the reformed religion, exacted from them three hundred thousand; and for so doing (the calamitie of the time considered) received a great reward. Howbeit that Tiberius the emperour (a man of incredible cruelty) sharply reproued the governour of Egypt for exacting more of the subiects than he was commanded: saying, Tondesi oues mea non cunctem detrah breadcrumbs, I would have my shep. thorne, but not flaine. If therefore the commandement of the prince be not contrarie vnto the lawes of God and nature, the magistrat is to put it in execution, although it seeme to differ from the lawes of other nations: which lawes it is not against nature for the princes to change, for the profit or disprouit of their Commonweales. For albeit that the princes (as we have faied) ought to keepe the oath by him made vnto his people, if hee haue so bound himselfe by oath; and although hee were not by oath so bound, yet neuertheless of dutie ought to keepe the lawes and custome of the state and Commonweale whereof hee is soueraigne: yet for all that wee must not thereof conclude or gather, That if the prince doe in that case command any thing contrarie vnto his oath or the dutie of a Prince, that the Magistrat is therefore to refuse to obey his command. Forasmuch as it belongeth not vnto the Magistrat to examine or cenzure the doings of his prince, or to crosse his proceedings concerning mans lawes, from which the prince may as hee seeth cause derogar. Yet if the Magistrat bee commanded by the Prince to abrogare an antient law, being most upright and profitable to give way vnto another lesse law, and lesse profitable for the Commonweale: he may lay the execution of such a law or commandement in suspente, vnill hee haue moved his reasons therefore vnto the prince, which he is in dutie bounde to do, not once, but euery second or thrice: and then if the prince notwithstanding his remonstrances, will not by him be aduised, but refuse his wholesome and profitable admonition, and will needs haue the law to passe further; then the Magistrat (as hauing alreadie done his dutie) shall put it in execution: which he may also at the first command of his prince doe, if the delaying thereof be dangerous. And to that end and purpose tendeth that which is by Innocentius the fourth written, before he was Pope, That Magistrats ought to put in execution the princes commands, albeit that they bee vnprofitable thinges: which is to bee understood of ciuill justice and violitie, but not if such commands bee contrarie to the lawes of nature. Which interpretation may serve also for the right understanding of that which the lawyers say, That the prince may derogar euery from the law of nature. Wherein their meaning is, from the law of nations, and common constitutions of other people: least any deceived by the obscuritie of the words, or equivocation of the law of nature, should thereby rashly presume to breake the faeted lawes of God and nature.
Now if any man shall object and say, That the emperour _Anastasius_ expressly commanded, That the judges and Magistrats should not so much as suffer men to produce the princes refcripts or letters granted unto particular persons, contrary to the general edicts or lawes: Mine anwser is, that is to be understood, if in such the princes refcripts or letters no speciall clause be comprprehended, derogating from the general lawes: notwithstanding which derogation, yet the Magistrat ought neuerethelesse to aduertise the prince thereof, and to put him in mind of his dutie: who if he be not by the Magistrats reasons to be removed from his former opinion, but command the same the second time, the Magistrat is then to obey his command, although the thing so commanded be not agreeing with the common profit, and contrary vnto the lawes. For why, the Magistrat having to do his dutie, is not to expect but the second command; as is by the law provided. To the example whereof the edict of _Charles_ the ninth was made, concerning the magistrats admonitions vnto their prince. So long before this _Theodosius_ the Great, at the request of Saint _Ambrose_ the good bishop of Milan, made a law, whereby he willed, That the execution of his letters patents and commands, should be holden in suspense thirtie dayes after the signification thereof, when he had commanded any to be more rigorously punished than the usual manner and custome was. The occasion of the making of which law was, the execution of seven thousand Theaflians, put to death, by the commandement of this _Theodosius_, for that they had murthtered and slaine certaine of his Receivers and Magistrats. For which cause Saint _Ambrose_ excommunicated the emperour, neither would suffer him to be reconciled, untill he had made the aforesaid law. And hereof (as I suppose) proceeded those refcripts, which are yet vised by the bishops of Rome: the first called _Monitorie_, the second _Instruction_, and the third _Executorie_; or as we say in English, Edicts of admonition, of Command, and of Execution.

The same opinion we are to have, if the prince by his letters patents command the Magistrat to proceed to the execution of the penalitie uppon them that have offended against such his edicts and lawes, as by the antiquitie of themselfes, or by the negligence of the Magistrats seeme to have bene quite forgotten and abrogated. For why, the long sufferance of the prince, and continuance of the magistrats, in the sight and knowledge of whom the lawes are so broken, remitteth the penalitie due by the law: which could not otherwise have bene infringed, by the abuse of them which transgressed the same, had it by the prince or magistrat bene still looked vnto. And therefore the magistrat ought not rashly to proceed to the execution of the penalitie of such forgotten or neglected lawes, before he haue caused the same to be againe republished, being by his default before neglected. Yea the prince ought rather to proceed against his magistrats, who through their remiss negligence have suffered his edicts and lawes to be contemned. For otherwise it should be a thing verie vniust and injuring of tyrannie, to make edicts and lawes, and after long neglecting of them, vpon a sodaine to proceed against them, who by the example of others, had transgressed against them, leaving others before them to have escaped unpunished. Which was one of the tyrannical flights of the most cruel emperour _Nero_, as of other auintent tyrants also. Whereas the good emperour _Trajan_ to the contrary commanded _Plinie_ governour of the lefthen _Asia_, of new to publish such edicts and lawes as were any wise before buried in oblivion, by the disobedience or errour of his subiects, or the sufferance of the magistrats: for that a common errour is reputed for a law, if the errour bee not against the law of nature, against which no errour can probably be pretended.

But some man may aske, Whether the magistrat owe obedience vnto such his princes commands, as shall vnto him seeme contrarie vnto the law of nature, albeit...
that indeed they be not contraftric thentuns? For the equitie and reason which we call
natural, is not alwaies so cleere and manifedt, but that it findeth impugners. Yea oftentimes
the greattest lawyers and philosophers are therein intangled, and of quite contraftric
opinions, and the lawes of people are therein sometimse so repugnant, as that some of
them appoint reward, and some others punishment for the selfe fame fact, whereof
bookes, lawes, and histories are full, all which to prosecute were a master infinit. W
herunto a aunfwere, that if that which the auintents say may take place, a man neuer ought
to doe that whereof he doubteth, whether it be iust or not: and much leffe ought hee
to doe, if he be thereof certainly perswaded that the thing which the prince com-
mandeth, is of iust if by nature vnifult. But if question be of ciuill iustice only, the
magiftrats ought in fuch case to verify and put in execution his princes commandsal,
though he thinke them to be in ciuill equitie or law vnifult. And therefore the magiftrats
in equitie Commonweale were compell to sweare to obferue the lawes and ordinan-
ces: to the end they should not call into dispute or question, that which they ought to
hold, as before resolvd upon. And this was the manner and custome of the Romans
when the old magiftrats receive the oath of the new, before they entred into their
charge: which was commonly done vnpon the calends of Ianuari, in the capitol, after
solemn feanteuces there made: for otherwise the magiftrat loft his place of eflate, if hee
tooke not his oath within five daies after. Yea sometimes the Tribunes which held
the eflate of the people, constrained them in particular which had withftood the pub-
lishing of a law, to sweare to obferue the fame, after that it was once publifhed, and that
upon the paine of banifhment. So L. Metellus Numidicus was by a decree of the peo-
dle banifhed, for refusing to sweare vnpon the lawes publifhed at the instance of the fa-
tious Tribune Saturninus. So also after that the lawes of Lewes the twelfth were
published in the high court of the parliament of Paris: for that many difflid of the
fame, the kings attourney generall there made a request, That they might be duely ob-
terued, and prohibition gien for any man to call them in doubt, and that vnpon paine
of high treason; as is to be feene in the records of the court. For why, it is lawfull for
equitie man before the publishing of the law, to dispute and reason of the equitie there-
of: which to doe after the publication thereof, is not lawfull. And fobefore, that, when
as king Lewes the eleventh had commanded certaine vnifult decrees of his to be publi-
fed in the court of the parliament at Paris: the court refusd to yeeld thereunto, for
that they seemed vnpon equitie man vnifult; but the king neeretheliefe still urging his for-
mer requets, joyning thereunto grievous threats also; as that they should looke their
heads that would not yeeld thereunto. WIch thing Lusarie, president of the parlia-
ment understading, accompanied with the rest of the judges of that honourable court
in their red robes, came vnto the king, not to excute the fault by him and the rest com-
mittd, in refusing the kings vnifult decrees, but to show the reafons of their refufall,
and to request, That he with the refult might rather bee put to death, than enforced
to give their content to the publishing of the propounded lawes. The king beholding
the gravityt, the port, and dignitet of these persons, and almoft abafhed with the fo con-
stant refolution of fuch his great magiftrats, and withall doubting the power and au-
thoritie of the parliament, caused thole his decrees fo much disliked, to bee abrogated,
and in their presence tore in pieces, requiring them to continue fo still to maintain
iustice; solemnly protesting never mote to send vnto them any edict which should not
be both iust and reasonable. It is a wonderfull thing to say of what power and
moment this thing was to keep the king within the bounds of reason, who otherwise
had alwaies vfed his absolute power and command. As before hee came vnto the
kingdom, being as yet Dauphin, he caused the presidents of the court of Paris to bee

Ee
called before him, to raise out the clause, De expresso mandato (by expresse commandement) which the court had caused to be put vnto the confirmation of the privileges granted vnto the countie of Maine, protesting, That he would never goe out of the cite, vntill it were done, or yet take vpon him the charge by the king committed vnto him. Whereupon the court indeed commanded those words to bee cancelled: but yet that the cancelling might appeare commanded the acts to be keppt, which are yet preferred vndaced. Now these words, De expresso mandato, and De expressissimo mandato, whereunto these words are also sometimes annexed, Multi usibus iterato (or oftentimes repeated) which are many times to be found in the records of soueraigne courts joined vnto the publication of the princes edicts and decrees, have this illation or meaning, such edicts and privileges (granted by the princes expresse commandement) should not be so preciely kept, but that shortly after they might by the sufe-

rance of the magistrats be againe forgotten and neglected, as not much regarded. And by this secret of the courts, hath the state of this kingdome bene preserved in the great-

esse thereof: which otherwise would have bene ruinied by the flatterers of princes, who by such extorted privileges ferape vnto themselues whatsoever they desire: and the good kings not stile able to satisfie the hungry courtiers, sometimes weel ead, which have vied these restrictions, being so of their subjests well beloved, the confirmation of such edicts and privileges not carrying with them any effect vnto the subjests, or disobe-
dience vnto the king to giue good words, or charge of conscience vnto the magistrat in not performing it.

But yet farther question might be made, Wheter a magistrat may bee suffered to giue vp his place, rather than he will allow an edict, a commision, or commandement from his prince, which he for certaine thinketh to be vniust and contrarie vnto naturall reason, when as the equitie of it is called in question, & especially if the other magi-

trats and multitude of the people shall hold it to be unust, contrarie to the others. For the force of justice, and power of vright reason, is not perceived but of the fewer and wiser fort: and a wife man being as it were the rule of reason, is of all others the grea-
test enemie vnto the multitude. Which if it be so, why should a wife man bee enforced to giue his consent vnto the multitude of mad magistrats. In which case I say, that the magistrat is not to be suffered to giue vp his place, if it please not his soueraign prince he should so do, but ought rather to be constrained to obey his princes com-
mmands, if the equitie thereof being called in doubt, be approved by the greater part of the magistrats, which have charge to conforme such edicts: For otherwise if they should be permitted to giue vp their places, rather than to passe an edict approved by others, it would open a perilous gap to all the subjests, by their example to refuse and reiect the edicts and commandes of their prince: and so euerie one in his charge might leave the Commonweale vnto danger, and expose it vnto the tempest, as a ship without a Rudder, and that under the shado of an opinion of justice: which may haply be but a deuide of a subtilt braine, to no other purpose than to contradic the more com-

mon opinion, And therefore among the most lawdable laws made by Lewes the xiiij, there is one which importeth, That if the judges be of three or moe opinions, those which were the fewer in number should be constrained to conforme and ioyne them-
selues vnto one of the greater parties, for the concluding of the decrees. Whereupon the court of Paris of long time doubted, whether this law should be published or not: for that it seemed a very hard and a most strange thing vnto many, to force the con-

venience of the judges contrarie to their owne opinions, and to enforce them to judge contrarie to that they ought, and that especially in such things as were committed vnto the wifedome and devotion of the judges, as are almost all both publike and priuat judgements,
judgements. Yet neuerthelesse after the court had considered of inconueniences which in law ordinarily to arise vpon the varietye of opinions, and that the course of justice, and the concluding of many good decrees, was thereby also oftentimes lettered, the court confirmed the aforesaid law, which by proceffe of time hath bin found to be most iust & profitable. Hereunto also agreeeth the manet and custome of the antient Romans: for their judges oftentimes to change their opinions, and to joine themselves vnto the greater part, albeit that they were not thereunto constrained. As is to bee scene in Eneis, of a judgement wherein one part of the judges had condened the guiltie person vnto death, another part had ecleerly and fully acquitted him, and the third part had for a time banished him: in this diuersitie of opinions, as well they which had before acquitted him, as they which had condemned him to death, confented both to them which would have him banished. But our law is in that point better, which compelleth the fewer to joynethemselves vnto the more. For in all corporations & colligedges reason would, that that which pleafeth the greater part should take place and preuaile, as strengtheneth with the most voices. Howbeit that in all such consultations and actions the rule of the antient wise neuer faileth: which willeth, That of many honest and profitable things pronounced vnto vs, we should chuse thofe which be most honest, and most profitable: and fo of many inconueniences and dauneters, to make choice of the leaft: for otherwise mens actions should neuer fort to good end. And a man may alfo say, That the equitie of a law is not properly natural, if it bee obscure or doubtfull; for that true natural justice is more cleere and replesdent than the brightnesse of the sunne, as not wrapped vp in obscuritie, nor depending of the erroneous opinions of men, but of the moft cleere and immutable wifedom of the everlastinge.

And yet neuerthelesse since the law of Leuws the xij. I find not that any magistrat hath given vp his place, as fearing to be enforced to maintaine or yeld to any opinion contrarie to his conscience: and especially since the places of justice were given vnto men for vertue, and not for reward and fauor. Neither hath the law of Leuws the xij. at any time constrained the judges to judge contrarie vnto their conscience, but hath rather silently given them leaue to give vp their places; howbeit that it were more equitie fo to conftraine them, than to leaue it vnto their will and pleasure. For which cause the kings Attourneyes general haue oftimes constrained the Judges to judge according vnto Lawes and customes of the land, albeit that all the Judges were of contrarie opinion. As I remember that whilest I was at Tholouse, one Bartholomeus President of one of the Chambers of Inquirie, seeing all the counfellours of his court of one and the same opinion in a suit, and directly against the law: after he had assembled all the rest of the courts vpon the matter, he constrayned them to change their opinions, and to judge according to the law; And that justly also: for who enforced thee to secke for thine office? or to accept of it being offered thee? and having taken it vpon thee, (being happily got either by suspending of voices, or by fute, or biberie,) and being sworn, wilt thou now forswear the lawes, which thou mightest before haue red, or at leaft wife oughtest to haue red: wilt thou by thy falle opinion of the law and justice, wrong the place thou bearest? delude the lawes? or forfake thy prince and Commonweale.

Yet sometime it happeneth that such lawes as of themeselves seeme vnto every man most iust, may vpon some sudder occurence appeare and proue to be most vniust. In which case, whereas the wrong is in the fæt position plain, and evident, wife magistrats vfe to certify the king thereof, (as I remember it to have most oftentimes been done in the parliament at Paris,) who impating the matter vnto his Counsell, doth as he seeth cause derogate from the positiue law: or add some thing vnto the fame:
(which our men call the exposition or declaration of the law) a thing properly belonging into the soueraignty of a Prince, as we have before declared. So that in this case, it is not lawful for the magistrat to judge against the law, although he may suspend his sentence until that the Princes pleasure be further knowne. But otherwise the law being clear, and without difficulty, the magistrat is to judge according thereunto without disputing of the equity thereof: for otherwise if the judge shall unwittingly and wilfully judge contrarie vnto the law, he is by the lawes themselfes noted of infamous: but if he shall so judge of ignorance, or supposing himselfe to judge according vnto the law; he is not therefore to be accounted infamous: howbeit that such his judgement is of itselfe void, as if it had not beene given at all, in such sort as that a man by the ancient Roman lawe need not at all to appeal therefrom.

Now there is great difference whether question be of the lawes alreadie establisshed, or of those which yet are by the magistrat to be published. For why, such as be alreadie establisched, euer man is bound to keepe, and especially the magistrats, who if they unwittingly swarue therefrom, (beside the penaltie appointed by the law) are subject also vnto the note of infamous, as pernicious and fortworne men. But as for such Edicts and lawes as are not yet published, but are but as yet presented vnto the magistrats to be confirmed and published, of them it behoueth the greater magistrats (to whom the publication of lawes especially appertaineth) well to consider, and to show the reasons if they shall dislike of them vnto the prince, albeit that it concerneth but the particular intertst of some one priuat person: but much more, in case it concerneth the great harme or good of the Commonweale: which good if it be vertic great, may in some sort counter the inujustice of the law: (as the auintent flares-men say.) Yet must we not proceed so farre in respecting of the publicke profit be it neuer so great, as therefore to forget reason, and to be caried headlong with wrong and inujustice: as were in auntient time the Lacedemonians, who measured all justice by the common profit, wheretoum they directed all their lawes, all their judgements, and counsels: so that if that were once in question, neither oath, nor reasone, nor justice, nor yet the law of nature was by them once respected. But much better it were for the Commonweale, and more becominge the dignitie of the magistrat, of himselfe to give vp his office (as did the Chauncelour of Philip the second, duke of Burgundie) than to give way vnto a law that is contrarie vnto the lawes of God and nature, or that in euer mans judgement seemeth to be dishonest or vniust: howbeit the Duke seeing the irreconcilable confonance of his Chauncelour, ready to give vp his office, thought it better to remoue such his commands, than to want so stout & wise a man. Which so constant resolutions of the magistrats, hath oftentimes preferred Princes from infamous, lawes from decay, and Commonweales from destraction. But when such confonance cannot heal the diseases of the Commonweale, or faults of soueraigne princes; and that the prince commandeth the magistrats, to have his actions excused vnto his subjectes; it is much better for the magistrat to obey his command, and in so doing to couer and bury the memorie of a wicked fact already done, than in refusing so to do, to irritate the prince to the doing of worse; and so (as they say) to cast the helme after the hatchet. As did Papinius the great Gouernour of the empire, (and by Senecius the Emperour in his will appointed Tutor vnto the yong emperours Antenius Caracalla, and Geta his sonnes) who by Caracalla commanded to excuse vnto the Senat the murder by him committed vpon the petition of his brother Geta, would therein do nothing, but cut him off with this sharpe and short answere, saying, That murthers were more hartie excused, than commetted: which was of him more stoutly then wisely said. For Caracalla with this aunswere enraged, and yet not satisfied with his brothers blood, in his rage commanded Papinius
Papinian also to be slaine: and after the death of him so great a man, (as who alone might have governed the furious yong prince, and repressed his rage) never ceased without any contradiction or controulment to kill, murder, and tyrannize, vntill such time as he had brought himselfe together with the Empire vnto destruction. Which I would not have to bee so vnderstood, as spoken of vs in any respect to imaire the worthie praises of so notable a man, (for that can in no wife be done) but that magistrats may hereby vnderstand, how farre they are to beare with the faults of princes, which once done, cannot by them be amended. For had Papinian couered that he could not now amend, he had saucd his owne life; and counterpeased the tyrannies and cruelties of the Empour, who alwayes before had him in greatest honour and regard. Which fault in Papinian I have thought good to note, for that many have right highly commended him for the same; without respectinge, that such his resistence availe nothing, but brought an irreparable losse ynto the affaires of the empire, being so deprivd of so great a perfonage, as might therein doe more than any other; for that he was a prince of the blood, and the greatest magistrat in the flate. But had the matter then stood whole and enter, and that the Emperor had commmanded him to put his brother Getes to death, he had then done both stoutly and wisely in refusing so to doe, and had had just cause rather to die than to consent to that vnnatural act, for one brother to mutther another. But Seneca and his companion Burr(a the governours of Nero) shall be for ever blamed, as having no excuse to pretend for their most wicked counsell, peruidinge Nero to kill his mother, who by chance had escaped drowning: which most cruell counsell, commmand, or fact, shall together with the authors thereof be for ever crowned with eternall infamous and shame.

But what if the prince shall command any thing to be done, and that the same thing being begun to be put in execution, he changing his mind shall resceve his former commmand, shall the magistrat in this case stay from proceeding any further, or go on with that he hath begun? Whereunto a man at the first sight would say, That he ought to stay and to proceed no further: following therein the maximes of the law. Howbeit to answer rightly thereunto, the matter is by distincction to be opened; that is to wit, if the thing so begun may be left off without the publike harme, it is then so to bee left off according to the laft commmand: but if it be so begun, as that it cannot bee left off, without the manifest hurt of the state and Commonweale; the magistrat in this case is to proceed on with that he hath so begun, notwithstanding the latter commmand, and that especially in matters of warre; as wee have before said. And to this purpose Marcellus the Conful faith, Multa magnis ductibus sicut non aggressendo, in semel aggressis non dimittendo. As many things are not of great captains to be at all taken in hand: so being once by them vndertaken, are not by them to bee againe begun. And this in time of warre. But if at home the magistrat following the commendment to him giuen, hath begun to execute the condemned, or them that the prince hath commmanded to be put to death, he ought forthwith to surcease from any futuer execution, if the commendment be revoked: and not to do, as did the Conful Fulvius, who having taken the citie of Capua, as he was punishing the authors of the rebellion, and had now caused the greater part of the Senators of that citie to bee beheaded, receiving letters from the Senat of Rome, willing him to stay and cease the execution, put those letters in his boosome, without reading of them, & doubting of the contents thereof proceeded to the execution of the rest, vntill he had put to death fourecote of them. True it is, that the Senat had no power in any thing to commmand the Confuls (as wee have before said) yet for all that, the governours of pronounces, and the generals of the Roman armies, yea and the Confuls also, vse most commonly to be obedi-
ent vnto the Senate, and to yeelde vnto the deectees thereof, as vnto lawes. And truely the principall cause why they of Gaunt put to death fixe and thirty of their lawyers, after the death of Charles Duke of Burgundy, was for nothing else, but for that they had condemned a citizen to death, after the death of the Duke; before they were againe confirmed in their authoritie and office, although it was not a thing altogether necessarie; as with like examples wee haue declared. Yea it is almost a perpetuall thing, for them which are in authoritie and haue power to commaund, to bee able of their owne right to execute that was commanded them; yea after that the time of their authoritie is expired, if he that gaue them the authoritie and charge knowing, and wittingly shall dissemble the fact, or not forbid it when he might.

Now all that we haue hitherto said, is to be understood onely of such letters or refcripts of commaund, as yet carrie with them no power for the magistrat to examine the fact or matter they concern. But then what shal we say, if such refcripts or commaunds report such things as certeinly knowne and true, which yet are neither publiquely, nor vnto the magistrat so knowne to be. Here we must againe consider, whether the examination of the matter, be by special commaund expressly taken from the magistrat, or else left vnto him; if it be left vnto him, there is then no doubt, but that the magistrat may and ought to enquire of the truth of such things, as are reported in the princes refcripts or letters: but if al examination of the matter be taken from the magistrat, then some doubt, whether he may inquiere of the truth thereof or not; and especially if it be expressed in the refscript or mandate, that the prince being well enformed of the truth, commangeth the magistrat to procede to the execution of his letters or commaunds: howbeit the best opinion is, that the magistrat both in the one case and the other, ought to examine the truth of the matter. For when to inquiere of the truth of the cause, is neither forbidden nor commaund, although it bee expressed in the princes refcripts or letters, to procede to execution, yet ought the magistrat neuerthelessse to examine the truth of the matter. And to the intent, that the magistrats should not pretend to excuse themselves by ignorance, the emperour Constantine, prouided by an expresse law, that the magistrats should inquiere, whether these things were true or not, which were set downe in his refcripts or letters of commaund, whether it were so in them expressed, or left out. And as for the other point, if in the refcripts or letters, it be expressly set downe to procede to execution, for that the prince is well enformed of the truth of the matter; yet neuerthelessse ought the magistrat to examine the truth thereof: notwithstanding the claue which I haue said, which ought not to hinder the examination of the matter, not to be prejudiciall to any other mans right; and so much lesse vnto the publike, and least of all vnto the truth: and so generally, all such narrative claues as are but reported in refcripts, mandates, commiisions, lawes, priviledges, testaments, and sentences, cannot be any thing prejudiciall vnto the truth. And albeitt, that during the tyranny of the Sforces, they made a law, that all faith and credence should be giuen vnto the princes commaunds and letters; yet was the same law againe difanulled, after that they were by the French, driven out of the eflate of Milan. And if the faith and credite must needs be giuen vnto the narratiue claues of princes refcripts and letters of commaund, that is to bee understood, onely of such claues, as whereby the obliqure places of their edicts, and lawes, commiisions, mandates, or judgements are expounded, which none can better declare, then they themselves that made them; howbeit, that such their declarations ought rather to be called decrees, then expositions or declarations. But if the prince shal in the bestowing of offices, places of charge, or other his grants in his refcripts or letters, testifie for the fidelity, integrity, wisdome, or religion of any man, it is so farre from, that the magistrat should rest con-
tented with that justification, as that hee ought therefore with greater diligence to inquire of him, for that the prince supposed him to be indeed such, and would not have such benefits or Preferments bestowed upon an ignorant or unwise man. But contrary wife, if the prince shall simply give unto any man an office or place of command, he is no farther by the magistrat to bee inquired of, for that the prince in his willsome hath thought him worthy such honor and place; if the prince first give him not leave so to doe, or that the custome of the country require: as in the latter times they did in Rome; but afterwards, almost every where: but especially in the appointing of judges. So also in ancient time, in theaigne of the Gothes, trial was made of the Senators, before they were to bee admitted into the Senate. For Theodoris, king of the Gothes, writing vnto the Roman Senate, for the receuine of a new Senator, faith, 

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Admitterus in Senatum examinare cogit solicitus honor Senatus: the care (we haue) of the honour of the Senate, causeth vs to examine such as are to be admitted into the Senate.

But if any man vnder a faile pretension colour shall encroach vpon the prince the profitts and commodities vnto him graunted, being in the princes refeript expresst, yet is he thereof by the magistrat to be embarrased; and the rather, if the commonwealth be with inmoderate gifts exhausted: vnto which difeale uterie where spreadd, remedie might be given, if the law of Valois concerning gifts might take place. For Philip Valois the French king, commaunded those gifts and grants to bee revoked from them, who in the letters of such gifts or grants, had not expressed what they or any other for them, had for the same cause in the letters of their grants, before obtained; which yet also is in vie in Millan. For seeing that it much concerneth the Commonweale what money and profit, what rewards, and privileges, every man obtained, the magistrats must thereunto have a most vigilant eye, and especially in popular estates, wherein as all publike things lie open vnto the spoyle of all men; so for the same cause occasion is miniftred vnto the feticious, to the trouble and ofentimes to the ruine of the Commonweale. And for this cause it was most straitly provaid by a law in the twelve tables, that no privilege or dispensation might in any wise be graunted, and that upon paine of death, but only in the great assembly of the whole estate of the people: the words of the law being there: Privilegia nifi Committee's Centurias ne erogino 

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Secus factur Capital es. Let no privilege be graunted, but in the great and general assembly of the people: and he that shall otherwise doe, let him die the death. And after that Constantine the emperor writing vnto the people, faith, Nec damnosae fisci, nec legisbus contraria impetram overtet, It is not fit, things hurtfull vnto the common treasure, or contrary vnto the laws, to be obtained: howbeit that all privileges are directly contrary vnto the law; for otherwise they should not be privileges. And if it bee so, that they must needs passe after the second command (as we have before said) yet becometh it the magistrat to cut them short, and to interpret them in strictest manner that he can, and to the least hurt of the Commonweale, as things odious, and contrary vnto the law; and not by favourable interpretations to encrease their strength, or to draw them into consequence, as hetherofore haue the judges and the clergie, which by their faite gloues, have drawne the profit and privileges graunted only vnto fouldiers, vnto themselves also; vfining these faire gloasing words, of worldly Soulciours and heavenly Soulciours: so laying all the burthen vpon the poore countrey man, vnto whom the same privileges ought of better right to be communicated than to them.

But for that our purpose is not here to enter into the disputing of privileges, which were a thing infinite, sufficient it in passinge by, in generall to aducrcte the magistrat to haue speciall regard vnto the privileges by princes graunted, and most straitly to exa

Privaillg as things odious and contrary vnto the laws, how they are to be interpreted.

Priveillg to be most straitly examined.
mine them, what good report souer the prince therein make of him that hath obtained such privilege: For that every man well knoweth, that the prince ottenimes knoweth not them to whom such privileges are granted; vnworthy men still not so much obtaining them, as indeed wrestling them from princes, even as it were against their wills: no craft or subtletie in this case left vnlook'd out, to defraud the lawes, and abuse the prince and magistrates, and that with so many fluits and quirkes of words, and so much deceit, as that they seeme hardly to be by the magistrat to be met withal, but by plaine force. Such is that clause, De motu proprio (of our owne motion) which inuented at Rome, hath from thence crept abroad into all Europe. For why, there is almost neither king nor kefar, which when question is for the breaking of a law, or repealing an edit, or for giving way vnto dispensations and privileges, laweth not thereunto this clause, De motu nostro proprio (Of our owne proper motion) howbeit that the same princes haue bene importuned, and as it were enforced to grant that even vnto vnknowne and most vnworthy men, for whom they haue bene so importunitly requested. There is at Rome a field called Flory, or Flourishing, not so much for the plente of flowers, as of witnesse that are therein; out of which euery man may take testimonies, for the best owling of benefices vpon them which dwell eu'n in the remote places of Asia and Aftricia, and that with these words, De motu proprio. By which one claue, all the fraud and deceit of them that used for preferment, be they never so bad or vnjust, are easily excused: and by v discreet, and not so much for the examination of all luye incomminggs or craftie intrusions, careless, if wee will receive the opinion of some mott pernicious and daungerous vnto the state: but such sleights and deceits we haue long since bid farewell out of our Commonweale. And for those princes and magistrates circumvented with the viles of deceitfull men, could hardly, or not at all escape the fame, it was wisely decreed, That the princes refertries, or letters patentes, should be of none effect, except they were presented vnto the magistrat the fame yere that they were obtained; neither should be of any force, before they were by the magistrat approv'd. And yet it seemeth vnto me, that the law of Milan is better, that is to wit, that the princes mandats and letters patentes directed vnto the Senat, were not to be receiv'd after the yere expired: neither thefe that were directed vnto the magistrat after a moneth were past: and that not onely the yeare and day, but even the vnday more also, shou'd be therein set downe, as thanner is almoist throughout all Germanie; following therein the opinion of many good lawyers, to stop the suits and controversies which of times arise for gifts, offices, and benefices granted vnto diuers in one day, as it was decreed by the parliament at Blois, at the request there made by Bodio deputie of Vermandois.

But what if the prince by his refertript or letters patentes, shall expressly forbid the magistrat to examine the truth of such things as are contained in them, albeit that they be false or doubtfull; ought the magistrat in this case to examine the matter? And it seemeth that he ought so to doe: For we haue before said, that hee may, and ought to examine the cause, and enquire of the truth of things express'd in the princes refertries and letters, albeit that the prince therein declare himselfe to know the truth thereof. Yet for all that, I say, that it belongeth not vnto the magistrat in this case to passe beyond the prohibition of his soueraigne prince: For there is great difference when the prince declareth, That he knoweth the truth; and when he forbiddeneth to enquire thereof: For in him it is to be presumed, that he hath bene circumvented, and so mistaking things false for true, and things unknowne for knowne, to haue commanded them so to be put into his refertript, which he would not haue done, but hee beene truly thereto enformed: As if hee should give a judges place vnto a souldier, or a captaines place vnto
A vnto a lawyer, neither the one nor the other ought by the magistrats to be admitted or received, although the souliour were commonly called a lawyer, and the lawier a souliour, such pretended qualites hauing happily giv'n occasion vnto the prince to be so in his grant decree'd. But when the prince shall expressly forbid the magistrat to examine the fact or matter, it is to be presumed, that he well knoweth that which he doth, and that he would not that the magistrat should farther enquire thereof. Yet may the magistrat well use the remedy by vs before spoken of, and shew the prince the truth, and the importance of his command, with the inconveniences and harms en- suing thereof, and so in what he may to draw him from his former purpose: and hauing so discharge'd his duetie, yet nevertheless then to yeeld his obedience, if he shall be a- gaine to commanded: for otherwise the majestie of a prince or Commonweale should be but a mockerie, as still subiect vnto the controlement of the magistrats. Besides that, it is much more also to be feared, left that the other magistrats, by the example of one or two, and after them other privat men also, should presume to contemne the princes command, to the great endangering and tsme of the Commonweale.

Now if a man should say that a Prince ought not to command any thing that is dishonest or vnuit, he therein saith well: neither ought the prince (if it were possible) to command any thing not becomming his honour, or that were so much as subiect vnto reprehension or flaundr, or knowing the magistrats to be of contrarie opinion vnto his, to contraine them thereto: for that the ignorant and common people is no way more mowed vnto disloyaltie, and contempt of their princes edicts and lawes, than to see the magistrats hardly delt withall, and the lawes by them contrarie to their good liking publisht and forced. But now here the question is, what the magistrat ought to doe, in case the prince forgetting his duetie, command any thing contrarie to the common profit and ciuill justices, yet provided still that it be not against the law of God and nature: whether the magistrat ought to obey such his princes command, or to gue vp his place? And if so it be, that the worldly magistrat ought to be obeyed, albeit he that command such thinges as are vnuit: Ne Pratoris maiestas contempta videastr, Left the majestie of the Prator should seeme to be contemned (as faith the law) how much more then ought men to obey their soueraigne Prince, of the majeftie of whom all magistrats depend? Now it is in many lawes repeated that we must obey the magistrat, whether the thing that he commandeth be just or not, following the counsell of all the wife which have hereof written. And to this purpose faith Ciceron (albeit that he was a morall enimie vnto the Tribunes of the people) that men were to obey even the vnuit oppositions of the Tribunes, in these words: Parere in- bet lex interesendi, quo nihil praebantius: impediri enim bonum rem melius esse, quam co- cedi male, Thelaw (faith he) commandeth vs to obey the magistrat that oppofeth himselfe, then which nothing is better: for better it is a good thing to croffed then euiu graunted. And before he had saied: Nihil exitiofius custodibus, nihil tam contra- rium urae legibus, nihil minus cuide & humanum, quam composita & constituata re- publica quiequam agiper vim, Nothing is more dangerous vnto cities, nothing more contrarie vnto right and law, nothing more vnuiuill or inhuman, then in a well or- dered and feeled Commonweale to have any thing done by force. We oft times see the subiects to take vp arms against their prince, the lawes violated, and injustice go to wracke, and all for the falfe opinion that the people have of the equitie and integritie of the judges, refusing to vefite and put in execution the Edicts and commands of their prince. O but say they it is a vnuiuill Edict or law, neither can we, nor ought we, to obey the same: an honest speech, if indeed thou canft not; but where I learned thou that thou oughtest not? from whence haddest thou that doctrine? wilt thou (being a magi-
magistrat) with stripes, imprisoment, fines, yea, and with death it selfe enforce priuat men to obey, yea even thine vnuit commands, and yet thy selfe not obey the com-
mandement of thy Prince? But thou wilt denie thine owne commands to be vnuit:
doesth the prince also denie that which he commandeth to be so: that thou now be
judge herein, or he? or if thou wilt needs be judge, why shoaldst thou not thinke to
suffer the same in thine owne decrees concerning priuat men. Besides that, as no man
enforced thee to take vpon thee thine office, so no man forbiddeth thee to giue vp the
fame, if the law thou likest not seeme to thee to vnuitt: it is therefore the desire of
bearing rule,that maketh thee that thou wouldest beare rule over priuat men, and yet
not obey thy prince thy selfe. Wherefore ye vs vpon this conclude, it to be much
better in all obedience to stoape vnto the soueraigne maieftie, than in refusing of his
soueraigne commands to giue example and occasion of rebellion vnto the subiects;
yet still keeping the respects that we have before set downe, and especially when it
cconcerneth the honour of God, which is and ought to be esteemed all subiects greater,
and more precious than the wealth, the life, the honour of all the princes of the world.
And to know how a man should beare himselfe herein, amongst many examples we
will ffe but one or two. Saul commanded all the priests of God without iust cause in
his preffence to be flaine, yet was there no man which refused not his vngodly com-
mand, except Doeg, who himselfe alone performed that so cruel an execution. An
other notable example there is of one Petronius gouernour of Syria, who received
commandement to place the image of Caligula the emperour, in the fairest place of
the Temple of Hierufalem, as it had bee in all other Temples of the empire: how-
beit that the Iewes had never sufffered those images to stand in their Temples, but had
still cast them downe, and broken and baten them all to pieces, even to the vere
shields of the emperours, which they had there placed. Whereof Petronius aduer-
tised the Emperour, and that it could not be done without great trouble and slaughter
of the people: wherewith Caligula more incensed, sent more expresse and strait com-
mand vnto Petronius, to assemble all the old bands of his gaition fouldours in those
quarters, and so with a puifant armie to put his commissio in execution. Of whose
comming the Iewes hearing, left their Townes, and the tillage of their grounds, and so
in great companies all vnarmed, went to meet him, if happily they so might by their
humble prayers intreat him; telling him withall, that they ought not so much to feare
any mortal man, as to commit fo abominable a sinne against the maieftie of the im-
mortal God: and therefore most humbly requested him to take in good part such their
constant resolution, which was rather to die, than to see so great an abomination, as
the most sacred Temple of God to be so polluted with the images of men. Neuerthe-
lesse Petronius told them that it concerned his life, to performe his commissio: and
so to terrifie them the more, marched with his armie vnto Tiberias, (as supposing him-
selie to doe nothing contrarie to his owne religion, or to the laws of God or man)
but there the people came running vnto him from all parts, disarmed, and resoluted all
to die, rather than to see the image set vp in the Temple, humbling themselves, and
bowing their heads before the armie wherewith Petronius had beft them round:
who seeing the great constancie of the people, and their exceeding zeale towards the
honour of their God, as to chufe rather to die, than so much as to see the image of a
man in the Temple of God: wonderfully moved therewith, and with their pitefull
complaint and teares, (and being himselfe also a man of a counteuous and milde nature,
and farre from that crueltie, which the Iewes feared not whatsoever it had beene) he
commanded them all to returne home; proming againe to write in their behalfe vnto
the Emperour, and rather himselfe to die than to execute his commissio, account-
ning
A

Of A Commonweale.

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A

ving his life a worthie ranfome for the sauing of the guiltes blood of so many innocent people. Neuerthelesse Caiugula therewith the more enraged, sent vnto him a new command, with grievous threats to put him vnto the most grievus torture that he could possibly deuile; if he forthwith put not his commissin in execution, according to his commound. But the chip, together with them that brought the commission, was by force of tempest caried an other way, and newes brought into Iurie of the death of the tyrant, before that the cruell commission could come thither. And in Petronius basing discharged his conscience towards God, his diuetie towards his prince, and well showed his great loue toward the Iubjects, and discharged all the parts of a most wise Governour; was himselfe by the diuine prudence wonderfully preferred from the cruelties vnto him by the tyrant threatened. But yet this is especially to be confidered, that we pretend not the vaine show of religion, or rather of superstitition, against our princes commandes, and so upon a conscience euill grounded open a way vnto rebellion: for when the magistrat maketh conscience, and a matter of religion, about the executing of his princes commandes, he seemeth himselfe (and giuen occasion vnto others also) to suspect euill both of the religion and conscience of his prince. Wherefore he ought to be well attired of the true knowledge of the eternall God, and of the true worship and service vnto him due: which consieth not in vaine and counterfeit showes of religion or conscience. Divers other examples I could to the same purpose produce, were

B

not afraid left those whom we call Pagans should therein clame vs, with whom the frequent zeale vnto the honour of God is fo abated, and by proceede of time cooled, as that it is to be feared left at length it be altogether stopen. And thus much for the obedience of the Magistrat vnto his Soueraigne Prince. Let us now also speake of his power and authoritie ouer particular and priuat men, and what a manner of man we with him tor to be towards them.

C

Chap. V.

Of the power and authoritie of a Magistrat ouer particular and priuat men, and of his office and dutie.

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E haue before saide, That a Magistrat is an officer which hath publike power to command, or to forbid: Now he hath power to command or forbid, which hath publike power to enforce or constringe them which will not obey that which he enioyneth them, or which do contrarie to his prohibition, and may ALSO cale the prohibitions by himself made. For albeit that the law saith, That the force of the lawes consisteth in commanding, and forbidding, in suffering, and punishing; yet is this power more proper vnto the Magistrat, then vnto the law, which is of itselfe dombe: whereas the Magistrat is a living and breathing law, which putteth all this in execution, seeing that the law in it selfe carrieth or containeth nothing but commandes or prohibitions, which are but mockeries and

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to no purpose, if the Magistrat and the punishment were not attendant at the foot of the law, ready for him which tranfgreith the same. Howbeit that to speake properly, the law containeth nothing but the vtric prohibition, and the threats for not obeying the same; considering that he which commandeth (inclusively) forbiddeth to tranfgre his command; and as for sufferance, that is no law: for sufferance taketh away prohibition, and carrieth with it neither penaltie nor threat, without which the law cannot be, considering that the law is no other then the commandement of the soueraigne, as we haue before declared: and whatsoever threat or penaltie is pronounced by the law, yet the punishment notwithstanding the breach thereof, vn-
The force of the law to confift in the Magistrats, or him that hath the power to command and constrain.

What power the Magistrat ought to have?

The first constraining power that the Magistrat hath.

The duers power of Magistrats.

Till it be pronounced by the mouth of the Magistrat. Whereby it evidently appeareth all the force of the law to confift in them which have the command, whether it be prince, people, or magistrat, vnto whom so commanding, except the subjectes yield their obedience, they have power to enforce or punish them, which Demosthenes call-eth the vertie finewes of the Commonweale.

We have saied, that the Magistrat ought to have publike power, to put a difference between this power and the domestical power. We saied also, that the Magistrat should have power to constrain such as would not obey: for the difference from them which have the hearing of matters, who may also judge and pronounce sentence, & call men before them, but yet have no power to compell or constrain men, or to put their sentences or commandements in execution; such as were in autentient time the bishops, and now our bishops also; such were also the autentent commis-sioners, delegates vnto the Magistrats, having power to heare the causes vnto them committed; as also to condonne the parties, but yet had no power to constrain them, but sent their sentences vnto the Magistrats, to be ratified or reuictted, and by them to be put in execution as they law good: So might these delegates call men before them, but yet so, as that no man, except he lifted, needed to obey them, except the Magistrats themselves had by vertue of their autoritie so commandeth. And therefore he was not in danger of the law, who had by force rescue a privat man, as he was to be brought before these privat judges or delegates appointed by the Magistrats, which he should have incurred, had the delegates had of themselues any power to command. Howbeit that now by our lawes and customes the delegates have with vs power to command, and to cause their sentences to be put in execution by fargeants and other publike persons, by vertue of their decrees which they giue, signed and sealed with their owne hands and seales: whereas the bishops with vs have no such power to constrain men, but send their sentences to be executed by the Magistrats. As the Cadys, and Paracadies do in all the East, who have the hearing of all matters, but yet have no power to constrain men, but send their judgements vnto the Sabbaffaes, which have the command and power in their hand.

We have before saied, that the first constraine of all them which had power to command, is the seizing or attaching both of mens goods and persons; which the autenti-ents called prebenio, or as we say an apprehending or laying on of hands: for it were to no purpose, for the Magistrat to call a man before him, to judge him, or to fine him; and when all is done not to have power to seize vpon their goods not person of him that shall dis obey him. Now we have before saied, that some there be, which have such power to apprehend and attache men; which yet have no authentie or power to call a man before them, neither to examine a matter, neither to rescue a man, neither to en large them whomse they have committed; as we have flowed of the Tribunes of the people, of the eleuen Magistrats in Athens, of the Captall Triumvir in Rome, of the Auogadours in Venice, of the kings Aoutourneis, and the depuies of them which have power of the common trauel in other realmes and Commonweales: and of the Commissioners of the Chaffelet of Paris, who may all imprison men, and seize vpon them, and yet for all that cannot releue or enlargethe, which belongeth onely vnto the publike Magistrats, which have power to condemn and acquite, and to judge, some of them of mens goods onely, other some of mens goods and honour also, and other some of mens goods and honour, with power to inflite corporall punishment also, but not death: and some having power to put to death also, and that some of them such power, as from whom men may appeale; and some others, such as from whom men may not appeale. But the last and higheste degree, is of such as have the absolute pow-
er of life and death; that is to say, power to condemne to death, and againe to giue life vnto him which hath deferved to die; which is the higheft marke of soueraignty, above all lawes, and above the power and authoritie of all Magiftrats, as proper onely vnto soueraignty, as we have before declared. Whereby it appeareth, that there are two kinds of commanding by publike power: the one in soueraignty, which is abfolute, infinit, and above the lawes, the Magiftrats, and all other priuie petitions: the other is a lawfull command, as subieqt vnto the lawes and soueraignty, and is proper vnto the Magiftrats, and then which have extraordinary power to command, vntill it be againe renounced, or the time of their commiſion expired. The soueraigne prince next vnder God knoweth none greater than himſelfe; the Magiftrat vnder God holdeth his power of his soueraigne prince, and remaineth alwaies subieqt vnto him and his lawes: the particular man next after God (whome we must alwaies put in the firſt place) acknowledge ths soueraigne prince, his lawes, and his Magiftrats, euerie one of them in his place. Vnder the name of Magiftrats I vnderſtand also them which have jurisdiction annexed vnto their fees, considering that they hold them alſo as well of the soueraigne prince, as do the Magiftrats, in ſuch forte, as that it feemeth that there are none in the Commonweale but the soueraigne princes, which may propely vſe theſe words, Impero & iubeo, I charge and command: which in antient time signiſied, I will and command, ſeeing that the will of euerie Magiftrat, and of all others alſo, which have power to command, is bound and depended wholly of the soueraigne, which may alter, change, and renounce it at his pleaſure. For which cauſe there is neiſher any one Magiftrat, nor yet all together, which can put in their commiſions, Such is our pleaſure: or this clause, Upon paine of death, for that none but a soueraigne prince or ſtate, can vſe theſe in their edicts or lawes.

And heereof fifteth a notable queſtion, which is not yet well decided, viz. Whether the power of the word (which the law calleth Merum imperium, or meere power) be proper vnto the soueraigne prince, and ineparable from the soueraignty; and that the Magiftrats haue not this Merum imperium (or meere power) but onely the execution thereof: or that such power is alſo common vnto the Magiftrat, to whom the prince hath communicated the fame. Whiche queſtion was disputed betwixt Lothaire and Acon, two of the greatest lawyers of their ſtate: and the emperour Henrie the feuenth choſen thereof judge, at ſuch time as he was at Bononia, vpon the wager of an horſe, which he ſhould pay, which was by the judgement of the emperour vpon the aforefaid queſtion condemned. Wherein Lothaire indeed carried away the honour, howbeit that the greater part, & almost all the reſt of the famous lawyers then held the opinion of Acon; saying, That Lothaire equum tolerat, sed Acon aequum (Lothaire had carried away the horſe, but Acon the right) nethertheless manyſince haue holden the opinion of Lothaire: so that the queſtion remaineth yet (as we faide) vndecided, which for all that deserueth to be well vnderſtood, for the concequenc ce it draweth after it, for the better vnderſtanding of the force and nature of commanding, and the rights of soueraigne maſtie. But the difficulcie thereof is growne, for that Lothaire and Acon neither of them well knew the eſtate of the Romans, whose lawes and ordinances they expounded; neither tooke regard vnto the chaunge in that eſtate made by the comming in of the emperours. Certaine it is, that at the firſt, after that the kings were driven out of the citie, none of the Roman Magiftrats had power of the ſword ouer the citizens: yea that which much leſſe is, they had not fo much power, as to condemne any citiſen to be whipped or beaten, after the law Portia, published at the request of Catō Tribune of the people, 454 yeares after the foundation of the citie. By which law the people tooke this power, not from the Magiftrats onely, but diployed euery it felfe thereof alſo so much

Whether the power of the word be proper onely vnto the soueraigne prince or common alſo vnto the magiftrats to whom the prince hath communicated the fame?
much as it could, giving the condemned leave for what fault or offence it was, to void the country, and to go into exile: and that which more is, there was not any one magistrate, which had power to judge a citizen, if once question were but of his honour, or good name, or of any public crime by him committed; for then the hearing thereof was referred unto the comminatiae, or common people: but if it concerned the loss of life, or of the freedom of a citizen, none might then judge thereof, but the whole estate of the people in their greatest assemblies, as was ordained by those laws, which they called Sacred. Which although that they were not always so precisely kept, but that they were sometime broken; yet Cæsar for transgressing the same escaped not, but being Consul, and having caused certaine of the conspirators with Catiline to be executed, was therefore himselfe afterwards banished, and his goods all confiscated. Long after the lawses Valeria, Sempronius, and Portia, which had now removed the Consuls hatches and rods from the heads and backs of the citizens of Rome: Cornelius Sylla the dictator published his laws concerning publicke judgements, whereby were appointed a certaine number of Pretors, as ordinary officers, which were to judge of all such causes as whereof of the comminatiae before judged, or at least were appointed commissioners for to judge of such crimes, as of murders, of robbing of the common treaure, of treason, or of extortion; but yet so, as that these Pretors had their lesson by writing, beyond which they might not passe a lot. For they by lot drew a certaine number of particular judges out of them, which by the lawses might in such causes be judicarii judges, who before all the people hearing the accusations and defences both of the one part and the other, had brought unto euerie one of them the judges, three little tables of divers colours, upon one of which was written an A. upon another a C. and upon the third N. L. the A. signifying acquited, C. condemned, and N. L. as much as to say, Non Ligitur, or it is not manifest, or the matter is farther to bee inquired of (which they called Ampliare, and Amplius querere.) With these tables was also brought unto the judges a vessell whereunto euerie one of them did cast one of the three aforesaid tables, without any word speaking; Which done they counted the tables so cast in, and if there were inoe marked with C. cast in, then the Pretor in his purple robe mounting into an high seat, in open place, and in the sight of all the people pronounced these words, Remurum causis vide tur, which is to say, It seemeth that the partie accused, hath not kept himselfe from doing amisse; or else Non iure, sed iuste vide tur, He seemeth not to have done right; or Vide tur prouinciam, sponsibus, He seemeth to have spoyle the province. This was the Roman grauitie in judgement mixt with modeltie, least they should frame themselves to lie, or rashly to affirm any thing which was not altogether manifestly tried. Of which sort are these words also, Si quid mi iudicium est, If my judgement be any thing. So presently after the Pretor had pronounced the aforesaid words, the penality of the law was put in execution, the partie condemned voided the countrie and went into exile, and the receivers seiz'd upon his goods. If such penality were for the offence of the law appointed, vnto which law except the partie so condemned yeelded himselfe obedient, he was forthwith by the Triumviri of causes capitall, apprehended and cast in prifon. Wherefore, might some man say, that these capital Triumviri had power over the citizens: But wee laid before them to have had power onely over straungers, and that truely: and so men condemned to exile, are but to be accounted straungers, for that they have lost the libertie of the citie. To like purpose is that which Martian the lawyer wright, concerning the decree of the Senat, at the motion of Tarpiliana, si iudex pronunciavit haec verba, salominiantium, ex, condemnavit eum. If the judge (faith he) hath pronounced these words, Thou hast flaundered, he hath therein condemned him: and albeit that he say no more concerning
cerning the punishment of the offender, yet shall the penalty of the law neuertheless be executed upon him. Not to speake in the meaner time of the inscriptions of their libels, with the examination of witnesses and writings. This was the manner of the public-like judgements vied by the auncient Romans: Whereby it is easie to be understood, that the Pretors or judges were but only the simple executioners of the law, without power to adde or diminish one iot thereof, having no onely no power of the sword, but not so much as to whip, or yet lightly to punishe a citizen.

Now if question were for the fine of any publicke crime, which was not provided for by the law, the lesser assembly of the common people or communitie, was called together therefore: But if question were of the life, good name, or the whole estate of any citizen, the people then in their greatest and most solemn assemblies gave judgement thereof: and that in both cases extraordinarily, as commonly they vide to doe which haue the soueraignty in all Commonweals: neither were voyces in these cases given by tables or markes: for that the law it selfe, and not the people, was made judge of the punishment to be inflicted. The sentence of which law was almost this, or such like, Si M. Posthumius ante Calendes Maias non prodidit,queaque excusatua eftet, videre eum in exilio esse: ipi aqua in igni placere interdici, If M. Posthumius made not his appearance before the first of May, neither made his excuse, it should seeme good that he should be banished, and decreed. That he should be forbid the use of fire and water: all which things are more plentifully and at large set downe by Linie Aeconomus, and Cicero. But if the state of the Commonweale being changed, and the power of judgement and of giving of voices, being taken from the people, yet for a certaine time continued this manner and forme of judicilll proceedings, even after that the forme of the Commonweale was changed from a popular estate into a Monarchie, as a man may see in the time of Papinian the great lawyer, who gave occasion vnto Lothaire & Azon, to make question of the matter, in these words by him vnto downe as a maxime, Whatsoever it is that is given vnto Magistrates by decrees of the Senat, by speciall law, or by the constituted prince, that is not in their power to commit vnto other persons: and therefore (faith he) the Magistrates do not well in committing that their charge vnto others, if it be not in their absence: which is not so (faith he) in them that have power, without the limitation of speciall law, but only in vertue of their office, which they may commit vnto others, albeit that they themselves be present. And thus much for that which Papinian doth lay, vsing the words, Excitationem publicam inde cipi: as if he should say, That they which have the soueraigne majestie have received vnto themselfes the power of the sword, and by speciall law given, but the execution thereof vnto the Magistrates. And this is the opinion of Lothaire. By which words yet Azon understandeth the right and power of the sword it selfe to have bene translated and giuen vnto the Magistrates. Now there is no doubt, but that the opinion of Lothaire was true, if hee had spoken but of the auncient Pretors of Rome, and to keep himselfe within the teares and compass of Papinian his rule: but in that he was deceived, that he supposed that maxime or rule of Papinians, to extend to all Magistrates which have bene since or yet are in all Commonweals, who yet for the most part haue the hearing of murders, robberies, riots, and other such like offences, and to the power of the sword giuen vnto them even by vertue of their offices. For the emperours and law giuers hauing in the procte of time scene the inconuenience and insufficie that arose by condemning all mutterers, vnto one and the selle fame punishment, or els quite to absOLVE them: and so the like in other publicke crimes also, thought it much better to ordaine and appoint certaine Magistrates, who according to their conscience and devotion, might encrease or diminish the punishment, as they saw equitable and reason to require. And first of all Augustus vnto the three little tables.
tables noted with A. C. and N. L. added a fourth, whereby it was lawfull for the judges to pardon them, who by other mens fraudor deceit had offended the law, as wee read in Sueetanius. And by little and little the aughtent order and manner in the judicidal or penall laws fer downe, was changed; the penaltie by very one of them appointed yet neuerthelesse still remaining, nor by any to be increased or diminished, but by them which we have before said, what diuertitie of caues souer took happened. And oftentimes the emperors committed it vnto the Senat, or some other the great and most worthy magiftrats extraordinatly to judge of great personages, or of some notable crimes, and to punish them as they law cause, or thought beft, without binding them vnto the ordinarie penall lawes. But in the time of Papinian, Sceurus the emperour gave power vnto the great Prouost of Rome, extraordinatly to judge of all offences and crimes, whatsoever they were, committed within the citie or within fortie leagies round about it. Yea the other Pretors of the citie, who but by the ordinarie cause of law were to judge of ciuill caues and priuat crimes, dealt also with certaine publike judgements referred vnto them, not by vertue of their office, but by the law it selfe: whereof papinian sheweth example. And sometime the Pretor presenting the great Prouost, so by way of prevention extraordinatly judged of extraordinat crimes, together with the great Prouost. As for the presidents and gouernours of provinces, in that they had power and authoritie of all the Magiftrats of the citie, and extraordinatly judged of all offences, and according to their owne discretion appointed both penall and capitall punishment vnto all men, except the citizens of Rome; no man can reasonably doubt, but that they had the power of the sword, and were therefore called Potestates: for that before the creating of the great Prouost, there was none but the gouernours of the provinces which had the power of the sword; whom they yet call even to this present in Italie, by the name of Potestats. Now it is plaine by the maximes of the law, that the Magiftrats, which had power extraordinatly to judge, might condemne the guiltie parties to such punishments as they would, yet so, as that they exceeded not measure: For so Vlpius the lauiyer wright, him to exceed measure, who for a small or light offence inflicted capitall punishment; or for a cruel mutther impofeth a fine. Whereof we may then conclude, that the great Prouost, and the gouernours of provinces, and generally all such Magiftrats as have extraordinat authority to judge of capitall crimes (whether it bee by commiffion, or by vertue of their office) have the power of the sword, that is to say, to judge, to condemne, or acquit; and not the bare execution of the law, whether they are not in this respect bound as are the other Magiftrats, vnto whom the law hath preferibed what and how they are to judge, leaning vnto them the naked execution of the law, without the power of the sword.

And thus much briefly, concerning the question betwixt Lothaire and Antho for the fuller and more plentifull declaration whereof, it is needful for vs yet to search farther: where it is first to be enquited, Whether the Magiftrats office be proper vnto the Commonweale, or vnto the prince, or vnto the magiftrat himselfe that beareth office, or else be common vnto the Magiftrat himselfe together with the Commonweale? Then whether the power granted vnto the Magiftrats be proper vnto the Magiftrats, in that they are magiftrats; or else proper vnto the prince, the execution therof only belonging vnto the magiftrats; or else be common vnto them both together? Now concerning the first question, there is no doubt, but that all estates, magiftrats, & offices, do in propriety belong vnto the Commonweale(excepting in a lordly Monarchie) the bestowing of them, resting with them which have the soueraintie (as we have before said) and cannot by inheritance be appropriated vnto any particular perrons, but by the graunte
A grant of the foueraigne, and long and secret content of the estates, confirmed by a long lawfull and iust possession. As in this kingdome, the Dukes, Marquefles, Counties, and such others as have from the prince the government of the caftles in sundrie provinces, and fo the command of them, had the fame in ancient time but by com- mission onely, to be againe revoked at the pleasure of the foueraigne prince, but were afterward by little and little graunted vnto particular men for tareme of their lines, and after that vnto their heires males, and in processe of time vnto the females also: info- much as that in fine, through the negligence of princes, foueraigne commandes, iuridici- tions, and powres, may lawfully be set to sale, as well as may the lands themselves, by way of lawfull buing and selling, almoft in all the empires and kingdomes of the VVeft, and fo are accounted of as other hereditarie goods, which may lawfully bee bought and sold. Wherefore this iuridiction or autoritie which for that it seemeth to bee annexed vnto the territorie or land (and yet in truth is not) and is thereof called Pra- diatorie, is proper vnto them which are possessed of such lands, whether it bee by inher- itance, or by other lawfull right, and that as vnto right and lawfull owners thereof, in giving fealty and homage vnto the foueraigne prince, or state, from whom all great commandes and iuridictions flow, and in sauing alio the foueraigne rights of the king- dome, and the right of the last appeal.

Other publique officers there bee alio which have neither iuridiction nor com- mand, but only a certaine publique and futeile charge: as the fouré offices of the Vaxe-chaferes in this realme, by right of inheritance belonging vnto cetein men, by the grant of king Leues. Diners alio haue attempted by processe of time to prescribe the offices of the Conftables both of Normandie and Champagne; as also the offices of the great Chamberlaines, by right of inheritance to belong vnto them: howbeit that in that their use they haue bee ne often times by dines deerees rejected, and a- mongft others by one solene one, in the records of the court made in the yeare 1273. True it is that the word (Conftable) was in ancient time no other thing than the capitaine of a companie, which they called a Conftableship, as we oftentimes read in Frofard. And in the records of the Chamber of accounts I remember I haue read, three hundred Conftables to haue bee ne at once in the armie. We read alio that by the de- cree of the yeare 1274. Simon Contrie of Monfott was excluded from the succesiue right which he pretended to the honor of the Marfhalship D'la boy, which the lords of Mirepoix challenge vnto themselves in their styles. And for alomuch as certaine Ma- rshallis of France would have continued their estates in their posteritie and successors, they were emboarred fo to doe by a decree made in Parliament the xxij of Iamaries, in the yeare 1361, as is to be found in the records of the court: wherein it is expressly set- downe, That the estates of the Marshallships of France should bee as part of the de- marine of the Crowne, and the execution thereof to remaine vnto the Marshallis so long as they lusted. And albeit that the power of the Marshallis was not of force but in time of warre, (as was judged by a decree of the xv of August in the yeare 1459.) yet neuer- thelesse the militarie discipline carried with it the power of the sword, albeit that it were not giuen vnto it by expresse Edict or law; as in nothing communicat with the decrees and lawes of ciuitall policie, or of other the ciuitall magistrats; which cethem from the ancient manners and customes of the Romans to have bee ne vnto vs tran- slated. For albeit that the power of the sword, yea and of punishing with rods alfo was by the law Pordia taken from all the Roman magistrats (so that it was not lawfull for any of them, or for all of them in the citie to beate or scourge a Roman ciuen, as we haue before noted,) yet neuertheselsse the Conftall had full full power of life and death over the fouldiours and men of warre, (without which their militarie discipline Ff iiiij could
The power and authority granted unto Magistrates by virtue of their office, is proper unto the office, albeit that the honour and dignitie of the office be not proper unto the person; for Papian saying, That Commissioners and Lieutenantes have nothing proper unto themselves, but that they use the power and authoritie of them, which have commissioned and deputed them, sufficiently showeth, that the power is proper unto them which so commission and deputed them, whether they be Soneraine Princes, or Magistrates having power so to doe. And so in like case the law saith, That the Gouernour of a country or province, hath within his government all power and authoritie next unto his Prince: wherefore it is not then only in the prince. But the difficultie...
A difficultie of this question dependeth principally on this distinction, (whereunto the interpreters of the law haue had no regard,) as namely, that it is great difference to say that the power or authoritie is proper vnto the Magistrat in the qualitie of a magistrat, or in the qualitie of a particular person: for it followeth not, that if the authoritie or jurisdiction be proper vnto the Prætorship, that therefore the Prætorship should be proper vnto the person: but to the contrary the law faith, That he hath it in truitt, and that he is but the keeper thereof. So we call the Præsident of Paris the keeper of the Prouostship of that citie; which is to speake properly, and to shew, that the estates and offices reft and remaine in the possession and properitie of the Commonweale, as a thing put in truitt vnto the magistrat. And for that caufe the Bailiffes of citie and towne are so called of the word (Bail,) that is to say Gardiens or keepers. So also the Florentines called the Ten men deputed to the keeping of their state and fouverainitie by the name of Bailiffes. And that is it for which the Court of parliament in the decree concerning the Marechal of France (before noted) faith, That their estate was of the proper demaine of the Crowne, as thecunto properly appertaining, and the exercise thereof belonging vnto them so long as they lived. And fo we may divide the general question, and difcuss the controversy betwixt Lothaires, and by whom, who spake but of the power of the sword onely: and conclude, that as oft and whensoever the Magistrates and Commissioners are bound by the lawes and decrees, to use the power and authoritie which is given them, in such prescript forme and manner as is therein set downe; whether it be in the forme of proceeding; or concerning the punishment; without power for the magistrats to adde or diminish any thing thereunto, or from in this caze they are but meere executors and minifters of the lawes and of the princes, from whom they have their authoritie: yet not hauing any power in this point or respect in themselves, whether it be concerning ciuill policie, or the administration of justice, or the managging of warre, or treaties to be had betwixt princes, or the charges of Embaffadours: but in that which is left or committed to the magistrates integrall and discretion, in that caufe the power and authoritie lyeth in themselves. Now as in euery Commonweale there are two principall points which the magistrats ought alwaies to haue before their eyes: that is to say, the Law, and Equitie: fo say we, that there is also the execution of the law, and the dutie of the magistrat, which the auntients called Legi afectionem, and Judicis officium: or as we say, the action or execution of the law, and dutie of the judge; which is to command, to decree, or to put in execution. And as the word Judicium, or judgement, is properly understood of that which is ordained by the magistrat following the sticttearmes and tenour of the law: so the word Decretum, is likewise properly understood of that which the magistrat ordaineth or decreeth, following equitie without the precept law; the law it selfe being still referred to the stictte execution thereof and equitie vnto the dutie of the magistrat. And for this caufe all the decrees of the Prince are properly called Decretes, and not Judicia, Decrees I say not judgements: for why the foueraigne prince is not E subiect vnto the law; where in they deceiue themselves, which take a decreet to be any thing else then the resolute fernence of the Senat in their consultations: or the decreet of a soueraigne prince, or the voluntarie ordination of a magistrat, without being bound to law or custome in the making thereof. Now such proportion as there is of the law vnto the execution thereof, the like there is of equitie vnto the office of the judge. And so likewise of magistrats, who in caze wherein they are not subiect vnto the law, resemble arbitrators: but being stictly and wholly bound vnto the law, are but as judges appointed to understand of the fact onely, without any power of themselves to determine of the merit or justice of the caufe, otherwise than the vrie sticttensile of the law appoin-
appointeth. Now of these the one is is senuile, the other is noble; the one is bound
unto the law, the other is not so; the one underhandeth but of the fact, the other of the
right; the one is proper unto the magistrate, the other is refered unto the law; the one
is precisely written in the law, the other is without the lawes: the one is in the magi-
frats power, and the other quite without the same. And the better to note and per-
ceive this difference, the law faith, That it is not lawfull for a man to appeale from the
punishment set downe by the law, being pronounced by the magistrate, but only from
that the judge hath declared and denounced the partie accused to be guiltie: whereas
it is right lawfull for a man to appeale from the punishment which the judge by his
owne discretion appointeth: For he which appealeth from the law, appealeth from
the prince, from whom no appeale is to be made. And thus much concerning the di-
inction of the power of magistrates, whereby not onely the question of Lothaire and
Azon is decided, but many others also concerning the charge and dutie of magistrates,
wherewith divers haue forre entangled themselves, some mistaking the practive, and
some the theourique, but most part, for not hauing ynderstanding the Roman estate, albeit
that they were well exercised and seen in all the parts of their lawes, and yet neverthe-
lesse in the state of magistrates, concerning their power and authoritie they found them-
selfes greatly troubled. For Moulin himselfe (the honour of lawyers) not vuing the
differentees by vs before set downe, hath without reason followed the opinion of
Alcist and Lothaire: Whereunto he addeth the Pretors of cities, whome wee call Ba-
lifes, and Senefchals, by the lawes of this realme, to haue had the power taken from them
for the appointing of their deputies: for that they are but as simple viagers or occupier,
and that he which hath a thing but onely to vse and occupie, cannot make any other
viager or occupier but himselfe; which is a reason without appearance, as we haue be-
fore theewed. Whereunto ioyne also, that it is not past an hundred or fix score yeares
at the most, since that Charles the feuenth, and the eight, were the first which made an
office of the Lieutenants, or deputies of Bailifes and Senefchals. For if Moulin his op-
inion were grounded upon reason, why should samimay expressly say, That magistrates
may depute and commit in their presence so much and so long, and with such limitation
as they themselves please, of such things as they haue by vertue of their office, and
which are proper to their estate? Now their magistrates estates and offices in antiquit
time were much lesse proper, and lesse appropriated unto the persons, than they be at this
present. For with vs they are perpetuall, and in Rome they continued but for one
yeare; and therefore might with much better reason than they appoint their lieute-
nants or deputies. Besides that, the lawyers themselves haue made and written divers
express bookes concerning lieutenants and deputies, which were all to no purpose, if
the comparision of him, which hath but the verilyy unto the magistrate, were to be ad-
mitted and received. And as for others, the amittent doctors and interpreters of the
law, they haue in such fort entangled themselves, as that euidently appeareth them to
haue had no insight into the estate or government of the Roman Commonweale:
without which it is impossible to determine any thing concerning these questions. For
whereas the Romans had properly separateth the office of the Proconsuls Lieutenant,
whome they called Legatum, from the office of the Proconsull himselfe: and so of the
depuie teamed a particulier Commissioner, whome they called Judicem datum, from
the Commissioner himselfe, and of him vnto whome power was given by the magi-
frats to command, whome they called Eum cui mandata invisis digno est, the doctors
have confounded all together vnder the name of Delegates, which were a thing too
long, and too superfluos to refuse, having proposed vnto our selves no other end, but
to eureat of that which concerneth the estate and dutie of magistrates in general.
A It is also worth the noting, that in Popular and Aristocratique estates, such as were those of the Greekes, and of the Italians, their chiefe drift was so much as they could, to find their magistrates, gouvernours, ambassadours, captains, lieutenants, and other their great officers & ministers vnto their lawes, as that they shoule not one iot swerve or stray therefrom: which the auncients did much more then of their time: whereas as in a regall monachie it is quite otherwise, where in publike judgements all pains and penalties, and in priuat judgements that which concerneth euerie priuat mans right, is left to be judged and detemined according to the discretion of the magistrat. And albeit that iustitiam the emperor made a law, That euerie mans right should be tried by the law, so to have kept the magistrates within the power of the lawes: yet was that his law to no purpose, but much troubled all the judges and lawyers, willing to obtaine the same his law, being impossible to be kept, and incompatible with the other auncient forther lawes. For why, that which concerneth euerie mans right, consiteth in fact, and not in the law: by which words paulus (the great lawyer) fecmeth euery the root to haue cut vp all the opinions of all the interpreters of the law, being not only in number almost infinit, but also altogether inexplicable, thereby guing men to understand, that that which concerneth euerie mans right, ought not only in priuat, but euery in publike judgements also to be left vnto the fidelitie, integritie, conscience, and wisefome of the magistrat. Which with vs is by a royall constitution provided for, and by the use of judiciall proceedings, in respect of the infinit varietie of causes, places, times, and persons: which for that they are infinit, can in no lawes, writings, or tables, be compiled, and much lesse vnder any cætera rule be comprehended.

Now I haue before said, that there was a new officer erectedit in Rome, who was the Praeoff or Pretor of the citie, with power given him, to corte, supply, and amend, the lawes and customes, in that which concerned his jurisdiction, to faire as hee law good in priuat judgements: and euerie yeare was the new choen Pretor in the Tribunall seat appointed for the making of orations, after he had thanked the people for the honoure he had of them receivd, gave them vnder to vnderstand of his edicts, and in what for his purpose was to administer the law. Which his edicts he causedit afterwards to bee painted, and let vp in some publice place: which for all that were not lawes, neither had the force of lawes, but were only edicts (that is to say, the magistrates commands) wherunto neither the people, nor the Senat, nor the Consuls, nor the other Pretors, nor the Tribunes, nor yet the successeors in the selfe same office, were not in any wise bound, but only particulat men, and they also but in that which was within the Pretors power and authoritie, as concerning their priuat suits, and businesse betwixt man and man. And therefore Cicero taunting verris, intemperately abusing the power and authoritie of his Pretorship, faith, Quinquimm edicto tribunali legem annuam annappellat, tu plus edicto completeris quam lego: They which attribute most vnto an edict, call it but an annuell law, but thou comprehendeest more in an edict, then in a law. For the magistrat how great fouerer he be, cannot of himselfe derogat from the law, and much leste abrogate the same: for these things we haue flaved properly to belong vnto foueraigne. Neither must we understand, that the lawyer when he faith, That the Pretor might correct, amend, or supply the lawes, that he had therefore power to derogat from them, or to disall them, which is the highest point of foueraigne: but that hee might by the authoritie of his office expound the obscure lawes, and in what they might with equitie be extended, yet without breaking or impugning the same. And that is it, for which the law generally faith, That the Pretor neuer could give possession of the goods vnto them, who by the lawes and ordinances could not be the heires. Neither was it also in the power of the Pretors, nor yet of all the magistrats together, to make
an heire of him which by the lawes could be none; for why, that was to be done one-
ly by vertue of the law, whereby the magistrat by his dfinitive sentence declared, the
succession to belong to such, or such a man, whose the law or the testator had appoint-
ted heire. And albeit that diuers of the Pretors edicts were more reasonable and indi-
derent then the lawes themselues; yet so it was, that the first Pretor that would, might
(without regard unto all the edicts of his predecessors) make all new, or againe reuive
such lawes, which by reason of their antiquitie, were before buried in oblivion. And
this was the cause that the Tribune Aemilius presented a request unto the people, which
pased in force of a law; which was that the lawes of the twelve tables, which by long
tract of time were then growne out of vs, might by an expresse law bee repealeed and
abolished: which law needed not, if the Pretors by vertue of their edicts had had pow-
er to derogate from the positive lawes. Yea the Pretors themselfes did not alwaies in
the administration of iustice follow their owne edicts, but spared not sometime to give
judgement quite contrarie vnto them, especially if the equitie of the causes vpon some
strange occurrences so required; sometimes also changing them for the gudge or fa-
our that they bare vnto certaine privat men; which thing Cicero by way of reproach
objected to Verres, saying, *ille nulla religione motus, contra quin edixerat, decernebat,*
That he moved with no religion, judged quite contrarie vnto that which hee himselfe
had before decreed. Howbeit that this reproach was but a floutish of the Orators, and
not of any great importance: For as no man was libieft vnto the law which hee him-
selfe made, so also might he vpon good and just cause derogate from the same. Yet cer-
taine yeares before it was enacted by the people at the motion of Cornelius the Tri-
bune, That the Pretors, and to euerie other magistrat also shoule bee constrained in gi-
uing of judgement, to obferue their owne edicts by themselues published, and set vp at
their first entrance into their office, and not to depart therefrom; which cut off many
courties and favour which the magistrats before shewed vnto such as they thought
good. Neuertheless this law being publisht without the good liking and consent of
many; and also contrarie vnto the nature of lawes (which can never bind them that
made them) was shortly after abolisht. Howbeit that the magistrats for their owne par-
ticulars, and in their owne caues, were constrained to enduite the same edicts, judg-
ments, and decrees, which they themselfes had made, and caufed to be executed vpon
others; yet that notwithstanding the magistrats were alwaies at libertie, to derogat
from their owne edicts, or to alter the same, whether they were published for the whole
yeare that they were Pretors, or for a moneth, or for some few days or howres. For
generally the law saith, That the magistrat may reuoke that which he hath decreed, and
forbid that which he hath commanded, although that he cannot reuoke that which he
hath once judged and pronounced sentence of. For that judgements and decrees
given or made vpon the hearing of a cause, cannot without iustictie be reuersed or chan-
ged, as alfo for that nothing ought to be more firme and sure then judgements once gi-
uen, as whereby all ciuile societie is especially maintained: wherein many interpreters
of the law have decreed themselfes, calling the magistrats simple commandes, pre-
ceps, and not edicts: whereas an edict (as saith Varr) is nothing els but *Magistratus
ratus* (that is to say) the magistrats command, and whereof another escrit hath ri-
len also, *vix.* That such the magistrats simple commandes should bind no man: For
so to the antiquent doctors affirm. *V* Vhich their opinion, if it were true, wherefore then
should the law command vs to obey the magistrats bare command, without regard
whether it be iust or vnjust? Or why should the lawyer Metian say, *Reipublica inte-
resset inmitis & ambitiois decreta parentur,* It behoveth the Commonweale, that
euen vnjust and proud decrees (of the magistrats) shoule be obeyed. Yea and all the
antique.
Auntient Philosophers and law makers, haue more religiously recommended nothing vnto vs, not onely than the lawes, but euene than the writings and decrees of the wise. Now it is more reasonable to obey a simple verbal command, which is but for a day or an houre (if we doubt or mislike of the equitie thereof) than to the commandements which were for a yeare, as were all the edicts of the magistrates: besides that it was more easie to performe the one than the other. And that more is, the lawes, the ordinances, the decrees, and sentences, of themselues bind no man, if the commissi

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of ourragious facts troubled, what violence fooner be done by the magistrat. Howbeit that it belongeth not vnto privat men to judge whether the magistrat offer to doe wrong, or not: which to determine, if it appertaine but vnto the greater magistrates, or the Prince onely, in vaine then it is to ask whether privat men may by force refit the
magistrates, offering them violence: but only this, whether Magistrates which go about to put in execution their sentences of life and death, or for the inflicting of some corporall punishment, contrarie vnto appeals from them made, may of right bee withstood: which that they lawfully may be, I doubt not, so that it be done without fraud or tumult, in cases of life and death: but if judgement be of goodes, or fines, or imprisonment, I thinke it not to be lawfull, for that all these things may be amended, either by intercessions, or by appeals, or by actions of trefpasse, or injuri, or by way of petition. But in other caules lawfull it is not by the law either of God or man to withstand the magistrat offering vs violence: as many cuill taught, and worse infrusted in ciuill policie and gouernement most daungerable affirme: by whose position (if they will be like themselves) the estates of all cities and Empires must needs be troubled and confounded. For if it were lawfull for the subiectes by force to defend themselves against the magistrates, they might upon the same reasons and grounds refil their soueraigne Princes also, and tread the lawes vnderfoot. Wherefore we see the lawmakers and lawyers haue respected nothing more, than to keepe all force, and violence, not from the magistrates onely, but even from privat men themselues, hauing violence in so great detestacion, as that they haue restored euem theves and robbers into places, vnjustly by them possesed, if they were from thence by force cast out, and excluded the true owners thereof from their rights for proceeding by way of force. And albeit that some particular men hauing territoriall jurisdiction, may (in the opinion of many) in a sort in their owne right of themselues lay violent hand, upon the land holding of them: when as the vassall neglegeth his dutie vnto his Lord, yet the truer opinion is that he cannot in his owne cause doe, for that it is a thing iniurious and unreasonable, that any man should be a judge in his owne cause, or give sentence for himselfe. Now the law which forbiddeth privat men to doe that, which ought to be done by the magistrat, hath this reason ioyned with it, left occasion should be gien of greater stature and tumult. The law also of the xij Tables, which faith: 

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\text{Vis in populo absit,}
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Let violence be from among the people, is not to be vnderstood onely of violence to be done by force of armes, whether it be publiquely or privately done: but also when men should haue things otherwise done then by the ordinary way of justice: as when things are done by privat mens authority, which should haue beene done by the Magistrat or judge. And if it bee not lawfull for the true lord or owner to put his feale vnto his owne things being in the possession of an other man; how then should it be lawfull vnto the territoriall lord of himselfe to enter or seize vp on lands, the proprie whereof belongeth vnto an other man? Wherefore the opinion of Plato is to be of vs rejected, who in his booke of lawes hath left the lawfull violence and abuse offered vnto maydens or boyes, to be reuenged by their kinsfolke, and not by the Magistrat.

Now of this question dependeth an other; as whether the Magistrat may reuenge the wrong and injuriie offered him, as he isseth in place of justice: whereof what to say the lawyers have not yet determined. Neuertheless without entering into farther disputation, it is and alwaies hath beene lawfull for all Magistrats excerciting their estate or commision, to condemn or chastife them, which giee vnto them rash or consumelious speech, and to proceed against them by way of fine, or by teasing vpon their bodies or goods, according to the power and authoritie vnto them gien: if the wrong or injuriie offered be not such as may defuer corporall punishment: for then the magistrat ought to lay aside his publique petton, and to receive iustice at an other mans hand. But yet if the injuriie be done vnto the whole companie or bench of Judges, or Magistrats, in this case they may enquire and judge of the crime or offence, and so altogether.
altogether lawfully do that which they could not do apart: and the reason feemeth to be, for that in doing they punish not the wrong done vnto themselves, but vnto the Commonweale, which is therein farre more wronged than are they which beare the persons of magistrates. And albeit that the law faith, That the action of inuiurie is easely to be forgiuen, and that it is soonest by sufferance buried,that is to be undreftood of particular men, & not of publicke persons, and especally of Magistrates vnto whom whosoever shal offer violence, is by the law in danger of reafon. And for this cause an outrage committed against the person of a Magistrate, the indignity of the fact is together with the heauinesse of the punishment theby encreased: and that not onely when he exerciseth his estate, but also in what place souer it be wherein he carrieth with him the marks and tokens of his office, or is known to be such a man, he ought to be inuiolable, and as the auintent Latins say, Sacroam tur, or most holy: for that word the law, Horatia(published for the fafetie of Magistrates) vieth, conceived in these words: Qui Tribunis plebis, Aedibus, Iudicibus nocuerit eius caput vni facrum esset; familia aadem Cereris, liberis, liberaque venumito, He that shall hurt the Tribunes of the people, the Aedils, or Judges, let his head be facticeed to Jupiter, and his familie and children, male and female, sold at the Temple of Ceres. Wherein some are of opinion that the word Iudicibus(or judges) is meant or to be understood of the consuls, who were afterwards the onely judges amongst all the magistrates: whereof they have some probability, for they were first called Pretors, and after that Judges; and after that their jurisdiction for the citie was giuen to one speciall Pretor, they were called Consuls. Howbeit neuerthelesse it feemeth that the law Horatia haung put the judges after the Tribunes, and the Aediles whome they called Aeditos(for why, the great and honourable Aediles, whome they called Curules, were not yet erected) was meant to comprehend all judges, considering withall, that the law it selfe was not published at the requet or motion of any of the Tribunes, or in disgrace of the Consuls, but at the motion of Horatius the Consull himselfe. And this law Horatia was made fortie foure yeares after the sacred law Iunia,made for the fafetie of the Tribunes of the people: whereby they were as by a speciall law, most religiously provided for than were the rest of the magistrates. Whereby it appeareth this law to appertaine to all magistrates, but especally vnto judges, whose lives and persons are the more subiect to all daunger, in that they are to judge of the lives, honour, and goods of all the subjectts. And therefore the law faith not, That he that killeth the judges(shall die therefore) but if hee shall offer them noeuer to little violence; that is to say, Si nocuerit, which is, if hee but hurt them. And well it is to be noted, that it is not saide,as they are exercizing their autoriitie and jurisdiccon oney, but even in what other place souer they bee: which otherwise were but to open a gap to have them flaine in euerie other place where they fat not in judgement. So when as with vs a certaine noble gentleman beeing called into question, had with his sword wounded one of the judges of the court of Paris, not as then sitting in judgement: the court condemned him to have his right hand cut off, his bodie afterward to be quartered, his goods confiscate, and a moft great fine to bee paid vnto the judge. But if the magistrate disguised, or walking the streets by night to doe any man harme, shall himselfe chance to be by any man hurt, hee cannot redresse such his wrong as done vnto a magistrate, but as vnto a privat man. So Aulus Hostilius the Aedile, when as by night hee had attempted to have broken open a Courtians doore, was there grievously hurt: whereof hee complaining vnto the people, in hope to have found some good remedie, was sent away with shame enough; for that the outrage vnto him done, was not to be punished as done vnto a magistrate. Which ought not to seeme strange, seeing that one of the Tribunes, who had unlawfully abu-
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fled a boy, and taken by the Capitoll Triumuir, was by him punished as a slave or stranger (the rest of the Tribunes his fellowes for taking him, as abhorring his most filthy lust) albeit that the facted lawes forbid vpon paine of death to offend the Tribune, or to command him to be punished for what thing soever. In like case if the magistrats went roaming vp and downe masked, and privat men went masked also, carrying with them the markes of magistrats, as in Rome they did during the feast of Cybele: if any iniurie happened to be done vnto the magistrat, it was not punished as done vnto a magistrat, but vnto a privat person: howbeit that out of these cases the magistrat is to be holden for such as he is, in what place soever he be.

Neither is it not onely unlawful to offend or abuse the magistrats by word or deed, but necessarie it is, that we should dutifullie respect and honour them, as them vnto whom God hath giuen this power: which thing we see the auncient Romans (from whom the fountaines of law and justice flowed into all the world) to have much more religiously obserued, than did the other nations. For the Centurion disgraced and degrased from his order a bourgeois of the citie, by taking away from him his horse, for that he had but coughed (as a little too loud in their presence. And Vellius a citizen of Rome, for not rising vnto the Tribune of the people, but passing by him, was by the people slain. Ye a law it felte calleth it sacrilege, not to reverence the magistrat. VVVe understand also not the same, but yet great reverence to have bene giuen vnto the magistrats even amongst the Greekes also, in that it was not lawfull for a man to laugh in the counsell of the Areopagites. VVVe read also, that Fabius Maximus his fonne seeing his father a fatte offcomming towards him, and that the Lictors or officiers for his fatherly reverence durst not caute him to alight from his horse, commannded him himselfe to alight: which his command the father obeying, alighted and embraced his fonne, making much more of him, than if he had done otherwife. For domestical power (as faith the law) ought to stoope vnto publique authoritie. True it is, that in those times and in those places offices were giuen to vertue, and not to them that offered moift: for then verity was the time wherein rewards were fet vp for vertue: Howbeit that the lawes against ambition, and the auncient histories sufficiently declare honours and offices to have bene offentimes in Rome, de lapide empto, as faith Cicero. But howsoever power and authoritie be got, whether it be by favour, by wealth, or force of armes, we must not therefore contemne the magistrat, which cannot bee done without the contempt of God, from whom he hath his authoritie, in whatsoever sort it be. As witnesseth that speech of God vnto Samuel judge of Israel, now growne weake with age: whose commands when as the people did refuse, it is not thee(faith he) but me, whom they have despised.

Now if these deliuers of authoritie and power, be not to be moved either with the feare of God, or the touch of religion, yet can they not deste, but that it is more necessarie for privat men to obey, respect and honour the magistrats, for the defence of Commonweales, and of the ciuill societie of men. Wch the auncient Poets have vnto vs well set forth in their deuised fables, making the goddesse Pitharchie (which signifieth the obedience of subjécte vs to their princes and magistrats) wife vnto Jupiter Saviour: and of that marriage Eutichia (that is to say Felicite) to have bene engendred and borne. Wherefore the magistrat on his part also ought to giue a good opinion of himselfe, for his justice, wisedome, and sufficiencie, that to the subjéctes may have ocasion to honour and reuerence him: and not by his unworthiness to suffer the honoure of the Commonweale to be troden vnderfoot or despised: for the fault which in a privat man is but light, is in the person of the magistrat doubled. And therefore Solon in his lawes gaue leaue to kill the drunken magistrat, without any daunger of punishmen;
ment therefore. Truely an unreasonablene law, for that it was thereby to be feared, least vnder the pretence of drunkennesse the magistrats life should be oftentimes endaungeth. VVhereby yet we may gather, how much vice was then detested, as also with what integritie, feueritie, and widome, magistrats ought to excell other men. And yet ought we not to imitat them, who by the rigour of punishment feele to bee accounted seuerer; or by their too much lenitie, desire to be accounted gentle, both the one and the other being therefore worthily reproved by the law. VVherein many have mistaken themselues, who having extraordinarie power to punish without law, have thought equitie to consist in lenitie and mercie, repugnant to the rigour of the lawes: howbeit that equitie is of such a nature, as that it is nothing communicateth either with rigour, or with mercie; but declining from both the extremes, crueltie (I say) and mercie, keepeth clemencie, the preferuer of them both: not unlike the Lesbian rule, which being of lead, yeelded as well unto the one side as to the other. Now if the offence be greater than the punishment appointed in the ordinarie lawes, the magistrat having extraordinarie jurisdiction and power may as an upright judge augment the punishment: So if the fault be lesse, he may with like equitie mitigat the punishment by the rigour of the law appointed. And truely the magistrat in seeking to be accounted pitifull offendeth more, then if he should seeme to be cruel: For crueltie, although it be indeed to be blamed, yet keepeth it the subiects in obedience vnto the laws, for feare of punishment; whereas too much lenitie giveth libertie vnto offende, and causeth the magistrat himselfe, the lawes, yea and the prince which establisshed the lawes, to bee altogether contemned. And this it is for which the law of God expressly forbiddeth to have any pitie of the poore in judgement. Some others there bee, which judge well and vprightly, encluding neither vnto crueltie nor mercie, but yet cannot keepe that grauitie and feueritie which best becometh a magistrat:as in our time one of the chiefe magistrats of this realme, who in the highest fear of justice, and even then when he pronounced the sentence of death vpon the condemned, would with one merrie conceit or other, minifter vnto the heate rs occasion of laughter. VVhereas Augustus Caesar did bare otherwife, who albeit that he was accounted a sincere and vpright iusticiar, yet for all that he never pronounced sentence of death vpon any, but with deepe sighes fereuen from the bottome of his heart. Some other to the contrary, all enraged, threaten and teule them whom they giue judgement of: as did ordinarily the emperour Claudius, who one day with a countenance more like a beast than an emperour, strucke him in the face with a pen knife, whom he was to pronounce sentence of death of. Yet blame I not the graute exhortations, and bitter reproofs of the magistrat vnto the offendors, and then especially, when as hee meanteth to vse more lenitie than the rigour and extremitie of the law requireth. For why is it one of the things most requisit in a magistrat to cause the offendors to have the better understanding and feeling of the greatnesse of their offences; that so they may the better also perceiue and fee what they have therefore offended, and so to be the rather inducde to repentance. But it were a kind of injurie, and not becominge the authoritie and wifedome of a magistrat to charge him whose he hath condemned to death, with opprobrious words also. Papirius Cursor was of all that liued in his time (than which none is said to have bene more plenfull of vertues) a man most famous both at home and abroad in the wars, but so terrible with the majestie of his command, as that hee caueth even the louer of his followers to tremble and quake at the force of his commanding speech: which his roughnessie of speech he for all that wisely tempered with great lenitie in the executing of punishment. As when the generall of the Prenetlines was come vnto him with his promised aid after the battaile fought & the victorie obtained, Papirius with靚ne 

Gg iiij counte-
countenance, and such speech as caused all there present to tremble thereat, having first reproved him, forthwith commanded one of the Liétors to unbind his bundle of rods, and to make ready his axe: the fairefull captain in the meantime expecting nothing but present death, when lozenly Papirius commanded the same Liétor standing ready with the axe in his hand, to have done execution (as all men thought) but to cut vp a stub of a tree which stood in his walk, and condemned the negligent captain in a great fine, which he right willingly paid, with great thankes that hee had so spared him his life. Whome if he had put to death, it was in danger least that those his followers the Romans allies would have thereupon revolted: which so great a fault no doubt Papirius would not have pardoned a Roman. But as there is great difference betwixt faults which are committed in warre, and elsewhere (for that as an ancient captain said, In martial matters men scarcely offend twice) so must the militarie magistrats vie another manner of fashion of commannding, of punishing, and execution of penalties, than must the magistrats in time of peace. For that the discipline of warre ought to be much more seuer to the domesticall or ciuill government. And yet for all that ought nor this martiall rigour to passe into crueltie, nor the general to exceed the bounds of severitie, as many commandants do, who in nothing show themselves valiant, but in killing their fouliours without hearing. As Seneca proposeth one act of Pifo the Proconful, for an example of his notorious crueltie towards his fouliours. For seing a fouliour returning alone out of the field into the campe, from forraging, in a rage condemned him to death, for that he was returned out of the field without his companion, charging him, That hee had slayne him: the fouliour shall alleaging, That his fellow was comming after him: which his excuse for all that Pifo would not admit, but sent him pretently to be executed. But lo, whilst that the execution was about to be done, he sodenly returned, who was supposed to have bene slaine. Whereupon the captain, which had the charge to see the execution done, returned to the Proconful with both the fouliours, who embrasing one the other, were with great applause and rejoycing of their fellow fouliours brought before him: Wherewith the Proconful enraged, cauethem all three to bee put to death: The first, for that hee was before condemned: The second, for that he was the cause of his fellowes condemnation: And the captain, for that hee had not done what hee was by him his general commanded. So that for the appearing of one innocent man, he put three to death: which was not iustly to vs, but most crueltly to abuse his authortie. Which his crueltie was so much the more to be detested, for that there was there no means to appeale, nor prince to flye vnto, nor ciuill exception to bee taken, by reason of the rigour of the militarie discipline. And thus much concerning the power and authoritie of Magistrats ouer particular and priviit men: It remaineth now to speake also of the power and duty of one of them towards another.
Neuer well ordered Commonweale there be three degrees of Magistrates: The highest, which is of them which may be called soueraigne magistrats, and know none greater then themselves, but the soueraigne Maiestie only: The middle fort which obey their superiors, and yet command others: And the lowest degree of all, which is of them which have no command at all over any other magistrats, but only over particular men subjict to their jurisdiction. Now of soueraigne magistrats, some have powert to command all magistrats without exception, and other some acknowledge no superiour but the soueraigne Maiestie, and yet have no power over all the rest of the magistrats which are placed in the middle & lowest degrees, but in such cases only as are subjict unto their jurisdiction. Of the first sort of soueraigne magistrats which have power over all others, and that know none of their superiours, but the soueraigne power, there are but verie few, and fewer at this present then in antient time: for that it is by daily experience found, nothing to be more dangerous in a Commonweale, then for some one magistrat to be about the rest, who may lawfully command all the rest, as well private per ons as magistrats, wanting himselfe but one step or degree to mount unto the soueraigne, and that especially if his soueraigne magistrat which hath such power bee alone, and without a companion, having all in his owne hand: as had sometime the Grand Prouost of the Empire, whom they called Prefectum Prætorio, who had command over all the Magistrates throughout the whole Empire, and might receive the appeals from all the other magistrats and gouernours; but might not be appealed from himselfe, no nor although the appeal were made even unto the Emperour himselfe, albeit that the first which were promoted to this dignitie and honouer, were but captains of the praetorian legions: as Seimus Strabo the first that was preferred unto this office vnder Augustus: and after that Setanius vnder Tiberius. Which honour the other succeeding Emperours thought good to bestow vpon such as of whose integritie, fidelitie, and devotion towards them they had had good experience and proobe: such as they would in some sort to be their imperiall Lieutenants, vpon whom they for the most part dischargd the manning of their greatest affairs, such as were by the Emperours themselfes to haue beene dischargd: as the heating of imperiall causes: the receiving and dismissing of Embassadours: the hearing of appeals from the Magistrats of all provinces; which great charge for that no man could well execute, except he were skilfull in the Lawes, the Emperours in stead of captains of their legions, preferred lawyers to that honour. So did Otho the emperour promote Martian: Severus, Papinian: and Alexander, Epian. And at length vnder the Greek emperours, two great Prouods of the empire were by the Emperours created, and at last three also, that the greatnes of their power so dividid might be lesened; and yet the honour thereof imparted to none. Such soueraigne Magistrats were with our ancesfours: the Master of the Palace: and he whom they called the Prince of France: and of late Henry duke of Aniou, king Charles his great Lieutenant: and the chiefe Bafta in the Turkes empire: and the great Edgouare or Diadare in Egypt vnder the principali tie of the Mamaluke Sultans. Yet in this they differ, that in the Turkish empire the Great Sultans children in the absence of their father command aboue all the Baf-
Sovereign power to command other than the magistrate is not to be given to one alone, but in the most dangerous times of the commonwealth.

The magistrates, and had the preeminence and precedence before them: and in Egypt the great Edgnare commanded over all the rest of the Magistrates, excepting such only as had the keeping of the castles & fortresses of the kingdom committed to their charge, over whom he had no command. Which manner and custom, whether the Princes of the East took it from ours, or our Princes from them, we still keep together with the Italians, Germaines, Spaniards, and most of other Nations also. Wherefore the soueraigne power to command over all Magistrates and officers without exception, ought not to be given to one alone, but in case of necessity, as when the Common-wealth cannot otherwise be preferred: and yet then not with the authority and countenance of a standing office, but by way of commission only, such as were in ancient times granted unto the Roman Dictators, the Arch of the Thebians, and Asymmetes of the Lacedemonians; and now with vs are given unto Protectors and Regents, in the absence, or, or minoritie of soueraigne Princes. In the absence I say of the soueraigne prince, for that in his presence all the power & command of magistrates and commissions cease: For as the force and strength of all rivers and floods is together with their names lost and swallowed vp when they once fall into the Sea: and as the other heavenly lights, as well the planets as other stars, lose their light in the presence of the Sunne, or as fome as he approacheth the Horizon, in so much as they feeme againe to render vnto him the whole light that they had before borrowed of him: even so likewise all the authority of the Senat, and all the command and power of Magistrates cease in the presence of the prince. So we see that he which delueth the soueraigne princes mind, whether it be in counsell, or in soueraigne court, before the states, or vnto the people, still vieth those wordes, So and so the king commandeth, or saith. But to the contrarie, if the prince be absent, the Chauncellour or President keeping the kings place above the other princes, pronounces sentence or judgement according to the opinion and mind of the Senat or Court wherein he sitteth, having ordinary jurisdiction and power; and not in the name of the king. And forasmuch as William Poyet Chauncellour of France, and President of the great Counsell, in the absence of the king, oftentimes in judgement vted this forme of speech, The king saith so and so vnto you; he was therefore charged with treason, besides the other points of his accusation. Wherefore many are deceived which think those lawes or Edicts which are published or ratified in the council or court, in the presence of the prince, to be so published or confirmed by the Court or Counsell: seeing that the Court hath then the hands bound, and that it is none but the king that so commandeth, the motion or consent of his Attourney, the prince himselfe being then present, setting no purpose at all. And in Popular estates, the greatest magistrates as well as the least, in token of their humility, laid downe their maces and other tokens of honour before the people, and so standing, spake vnto the people setting: shewing, that in their presence they had no power at all to command. So all the motions made by the magistrates of Rome, were by way of humble request, as in this forme, Peticus, Libensis, May it please you, or command: Whereunto the people there present, giving their consent with a lowd voice, before the law, Cæsia Tabellaria, vted these words, Omnes qui hic adiutant voluminos, tubenynique, At thet hete sit well and command. And after the lawes called Tabellarias, the letters A. and V. R. written in the tables, signified Antiquo, (or, I repeale the law) and Viti Regas (or, as you request). And in like manner the people of Athens gave their voyces setting, the magistrat in the mean time speaking vnto them standing, so long as they had any thing to say vnto them.

But then might some man say, If it be so, that the magistrates had no power to command particular men, nor yet one another, in the presence of the people which had the
A. the foureraigntie. 

V. Why did the Tribune of the people send his vifher vnto Apius Claudius the Consull, to commaund him to silence? And why did the Consull to require him with like, fend his sergeant vnto him likewise, crying with a lowd voice, That the Tribune was no magiftrat? 

V. Vhereunto I aunfwered, that fuch contention and debateoftentimes fell out amongft the magiftrats, and especially betwixt the Consulls, and the Tribunes: yet may we not thefet conclude, that either of them had any power to commaund the one the other, in the presence of the people, both their authorities then ceasing. So a controversy arifing betwixt the high court of Paris, and the court of Aids, for wearing of their purple robes, and accompanying the king, not farre from Henrie the second the French king, the president of the greater court of Paris fent a fergeant vnto the judges of the court of Aids, to forbid them to go any further: (and albeit that the king was not fo nie as that he could have fuch the presidents commaund) yet receiv'd he fuch aunfwer from the judges, That hee had no fuch power to commaund ouer the court of Aids, and if he had, that yet he could not rightly there vfe the fame in the presence of the king.

But yet some man might object and fay, That if the magiftrats had no power to command in the presence of the prince, they were no more magiftrats, nor should fo great regard be had of their honours and dignities the prince being preffent, fo as we fee there is. 

V. Vhereunto mine aunfwer is, That the magiftrats by the preffence of the prince loofe nothing, but still continue in their offices, and fo confequently in their dignities and honours, their power to command being but fuspended. As in like cafe the Dictator being created, all the magiftrats continued in their effates and offices, howbeit that all their commaunding power was then Holden in fuspence: but fo foone as the Dictators commiffion was expired, and he once out of his office, the magiftrats againe commaunded by the fame right they had before: which they could not haue done, if their magiftracies and offices had fo, & indeed bene from them taken. Which may letue for aunfwer to that which might be alleged of thefe words, which are oftentimes to be read in the writings of the ancient Romans, eique Create Dictatore magiftratus abdicant, W hereby it might feeme that the Dictator being created, the magiftrats were out of office: which is not to be underfoold of their offices, but of their power, as we haue before faid, which was fo for a while fuspended. For otherwife the Dictator yeelding vp his office, the magiftrats mufl haue fought for new power and authoritie from the people, their former power being before together with their office expired. And the reaſon is generall, that the power of the inferiour shou'd bee Holden in fuspence, in the presence of the superiour: for otherwife the subieft might command contrarie to the will of his lord, the fubient contrarie to the good liking of his mafter, and the magiftrat contrarie to the will and pleafure of his foueraigne prince: or might at leaftwise, oppofe himselfe againft him, and by the vertue of his office forbid the inferiour perffons to performe the commaunds of their superiours: which can in no wife be done, without inequitable prejudice vnto the foueraignety: except it be that the prince laying aſide the foueraignety of his perffon, goeth to fee how his magiftrats commaund, as the emperour Claudius oftentimes went openly to fee the doings of his magiftrats, and without difguifing himselfe fat beneath them, foolifly guing to them the more honourable place: or elles in cafe that the prince, his maſtire in a fott fir aſide, giue leave to the magiftrat to judge of his caufe. For the maxim of the law, which faith, That the magiftrat of equall or greater power may bee judged by his companion or fellow in office, or by his inferiour alfo, when he fubmitteth himselfe vnto his power, hath place not onely in privat perffons and magiftrats, but even in foueraigne princes alfo; whether it pleafe them to submit themselves or their caufes to the judgement of an
other princes, or of their owne subjectts. And albeit that they may bee judges in their owne causes, vnto whom power is by God giuen to judge, without being bound to the law, as Xenophon faith; yet newether the it is much better becomming their maistrie, and more indiffernt alfo for them in their owne causes to abide the judgement of their magiftrats, than to become judges therof themselves. But to the intent that the souereign maistrie of princes should not in any thing be impaire of the greatneffe thereof, and yet that the brightneffe and glorie of the royall name should not daule the cies of the judges, it was wifely in this realme ordained by our auncetts, That the king should not pleat but by his attourney; and that in all publike causes wherein the king or Commonweale were priuately interested, the kings name should be still cancelled, and the matter pleaded but in the name of his attourney. Which thing the rest of the princes and others having territorial jurifiction, haue after wauids imitated and followed. So Augustus the emperour writ vnto the lieutenants of his provinces, That they should not tuffer his name to be debaied with being too common in their commissiions, as Tranquillus reported. Yet is it by a certaine speciall commone by our auncetts received, that if the king will in priuat judgemefts against priuat men, be restored, the kings attourney shall not in demanding thereof hold his seat and place, but chauenge the fame, leaft he should tume to plead a publike and not a priuat cause. But whereas we haue said, the power of the magiftrats to be suspended in the presence of the prince, beongeth vnto the whole princes familie, so long as they waite vpon the prince: for ouer them the civill magiftrats have no power, except such magiftrats as the prince hath appointed for the executing of the jurifiction of the court.

Yet a man might demand, Whether the magiftrat might forbid a subject or priuat man to come vnto the court, being within the jurifiction of this territorie? Which is not without difcultie: howbeit without entring into farther dispute, I say, that the magiftrat baniッシュ the guilty subject out of the territorie of his jurifiction, where the prince may then be secretely also forbidden him to approach the court, albeit that he cannot expresly forbid him to come vnto the princes court. Wherein the rule of Vipsian the lawyer taketh place, which faith, Expreffae nocentes, non exprefa non nocentes. Things expresly hurt, but things not expresly hurt not. And I remember how that it seemed a thing right strange vnto the court, and especcially vnto the chauncelours of the houehold, that the Commissioners deputed by the prince, for the triall of the president Alemaned (who familiarly vied my councell) hauing by their sentence condemned him, forbade him also to come within ten leagues of the court. Which thing the councell understanding, decered, That it was lawfull for no man but the prince only to make any such prohibition. And haply was the chiefe caufe that the president (of whose councell I was) obtained of the king, to haue the judgement restrueld. For it were not onely an hard and inhumane thing, to kepe the subjectts from haung acces vnto the prince, to deliver vnto him their petitions (as well agreeing with the lawes both of God and nature) but it should also be a thing much prejudicial vnto the maistrie of a souereaigne prince, as I haue before faid. And albeit that the superiour courts of this kingdoame have vied to bannish men out of the realme, and so out of the boundes of their jurifiction, yet should such their judgement take none effect, if the king in whole name the courts of Parliament giue judgement, gaue them not commision so to do, and that his royall commands were not vnto such their sentences subscribed: So their decrees alfo in forme begin in the kings name.

Now as the presence of the Prince holdeth the power of all Magiftrats in suspense, so is it also to be deemed of the power of the superiour magiftrats or commissioners over the inferior. As a man may fee in Fraunce, where the Presidents & Councelours,
A every one in his jurisdiction, and the Masters of Requests in all states of justice, (except the fourtaine courts) have power to command the Seneschals, Bailiffes, Pro-utors, and other inferior magistrates, when they come into their prouinces, and sit in their places of justice, and there may judge, ordaine, and command as superiors vnto their inferiors, and prohibit them to proceed any further, which is generall to all superiour magistrates towards their inferiors, as faith the law: *Indicium solutur, vetaunte eo qui indicare inforat, vel qui maius imperium in ea iurisdicione habet.* The judgement is stayed, he prohibiting it which commandaed it, or he which hath greater power in the same jurisdiction. Where the word, *Imperium,* or power, signifieth not onely the power to command, or forbid, but even the magistrat himselfe: As when Cicero faith: 

B *Maius imperium à minori rogari ius non est,* Lawfull it is not, for the greater power to be examinad by the leffe; he would say, that the magistrat or commissionet equall or superior in power, is not bound to answere before his companion, or one leffe then himselfe, which is a *Maxime* of the aumtents, which *Mesala* the Lawyer declareth by example, as thus: *A minorem imperio, maius, aut a maiore collega rogari iure non potest:* *quare neque Confules aut Praetores, Censoribus, neque Censoris, Confultus aut Praetoribus turbarunt, aut retinent auffpiciis,* *at Censorum inter se; reuerfed Praetores Consules, inter se, & viuient et obitum,* The greater power cannot by right be examined by the leffe, or a fellow in office, by an other his fellow officer though greater then him selfe: wherefore neither the Confuls or Pretors trouble, or keepe the south-fayings from the Censors, neither the Censors from the Confuls or Pretors, but the Censors amongst themselves; so, and against the Pretors and Confuls amongst themselves, do one hinder an other, and fo preuaile. And these be the words of *Mesala,* which he faith himselfe to haue writ out of the xiiij booke of *C. Tuditanus,* but hath failed in that which he faith aft: *Pretor et Censore Consulis est,* *neque Pretorem, neque Consullem iure rogare potest,* *The Pretor although he be the Confuls companion, can by right examine neither the Confuls nor the Conful,* which was happily done by the errour of him that write it: For he should haue said: *Pretor et Censore Pratoris est,* *The Pretor although he be the Pretors companion, and not, Consuls,* or the Confuls: except we should value the matter, in saying that the Confuls, Pretors, and Censors were all fellowes and companions: *Quia soli iisdem auffpiciis, iisdem comitiis, id est maioribus creabantur, etrev magistratus minoribus auffpiciis & comitiis,* for that they alone were created and chosen, by the fame diminutions and affemblyes, that is to say the greater: whereas the other magistrates were chosen by the lesser, for otherwise the Latins never abused the word (*Collega*) in that fense; Besides that the Pretor was never the Confuls companion or fellow: but well to the contrarie, appeal might lawfully be made from the Pretor to the Conful. As we read that *Amylius Lepidus* the Conful receyved a man appealing from the Pretor Oresles; and by a contrarie decree reuerfed the Pretors decree. So we read also that *Ludatius* the Confull tooke the triumph from *Vale-rius* the Pretor, for that he being *Confull* was the generall of the armie, although he were that day from the armie wherein the victorie was got. That showeth also the power of the Confull to haue beene greater then the Pretors, for that the Confull had twelve Lictors, and the Pretors but two in the citie, and at the moft if they were sent into the prouinces, whom the Greekes therefore called *Magistri,* for so it is by the law *Lectoria* prouided, which was made concerning the power of the Pretor of the citie; who was of all other Pretors the greatest: *Pretor Urbanius duos Liectors apud se habebat,* *ipse ad supremum solis occasim in inter cives dicito,* the Pretor (or Pronost) of the citie, let him haue with him two Lictors, and let him administr justice amongst the citizens vnto the going downe of the tunne. Wherefore let this stand for good, not
not only fellowes and companions in the same power, but also magistrates of like and equal power; not to have power to examine one another, and therefore much lesse them which have greater power than themselves.

But yet question may be, whether a companion or fellow in office, or one of lesser power, or he which is no fellow in office at all, yet having power in his owne jurisdiction, may therein stay the acts or proceedings of his equal or superior in authoritie? For oftentimes great cogtroversies haue fallen amongst magistrates about such prerogatives. And the difference is right great between commandement, and empecement or opposition: for companions or fellowes in office have no commanding power one of them over an other, and yet nevertheless they may in publique actions one of them opposte themselves against an other, and so hinder one an others proceedings. As Piso the Pretor or judge betwixt strangers and the citizens of Rome, oft times troubled Verres the Pretor of the cite, sitting in judgement of causes betwixt citizens and citizens: causyng his tribunall seat to be brought neere vnto the tribunall seat of the Pretor of the cite, so to hinder the vnruit and injurious decrees of Verres; and so administered justice vnto the citizens flying from the tribunall seat of the cite, vnto him, as by the law they might. And therefore Cicero in one of his lawes fayth: *Magistratus nec obedientem, & noctium cinem, multas, verberibus, vinculis correcto, nisi par maiore potestas probiabet.* Let the magistrat restraine the disobedient and hurtfull citizens, with fine, stripes, and bondes, except an equal or greater power forbid it to be done; neither sufficeth it to lay prohibebit, or forbid it, for that the magistrat can do nothing in the presence of his companion equal in power with himselfe, without his express consent, or else that he submit himselfe vnto his power. As it appeareth in that which Paulus the lawyer fayth: *Apud eum cuius imperium eum manumittere non posse,* & *Pretorem apud Pretorem manumittere non posse,* Before him which hath equal power (with himselfe) a man cannot manumit, and a Pretor before another Pretor cannot manumit. Neither doth that saying of Vpius contradicet or impugne the same: *Confulem apud Confulem manumittere posse,* which is: That one of the Consuls may manumit before the other Consul: seeing that that is to be vnderset that he might not doe it vpon the same day that he which did manumit or enfranchised had the bundels of rods and power to command; for that they both never had power vpon the same day, as faith Fesius Pompeius, as is in many places to be seen, whether they were at vnite betwixt themselves or not. And therefore Linie named the Salter, caried away the triumph from Claudius Nero his fellow and companion in the Consulship, for that he commanded that day wherein the victorie was obtained (as faith Linie) albeit that the battell were gven against Hafdruball by consent of them both; For Lucius Caesar (as Fesius Pompeius writhe) deemeth him to be called the greater Consul, which had the bundels of rods or maces; or hime which was first made Consul; which Paulus himselfe confirmeth. And all this wisely, for if both of them should at once haue had the power, nothing could haue bene peaceable, nothing firme or sure in the great affaires of the Commonweale. Wherefore the Decemviri being created at Rome for the reforming of the Commonweale, and making of the lawes of the xii Table: it was added vnto the law, That they should by turns haue the maces with the power to command. Now if any man aske the reason why a fellow in office may impeach or lay his fellow officer in his proceeding, if they both have authoritie and power at the same time: it is grounded vpon the reason generally, of all them which have any thing in common, wherein he which forbiddeth hath most force, and his condition in that case is better than his which would proceed on further. Which reason prenaileth also, when question is of the force & power of laws, wherein the
the force of the law which forbiddeth, is greater then of that which commandeth.

But whereas we haue said Magistrats of like power or fellowes in office not to be bound to the power or command of their companions or fellowes, that is so true if they both be in number equall: for in all Corporations and Colleges, they which are in number moff, are also superior in power: and therefore the leffe part of magistrats fellowes in office, cannot forbid the greater. But if all the Magistrats were of one mind and opinion, these words were wont to be written upon their decrees and editis, Pro College, for the Colledge, (which shall in their place be expounded.) But if it be true that we have said, why did then Messala say: Consulab autem magistralibus

**concione auocare posse, ab eo nominem: denique Pratorem ab alio prerogavit a Consulibus:**

That the Consul might call the assemble of the people from all the Magistrats, but none might call them from him, and so next after him that the Pretors might call them from all others, excepting from the Consuls: but that the lesser magistrats could no where call away, neither the assemble nor sessions of the people. Whereof it followeth, that the impeachments & opposition of the lesser magistrats could not in any fort let or hinder the actions or commands of the greater. Whereunto I asswvere, that to call away belongeth to power and command, which opposition doth not. Now there is great difference, whether you command, or otherwise hinder any thing to be done, as we will hereafter more plainly declare. But first it is to be noted; that that which Messala faith is true in other magistrats, but not in the Tribunes of the people: whose we have shewed to have had the title of magistrats, with power to assemble and call together the common people, and to constraine the Consuls to give place vnto their opposition, not so much by the power they had to command; as by imprisioning of their persons, and selling of their goods: for if they commanded any thing, and the magistrats refused or resisted their commands, they forthwith with such their contempt, commanded them to be cast in prison: For so Servilus the Senator directing his speech vnto the Tribunes, faith,"Vos Tribuni plebis Senatus appellat: est in tante discrimine Reipublicae Dictatores dicere Consules pro vestra potestate cognatis, Tribuni pro collegio prouinciant, placere Consules Senatus dietro audientes esse, aut in vinculis se duci iussuros," The Senat calleth upon you the Tribunes of the people, that in so great a danger of the Commonweale, you for the power you have, would compell the Consuls to nominat a Dictator. The Tribunes in the name of the college of Tribunes pronounced that their pleasure was, that the Consuls should be obedient vnto the command of the Senat: threatening otherwise to command them to bee cast into bonds. And it was so farre from being lawfull for the Consuls to have power to hinder the assemblies of the common people called together by the Tribunes, as that it was not in their power so much as to interpret them in speaking vnto the people, and that vpon paine of death by the law Iculia, if he that had so interpreted the Tribune in his oration or speech, pained not the fine or amercement imposed vpon him by the Tribune. As the Tribune

D *Drusus* well caus'd *Philip* the Consull to understand, whom he made to be cast in prison for interrupting him in his speeche vnto the people.

That all which we have said, the greater part of a company, or college of magistrats to prevale against the lesser, taketh not place amongst the Tribunes of the people, one of the Tribunes voices being able of it to felfe to stay all the proceedings, not of the Senat onely, but of all other the magistrats, yea & of the rest of his fellow Tribunes also: whereas to the contrarie, the acts of one Tribune alone, were of force, except some of his fellowes and companions openly opposed himselfe against the same. As is in Linie to be scene, where he faith, The farmers of the publike demaine to have beene discharged.
discharged by a decree published under the name but of one of the Tribunes only. And that the power of the greater part of the Tribunes might be withstood by the fewer opposing themselves against them, it is manifest by that, that at such time as Appius the Censor by force held his power and Censorship longer than he should have done, and the time thereof being now expired, contrary to the law Aemilia, Sempronius the Tribune of the people in the open assembly of the people, said unto him, *Ego te Appi in vincula duci unbebo nisi Aemilia legi parueris, approbanthis sex Tribunis actionem collegae tres auxilio fierunt sammaque simulque omnium ordinum plus Censuram gestit*, I will command thee, O Appius (faith he) to be cast into bonds, except thou obey the law Aemilia; and six so of the Tribunes allowing & approving the doing of their companions and fellow Tribunes, three others of them took part with Appius, and so hee alone held his Censorship, with the great enmity and hart-burning of all sorts of men. So likewise at such time as Cicero then Consul (the armie of Catiline being discomfited and overthrown, by the conduct of C. Antonius the other Consul) bare all the sway in the city, and had turned all the favour of the people unto himselfe alone, nine of the Tribunes of the people to restrain such his immoderat power, were all of opinion to send for Pompey with his armie; and had so done, had not Cato one of the Tribunes of the people alone opposed himselfe in Ciceros behalf, and so hindered the proceeding of his fellow Tribunes. So when Scipio Africanus accused of extortion, was to have bene cast in prison, he was saued only by Sempronius one of the Tribunes, and father of the Gracchies, opposing himselfe against his fellows.

But how (might some man say) could one Tribune alone let the actions and proceedings of the Senat, of the Consuls, yea and of all his companions and fellowes in office alto? Yet most certaine it is that he might so do, if the other Tribunes preferred not a request against him unto the people, to have him put out of his office and authoritie. And therefore at the request of Tiberius Gracchus the Tribune, Marcus Octavius another of the Tribunes, with-standing the profit of the people, and the enacting of the laws for the diuision of lands, was of necessitye to be thrust out of his office of the Tribuneship, before the law Sempronia for the diuision of lands could bee establisht. And to that end tendeth that speech of the Tribune unto the Senators, in *Luisse, Fasocne inueni vox ipsa voto, qua collegae as nostras tam lati continentes auditis, contemniam Tribunos plebis, guipi potestas Tribunali sua ipsa victa frangat intercedendo, I shall make (faith he) that this word Veto, (or I forbid) which you now so merie heare our fellowes to gather singeing, shall helpe you nothing, the Tribunes of the people must now needs be esteemed, for that the Tribuniall power doth weaken the power of it selfe, by opposing it selfe against it selfe. But this power and opposition of the Tribune, was ordained and provided for the libertie of the people, and against force offered them, and not for the priuat profit of the Tribunes themselves: who if question were of any particular of theirs, whether it were in ciuill or criminall causes, were not in any thing respected, but suffered judgement, as other men did; if some one or other of their fellowes in office enterposed not themselves, and so letted the proceeding. As when Lucius Cotta one of the Tribunes of the people, being sued, would neither anwre nor pay his creditors, *Fiducia facro anicha potestas*, as bearing himselfe upon the reputation and credit of the most facted power of the Tribuneship; his companions in office openly denounced unto him, That they would aid the creditors against him, except hee made them payment. Yet at length by little and little it was agreed, That the colleged or companie of Tribunes, should be also bounds unto the same lawes and customes that other colleged and companies were, *viz.* That decrees made by the consent of the greater part should bind the rest. As is easily to be gathered of that which *Luisse faith.*
Ex autoritate Senatus la tum est ad populum, ne quis templum arcessire iniuris Senatus aut Tribunorum plebis majoris partis dedicaret. It was by the authority of the Senate pronounced to the people, That no man without the command of the Senate, or of the greater part of the Tribunes of the people, should dedicate a temple or a caffie. And afterwards by the law Attilia it was ordained, That the Pretor of the city, and the greater part of the Tribunes of the people, might appoint tutors unto women and father- less children. Which custom grew into such force, as that the Senate commanded Quintus Pompeius Rufus a Tribune of the people to be cast into prison, for that he being but one, went about to forbid an assemblie of the states to be called. Whereas otherwise the willfull rage of one furious Tribune might have troubled the whole state of the Commonweale. And this was the cause why the Consull being about to assemble the great estates of the people, by sound of trumpet caused an edict to bee proclaimed, forbidding all magistrates lesser than himselfe, to have regard unto the Auguriae, that is to say, vnto the disposition of the ayre, or the flight of birds, for the conjecturing thereby, whether the thing which was then taken in hand, were agreeable with the will and pleasure of their gods or not. For if it thundered or lightned never so little, or if the birds were seen to fly on the right hand, or if any of them there present fell of the falling sickness, (which was therefore called Morbus comitialis) or if any other monster were borne, the assembly was accounted thereby polluted, and so the people presently broke vp and departed without any thing doing: the footfayers thereby denouncing vnto them, That the gods were then angrie, and not well pleased with their doings.

Which was the charge of the Augures or footfayers so to denounce vnto them, but yet might not lawfully oppose them in such against that was to be done, as might the magistrates of great power, or greater: but if the magistrates were inferior vnto him that held the assembly of the estates, their opposing of them selves could not let the further proceeding of the superior magistrates, howbeit that such acts or proceedings were thereby defective, and so subject to revocation. In such fort, as that Caius Figulus the Consull with his companion, after he had been chosen, taken his oath, and transported his armie even into Spaine; yet was he nevertheless with his fellow Consull, by a decree of the Senate, called backe againe home and enforced to giue vp their power and authority: For that the footfayers had before declared vnto Tiberius Gracchus the Consull (then holding the great assemblies for the choyce of the Consulls) That the signs and tokens whereby they tooke their predictions were unfortunat and contrary. Wherefore the lesser magistrates could not trouble the assemblies of the greater, or call the people alreadie assembled from them, but such magistrates onely as were equall and of like power with them. But the Tribunes of the people although they might not interrup the assemblies of the greater magistrates, or call the assembled people from them, yet might they by opposing of them selves hinder their other actions and proceedings: and in case that the magistrates would yet needs proceed contrary to their oppositions, the Tribunes would then vse plain force against them: so that oftentimes murders were thereabouts committed. For so Asellius the Pretor, or Proudell of the city, for favouring the debtors against their creditors, was as he was doing sacrifice lain by a tumultuous company of the creditors, having for their leader one of the Tribunes of the people. In like fort Appius Saturninus Tribune of the people, slew Munius the Consull, in the very assemblie of the people.

And as publicke actions are troubled or letted by magistrates equal or greater in power then they by whome they are done, opposing themselves against them: so beeing once done, appeal is to be made from the lesser magistrates vnto the greater, fauing vnto euery man his jurisdiction and power. Now if it bee not in the lesser magistrates power
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they cannot commaund or giue out commifsion in their owne names ; which if they
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was to take awr/ the power from the Sencfchals or Bailifes (which could not be done
but by an cxprefTe ed;£i for the fupprefsing of thofe offices y but contrariwife the erection of their lieutenants in the title of lieutenants, was much more to eflablifh the honour of the Sencfchals and Bailifes, and yet fo to diminifh their power. As firft the
Senators at Rome,and after that the emperours thcmfelues , werewoontto appoint
lieutenants vnto the Proconfuls(or goucrnours oftheir prouinccs) who yet for all that
had not their power to commaund from the Senat or the emperour, but ftom the
Proconfulsorgouernours themfclues. Wherefore the law faith , >^Apud legatum
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but in the name of another man: not that it was not lawfull for the Proconsuls lieutenants, as it was for the lieutenants of all other magistrates to manumit or enfranchise within the precincts and territories of the province of those magistrates whose lieutenants they were. Which the doctor Cuias hath denied, and in the Jamaica reading corrected these words, *Ex quo provinciam ingrexis est*; Which his correction if it were to be admitted, thereof should follow divers insubstantial absurdities, these words (as he would have them) being left out: for the lieutenants could not in the territories of their magistrates, ordain, decree, command, or do any thing; which is all that the law properly calleth *Legis actiones*, or the actions of the law; all which we read lieutenants to have still done in their owne provinces: and yet neverthelesse the Maiores, and Deumuits, or Consuls of villages & towne, had power to manumite or enfranchise; and to appoint tutors by commission within their owne jurisdiction. Wherefore the execution or action of the law, is not in the magistrates lieutenants or deputies, but in the which so appointed the lieutenants or deputies. Ye, the magistrate himselfe, who doth but exercise another mans jurisdiction, can in his owne name command nothing. Whereof it commeth, that a man cannot appeale from a lieutenant or deputy, unto him whose lieutenant or deputy he is: for so appeale should be made from the same man to himselfe. Howbeit that the magistrate may examine the iusticie and wrong done to privy men by his lieutenant or deputy; and that because the lieutenant or deputy hath not all the jurisdiction and power of the magistrate, whose lieutenant or deputy hee is, and yet lefse in ancient time, than at this present, when as the lieutenants of the Proconsuls or goutenours of countries, had no power to inflict corporall punishment upon any. The princes lieutenants generall also in the wars, albeit that they have a most high command and power over all soldiers, of what degree or condition soever, yet if any of the princes of the blood offend against the lawes militarie, the hearing and triall thereof belongeth not vnto the lieutenants generall, but vnto the soueraigne prince himselfe; or at leastwise vnto the chapter of the knights of the order, especially in case it concerneth either honour, or life. And in much more strong termeis, if question be of ecclesiasticall discipline, onely the bishops are not bound to aunswere before the archbishops officials, or vicars generall; as it was by a decree of the parliament of Paris, adjudged for the bishops of Troy, and Nevers: Wherby it was said, that they were not bound to obey, but onely vnto the archbishops in person themselves. But that which I have said of the power of the superiour magistrats over the inferior, is to bee vnderstood in their owne territories, feast, and jurisdiction, out of which they are but as other privy and particular men, without power or command. But now the question might be asked, Whethere that magistrates equall and followers in authority and power, be also equall in honour and dignitie: Whereunto I aunswere, that honor and dignitie doth in nothing communicat with authority and power: yea oftentimes it chaunceth and commeth to passe, that hee which hath molt honour, hath so much the lefse power: than which secret none is alreadie greater, or more profitable for the maintenaunce & pretention of the Aristocraticall or Popular Commonweales, or that is in any place of the world better kept than in Venice. Of the Consuls he that was first chosen Consul, was also first named in all their publicke acts and faftes, and to had the honoure of precedenc: but if they were both at once chosen, he that was the elder, was in honour also above his fellow, vntill the law Pappia Poppeia, which gave the prerogative of honour vnto the married Consul: or if they were both married, then vnto him that had most children, which supplied the number of yeares. So amongst the Pretors, who were all of one collegi: or companie, and their power all one; he which was called *Urbanus* (or the Pretor of the citie) was in dignitie.
and honour above the rest, and so called the Greatest Pretor, for that he was first of all chosen, and in the absence of the Consuls held their places, assembled the Senat, and called together the greatest estates, with such other like things belonging to the office of the Consuls. And amongst the ten Archontes of equal power in Athens, there was one, who yet in honour exceeding the rest, had the publick acts authorized in his name, and gave himselfe names also unto the Annales and publick acts and decrees, and was thereof called Δικαίωται πάντων. So amongst all the parliaments of France (being almost all of like power) the parliament of Paris hath the prerogatiue of honour above the rest, as more antient; and by a certaine singular right is yet called the Court of the peers of France, as having the triall and judgement of the pecctes, which none of the rest of the courts of parliament haue. And albeit that in the time of Charles the viij, the great Council managem the affairs of state, yet it is, that the king by express edict ordained and appointed, that in all edicts and mandates, wherein mention should bee made of the court of parliament, and of the great Council, the Court of parliament of Paris should always be set formost. So whereas the kings Attournieys are almost in number infinite, he of the parliament of Paris hath alwaies the prerogatiue of honour above all the rest of the kings Attournieys, who all are sworn unto the judges of the foueraigne courts (wherein they are Attournieys) except the Attourney generall of the Parliament of Paris, who is not to bee sworn but unto the king onely. So wee see that the Constable of France, and the Chauncelor, albeit that they have not power or command one of them above the other, but are equal in setting and in going side by side, yet nevertheless the more honourable place is referr'd unto the Constable, which is on the right hand of the king, and the Chauncellor on the left: except some haply may say him to have that place for to bear the kings sword upon the kings right hand; yet besides that, at the consecration and coronation of the king, and other ceremonies wherein place of precedence is, the Constable goeth before the Chauncellour, and next unto the Chauncellour followeth the Grand Maister of France. Which I would haue understood to be of me spoken, not as if my purpose were to determine any thing of honours, but as an example by the way whereby to perceive how much honour differeth from authoritie or power.

But total much as we haue said, that magistrats equall in power, or which hold nothing of them another, cannot be commanded one of them by another; a man may doubt whether if amongst many princes or coequall lords, one offend, he may be restrayned or corrected by the other princes or lords his equals? For why, jurisdiction is of it selfe by nature indiuisible; and lords of one and the same jurisdiction have one of them as much power as the other; and euerie one of them hath entire power for all; which is not so amongst princes or magistrats which have their charges or territories diuided, and which have not any thing to commaud one of them the other; and much lesse when many magistrats in one bodie or collodde have one of them and the same charge together; where no one of them hath of himselfe any power or command, except it be by commissione from the whole collodde giv'n him. Yet many there be which hold, that one of these lords may be restrained and corrected by the other lords his competors and coequal, as having by his fault lost his jurisdiction and right, as it hath bene judged in the court at Rome. Which judgement may well be borne with, howbeit that the reason thereof is not good; for to say that he offending hath thereby forthwith lost his power and jurisdiction, were to do execution before judgement, and to spoile the lord or magistrat of his estate or place before he were heard. And albeit that the threats, penalties, edicts, and decrees, expressed and set down in the lawes, had the force of a thing alreadie judged, as some have thought them to have:
haue: yet fo it is, that the fact in question is always in judgement to be tried, whether it were done or no; and if case it be confessed, yet before the execution, must the sentence be pronounced by the mouth of the judge, who can haue no power over his competitor, who hath equall power and authoritie in the same territorie with himselfe, as we haue before declared, following therein the founded opinion of the greater part of lawyers, not much regarding that others say, That euery man shal be to be judged where he hath offended: which is so true, if there be no lawful cause which may hinder judgement to be in the same place giuen. In a college or companie of magistrats, or judges, if the greater part of them agree in one, there is no doubt but that they may judge or chartifie any one, or the latter part of their fellowes: as they did in the Senat of Rome, after the law which Adrian the emperor made for the judging of Senators; and as they doe in all the courts of this realme. But betweene many equall lords or compets of the same territorie, the reason is farre otherwise; for that euery one of them hath himselfe the whole jurisdiccion and power, nor cannot judge but by turns, one of them after another, neither haue more than one feat of justice, in one and the same jurisdiccion, but by the new grant of their patron or predominant lord. And in this, serviece differeth from jurisdiccion: for that serviece suffereth it selfe to be at once & together enioyed of euery one that hath right thereunto: but jurisdiccion not so, as many haue thought, hauint rejected dutcheies, marquifats, and countiies; which by the amittant lawes of fees are of an indiiffible nature. But it is neither for vs needfull, neither doth this place require vs by reasons to refute the opinion of them which affirm jurisdiccion so to cleauie vnto the territories, as if they were indeed servieces; least in so doing we should passe without the bounds of our purpose. Sufficient it is in passing by, to say, Jurisdiccion to hold so little of fee, as that the soueraigne prince selling or giuing a fee, of what nature soever it be, is not therefore to be reputed to haue giuen or sold the jurisdiccion thereto belonging; as it hath oftimes bene judged, & at length because it should no more be doubted of, was by an edict of Philip the faire more straitly provided for: yeal although the donation were by the soueraigne prince made to religious or desouy ves; which many (but without cause) have excepted, the law being made generall. Seeing therefore that magistrats in power equall, or which hold not any thing one of them of another, cannot be commannded or corrected one of them by another; much lesse can the euery one lord or compet of the same territorie and jurisdiccion commannd or reforme one another, but the supeior magistrat or predominant lord is to haue the hearing and determining of the matter. By our custome the supeior courts have refetued vnto themselues, the controversyes of the kings magistrats and officers amongst themselues, concerning their power and jurisdiccion. But if question be for the executing of the decrees or judgements of one of them in the territorie of another, it is to be done by honest request and leave before obtained: howbeit that by a new law, that custome is taken away out of this our Commonwealth, and power giuen vnto pursuants to put in execution all the magistrats commands, almost throughout all the kingdom. As for soueraigne princes, not suiebed to the power or commannd of others, they may in such case, of necessitie vse requests one to another, for that they cannot be compellled by the commannd of any greater power, as magistrats may, who without any leave asked, suffer the judgements of other magistrats to be put into execution in their provincies: or in case they refuse so to doe, are to be constrained by the supeior powers. Which asking of leave of the greater or euall power to execute or suffer judgement giuen out of their territorie, to bee executed therein, offering to do or suffer the like to be done in theirs, as occasion shall require, hath of all antiquitie beene obserued and kept. Howbeit it seemeth the Roman empire...
yet flourishing, that to put in execution a mandat or judgement out of ones owne territórie, it was needful first to obtaine the Empetours letters of command, seeing that the law faith, Sententiam Rome dictam, postum Présides in provinçis, si hoc injust fuérint exequist, the Presidents in their provinçes may put in execution a sentence (or judgement) given at Rome, if they be thereunto commandede: yet much more seemely it were by the good leave of the magistrat to obtaine the same, than by force to extort it against his will. As in like cause the Empeur saide vnto him which complayned of his companion, without haung before spoken vnto him, Alloquere illam, ne rem iniustiam faciat, Speake vnto him, that he do the not wrong; forasmuch as the princes command, or contraint of the superiours in such case, giuen occasions of quattrels and jealouies amongst Magistrats, seeing the decrees of their equals, or of their inferiours, against their wills to be put in execution in their owne territóries: which oft times ture to the great hurt of the subjectts, and dishonour of the Commonweale, one of the magistrats, or of such as are in authoritie, in disputye of the other discharging their cholérique passions vpon the poore innocents: As did the Consul Marcellus, who in despithe of Ceñar cauèd certeine of the cititens of Nooucôme to be whipped, to make them to know (as he saide) that Ceñar had no power to giue vnto them the right and freedom of the cititens of Rome. But much greater is the poore subjectts harmes if such contention and difference for power and authoritie, fall out amongst the greatest magistrats, or highest Courts. As I remember such a difference fell out betwixt the parliament of Paris, and of Burdeaux, about the execution of an arrett giuen in the parliament of Paris; which the parliament of Burdeaux vpon the princes command suffered to be executed within the iurisdiction thereof, but with condition, that if any opposition or appeale were in the doing thereof made, the parliament of Burdeaux should haue the hearing and disciding thereof. He which had the execution of the matter, willing to proceed farther, notwithstanding the opposition of the defendant, appeale was by the partie made vnto the parliament of Burdeaux, whom the plaintiff presented in the parliament of Paris. This contention betwixt the two parliaments was by the king referred vnto the great Councell; where it was deected, That to receiue and haare the appeale belonged vnto the parliament of Paris, for euery man ought of right to be the intrepreter and expounder of his owne meaning; and as none but the prince may declare his lawes and commandements, so it belongeth to the magistrat to declare the meaning of his owne sentence. Now here question was of the right meaning of a thing alreadie judged, at such tyme as the particke guitle offered his opposition vnto the officer, putting into execution the decrees of the higher Court, from which a man may not by the lawes appeale: vnto which opposition of the particke guitle, if the officer giue not way, then it is vniual to appeale, not so much from the sentence of the higher Court,as from the inuiure of the officer which would not heare the opposition, which he must needes, except the Court haue commanded the judgement thereof to be put in execution, notwithstanding any opposition.

But what if the Magistrats shall haue no respect or regard vnto the requestes or decrees of his equall, or of the inferiour magistrat, nor suffer their commandements to be put in execution within his iurisdiction. Truely in this case he is to be thereunto by the superiour magistrats compelled: or if they be of the higher sort of magistrats which are at controvertie among themselves about their iurisdiction and power, they are by the princes authoritie to be enforced: for so these wordes of Vlpian the Lawier are to be vnderstood, Si hoc injust fuérint, If they shall be so commandede: vxi, by the prince, (but not by the magistrats) at such tyme as the Presidents or gouernours of countries, euery one of them in his owne province had the chiefe power and authoritie next vnto the
the Prince, by whom only they were to be commanded. And whereas in the Edicts
or laws any thing is commanded to be done, it is thus to be understood, that every
Magistrat in his owne province is to be obeyed, for that the magistrat hath no power
to command out of his owne territorie or jurisdiction. In ancient time the kings
Putfuiants or officers, if they were to put in execution the commandes of the royall
magistrats in the territorie of such lords as had therein territoriall jurisdiction, were
first to aske them leave; vntill that afterwards it was by the moft strait decrees of the
highest courts forbidden them so to doe, for that therein the soueraigne maieftie of
the king seemd to be something empaird.

But yet it might be demanded, whether the inferior Magistrats might cause their
commands to be put in execution, without the leave of the superiour magiftar, unto
whom appeale was made? and that after the fame appeale let fall, and the time past,
appointed for the profeccuting thereof; which the Lawiers to no purpose call Fatalia,
enduced thereunto by an old error and inueterat fault of them which haue transla-
ted the Code, and authentiques out of Grecce into Latin, wherein for νυψεις νυψεις,
they have red νυψας νυψεις, which is to say, fatall daies, for daies prefixed and of a
fignification: which the law of the twelue Tables called Statos dies, daies appointed; as
in this law, Σι ματος dies cum hofte, that is to say, If the day appointed with a ftranger.
Neither euer did lawier or man that could speak Latin, in this forme of speaking, ne-
ither hath any of the Latins or Grecce called them for νυψεις νυψεις νυψας or Fa-
tales. The Lawiers have ofteentimes diuided Νιεάς Νισομον, a diebus continuos, Daies
of Sefion, from daies of Continuation. And if any thing were by the magiftrat com-
manded to be done within a certaine time, the Lawiers called it Statum tempus, and
editum peremptorium, a time appointed, or edict peremptoric: but when the time
wherein the fute ought to be determined is expired and paff, or that the fute is let fall,
we fay, Λίτεμνορι, the fute to die; or inftantiam perlui, the instance to be loft: as be-
fore, we fay: Λίτεμ νινερε, or, the fute to live: but none of the Lawiers hath viufped
Fatalem diem, or Fatales temporis, a fatal day, or fatal times. But all this error is de-
rived of the chaunging of this one Grecce letter ν. into ι, for seeing that by the word
και, or ιπι, the Grecce as well as the Hebrewes signifie Fatum, or definie, they muft
needs tranflate νυψας νυψας, fatalem diem, that is to say, a fatal day. Demofhenes
of times caaleth it νυψας νυψας, which the Latins call Statum diem; and we in our
practife prefixam, that is to fay, an appointed, or prefixed day: fo Demofhenes faith
against Media, παν ναιν αν κυπς τη θαυμ, & against Stephanus, κυπς ηργα.
and sometimes also he fayth, ημεριν ημεραμηνων, as to Nicoftratius: and the later
Grecce haue called it αναρων εναρδεμων, & ερωον, but never called it νυψας. And
fo pope Synesius metaphorically caaleth the laft day of a mans life νυψας, becau-
se he would not call it νυψιας, or Fatale, a word vnto Christian men and true religion
ftraunge. Wherefore for Fatal daies of appeales, we shall more truely and better fve
the tearmes of Appointed times, for fo the lawyer caaleth them. But that Iuftinians
lawes were written in Grecce before they were written in Latin, I fuppofe no man to
doubt. And that the Theofchan and Hermogenian Codes, out of whom Iuftinians
Code was atmoft compiled, were as well written in Grecce as in Latin, it is plaine:
and fo the law Properandum to haue beene translated rather by a Grecce than by a
Latinum, being altogether writ in the Grecce phrafe, as namely calling the defendant
fugiem, or the partie flying away; which is the proper Grecce word θυγινεα. Neither
ought it to feme strange, that the Grecce tranflated the Roman lawes, and even Iu-
ftinians Institutions into Grecce; feeing them to have tranflated most of the writings
of Thomas Aquinas, as also the latter booke of Aristofles Metaphyfikes out of Arat-
bik into Grecce, the Grecce copie being before lof. But to retorne agaime from
whence we haue digested, and to resole the propounded question: I say, that it is not
needfull for the inferior magistrat, the appeal being let fall, to haue leave of the super-
ior magistrat (vnto whom the appeal was made) for the putting in execution of
their owne judgements: as in the time of our auncelbows, the manner was, by letters of
justice (as they traersed them) which by a decree of Charles the seuenth, were vterly
abolished and taken away: sufficeth it the appeal being once giuen over before the
judge that gaue the sentence, to requet, that the same may now be put in execution, ex-
cept the superiour magistrat vnto whom the partie condemned hath appealed, hath
expressly before forbid the execution to be done. In which case it is needfull, that such
prohibitiō be taken away, before the inferior magistrat proceed further. For otherwise
it is not requirit, that the appeale shoulde by the superiour magistrat be declared to be let
fall or giuen over, that the sentence may be put in execution: for that the benefite of the
appeal let fall is obtained by the law, & not by vtructe of the magistrats sentence. Nei-
ther is the honour or reputation of the superiour magistrats impaired by the inferiours,
not having from them exprefle prohibition: in reverence & respect of whom, the infer-
ior magistrats ought to fay the execution, if the fay thereof bee not perilous vnto
the Commonweale. In which case they may proceed, although it were in question
of life, and afterwards write back their aunswere: whereas otherwise, in causes concern-
ing life and death, if the magistrat giue not way vnto the appeale, he himselfe is in dan-
ger of capital punishment. Yea and in this case, the magistrat for not yeelding vnto the
appeale, is guiltie of treason, albeit that question were but concerning the whipping
of a citize.

Now all that which we haue hitherto said concerning magistrats, and of the obedi-
cence that one of them oweth vnto another, is to be vnderstood of magistrats that be of
the selle same Commonweale. But what shal we then say of magistrats of divers Com-
monweales? As if a man by the magistrats condemned in this kingdome shal flie into
Greece, whether shall the Grand Signior of the Turkes, at the requet of the French
king, or of some other privat man whom the matter doth concern, cause the judg-
ment to be put in execution, without further enquirie of the equitie of the caufe? The
like question whereunto I remember to have hapned in the parliament of Paris, con-
cerning a French marchant condemned by default and contumacie at Venice, at the
fuit of a Venetian marchant; who came into France to demand execution of the
judgement giuen in Venice, hauing before obtained letters of requet for the seigneurie
to that purpose, as the usual manner & custome of soueraigne princes & lords in such
cases is: For a mutual respect and care which all princes have vnto justice, whereof they
hold their Sceptres and Crownes. The French marchant excepteth against the Vere-
tian, and no regard being had to his exception, appealeth vnto the court of parlia-
ment. Where most were of opinion, that the sentence so giuen was to bee put in execu-
tion, without any farther examinaion, whether it were rightfully judged or not: which otherwise might be a wrong offered vnto the Seigneurie of Venice, which
might use the like circumflate, & examine the judgements of the magistrats of France,
and also reecte them, rather in revenge of their wronged majestie, than for the inqui-
tie of the same. Yet for that the marchant was condemned by default, it was thought
meet to haue it examinado, whether he had by covenant in this point submitted himselfe
unto the Venetian Seigneurie and jurisdiction or not? And then, whether the judg-
dment were duely giuen, after certaine perpetuorie edicts and appointed times, ac-
cording to the laws and customs of the Venetians? Which being found to be so, the court
adjudged the sentence to be put in executio. And this is the custoie in privat judgements.

How
A Howbeit if question were of the honour, or life, not of one of our own subiects only, but even of a straunger flying vnto vs, the judgement of a straunge magistrate is not to be put in execution, before the truth of the matter be againe of fresh and throughly examined and tried. Yea Adrian the emperour commanded the governours of his provinces, to vfe ἀνάξιον (for that word the law vseth) that is to say, to judge againe of them which had beene condemned, by the justices of peace euene of the same Roman empire. And that which I haue said, is right straitly observed and kept in the Commonweales of the Swifser, of Geneue, of Venice, Lucque, and Genes, who cause the condemned straungers flying vnto them, to be againe of new tried, before they restore them vnto forrein princes, demaunding from them such their condemned subiects againe. For so all lawyers almoxt with one consent say; Soueraigne Princes not to be bound to restore Straungers flying vnto them, vnto their owne Princes demaunding them againe. Which is true that they are not bound in any civill obligation, from which all soueraigne princes are exempted: but they without any distinction of the Law of nations or nature, altogether deny that a forrein subiect is to be restored vnto his prince requiring him againe. Onely Baldeus addeth this condition therunto, Not to restore him to be right, so that the prince vnto whom the condemned or guiltie person is so fled, do vpon him iustice. But if they will confeffe every Prince by the lawes both of God and nature to be bound to doe iustice; they must also confeffe that he is bound to restore another man subiect vnto his owne natural prince, demaunding him: not onely for the more manifest trying out of the truth, and discovering of the conspirators their partakers, for which their personall presence and confronting is most necessarie; but also for exemplarie punishment to be done, in the same places where the offences were committed: which of all other things seemeth most to belong vnto the profit to arise vnto the Commonwealth by punishments, as examples of common revenge, the death of the offender, being one of the least thing that in matter of justice is to be sought after. And if Magistrats in the same Commonwealth are by mutual obligation bound to helpe one an other, and so the Commonwealth, (whereunto next vnto God we owe all our endeavours) for the perfecting and punishing of malefactors and offenders; why then should Princes be exempted from the like bond, so well agreeing with the lawes both of God and nature? Wherein the notable act of Mahomet (the second of that name) emperour of Constantinople, even he which was surnamed the Great, is right worthily commended; in that he caufed the murtherer, who had most cruelly slain Iulian de Medici in the Church before the Aultra, to be apprehended at Constantinople whether he was fled, and so bound hand and foote, to be restored to Lawrence de Medici and the state of Florence, requesting of him: which he did not as respecting the power of the Florentines, being then but small, but as fearing the hand and power of the immortall and almighty God. And in this Realme the custome hath alwaies beene to restore the guiltie fugitives vnto their owne Lords and Princes demaunding of them, except therein question be made of the maiestie, bounds, or state of the kingdome, which hath beene by their decrees determined. One of the parliament of Paris: Another of the court of Rome against the king of England, who demaunding his fugitive subiect, was denied him: And the third of the parliament of Tholouse: that of Rome being then grounded vpon the soueraignty of the See of Rome over the realme of England. But out of tearsmes of estate, and where question is but of publique punishment, there is no Prince which is not bound to restore another mans subiect vnto his Prince demaunding him, as hath beene solemnly judged by the parliament of Bourdeaux: howbeit that the same hath beene also expressly articulated in divers treaties of peace. As in the treatie which
A guilty fugitive is not by another prince to be detained, but released unto his own prince demanding him.

A guilty and innocent fugitive is not to be restored unto his prince demanding him.

The Swiffer made with the empereur Charles the first, as Duke of Millan, the viij article carried an express clause for the restoring of guilty fugitives. And for this cause King Henry the second, after he had by his Embassador requested the Lords and people of Geneva, to restore vnto him Baptista Dicato an Italian, his Receiver general of Roan, who was thither fled with all the money of the receipt: which they being there-to oftentimes requested, refused to doe: At length the king protested vnto the Lords of Berne, in whose protection the Seignorie of Geneva then was, that he would vse the law of Repriphal against them of Geneva; who before had resolved in their grand Councell of two hundred, in no wise to restore him: but afterwards being by an Herault sent from them of Berne, willing to deliver him vnto the king, they charged that their former opinion for the detaining of him: So at length the robber of the common treasure was forstaken by them of Geneva, lest they in doing otherwise should have stirred up the displeasure of a most mighty king, or of the Swiffer against them, as also seeme to have opened a scandalous or place of refuge for thecues, and other such like wicked men. And this we have gathered out of the letters of the French embassador to Anne Memmoniance Constable of France, so that they are to be blamed which otherwise either thinke or write. Wherefore I hold it to be an injurie vnto the estate of another man, to detain a guilty fugitive after he is demanded to be againe vnto his owne prince restored; and much more if he should be so detained by the subjects among themselves. For which cause all the Tribes of Israel combined themselves against the Tribe of Benjamin, which was so vterly destroyed, except six hundred persons, for refusing to restore the guilty persons demanded of them. And for the same cause we find that the Hippocrates were all destroyed, and their city vterlie razed by the Thebans; for that they chose rather to defend the murthurers of Phox the Boeotian, and for them to take vp armes, then to restore them vnto the Thebans, demanding them. But if the Prince vnto whom the fugitive is retired certainly know him whom he hath so received, to be an innocent and guiltles man, and to be vnjustely pursued and fought after, as having but escaped the crueltie of a tyrant, it is not onely a shameful and malicious thing to betray the poore innocent and strange man vnto the cruel tyrant: but he should rather for the miserable mans defence, and safeguard of his life take vp armes, seeing that by the law of God, we ought not to restore a fugitive servant vnto his angry master, from whose furie he is fled into another mans house.

And thus much concerning Magistrats and the obedience that they owe vnto Princes, and of the power that they haue over particular men, and of the respect that they ought to have of one of them towards another. But to compare the Magistrats of antient time, with ours now, belongeth not to this our purpose, considering that they are still in change, howbeit that wee see them to be like in effect, although that they differ in names. As in the book of the kings, where it is said, That Azarias the sonne of the high priff Tсадо was neere vnto the person of Salomon to infringe him in matters concerning Religion; that Iosop hat was chief of his councell, or his Chauncellour; that Eliphore, and Aziah were his Secretaries for the estate; that Banias was his Constable; and Azarias the sonne of Nathan his Lieutenant generall over the governments of the twelve Tribes, which were and haue beene as it were like in all Monarchies. So in like maner we see in the Turkish Empire, that the first and principal Baffa is Genetall of the armie, as Constable or chief of Mareschall; and Beglerbegs are governors general of Prouinces; the Zanacks are as more particular and infectious gouernours; the two Cadisquests are the Chauncelours, attendinge vnto the administration of justice, the one in Asia, the other in Europe; the Sobbasaes and Cadis are the ordinarie magistrats and judges; the Mophtis is the great Bishop. So in the kingdomes...
kingdomes of Thunes, of Fes, and of Maroch, the Munafide is as Chauncelour, the
Admirall is Generall of the arme at Sea, a word or name which we have borrowed
from the Arabians. So we see the charges and offices to be as it were like, although
their names be divers, as the Great Master of Ethiopia is called Bethudere, which is
an Hebrew word, signifying Master of the household. But forasmuch as Magistrats in
every Commonweale are divided into Corporations and Colledges, and that there
are more Corporations and Colledges of priuate men than of Magistrats, let vs also
say somewhat of such Corporations and Colledges.

CAAP. VII.

Of Corporations, and Colledges, Estates, and Communities, and what profits
or inconveniences ensue thereof unto the Commonweale.

Now after that we have spoken of a familie, and of the parts
thereof, of Soueraignitie, and of Magistrats; we must speake of
Corporations and Colledges also: wherefore let vs then first
speake of the caufe of Corporations and Colledges, and after
of their power and priviledges in general, and of the maner of
punishing of them, if they offend: and last of all whether the
Commonweale can be without them. The difference of a Fa-
milie, from Corporations and Colledges, and so of them from
a Commonweale, is such as is the difference of the parts from the whole: for the
communitie of many heads of a familie, or of a village, or of a towne, or of a countrie, may
be without a Commonweale, as well as a familie without a collidge. And, as many fa-
milies by amity allied, are members of one corporation and communitie; so many
corporations and communities allied by a soueraigne power, make one Common-
weale. Now a familie is a communitie naturall; a collidge is a communitie ciuill;
and a Commonweale hath more power, That it is a communitie governed by a fo-
ueraigne power, and may be so strict, as that it may have neither corporation nor
colledges, but onely many families in it. And to the word Communitie is common
unto a familie, a collidge, and a Commonweale. And properly a Corporations is un-
derstood to consist of divers families, or colledges, or of many families and colledges
together. But the beginnings of all ciuill societies are detirued from a familie, which is
(as we say) it selfe a natural societie, and by the father of nature it selfe first founded in
the beginning together with mankind. But when reason, by God himselfe ingravtred
in vs, had made mandefirous of the companie and societie of man, and to participate
together both in speech and conversation; the fame so wrought, as that proceeding
father from the loue of them that were domesticall & their owne, it extended farther,
to take pleasure in the propagation and encrease of families. So also families by little
and little departing from their first beginning, learned by ciuill societie to imitate the
natural societie of a familie. For why, a Commonweale is a ciuill societie, which can
of it selfe stand without corporations or collidges; but not without a familie: besides
that, Commonweales may be disdolute, for that they are detirued from the Lawes and
institutions of men; whereas families cannot altogether perish, but that all mankind
must before perish also. Whereby it is to be understood, From the roote of one fami-
lie, by the everthuing God himselfe planted, at the first to haue proued vp as it were cer-
taine plants, who by necessitie constrained, built for themselves houses and dwelling
places, so to be the safer from the iniurie of the weather, and the rage of wilde beasts:
and after that Hamlets and villages, which in proccesse of time became Boroughes and

A Familie the beginning of all civilitie.

I I

Townes.
Townes, but being growne to such a multitude, as that they could not longer be contained within the compass and precinct of the same country, they were driven to depart thence also, and to seek out new dwelling places. So that now thus divided in places, in regions, and kindred, being bound out of no law or command, as every one of them exceeded the other in strength and power, so he forced himself to thrust them that were neere unto him, and weaker than himselfe, out of their houses and dwelling places; or to take from them their springs, their fountains, or pleasant places; or to drive them from their pastures or feedings: which violence so offered by the stronger, enforced the weaker either to seek out places by nature defencible and strong, or else by art or wisdom to fortifie themselves, their children, wives, and families, with ditches, trenches, and walles, whereof strong townes and cities arised. For to Dionysius long since writeth king Servius to have placed certaine places of refuge in the mountains & strongest hills, whether the poore country men might retire themselves out of the fields, so to save themselues from the incursions of their enemies. And yet could not the enemies force be so kept off with walles and other fortifications, but that they which had so flut vp themselues therein, were yet neverthelesse besieged by the stronget. For why, the first sort of men was most giuen to rapine, murder, and theft; delighting in nothing more, not accounting any honour greater than to robbe and kill, and to oppresse the weaker sort as slaves: as Plutarch well agreeing with the facted historie most truly writeth. And long before Plutarch, Thucidides the most famous historiographer of them that flourished among the Greeks reported, all Greece but a little before his time to haue beene troubled with the robberies and outrageous committed by the mightier sort; and then robbere & theft to haue bene no disgrace or shame. Yea such as trauelled by sea or land (as the same author reporteth) when they met, before they came neere together, vied commonly (and that without any reproach or imputation) to aske whether they were Robbers or Pyrates or not. And not onely Plato, and his disciple Aristotle, haue put robberie among the kinds of hunting, but the Hebrewes also, who call Theemes and Robbers, mightie hunters, as they did Nimroth. And by the lawes of Solon it is plaine, that men might lawfully joine in fellowship to robbe and seale. (providing alwaies that it were not from the sibjects of their owne estate) as appeareth by these words, ει γαρ ἔχεις ὑπάρχειν, which the Latin interpretour thinking to be absurd and false, hath wrested them another way: For what other thing is ει γαρ ἔχεις ὑπάρχειν, than to robbe? And what other thing is ληφθαι, but εἰ τῶν ἐκάστων λέφθαι? Neither were robberies lesse allowed of the antient Latines than they were of the Greeks and Hebrewes, as it is to be perceived by the first league made betwixt the Romans and the CARTHAGINENSIAE: wherein it was thus expressly set downe: *VIIIAE Promontorium pulchri praece aut mercature gratia Romani ne navigant. Beyond the faire Promontorie, the Romans shall not saile either for bootie, or in trade of marchandize. From which kind of robberies long it was before other people also abtained: for Cæsar speaking of the Germaines in his time faith: Latrocinia nullam habent insaniam, quæ extra fines sue capriane, sua simul rei publicae, are inuentutis exercende, ac desidiae minuende causa fieri predictam, Robberies done without the bounds of every sitte, have with them no infamie; and those they say to be done for the exercice of the youth, and avoiding of flout. This licence and impietie of robbing and reaung, constrained men which as yet had no Princes nor Magistrates, to joynce theimselfes in societies and amities for the defence of one an other, and to make Communities and Fraternities, which the Greeks called qetaqtes, and phratries, as brethren which drew water of the same well, which they called qetaq, as also πατρεία, which are rurall and country people v sing the faire fountains, which the

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*Note: The text above contains a mix of fragmented sentences and appears to be part of a larger discourse or essay in Latin, which might be discussing historical or geographical topics related to townships, societies, and relationships between different groups or nations.
The Dorians called ἀριανός, and whereof such country villages were called ἐστί, as the Latines also said them Comumensari, who in the same country villages, which the Greeks called ἄραια, did ordinarily eat and drink together: as is Feistus writeth. Whereby it is plainely to be seene, the societies of men among themselves, to have bene at the first fought out for the leading of their lyes in more faculte and quiet: and them first, of all to haue sprung from the loue which was betwixt man and wife: From them to haue flowed the mutual loue betwixt parents and their children: when the loue of brethren and sisters one towards another: and after them the friendship betwixt cousins and other nie kindmen: and last of all, the loue and good will which is betwixt men toyning in alliance: which had all at length growne cold, and bene vterly extinguish'd, had it not bene nourished, maintaine'd, and kept, by societies, communitie, corporations, and colleges: the vision of whom hath for long time in faculte main- taine'd many people, without any forme of a Commonweale, or soueraigne power ouer them. So the people of Israel for a long time flourished in great tranquilitie without kings, and without any Popular or Aristocraticall estate, euerie man liuing in his pleasure in all libertie, euerie Tribe being in it sole vnited by the bond of blood and kindred, and all of them together by the communitie of their law and sacrifices. Who when they were by any enimie to be affaile or invaded, the estates of their Tribes and communitie assembling together, made choice of a chiefaine, into whom they gave soueraigne powers: and namely of such an one as God had with his spirit enspired and staur'd vp amongst them. So of many Tribes and families together vnited, was made a Commonweale, by meanes of a soueraigne power set ouer them. And for this cause the princes and lawgivers which first founded Commonweals, who had not yet disco- vered the difficulties they were to prove, to keep & maintain their suicicls by way of justice, ordained and mainatined fratenities, communities, and colleges; to the end, that the parts and members of the selfsame body of a Commonweale, being at accord among themselues, it might be for them the more easie to rule the whole Common- weale together. So we see that Νωρὶ Πομπιλίος, king and lawgiver, vnto the Romans (after he had abolisht the name of the Sabines, which some thing diuided the Roman state) establisht certaine fratenities, and colleges, or companies of men, of all maner of occupications, appointing vnto euerie fraternitie certaine pattons, preists, and solemn sacifices, which were kept on certaine appointed dayes of the yeare. And afterwaers also ordained a fraternitie of marchants, to whom he gauε Mercureus, for their pattone, which he seemed to have done to the imitation of Solon, who by a politiu law permitted all manner of fraterities and communities whatsoeuer, with power for them to make such lawes and statutes among themselues as they should see good, so that they were not contrarie vnto the publique politue lawes of the state. Lycurgus also did not onely permit, but straitly commanded also to mainatine and cherish such societies and communitie, as well generall as particular, and that all his subiects should take their refection and diet in companies of fiftene and fiftene together: which for that they were kept for friendship sake, were called quiritia, of the friendship that they had one of them with another. As also in almost all the other townes of Greece, there were the like fratenities and companies, whom they called τέχνια; as in Italie the same colleges and companies were called Sedallitas, for the vnite, company, and friendship they had among themselues, eating and drinking together for the most part: and having no judges but themselues, if any diuerse or stude chauensed to fall out amongst them, being such companions and fellows; as knowing, that amity and friendship was the onely foundation of all humane and ciuill societie, and much more requisite for the keeping and maintaining thereof, than justice it selfe: For that justice
neuer flexible, but always keeping the vprightnesse of it selfe, by iust judgement well
endeth suits: but not hatred, making oft times of friends foes: wheras amitie and friend-
ship, which is by company nourished, yealling of the right of it selfe, best established
the true naturall justice, and plucketh vp all controuerseys by the root, with great quiet-
nesse and louse reconciling lufieets among themselfes, together with the Common-
wealle. Now the principal end & scope of all laws, both divine and humane, is to keep
and maintaine the loue of men one towards another amongst themselfes; and them
altogether in their dutie towards God; which cannot better be done, than by ordina-
tie and orderly converting and combining of men themselfes together.

Wherefore the Cretiensians in auntient time did all eat and drinke together, young
and old, men and women; for to maintaine the loue and amitie which we have before
spoke of amongst them: Howbeit that afterwards to avoid confusion, the ages and
fexes were into certaine orders diuided, Si we see in the law of God, the feastes of Pas-
lemon, to have beene commanded to be holde by companies often and ten persons to-
gether: besides the feastes of Tabernacles, and the ordinarie banquetts of sacrifice, which
God commanded to be solemnised with all joy and gladnesse: and that for no other
cause, but that so men might be together united in religion towards God, and mutual
loue and friendship one to another amongst themselfes. The same was also well obser-
ued & kept in the Christian primitive church, who oftentimes made such feastes, which
they called έρημιας, for the devout kissings, and charitable embraces one of them
(in the ferenicie of their zeal) gaeue to another, in the ending of them, besides their or-
dinarie behauiour and communication. And albeit that many things are long since
by tract of time growne out of use, yet nevertheless a resemblance of those old feastes
is yet shadowed in our holy feastes and banquets: which not faigned but true feastes the
Venetians do with most great care and solemnitie keepe: but the Suisse better than
in any place of the world, where the fraternities and companies in euerie towne haue
their common houses or halles, wherein they oftentimes make their feastes and banquets,
neither is there any village so little, which hath not a common house in it for that pur-
pose. Where if any strife or contention shall arise amongst them that be of the fellow-
ship or company, it is by the common consent there endeth, and the determinitie sentence
there written, not in paper, but upon the verticall table whereon they haue banquette,
and that not with inke, but with chalke. And as in auntient time artifans, marchants,
priests, bishops, and all sorts of men had their fraternities, and companies: so had also
the philosophers, and especially the Pythagorians, who ordinarily mettogether, and li-
vied for most part of their time in common. And thus much concerning the cause, the
beginning, and progression of corporations, and colledges, communities, and companies:
which afterwards by succession of time haue in all Commonweales beene better ruled
by laws, statutes, and customes.

But that all things which are to be faid of corporations and colledges, may in order
be declared: Let vs first orderly set downe and shew, what power every corporation
or colledge is of, and what privilege is to euerie one of them given; then how they are
to be governed, and kept within the bounds of their dutie; and last of all, whether a
Commonweale can be without colledges or companies, and what colledges are most
necesarie and best fittinge a Commonweale. Whicke the better to understand, we may
say, that all colledges and companies are ordained either for religion, or for policie, and
so conforme but worldly things. If they be instituted but for policie, either they have
jurisdiction, or are without all jurisdiction. Colledges without jurisdiction, are such
as are ordained for the bringing vp of youth, or for fellowship of phytians, or of other
schollers, or of marchants, or of handie craft and trades men, or of companies of huf-
bandmen
A. bandmen: but such as haue juriisdiction, are colledges of magistrates, and judges; such
as of whom we have before spoken: Colledges ordained and made for religion, or
for publike denotion, are growne into number almost infinit, differing as wee see, in
lawnes, manners, life, attires, orders, fashion, and apparell. And it may be, that a college
may be particular to one occupation, or to one science, or to one companie of mar-
chants, or to one juriisdiction: and it may also be, that two or more colledges, may be
visited into one bodie, as all manner of occupations together, all sorts of marchants, or
all maisters of sciences, or all the magistrats; which ought not or ought not to be called a
college, but a bodie politique, or corporation: albeit that by the ambiguitie of words
they be oftentimes together confoundit. For there was one college of the Tribunes,
B. another of the Prenters, and another of the Quetors: but when these three colledges
meet together into one and the same bodyke, it is foolishly called a college: and yet
can it not rightly be termed an Universitie, which consisteth of the companie and
assemble of all the citizens, colledges, and corporations, yea and sometimes also of the
villages of the same countrey. Wherefore we shall rather call it a bodie politique than a
colledge: which to together growth of many colledges, or persons of unike condition.
And it may be also, that all the particular colledges may haue the right of a gener-
all communitie, or of an universitie. And that not only all the colledges and com-
munities, but that also all the inhabitants joyned together with the corporation &
colledges of a towne, or of a countrey, or of a province, may have the right of a communi-
tie, to hold their estates. Moreover the right of a college or companie may be gi-
guen to erie mysterie, or occupation in particular, and yet forbidden them in generall.
And erie one of them, may have erie rules, statutes, and particular privilidges. So
that we may say, that erie corporation or colledge, is a lawfull communitie or confon-
diation under a soueraigne power. Where the word Lawfull importeth the authoritic
of the soueraigne, without whose permision there can be no colledge: and is re-
served not onlye vnto the power of meeting together: but vnto the place also where it
ought to meet, vnto the time and manner of meeting, and to what things ought to be
entretained of, in their assembly. And the word communitie, or confociation, signifieth
that there ought some thing to be common to all, that be fellowes of the colledge or
socitiie: For where there is nothing common, there is no colledge: sufficient it is for
them to have their meeting common, their attorney or agent common, and the pri-
ivilidges given vnto the colledge common vnto all the fellowes thereof: albeit that they
have not other thing common, neither ordinarilie line or conuerse together. So that
they have not well defined a colledge, which haue said it to bee a fellowship of three
persons dwelling together, hauing their goods and substaines in common. Wherein
they are two wayes deceived, for it may be, that three persons or more may haue their
goods in common, and live together, and yet be all no colledge but a societe of them-
selfes, contracred for the getting of goods, and living together: as also to the contrarie,
fellowes of the same colledge may dwell separat in houses, not hauing their goods in
E. common, not any common treasure: neither yet commonly living together: and yet
enioy indeed the right of a colledge or societe, as hauing by law and the princes
grant, power to assemble themselfes and meeke, together at certaine places, and times:
and to intreat of certaine their affaires, such as are the fraternities or companie of arti-
fers and trades men, whome the law calleth Colleges, or colledges. Yet some colledges
there be, which have almost all these things among themselfes common, as wee
see those to have, which are togethet joyned for studie, religion, or denotion sake.
As for the number of fellowes in a colledge or societe, it is no matter what it bee, so
that they be not fewer than three: for that otherwise it cannot be a colledge. Where-
fore
There is a name of right; and conflict not in the functions of the fellow, but may fall remaine, all the fellows thereof being dead.

Antonius first that gave leue for legacies to be given to colleges.

The Romans called it not a college of their Cesfors, or Consuls, as they did of their Pretors, Tribunes, and Questors. And as for the fellowes themselves, my meaning is, that they should be eual of power, in respect of their community or fellowship, having euery one of them a deliberative voice in their affayres: howbeit that it may be, that the college or prince, may make choyce of one of the fellowes to command, reforme, and chastifie euery one of the fellowes in particular, but not all of them in general: such as are our bishops and abbes, having power to chastifie their religious and canons. But if this head or chief haue power over the whole body of the societie or college in greffe, it is not then rightly a college, but rather a forme of familie, such as are colleges or schooles ordained for the bringing vp of youth: wherein there bee no burftors or fellowes, which have therein any deliberative voice: For if it haue in it any such burftors or fellowes, hauing the right of the societie or college, and deliberative voice in their assemblies, it is then a college, albeit that the rest of the younger fort be vnder the power and correction of the principal.

And hereof ariseth a question, Whether a bishop in the compaigne of his prifets, or an abbate amongt his religious, be to be accounted fellowes, hauing the vertie title and right of a fellow, and himele making a part of the college, without the qualitie or title of a bishop or abbate: Which question being by the learned on both parts disputed, ye remaineth vndecided. But to leave the disputaition apart, it semeth, that he which is chosen by the college or prince to command all the fellowes in particular, hath a double qualitie: one in respect of euery one of the fellows, and another in respect of the whole college or societie: where in regard of the fellowes he is called Principal, Bishop, Abbat, Prior, President, or such like, hauing power and authority to command euery one of them in particular: howbeit that in the bodie of the college or corpora- 

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A ded, That they should permit and suffer the Jews to enjoy their colleges. Whereupon \textit{Nebuchadnezzar} [#7] Proconsul of Asia, forbade the magistrates of Ephesus in any fort to let or suffer them. Yea that more is, \textit{Augustus} himself commanded a daily and perpetual sacrifice of a calf, a goat, and a ram, to be made at Hierusalem for the welfare of himself, and of the Commonweale: and would an ordinary alms or dole to be given unto the Jews, of his owne proper costs and charges, for the relief of their necessitie. There be also corporations and colleges of judges and magistrates, which yet are not capable of testamentarie legacies, if they have not expresslie leave by their erection and institution so to doe.\footnote{\textit{Augustus a great favourer of the Jews.}} As was judged against the Senat of Rome: whereunto \textit{Rufius Capio} one of the Senators, had given by legacie a certaine summe of money, which

B he willed to be still distributed to them only which came vnto the counsell: which legacie the Senat demanding, \textit{Capio} his heires denied it to bee vnto the Senat due: in which controverzie \textit{Domitian} the emperor gave sentence for the heire, and excluded the Senat, although it were the most auncient, and most necessarie corporation of all the Roman Commonweale.

And thus having set downe and declared the beginning and definition of colleges; and communities: let vs now also speake of their power in generall; which is not determined by their particular foundations, statutes, and priviledges, which are diuers and almost infinit, according to the diversitie of the particular colleges and communities themselves. Now the chiefest corporations or colleges, and which have most power in a Commonweale, are the colleges of judges and magistrates: who not only have power over euerie one of their fellowes, and the lesser part of their owne college, but over other particular colleges also; and so over others subject to their jurisdiccon, and yet without their college. And in this this the colleges of judges and magistrates notably differ from other colleges: for that other colleges are established euerie one of them for the good government of that onely which is vnto themselues common; whereas the colleges of judges and magistrates, are principally erected for the good of other subjectes, and to rule the other colledge, as also to chastise them if they shall transgress their laws and statutes. But, as a wise man ought first to be wise for himselfe, and then for others; so also to looke first into himselfe, before he may rightly judge of others; or as the Hebrewes in their proverbes say, That charitie ought first to begin of it selfe, if it be well ruled: So ought the colleges of judges and magistrates, first to establiish justice amongst themselues, euerie one of them in particular, and to themselves all in generall, the better to distribute the fame to the other subjectes.

But question might be made, Whether it were more expedient that the colledge of magistrates and judges should be judged by their fellowes, or by others? for some particular reasons, which in due place we shall hereafter set downe. But here to make the matter short, If the colledge for the most part be composed of enuell and naughtie men, it is not to be left vnto themselues, to judge of their owne misdemangers; but they are to be judged by the superiour magistrates, if they have power over them; or by the prince, in case they be not by any other superiour magistrat to be reformed. But if the greater part of them be good and honest men, there is then no doubt but that it is better and more expedient both for the colledge and the Commonweale, that the fellowes should be judged by their fellowes, rather than by other judges: For that etuerie college I know not how hath in it some particularitie which cannot so well bee understood or judged, as by the fellowes of the same corporation themselues. Joyning hereunto also, that by this meanes the love and vnitie of the fellowes amongst themselues, is in their colledge and societie the better maintained. And for this cause chiefly the emperor \textit{Adrian} decreed, That the Roman Senators should be judged by the Senat once.
ly. And for the felle same reason the civil jurisdiction of marchants, and for the trade
of marchandise hath bene wisely in all Italie, and since that in Fraine committed and
given to certaine magistrates and Consuls of the corporation and company of mar-
chants, summarily to decide the differences arising about the contracts of marchan-
dise", which have in them I know not how certaine sectets, not to others well
knowne.

As for other corporations and collidges, as of physitian, and tradesmen, albeit that
by their foundation they have not any jurisdiction or commanading power; yet ne-
uerthelesse so it is, that they always have a certaine restraining authoritie and power
by their statutes and privileges, limited and allowed them; and sometime without any
limitation at all left into the wildome and ditrection of the corporation or college, or
of the head thereof: which ought to be used with such moderation, as the father is to
use towards his children: which ought not to be used cruellie or rigour. For if the
law commend him to pay the price of the slaine, slaine by him that hath taken vp
him to teach him, albeit that it were in correcting of him: of much greater reason were
he to be condemned, which having but the moderat correction of men of free condi-
tion, should use such rigour as that death should thereof ensue: As it sometimes hap-
pened in Lacedemonia, where young children were by the great Master of the youth
so rigorously whip, as that sometimes they gave vp the ghost upon the altar of Dianas
whilest they were yet in whipping; most part of them not daring so much as to figh
or grone, for feare they had to be accounted faint harted towards. And albeit that the
emperor Frederike the second gave power and authoritie vnto the restours of Vni-
uersitie, and that the principals of schooles and collidges have always had the cor-
rection of their disciples and schollers: yet that is to bee vnderstood but of light mat-
ters; and not of such chastisement and correction as the magistrates hath by the princes
granted ouer priuatie offenders; as many have beene of opinion. For why, neither
the German emperour, nor the pope can give any such power vnto the principals
collidges, or vnto the collidges themselves: but in such countries as are vnto them-
selves subject. For albeit that pope Gregorie the eleventh in a Bull granted for the
confirmanation of the privileges of the Vniuersitie of Paris, before granted by the
papes Urban the fift, and Innocent the fift, in one article provided, That if a schol-
ler committed any thing defearing punishment, the hearing thereof should belong
unto the bishop of Paris only; and in another article also, That no scholler should
from thenceforth bee imprisoned for whatsoever debt. Yet the French kings and
magistrates have ofentimes well declared themselves not to bee bound to any such
the popes Bulles. Yet true it is, that collidges instituted for religion, have ordina-
tarily the correcting of them that are therein professed; and that so much the more, as
their rule and order is the straiter: For which cause such as have therein taken vppon
them such profession, are exempted from the power and correction of their owne
fathers: albeit that many hold the contrary: whose opinion for all that is not in that
point followed. And yet neuerthelesse certaine it is, that the natural duty and rene-
rence of children towards their parents, remaineth alwayes in force and power, nor-
withstanding whatsoever bond and vow they have made to any corporation or col-
ledge. For why, neither mans lawes, nor the statutes or privileges of princes can
derogate from the lawes of God and nature, which hath expressly bound children vnto
the obedience of their fathers and mothers, from which they can by no otherwise free,
or yet deliver themselves, then by lawfull emancipation: or their fathers silence, who
in laying nothing, seeme to have consented vnto their childrens vows, which by spea-
kling they might have letted; which of sent for all that executeth not children from doing

\[\text{Note:}
\begin{align*}
\text{Whether children having taken upon them any vow of religion, be yet neuer the less bound to honor and obey their parents.}
\end{align*}
\]
the honour and reuence due vnto their parents, although that they being so professed be from thenceforth accounted children of the college; vnto whom all their colleges in right of inheritance succeed, they themselves being accounted of seruile estate & condition. For which cause the canonists giue vnto the abbes power and authority over their owne religious, exempt from the bishopps, which hath oftentimes by the decrees of the parliament of Paris bene confirmed. In such sort, as that they which are once entred into such religious orders, may not from that time be called to account or into quefition for any thing by them committed before they entred into the monastery: which yet is to be understood but of light & youthful faults; which otherwise were but to open a way to theues and murtherers, to retire themselves into such colleges, as into forrests, for the avoiding of due punishment; as indeed it oftentimes happeneth: wherewith the wife magistrats ought to meet, & according to the law of God to draw the murtherers from the altar to doe vpon them iustice. As the court of parliament of Thoulouse (not long agoe) condemned two religious monks of the order D'aurade, to be in their habit shamefullly drawne vpon a hurdle to the place of execution, and there to be quartered, without disgrading of them, for having most cruelly murdered the head of their monastrie, whose feruitue they could by no meanes endure. Yea the abbat himselfe may by his monks be conuicted before the ordinarie judge; and that as well in criminal as cuill matters: who may also freely appeale from the sentence of their abbat vnto his supreeme, as it hath oftentimes beene judged by the decrees of the parliament of Paris; & that without leaue, as witnesseth the abbat of Parna; and hath also bene judged by the parliament of Bourdeaux. And for the same reason if the college would without caufe thrust out or deprive one of the fellows of his right, privilege, and libertie in the college, the hearing of the caufe belongeth to the ordinarie judge of the college. Howbeit that in auintent time the corporations and colleges of Artifans, Marchants, and other such like, had this power (for the removing of their fellowes) as we read in Cicero of the Roman marchants, Mercuriales e Capitolini, M. Furiun hominem nequam, equitem Romanum de collgio deicerunt, The Mercuriales et Capitolini (faith he) thrust M. Furius a naughtie man, and yet a gentleman of Rome, out of their collegio or companye. And in Lacedemonia (as Plutarch writeth) it was lawfull for to thrust out of their colleges or companies, him that had defouerd or reveale the secretes of their companye. As in like case Panormitan the abbat writeth, That in abbies or colleges erected for devotion, the chapters have power to thrust out any of their fellowes, or to deprive him of his ordinarie diuidents, but not to beat him, or to use hisere correction vpon him, or yet to imprison him; as hath bene judged by a decree of the parliament of Paris. But yet here a man might ask, Whether a college may make a decree, That none of the fellowes shall consent or sue another of his fellowes, before any other judges but the college? And in case it be so decreed, whether hee that shall breake the decree so made and sue his fellow before another judge, shall be bound vnto the cuill penalty in the decree set downe? Wherein Seculdi, the lawyer is of opinion, the decree to bee good; and that the fellow of a college or societie cannot have recourse vnto other magistrats, contrarie vnto the decree of the college, but in paying the penalty in the decree of the college expressed. Howbeit (in mine opinion) this decree is not general, neither can take place in cauiles criminal, no more than the conditionall penalties set downe in arbitrements, which have no place if they concerne matters of crime. Secondly mine opinion is, That the decree of a college or company, even in cuill cauiles hath no place, if all the fellowes of the college or societie giue not thereunto their consents, as they do in arbitrements, whereunto no man is bound that would
would not. For in all communities, corporations and colledges, and so generally in
euic societie and company, if question be of any thing which is common to them all
in particular & apart from the community, the express consent of every one of them is
therein requisite, if any thing be therein to be done. But if question be of that which is com-
mion to them all jointly & indiuiibly, it sufficeth that the greater part be of one opinion,
for the binding of the rest. Provided alwayes, that nothing be ordained or decreed, con-
tari to the statutes of the colledge, established by the courteigne prince; or by the
founder of such corporation or colledge, authorized by the prince. Wherefore the laws
of the Commonweale, and the statutes of the colledge standing whole and entire, the
colledge may make decrees which may bind the lesser part all together, and all the fel-
lowes in particular; yet still provided, that two third parts of the fellowes consent unto
the making of the decree: albeit that they be not all of one advice or opinion, in matters
concerning their common society, although that such decrees so made cannot bind the
greater part of the fellows collectively, and much less the whole corporation and col-
lege: no more than the prince is bound to his owne law, or the testator to his owne
will, or particular men vnto their owne agreements, from which they may by their
common consent reduce, nothing being more agreeing with reason and nature, than
euic thing to be dissolved, by the same reasons that it was made.

But yet it might be doubted, Whether decrees made by the consent and good li-
king of an whole colledge or societie, might bee againe repealed and abrogated by the
greater part, or two third parts of the same societie or colledge? Which I doubt not
but that they may in al common estates, corporations, and colleges, if question be but
of things common to them all in generall (as they are one united body:) but if question
be of euerie mans right, by himselfe particular and apart from others, then euerie man is
to give his consent thereunto. Wherefore if the assemblies of the estates in a Com-
monweale consist and be of divers bodies, as in the diets of the empire, and in all other
Commonweales are composed of three orders and degrees of men, viz. of the Cler-
gie, the Nobilitie, and Comminaltie, nothing can be done or decreed by any two of
the orders, to the hurt or prejudice of the third; especially if the matter concerneth euery
one of the orders by themselves apart. By which reason I caused two of the orders of
Fraunce, to change their opinions in matter concerning the third. For at such time as
I was sent deputy for the province of Vermandois to Blois (whether king Henry the iiij
had called an assembly or parliament of al the kingdom of France) a great and weight-
lie question was mover amongst the three estates, Whether it were more indifferent,
and better also, the request of the people to bee before the prince judged and
determined by 36 men which euerie one of the three orders should by voice chuse
than by the prince himselfe with his counsel: And now the Clergie and Nobilitie had
not onely so decreed, but had drawne a great part of our fort vnto their side also, ha-
ing with hope of great rewards gained their voices. At which time I perceiving the
drift and purpose of certaine ambitious persones that were dealers in the matter, an-
swered, That the matter was further to bee considered of. For why, it was labou-
red, that such things as could not bee obtained of the people in generall, might so
be from a few in the name of the whole extorted. Wherefore the question being
more throughly debated, I denied that the matter could so by vs bee pafied, without a
more speciall commission from the people. Neither that if wee had any such speci-
all commision from the people, could it yet by vs bee done, without the great
danger of the whole Commonweale; and that for many reasons, by me then
discovered: whereby I drew the rest of my fellowes backe againe to mine opinion,
who laied this charge vpon mee to remove also the other two orders of estate
from
from their former received and setled opinion. But when the Archbishops of Lyons (President of the Ecclesiastical estate) earnestly withstood me, seriously alleging that the Clergie and Nobilitie had before to resolved; I showed him, that such a Prerogative had from all antiquitie beene kept to every of the three Estates, as that no two of them could decree any thing to the prejudice of the third: as it had before without any difficultie past in the parliament at Orléance; and as it is also vied in the diets of the Empire, and the Parliaments of England, and of Spayne. For which cause, and other reasons then alleged, I requested the other two orders of Estate, to take it in good part, in that they were by me hindered, as having the charge of the third estate. Which was the cause, that the thing being againe called into consultation, both the estates changed their opinions. Which the king hearing, and dissembling his griefe, said in the presence of the Bishop of Angiers, and other Lords, That Bedin at his pleasure had ouer ruled the Estates.

But if question be of a thing common to all a corporation or college, and which concerneth not any the particular members apart from the whole bodie, but the whole and entire bodie only; the greater part of the societie, may at their discretion thereof determine: albeit that the whole communite have determined that their Statutes and orders should not be infringed, but by the consent of all the fellows. For why, The greater part of a Communite is always reputed for the whole. Yea the law willith, that he which is chosen of a communite or college to entreat and disside of their common affairs, may bind euery one of the college. Wherefore they are deceived which write the greater part, or two third parts of a College, to be able to do nothing, if the college have made a statute, That they must all thereto consent: for if that might take place, then any one of the fellows himselfe alone might empeach and stay the aduise, decrees, and resolutions of the whole societie; which is contrary to the formall disposition of the law, which willith, That in all acts concerning a communite or corporation, the greater part should be the stronger; and that the more part of two third parts, may give lawe to all the fellows in particular, whether the rest of the fellows be there present or absent. For why, it is not needfull that they should all be present, that the decrees should stand good, and that especially in light matters; prouided yet that they be all thereunto summoned or called. Howbeit that in matters of weight and consequence, it is needfull that two third parts be there present, albeit that they all give not their consents, except it be by a speciall law prouided that the two third parts must of necessitie agree in one. As by the judicall lawes of Lwes the xij. the French king, it is ordaind, That two parts of the Judges, and no fewer, may in the higher Counts end any civill caufe: whereas in criminall caufes, equall voices acquit the partie accused; who yet otherwithe is to be condemnned, if the greater part do but by one voice exceed the lefiter. So also by a decreet of Gregorie the x. concerning the election of the Pope, he must haue two third parts of the college of Cardinals that is to be chosen Pope.

As also in many elections of the heads of Colleges, it is necessarie that two third parts of the college should agree in one. Yea sometime it is necessarie that all the fellows should be of one, and the felie same accord. As in Rome it was by the Tribunitial lawe requisite that all the ten Tribunes should be of one opinion and mind, or at least wise not openly to dissent; for that otherwise one Tribune alone might empeach and stay the proceedings of the whole College. Now if they all agreed in one, then vnto the decreet were ioyned these words, Pro College, for the College: otherwithe if there be no speciall statutes or law to the contrarie, the greater part of two third parts sufficeth in all acts concerning the communite of corporations and colleges.

It is also necessarie, that the consent whereof we speake, bee given in the common
assembly of the corporation or college: for albeit that all the fellows had severally and apart consented unto any thing concerning that which is common to all the College, yet so is it that such act is not to any effect or purpose, neither for nor against them which have so given their consents, although it were done even before publice notaries: for that it is not done by the College, which is done by all the fellows apart. Neither sufficeth it that all they of the Corporation or College were called together, if it were not in time and place, by the Statutes appointed. Wherefore two parts of the fellows gathered together, can do more, than all the fellows consenting apart.

But here some man may ask, who shall call the fellows together? Wherein many are of opinion, that the most antient fellow of the College or Societie, hath power to call the rest together; as also to condemne them of contumacie for not coming: and yet for all that not to have power to fine them, which is but a ridiculous thing, if such contumacie cannot be punished, neither by him, nor yet by the college; as certain it is that it cannot: wherefore such calling of the fellows together, by the most antient fellow, is but vaue, except that the fellows of their owne accord be content to obey the same. And therefore the Senat during the Consilius of Caesar could not be assembled or called together, Caesar the greatest magistrat forbidding the same, as is afore said. Others are of an other opinion, and hold, That two or three parts of a College may of right call together the rest: but yet who shall then call together those two or three parts they say not. Howbeit if two or three parts suffice to do and determine the affaires of a corporation or community, we need not to trouble our selves with the rest, all the fellows being called. Howbeit the custome kept almonst in all corporations and colleges is, for the elders by their seruants or other ministers to call together the rest; or else for them of them selves to come together at the tolling of a bell, or the sounding of a Trumpet; as in antient time they did in Greece and Rome, when as the magistrats which had power to assemble the people, or the Senat, caused their commands by the sounding of a Trumpet to be published to the people in particular, but not to all in general, for that they could not be so in that sort commanded. And who so obeyed not, but refused to come, him the magistrat had power to fine, or seize upon his goods: as we see how that Marcus Antonius being Consil, threatened Cicero to pull downe his house, if he came not to the Senat being called. So that there is no question where he that calleth together the fellows, hath power to command. But if the College or Societie be destitute of an head or magistrat which hath power to command, or having power, yet is not willing to constrain them which will not obey him; then he whom it concerneth to have the Societie assembled, is to obtaine commision from the magistrat to constrain them to come together, and so we may do. Yet may the greater part of the fellows together, depute every particular fellow of part of the profit and commoditie he is or is to have of his College, if being orderly called he shall refuse to come, it being so decreed; yet so that it be moderately done. Wherefore to conclude this question of the power of Communities, Corporations and Colleges, we may say Solon's law to have generally in every Commonweale, and to be approoved by the Interpreters of both the laws: that is to say, that it is free for all lawfull communities, corporations, and colleges, to make such orders as they shall think for themselves best; so that thereby they do not derogate from the Statutes of the College, made or established by the Soueraigne Prince, or that they be not repugnant or contrarie to the laws and ordinances of the Commonweale. And in antient time it was not forbidden corporations and colleges to make decrees and ordinances within themselves, without derogating from the publique laws;
A lawes; as also to put theunto such and so great a penaltie and punishment, as pleased the Colledge. But since that time by the statutes and ordinances of every Colledge & Commonweale, that power hath beene ordinarily cut short, and brought vnto some small fine. Neither am I of their opinion, which hold that a Colledge may make ordinances and decrees without any penalitie annexed vnto them; for that such an ordinance, degree, or statute, should be but unprofitable and ridiculous, if no punishment were thereunto appoied against them that should disobey the same, especially if he that maketh the orders or decrees have not power by arbitrarie punishment to cause them to be obserued and kept. We see also in many places the Corporations of artificers and such like, which have the right of a communite, to have also a certaine forme of restraining, and visiting of the workes and wares of their occupations or trades, with power to seise vpon them, or to breake or confesse them, if any thing be done contrarie to their decrees and orders: sauing yet always the Magistrats authority for the hearing of the matter, if it be so referred vnto him. But whereas we said that a lawfull Corporation or college may make ordinances and decrees, not derogating from the lawes of the Commonweale, that is so yet to be understood, as that they in their assemblies and meetings entreat onely of that which is vnto themselves common, and not of such things as whereas of they are by the law prohibited not onely to determine, but even to consult also: left in to doing they incure the penaltie appointed against unlawfull Colleges and Companies.

And thus much concerning the power, rights, and privileges of Corporations and Colleges in generall. Let vs now see also how and in what sort they are to be corrected and punished when they shall offend. Howbeit that one might say that where no offence is committed, there no punishment is to be inflicted. Now so it is that a college or corporation cannot offend, nor so much as content, or doe any thing by fraud or deceit (as the law faith;) and therefore there lyeth no action of fraud or deceit against a college or corporation, although all the fellowes of the same college, or all the inhabitants of a citie, or all the estates of a country, had particularly and every one of them apart consented thereto: a thing yet altogether impossible in corporations and communities of Townes, Countries, Provinces, & Commonweales, confidering that the children and dutious persons which therein are, cannot yeeld their content thereto. But forasmuch as things done by the greater part of the fellowes of a college collegiately assembled, or by the greater part of the inhabitants of a town or citie in a lawfull assemblie, are appoied to be done by them all, therefore the whole college or corporation is punished: as in rebellions of Townes, and seditions of communities, which are punished in their Corporations by losse of their privileges, or of the right of their communite, by fines, charges, fortunes, and other punishments, according to the qualitie of the offence: which punishment yet ought not to take place, if the rebellion or other crime be not committed by the consent of the communite or corporation, and decree for the doing thereof made in their common assemblie: as it was judged by a decree of the parliament of Paris, for the communite of the citie of Corbeil. And yet neuerthelesse, if the corporall punishment be for the offence committed, to be inflicted, as whipping, torture, or death, none of the societie or corporation are to be punished, but they which were therein parakers, or at least thereunto privie, although the whole bodie of the communite or college be therefore condemned. As in private offences done by many being of no college or communite, there lyeth not an action but against every one of the offendours in particular, and for the whole, in such sort, as that one of them hauing made satisfaction, the others are thereby acquited. But if such fact or offence be done by any one, following therein the adulti, counsell, and
deliberation of all, they may be all therefore conuened, and euery one of them apear
for the whole, neithe one of them making satisfactor, are the others thereby dis-
charged. But happily it may seeme a thing verie unreasonable and absurd, that many,
yea the greater part of the same collidge or corporation, should be found innocen,
and yet to be altogether punished in the whole bodie, as in the cases by vs before re-
hearted. Whereunto I answere, That it is yet more strange, that the innocents
should by lot be drawne together with the offendours, and that those should be pun-
ished, vpon whom the lot should fall; as the maner was in the Decimation (or as it
were thyng) of the armie, for having borne it selde cowardly against the enemie,
where the most hardie & valiant, were oftimes by lot drawne out, and for cowards
executed. Which example the Senator Cestus vied, at such time as he in full Sentat,
perfuaded the Senators to put foure hundred Slaves to death, although that there was
one (and he vknownne) amongst them guiltie of the mutther committed in the perfon
of their master, toyning thereunto these wordes: Omne magnum exemplum habet ali-
quid ex ingenio, quod publica vitallate compensatur. Every great example fauoure some-
thing of infulte, which (yet for all that) is with the common profit againe recom-
penced or required. But this is (may some fay) to pay the debt, to alledge one incon-
uenience in defence of another, and of one absurditie to conclude an other. Where-
unto I say, that the best justicke that a man can doe, is, of divers inconueniences at once
propounded, to thunne the greatest, especialy when question is of such offences as
may in no wise be left unpunished. For we see that the wisest, & most aduised Lawyers
hauie defected, That if there be any one flaine, or beaten, or robbe by many, they are
all aound for the whole, albeit that happily it was but one of them which gau to him
the mortall wound: but if it shall appeare, which of them killed him, and that it was
done without the conspiracie of the rest, onely he is bound that so flew him: But if it
appeare not at all by whom he was slaine, neither that they had confpited against him,
they are all acquit from corporall punishment; but yet are to be therefore fined: For
nothing is more effectuall for the finding out of that which is true and just, then that
in doubtfull things it is admitted, still to thunne those things which are more absurd
and vniust. As if a felonie bee done which cannot by one man be performed; as if
many haue caried away an other mans timber log, and amongst those many it appea-
reth not who it was that did it, none of them is guiltie of the theft, if we will flicke
unto the infubtilite of the words of the law; and yet are they all indeed guiltie: where-
of the Lawyers have no other reaon, but that the inconuenience faileth greater on the
one side, when they would thunne it on the other, which is (as we fayd) the greatest
reaon that a man can haue, to find out the truth of all things, when all other reaons
taile. We speake not here of that which enemies do to townes beleied, and by force
taken, pilling, killing, lacking as well the good as the bad; and where the better that a
man is, the worse commonly he farreth: but what a prince ought to do against his re-
bellious subjects. Howbeit that the Romans, although accounted the most just peo-
ple of the world, haue not alwaies followed that tule of equitie and justice which we
before spoke of, but sometimes punished not onely in generall, but even in particu-
lar, all the inhabitants of their rebellious Tounes after that they had taken them; and
yet alwaies obterved this point, to punish the heads more funerely than the rest, and to
preferre them that had refilled the lictorius; hauing still alspciall regard whether the
rebellion were conuoluted and decreed in the Corporation and community or no: So Luxe fath: Valerius Leininus Agrigentum capto qui capitae rerum erant, fugit
cessus securi perceptit, et res praedamque vendidit, Valerius Leininus habendo taken
Agrigentum beheaded them that were the chief authous (of the rebellion) being
before
before whipped, the rest and the prey he sold. And in an other place: Quoniam de-
fectionis auctores meritis sunt, atque immortales, & a vobis habent P. C. quid pla-
cet de immoxia multitudo fieri? tandem ignotum est illis, & cuitis data. For that the
authors of the rebellion (faith he) have from the immortal Gods, and you the ap-
pointed fathers, received their deferred punishment, what is it your pleasure to be
done with the rest of the guillette multitude? at length they were pardoned, and the
freedom of the citie given them. The Consull Fuliani, having after a long siege
taken the citie of Capua, being revolted from the Romans, beheaded soult Socord of
the Senatours, besides xxvij others which had before poisoned themselues, and
cauted three hundred mocs of their chiefe gentlemen to be in prison flature, the rest of
the inhabitans he sold for flaes. As for the other Townes which were under the obe-
dience of them of Capua, there were none but the chiefe men punished. Atella, Ca-
lata, in dedictionem accepta, ibi quasi qui capitae rerum erat animaduersum,
Atella and Calata (faith Linie) were taken in by composition, and there also execu-
tion was done upon such as were chiefe doers in the rebellion. The other Consull Ap-
pius more feuerely than his fellow Fuliani, would have enquire made alfo of their allyes,
who had had secret part in the fame conspiracie: Whereunto Fuliani would not a-
gree, saying, That to do, were but to prouoke their faithfull and loyal allyes to re-
bell, in giuing credit vnto the traitorous Campanians. Whereby it is manifest with
what feueritie the Romans thought it good to punish their rebellious conspirators, du-
ring the time of their popular government. And as for the Roman Emperours,
some of them vfed towards such offendours gracious fauour, and other some extreme
crucelie. The emperour Aurelianus for his Clemencie desperatly was for ever com-
manded, who laying siege vnto the cite Thyane, swore that there should not a dog
ecape alive, if he should take the citie; but hauing by force wonne it, chaunging his
mind, as with compassion movd, he strictly forbidd any man to be therein flaine; and
when some to prouoke him vnto wrath, put him in remembrance of the oath he had
made the fado it concerned but dogs, which hee commanued to be all forthwith kil-
led. The like Clemencie Henry the fith the Germaine Emperouer, hauing condemned
the citie of Brixia to bee utterly talfed, and laid Even with the earth; yet when he had
wonne the fame, pardoned the citizens yet nevertheless, left the innocent people should
so haue perfited together with the offendours; following therein the mercie of God,
who would not onely the good not to perfith together with the euill and wicked, but
promised to be mercifull vnto certeine cities, and a multitude of wicked pettions, for
some few good men to bee found amongst them. Some others of the Emperours
haue contrariously vfed most barbarous cruelties, without discretion killing the good
and bad together, and that for the fault of some few. As the emperour Antonius
Caracalla, who in reuenge of certeine rymes and fongs made and sung against him
at Alexandria, cauaded certeine of his garrifon foulidours and Pretorian bandes to
bee entermingled with the people as they were there beholding playes: who vpon
a signall given, flewe an infinite number of the poore Citizens one with an other
without respect, as they came to hand. The like whereof hee had also before com-
manded to bee put in execution at Hierusalem. And afterward at Thefaso-
nica, where the Emperour Theodorus the great cauaded seaven thousand of the in-
habitants to bee flaine, one with another pelle mell in reuenge of certeine of his Re-
cinours and other his magistrars and officers there flaine, without any delibe-
ration or decree for the doing thereof, before made in their Communitie or Cor-
poration. Xerxes king of Perfia vfed an other manner of reuenge, not in deed to
cruell as the other, but yet farre more ignominious and deliptefull, cauading

The noble ele-
mencie of the
emperor An-
reliance.

The great cru-
elie of Arto,
mites Caracalla, Theodorus the
great, Xerxes, and Sylla.
the noses of all the people of a citie in Syria to bee cut off (which citie after that was of that event called Rhinocera ) for the like fault done by some few of them  But of all cruelties that of Syllaes passed, who befide three foure thousand citizens of Rome by him slaine , caused also all the inhabitants of Preneste to bee put to death, pardoning none but his hoaft , who would also needs die with the rest, saying, That he would not be beholden for his life , unto the muttherer of his country . Which cruelty may yet be borne with, when the vanquished shall chufe rather to die than to become subjictes ; as in all ages there haue bene such : but not if they shall bee content to serue and obey them, by whome they are overcome and vanquished . So the Pifans(in the memorie of our fathers) not able to endure the iust government of the Florentines their lords,by the fauour of Charles the eight the French king , yeelded themselues to Countie Valentine Borgia , who being not able to protect them, they in vaine offered themselves first to the Genowayes, and then to the Venetians : By both which fales they being rejeced, after that they had for a long time beene most straitly besieged, they yeelded themselues subjictes unto the Florentines their old lords, of whom they easily obtained pardon, and fo afterwards continued their good and faithfull subjictes .

But Lewes care of Flandres, and the laft of his house (for after his death that earledom fell into the hands of Burgundie) hauing brought the Gantois rebellinge against him to such extremity, as that they were glad to craue of him grace and pardon, would not fo receive them, but prospounded unto them most hard conditions, and not beseeing a free people to accept of : as that they shoule all come vnto him out of the citie to craue pardon with halteres about their neckes; and that he would consider what he were to do with them . Which put the poore disrestit people into such a depreate feare, as that they went out being in number but fine thousand ( but all armed with dispaire) against the earle, who then was fortie thousand strong, whom they in a great battell ouerthrew ; and so brought vnder their obedience all the townes of Flandres, except Audenard . The earle flying out of the ouerthrow hid himselfe vnder a poore womans bed; who afterwards found means for his escape, by equiting him in an heape of apples : but being fo escaped, foruer left his power, together with his honour . With which so great an ouerthrow giuen, the Gantois became much more arrogant than before, & never afterwards willingly endured their princes commands . Whereby it was then perceived, No more cruell enemies to be found against the prince, than his desperat subjictes . Not any war to be more iust, than that which is by necessitie imposed ; as said an auintent Roman Senator . But that the aforesaid warre was such, it is evident spirituall, seeing that together with their most shamefull yeelding , most cruell death did hang ouer all their heads, and a reproach heavier than death it felte ; reproach and difgrace being alwayes more dreadful vnto men of honourable minds, than most cruell death . But in that time it should seeme, that princes tooke pleasure to encrease their cruelty with reproach and despight against their disobedient and disloyall subjictes . For so Frederike the second, the German emperor, to reuenge the iniurie done vnto his wife, with great disgrace at Milan, having besieged and taken the citie, after he had put to death the chiefest of the citizens, and tilled and rafed the citie, vld a contumelie and despight towards the rest that had escaped the fouldiuns furie, as was vnto them more delightfull than cruell; & yet worse than death . So Dagobert king of France, not contented to have slaine the inhabitants of Poitiers, for ayding his enemie against him, caused also the townes to be rased, and the ground to be plowed with an eternall curfe, and falt to be fowne vpon it to make it barren : whereof they are yet called Salted men of Poitiers . But as princes which with sufferance passe ouer the feditions & rebellions of the corporatation or communitie of any towne or prouince, giue example to others to doe
A the like: so those princes also which without measure exercise cruelty upon their vanquished enemies, get unto themselves not only the title of most barbarous and cruel tyrants, but in so doing sometimes also hazard their whole estates. But he shall deserve the praise and commendation of a just prince, and preferre also his estate, which shall keep him from the mean and punishing the authors and ringleaders of rebellions, tempering severity with lenity.

B set upon them: or as some write, caul'd half the goods of the citizens to bee confiscated, and of six hundred of them one part to bee drowned, another part to bee hanged, and the third part burnt. And so indeed the judgement was to the terror of them given, and the decree set downe: howbeit that it was afterwards by the good prince moderated, in such sort, as that none but the offenders themselves were executed: for that the kings officers and magistrates had bene so murdered by no publike counsell, or assembly of the citizens orderly called, but by the insolence of the rash tumultuous people alone. With like lenity Charles the fixt the French king disarmed the Pantians risen vp in rebellion against him, and executing the authors thereof, restrayned the rest of the whole bodie of the citizens, by imposing upon them a great fine. And admit all the citizens of a city, by their common consent, and the matter being before well debated, to have all together with one mind rebelled, and chosen unto themselves a new prince: Yea and to have augmented their wickedness with contumelie and despite against their soueraigne: yet were it not the part (I will not say) of a good prince, but even of a wise prince, to take revenge of all of them of whom he might, for blemishing thereby for ever of his fame and reputation; than which nothing ought to bee vnto a prince more deere: albeit that he might to doe (which yet were a most hard thing) the state of the Commonweale referred whole. Wherefore T. Quintus the Consul did wisely, who when he could not with the safety of the Commonweale chastifie the arms which he then had under his conduct and leading for their rebellious mutiny, after he had appeased all matters, and yet thought it not safe for the fouldiours so in danger of the law to returne into the city, he himselfe came first to Rome, and there by consent of the Senate presented a request vnto the people, Ne cui militum fraudes esse solet, That the mutinous revolt might not be daungerous to any of the fouldiours: which he had with the great good liking both of the Senate and of the people obtained. With like wildeome Scipio Africanus the father, represed the mutinie of his army at Scetorene, with the execution of thirtie fue of the fouldiours only: Certabatur utrum in autemrant tantum seditionis xxxv animaduerteretur, et plurimum supplicio vindicanda defectio magis esse quam seditione: visit sententia lomor, ut unde culpa orta esset, ibi pene consideret, ad multitudinum cistigrationem fatis esse, Quelion was (faith Linie) whether execution were to be done only vpon thirtie fue, the authors of the sedition: or that so great a revolt rather than a sedition, were to be reuenged with the execution of moe: wherein the milder opinion prevailed, That from whence the offence was begun, there should the punishment rest: and that to suffice for the chastifying of the whole multitude. And shortly after in the oration which Scipio made vnto the armie, he uthe these words, Se non fecus quam viscer a scatem incum gemini et lachrimis xxx honumni capitibus, expiafe oit o millium nocum, Him no otherwise but as a man cutting his owne entrails, with sighes and teares to haue made satisfaction for the offence of eight thousand men, with the heads of thirtie. So when Appius the Consull (with great raflinellae)

C The wisdom of T. Quinctus and Scipio Africana in chastifying of their mutinous fouldiours.
should I say, or pride) would by strong hand have restrained and corrected his armie, then all in a mutiche, he was by the Colonels and captains staid from so doing: who all with one voice told him, Nothing to be more daungerous, then to seeke by force to chastife them, in whose loyalties and fidelity the whole force of the empire consisted. And albeite that nothing to bee feared in the punishing of an whole armie, or of a citie, yet such general and popular punishments are not to be vled: but in chastifying of such offences, an especiall regard is to bee had, *Vi pena ad paucos, metus ad omnès pernexit.* That the punishment it selfe should touch but few, but that the feare thereof should come vnto all; *as an amittent orator no leffe eloquently than wisely said.

Ye a morecuer he becometh not a soueraigne prince to bee the executor or beholder of the execution of such general punishments; (if owtherwise it may bee in his absence done) to the intent his subjects minds should not fo be alienated from him: but to the contrary it is needfull for him with a convenient lenitie to moderat them the visit and necessarie lenitie of his deputies and magistrats, to the imitation of Antiochus the great king of Asia, who having giuen commissio to Herodes his constable, to punish the rebellion of them of Seleucia: and he condemning the corporation of the citie in a fine of six hundred thousand crownes, and banishing also a great number of the citizens, and taking away the liberties and privileges of the citie: Antiochus called home againe the banished; and contenting himselfe almost with the tenth part of the fine, restored againe vnto the citie the amittent liberties and privileges thereof. But not to goe further, Henrie the second the French king, having giuen commissio to the duke Montmorent, constable of France, to chastifie the rebellion of the country of Guyenne, and eespecially of the inhabitants of Bourdeaux, granted them afterward a generall pardon, and forgave them the raising of their town hall, wherein they had made their assemblies, with the fine of two hundred thousand pound, and the charges of the armie he had against him: in all which the inhabitants of Bourdeaux were by the duke condemned; restoring vnto them also the right and freedom of the corporation of the town, excepting them only who had laid hands vpon his officers, and some few privileges and demaines of the town, which were then abridged and cut off. But the empourer Charles the first, not so cruelly as wisely, by one and the selfe same judgement, revenged the often rebellions and injuries which they of Gaunt had of old vled to doe against his auncetors, and which till then remained vnpunished: partly by the sufference, and partly through the weaknesse of the eates of Pauinders. For when the citizens of Gaunt had now compelled the Bourgamafter openly to teare in pceces the emperourse edicts, and had sent ambassadours vnto Francia the French king to receive them with their citie into his protection: and he refusing them, had solicited his other subjects, their neighbours to rebellion: the councell of Spaine decreed, That the citie should be razed and laid even with the ground, and all the goods of the citizens confiscated. Howbeit the emperour hauing it in his power, spared the councry and citie wherein he was borne and brought vp: but executed thirteene of the chief authors of the rebellion, tooke away all their corporation and colleges, deprivd the citie of part of the publike lands thereunto belonging, as also of all the privileges, and causd a most strong citie to be there built, and a garrison therein to be kept and maintained, and all at the citizens charge. This the emperour sentence I receivd of them of Gaunt, at such time as I was of councell to Francia duke of Anjou, and of the Low countries. And not long after King Francia, who had refused to protet the Gantories going in person himselfe to represse the rebellion at Rochell, taile for the custome of fait, with the majestie of his speech terrifird them of Rochell, and fined them, but yet put no man to death: yea he left vnto the citie the liberties and societys thereof whole, yet
yet protesting himselfe to have had no leffe occasion to revenge himselfe than had Charles the fift, but that he had rather to encrease his commendation, by lauing, than by spilling of his fubiects, and by gendeneffe rather than by cueltie. By these examples before let downe it is well to be understood, what is to bee determined for the punishment of Communities, Corporations, and Colledges: wherein they which affect lenitet, do give occasion vnto the fame citizens oftentimes to rebell: which in a Commonweale is of a prince especially to be taken heed of. In which thing no man feet meth to have behaued himselfe more wisely than Charles the fift. Yet the that seemed to have bene so severe against the Gauntois, yfed the greatest lenitet that might bee towards the Spaniards of all forts, at such time as they had not onely rebelled against him, 

B (when he went to take posfeffion of the empire) but also chosen the duke of Calabria for their king, who refused that so dangerous a preferment. Of which to great a multitude Charles thought it not good to punifh one, and that right wisely: for that in so doing he should have launced all the members of the Commonweale. For albeit that it is an wholesomething to cauterife or cut off a mortified member for the preturation of the whole bodie; must we therefore if all the members of the bodie bee in a consumption, or taken with a Gangrena vfe fictions or cauterifations? Hyperates the great phylitian faith no, forbidding vs to apply remedies to desperat diseases, and so much the leffe, if a consumption shall take hold of the chiefe and principall members of the bodie. Wherefore to conclude this question, if the offence be committed by the counsell or deceit of a communitie or corporation, that which belongeth vnto such a communitie or corporation fo offending, is therefore to be confiscated or forfeited: but if there be no such thing thereunto belonging that may fo be forfeited, then a fine in money is to be fet thereupon, but yet to be exacted onely of them which gave counfell or aid to the committing of the offence; for as much as it could not bee committed by the whole communitie or corporation it selfe: but if the guiltie partes be not to bee known from the guilties, then are they altogether to be fined: but as for any corporall punishment, it is not to bee inflicted, except that euerie one of them, and all of them together, have most grievously offended. Neither yet are they to be thought all to offend, although they followed the enigmes displeased, except that they altogether and euerie one of them apart gave their counsell or consent thereunto before: but the communitie or corporation being punished, doth not therefore exempt them that are guiltie of the offence committed, from their due deserved punishment.

But these things being thus declared, concerning the punishments of Communities and corporations: it remaineth for vs to see, whether that a Commonweale can bee without such Communities, Corporations, and Colledges. Wee said at first, men euery where to be, and alwaies to have benediftors of the societie and companie of men: and fo out of a familiar and natural societie by little and little to have grown into a colledge: into a corporation, into a communitie, and fo at length into a citie: and so to have made these empires and kingdoms, which we here in the world fee, having no furer foundation whetupon to rest (next vnto God) than the louse and amitie of one of them towards another: which can in no wise be maintained, but by alliances, societie, eftates,communities, fraternities, corporations, and colledges. So that to demand, whether communities and colleges be necessary in a Commonweale? is as much, as to demaund, Whether that a Commonweale can be maintained and upheld without louse and amitie? without which the world it selfe cannot long fland. Which I have said, for that there haue bene, and yet are some of opinion, That all corporations and colledges are out of a Commonweale to bee excluded and banifhed; not considering that a familie, and the vetric Commonweale it selfe, are nothing else but communi-
nities. Which is an errour whereof the greatest spirits have oft times stumbled; for one absurditie or incommoditie which ensueth of one good custome or ordinance, willing to have the same custome or ordinance abolished and quite taken away, without regard of the great good which otherwise ensueth thereof into the Commonweale. I confesse that colleges and communities will governed, draw after them many factions, seditions, part-takings, monopolies, yea and sometime the ruine of the whole Commonweale also: and that in stead of sacred loue and amity, there ariseth of them conspirations, and conspiracies of one of them against another. And that more is, it hath bene scene, that under the shadow of religion divers colleges have couered some most detestable and execrable impietie. Whereof no better example can bee giuen, than of the fraternities of the Bacchanales in Rome, which couered under the colour of religion, so long couered the most execrable and detestable filthiness of both sexes, vntil that the sects thereof opened, polluted the citie then mirrour of the world, and all Italy with the loathsome foule thereof, aboue seven thousand persons being partly accused, attainted, convinced, and many of them executed and banished, for the abominable villanies by them committed under the colour of that religion, which hath alwaies the fairest and most glorious show that can bee deuised, to bee let vpon a fowle matter; as saide Flaminus the Consulf speaking vnto the people of Rome, concerning the impieties by him found out, Nihil in specieum fillicius praus religionis; ubi Deorum nomen pretenditur seeleribus, fuit annum timor, Nothing is in shew more deceitfull than corrupt religion: For where the maieftie of the gods is pretended for the cloaking of villanies, there saer is pierceth the mind. Which was the caufe that the fraternities of the Bacchanales was by a decree of the Senat put downe through all Italy: Whereof decree of the Senat confirmed by the people, passed into the force of a law, That from that time forward no noce factors should bee made by night, but alwaies done in publike: Whereof thing Donaex a wife Grecian had long time before attempted to persuade the Athenians of, laying, Tho night-factors to have alwaies seemd vnto him vetricious. And better is it in euery Commonweale openly to suffer whatsoever assemblies or factors to bee done by day, in the sight of all the people, then nightly assemblies to bee made under the colour of religion. Whereof Cato the Censor most grievously said, Ab nullo genere non summum periculum est, secatu, & consilia, & secretas consultationes esse similes. There is no sort of men from whom the greatest danger is not to bee feared, if you shall suffer countiles, and secret counsels and consultations to be kept amongst them: Which can so much the law be avoide, when as the false opinion of religion is pretend to colour villanies. For that there is no conspiracie, which may not be continued and made in such secret assemblies: which growing by little and little, and not perceived vntill they bee growne great, at length buttling like to a rotten impostume, infecteth the whole bodie of the Commonweale. As for proofe thereof in our remembrance, whereas there haue alwaies bene many countiles and meetings of seditious persons, under the pretended law of religion, fo a more dangerous companie of filthie fellowes never more sodenly in any place brake out, than did that of the Anabaptists in Munster, the chiefie citie of Welfphalia, who there secretly multiplying, vpon the sodaine tooke vp armes, and by the leading of a Taylour drew out the bishop and magistrates, and so possessed the citie wholly to themselves, which could not bee againe recovered from them, by those phantafticall seditions represseid, but by a strong armie of the whole German empire. The Collegges and Fraternities of the Pythagorians dealt more moderately in Italic, who professing the studie of wisedome, and hauing drawne vnto them fo
A  
so many disciples, as that many the greatest lords & princes, both of Italie and Greece, mowed with the admiration of their doctrine, were now become both their auditors and followers: they bearing themselves thereupon, went about to have everie where overthrown the popular estates, and tyrannicall government, and for them to have established Aristocracies, and the governments of wise men. But that their so good a purpose was overthrown by certaine ambitious and popular men, who setting the people in an yprote with fire and sword, destroyed all the Pythagorians. Which (as faith Polibius) troubled almost all the estates both of Italie and of Greece. And for this cause the emperors, and almost all other princes, popes, and counsellors, giving the Jews leave to have their meetings & synagogues (which Tyberius, Claudius, & Domitian) the emperours, had of antient time taken from them, commanded yet, That they should alwaies do their factacies, and have their prayers openly, and in publique. Which libertie Pharoa king of Egypt (terrified with the judgements of God) would have also granted them, but was by Moses relufed, alleging, That it was to be feared least the Egyptians should overwhelme with stones those the Jews, ving a strange religion, and by the lawes of the countrey forbidden. And to say the truth, it is a thing most hard and difficult to maintaine colleges or corporations in a Commonweale of what religion soever, either publickly or privately, being contrary to the religion of the people, or of the greater part of them: For that the people every where most jealous of their religion, cannot but most hardly endure any rites and ceremonies, differing from the religion by themselves generally received: neither are by the lawes, or by the magistrats command, or bands of men so to be restrained and kept in, but that their rage will oftentimes most furiously break out, not against the weaker fort onely, but euen against the most mightie ones also. For so Thomas emperor of Constantinople, pulling downe the altars and images of the saints, was by the angrie people most cruelly slaine in the verie temple of saint Sophia. We have also scene in the citie of Franckford foure corporations and colleges of duers religions, to have bene publickly allowed and exercised, namely those of the Jews, of the Catholikes, of the Protestants, and of the Confession of Geneva: But it so fell out in the yeare 1562, in the moneth of May, that the Protestants allying themselves of the strength of their partakers, fell upon them of the C

B  
The common people hardly to endure any religion contrary or repugnant to their owne. The Jews, and Catholiques by the protestants borne within Franckford, and they of the confession of Gene-

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us forbiddes. The Jews, and

D  
Confession of Geneva, (who in their profession came nextest vnto them) and beating with the other which more differed from them, caused that of the Confession to bee there vterly forbidden. Which is leefe to be feared in such religions and sects as haue bene of antient time receiued, and which as it were in their owne right defend their profession: such as is the religion of the Jews, from which all other religions, except Iudaismo antiquus, seeme to haue taken their beginning, which Chrysostome therefore calleth The mother of the Gentiles: the princes of Europe and of Barbarie having alwaies granted vnto the Jews, their antient privileges, corporations, & colleges, for the exercitng of their religion, in paying vnto them certaine tribut, as they did vnto the Roman emperors, which was called Auran Coronarium; which the German emperours ordinarily give vnto the emprifes, for the confirmation of the Jews privileges, which are yet greater in Polonia and Lituania, than in any other place of the world, since they were by Casimir the great king of Polonia granted vnto them, at the request of a Jewish lady, called Hester, such as had of antient time by a Persian king bene vnto this nation given, at the instance of another Jewish lady of the same name. Where they so mightily increased, as that there was no prince in the greater Asia, which had not in it one or other Collorie of the Jews, as we read in Josephus, and Philo. Wherefore the most antient antiquitie of that Jewish religion, together with the great pouettie of the Jews themselves, who in noe place of the world may poettie any
any lands, maketh that they need the lefse, and are indeed the leffe able to fight for their religion and liberie.

But it may be, that the consent and agreement of the nobilitie and people in a new religion or sect, may be so puissant & strong, as that to represse or alter the same, should be a thing impossible, or at leastwise marvelous difficult, without the extreame peril and danger of the whole state. In which case the best aduised princes and gouernours of Commonweales do imitate the wise pilots, who when they cannot attain vn to the port by them desired, direct their course to such port as they may: Yea and of times quite chaunging their course, give way unto the flormes and tempelts, least in seeking too much to put into the desired haven, they suffer shipwracke. Wherefore that religion or sect is to be suffered, which without the hazard and destruction of the state cannot be taken away: That the health and welfare of the Commonweale being the chiefest thing the law respecteth. Wherefore confians the emperour suffered the companies and collidges of the Arians, not so much for the love and affection he bare towards them, as divers haue written, but so in quiet to preferue his subiects, and estate. And Theodorius the Great being himselfe a Catholike, and alwaies contrarie to the Arians opinion, yet bare with their religion, which hee could by no means suppress, maintaining both the one and the other in peace and obedience. And after him Zeno the emperour, to reconcile the companies of all forts of religions among themselues, and together with the Commonweale, commanded an edict, which they called vortate, which is to say, of union and tranquility or quiemeffe to be published. After whose example Anastasius caus'd the law of forbeining the sect to be fet forth, chastening the rude and modest preachers, and removing such as were of vehement and turbulent spirits.

And yet no doubt, but that a prince favouring one sect or religion, and disliking another, may if he will without force or constraint, or any violence at all, suppress that which he liketh not (except it be by the hand and power of the almighty supported) & that by keeping the maintainers thereof from all preferments and places of command; and by hewing himselfe in deeds rather than in words, to abhorre that religion which he deireth to have extinguished. For the manner of men is, to love such things as their princes embrace: and minds resolved, the more they are crossed, the stiffer they are, and besides that, there can be nothing more daungerous vnto a prince, than to make prowe of his forces against his subiects, except he be well aducted to preualte against them: which otherwise were but to arme a lion, and to show him his clawes wherewith to tear his matter. But if the wiser fort of princes do in the variete of religions right, hardly keepe the concord and vnite of their subiects: what then is to be hoped for of such princes, as have no experience of gouerning of the state, on euery side beft with their flarterers pressed by their false enforcers, thrust forward by their furious followers: aiming only at this, how to fill themselfes with other mens wealth and blood. So in the beginning of the Primitie Church, under the first emperours, so many groffe and impudent calumnies, and slanderous reports, were deni'd and put in writing against the Christians, for the taking away of their assemblies and meetings, as the like whereof were never before deni'd, and would indeed seeme incredible, were they not yet in writing extant. As witnesseth Ananegor as the orator, in his apologie to Antoninus: Tertullian in his apologie for the Christians: and Origen against Celsus, certaine of whose writings are yet extant. Wherby it is to be understood, that it was commonly objected vnto the Christians, that they were Atheists, irreligious contemnesters of all gods, incefulues mutterers: and such as in their secret assemblies and meetings vfed to
A to kill yong infants conceived of their mutuall incests, and after that they had to killed them, to eate them. Which thing indeed Epiphanis reporteth of the heretiques called Gnostics: as that they should in their meetings beat in a morter their new borne children, begotten in incest, with the yeolkes of egges, flower, honie, and certaine pices mingled together, and so to make cakes of them, and to bake them, and eate them: and that to haue beene with them accounted a sacrament of the bodie and blood. Which haunders did falsely obiected against the Christians, might seeme altogether incredible, if in the time of our ancestors the like accutation had not beene commenced against the Templers, vid. under the rainge of Philip the faire, for which the Colledges in Fraunce before granteed vnto the Tempes, at last by a decree of pope Bonsadace the viij were taken from them, the matter with a great number of his fellowes most cruelly burnt, and the order quit suppressed. All which for all that, the Germans by their writings haue since showed to haue beene but a malitious false accuation, instituted for the taking away of their great lands and wealth from them. The like practice was also vfed against the Corporations and societies of the lewes, as well in Fraunce under Dagonert, Philip Augustus, and Philip the long: as afterward in Spaine under Ferdinand king of Aragon and Cathile, who of a mercifull devotion drive them quite out of their countries, and enriched themselves with their goods, it being given out, that they had crucified boyes, and poynoned wells with the blood of their lepros petions.

C Wherefore, to discide the question before propounded, as whether Communities, Corporations, Societies, and Colledges be good in a Commonweale, or no? or that the Commonweale may well be without them? Truely in mine opinion nothing could euer have beene deunted more effectuall or better for the keeping & maintaining of popular eftates, or for the overthrow of tyrannicall governments, then corporations and societies: For why, the Commonweales and eftates being one vnto another contrarie, doe by quite contrarie means both maintaine and ruinate themselves. And therefore the people and popular eftates, accept and embrace all manner of communities, corporations, and colledges: as we said that Solon did, in establishing the popular eftate of Athens. All which tyrants in their tyrannicall governments (ekte vnter to ouerthrow, as well knowing, the vanity and amitie of subiects among themselves, to be the tyrants inequitable rude, and destruion of the just royall, and Aristocraticall estates, be even for the same reasons still holding the means betwixt both, neither accepting nor relieving of all communities and colledges, but admitting only such as they fee needfull for the state and Commonweale; which with good laves and orders they still kepe, within the compasse of duetie and obedience. The good king Xerxes was the first that ordained Societies and Fraternities of artificers and men of occupation; and so Tarquin the proud was the first that tooke them away, and that forbid the assemblyes of the people, and that had in himselfe a purpose also to have suppressed the bodie of the Senat, by the death of the Senatours, not sufferin any new to be chosen in the roomes of them that died. But he was no sooner by his subiects driuen out, but that the popular estate was established, the number of the three hundred Senatours supplied, and the colledges and companies before abolished again restored. But when the people by the helpe of their Tribunes began more insolently to rule, and that in the bodie of the Sena were almost six hundred of the nobilitie, and chiefe of the city, who had almost drawne vnto themselves the foueraigne, the colledges, and companies of the citizens, were by a decree of the Senate, for the most part suppressed and put downe: Howbeit shortly after Cledius the Tribune to be the more gracious with the people, and to maintaine them in iarte and discord with the nobilitie (which
The Third Book

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A of their power to have had the same assemblies and meetings of the Estates of the aforesaid provinces, in any wise taken away and changed into elections. As also in the beginning of the reign of Charles the eight, at such time it was with one general voice called upon, that a general assembly of all the Provinces might be had; there wanted not some who threatened it to be Treason to such as in the council should content with the people for the calling of such an assembly: whose opinion Philip de Comuwes (a most worthy counsellour and a man of great experience) most earnestly withstood. But how necessary the assemblies & meeting of the whole people for to consult of matters, are, is hereby perceived; in that the people which may so call together such their councils, with them all things go well: whereas others which may not do are oppressed with tributes & feruitude. For as the fruit of many pieces of artillery de- luted one after another, is not of so great force and power for the battering of a fort, as when the whole tyre of the great ordnance is together discharged; so the particular requests of men often times vanish but into fumeke. But when whole Colleges or Communities, or the estates of a province, or of a people, or of a realme, shall make their requests unto their king; the voice is so loud, and the requests so effectual, as that it is hard for him to refuse it. Howbeit that there is a thousand and other commodities & vies of the general assemblies of the Estates in every province and country, for the common good thereof. As if question be for the buying of forces, or of money to withstand the enemy, or for the building of fortresses, for the mending of high ways, repairing of bridges, or for the scouring of the country of theeues, or withstanding of the great, all these things which can in no wise be done by particular men, are best of all performed by them all in their general assemblies. As to pacifie the rest, all these things have bene better done in the province of Languedoc by their assembled Estates, than in any other province of this Realme. They within a few yeares erected a Schole, and appointed twelve hundred pounds yearly pension for the instruction of all the youth of the country. In the Towne of Nimes, beside the other particular Colleges, they built the fairest fortresse of this realme; and caused Bzec to be executed, the most notable robber that ever was in our remembrance, of whom neither judge, nor magistrate, no nor yet the parliament of Thouhout if selfe, could take punishment, he being grown so strong as to doe his robberies in forme of sufcice, and yet no man so hardie as to dare to lay hands upon him: of whose execution I was a beholder, & saw the people wonderfully rejoicing to see themselves delivered of a thefle and robber, of all others the greatest: albeit that I remember ten thousand crownes to have bene before laide out about the fame matter. And to keep that province the fater from theeues & robbers, they appointed farre greater rewards for the Prouost Marshal, than did any other province, as twelve hundred pound for his maintenance, and xxv pound for every procefe he should bring of the execution by him done. I have bene willing in passifg by, thus the rather to note these particularities, to shew the great good which ariseth vnto the Commonweals by the assemblies of their Estates, which are yet better ordered in the Commonweals of the Swifers, & the Germaine empire, than in other the Commonweals of Europe. For the Swifers beside the assemblies of Estate, in euery Towne and Canton, have their general assemblies of their Estates also; and the ten Circuits of Circuits of the Empire have their assemblies of their Estates separate, vnto whom the particular estates of the Imperiall Townes & Countries referre themselves: and likewise the estates of the circuits refer themselves and their decrees vnto the assembly of the estates of the Empire, which without this pollicie had long ago bene runnated & fallen. We said that the meane and measure which is in all things commendable, ought also to be kept in all inu Monarchies and Aristocracies, in regard of the number of

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**Of A Commonvweale.** 385

The general assemblies & meetings of the people to consult of matters, necessity for the good of the Commonweale.
Corporations and Colleges to be had in their kingdomes and Commonweales: For as quite to take away all Corporations and Communities were to weaken or ruinate the eftate, and to eftablih a barbarous tyranne, or tirannicall government; so likewise to permit and fuffer all assemblies, and all fraterneities, is not alfo without danger, as not safely to be ruled by the princes power, or nobilities command. In them alfo oft times are couered conspiracies, and fecret Monopolies, whereof we have many examples, which hath bene the cause: often times by exprefs Edict in this Realme to take away these fraterneities: which for all that could neither yet be put into execution. Howbeit much better it were to take away the abuse, than the thing it felle that is abused, and to pluck vp the weeds alone, rather then both the good and bad together. And to avoid Monopolies amongst artificers and trades men, it is good to diuide them into diuers streets and quarters of the citie, and not to feat them in one street or quarter together, (as they do in Affricke, and alfo in many towns and cities of Europe) except the place for the hauing of water, or fome other fuch common refpeft fo require: For besides the incomoditie that it is in great cities not to have artificers which are ordinarily required in every quarter thereof, there muft needs either be fecret monopolies amongft them fo to fell their merchandize and wares the dearer, or else Jealousies and quarrels, if one of them f hall fell better cheap than another, before his face that hath refufed to take the money. I faid artificers ordinarily required, fof that it is not fitt in their dwellings to mingle men giuen vnto their studie and quiet, together with Fishmongers, or Arthorers, or Curriers with Schollers: for as for fuch as are leffe requisite as hammermen, they may well enough be tuenged in the fame street or quarter of a citie together, and that better than to trouble the quiet of others. But as there is nothing better for the maintenance of the strength and vnitie of the subiefts, than Corporations & Communities: fo is there nothing which can fo much weaken & keepe vnderfoot a Commonweale, as by the vttet taking away of Communities, Corporations, and Colleges, or Societies: Which the Romans well knowing, wisely put in pradlife, who after they had vanquished the kings of Macedonie, and conquerd the countrie, vterly forbidd all assemblies and meetings together of the people there to confult of matters. And so afterwards also the Achaens being overcome, the conful Mummius as fayth Livie: Concilia omnia singularis Achaie nationum, & Phocensium, & Beotorum, in alta parte Graecie delenit, Suppreffed all the councels of all the particular nations of Achaia, and of the Phocensians, and of the Beotians, or in what fcoeter other part of Graecia eft: But after that they were once become good and obedient subiefts vnto the Romans. Antiqua concilia genti cuique restituta, The auncient councels were vnto every nation againe restorad, as fayth Strabo.

Chap. VIII.

Of the orders and degrees of Citizens.

Owforasmuch as we have alreadie fpoken of Corporations and Colledges, it remaineth for vs alfo to speake of the orders and degrees of Citizens. For if fo be that in all things wee deffe and feeke after a convenient and decent order, anda demean nothing to be more ouglie or foule to looke vpon, than confufion and bryole: then how much more is it to be sought for in a Commonweale, fo to place the Citizens or subiefts in fuch apt and comely order, as that the first may be joyned with the laft, and they of the middle fort with both; and fo al all with all, in a moft true knot and bond among themselves, together with the Commonweale? For why, it is a moft an-

A convenient and decent order to be in all things fit and requisite.
A tient and receivd opinion of the wife, Almighty God himselfe the great and supreme workemaker and creator of this great and wonderfull Fabrick of all things, in the creating thereof, to have performed nothing either greater or better, than that hee divided the mingled and confused parts of the mide Chaos, and so setled everie thing in his due place and order. Neither can there be any thing faire to behold, more delightfull to the mind, or more commodious for vs, than is order itselfe. But they which goe about so to make all subiects or Citizens equall one vnto another in dignitie, order, and place, as that there shalbe nothing in a Citie or Commonweale first, or in the middest, but have all degrees so mingled together and confounded, without respect of sexe, age, or condition: they seeme to mee to do as they doe which thrust barly, wheat, rife, mill, and all other kind of pulse into one heape together; whereby they loose the use both of everie kind of graine in particular, as also of the whole heape together. Wherefore there was never any law gier so vnskillfull, but that he thought that there ought still to bee some diuision, ordering, and fortting of the Citizens or subiects in a citie, or Commonweale. Here by ordering and fortting of the Citizens or subiects, my meaning is, that there should be a part of the citizens diuided from the rest in condition, estate, or sexe: in condition, as the nobilitie from them that were but from the Senators descended; the knights and gentlemen, from the common people: in sexe, as women from men; in estate, as free borne men from them which are but of manumitted slaves made free; and they which are by state free, are diuided from them both.

C As for slaves we have before laid, them by the generall consent of almost all people, to have bene still exempted out of the number of Citizens. Yea Aristotile hath tearened slaves, but instruments for other mens uses; whereas some others have accounted of them, but as of beasts, or rather worse: and yet the question resteeth vndecided, Whether that slaves are to be accodted in a mans goods or substance, or not. But if the determining hereof might be vnto me referred, fully I should with the right and libertie of the citie to be fet open, as vnto the slaves as vnto the free borne men. For what is this so arrogant temeritie (should I say) or impietie of men, that forgetting mens condition and estate, they should enforce this to diuine a creature, having his libertie shamefully taken from him, not onely to loose their luft, but also to make no more account of him, yea and peraduenture leesse too, than of a verie beast? But bee it that slaves be indeed of the baest sort of men, do they therefore not deserve to be teamed by the name of citizens? There be in mans bodie some members, I may not call them filthie (for that nothing can to bee which is natural) but yet so shamefull, as that no man except he be past all shame, can without blushing renounce or discurt the same: and doe they for that caese to bee members of the whole bodie? The feet themselves, with perpetual labour hold vp and carrie about the whole bulke of the bodie, and are of times soule with dust, filth, and dust; but yet who is so mad, as to thinke them therefore worthy to be cut off from the bodie? Now if these baer members indeed bee and are still called parts of the whole bodie, why shall we not by the same reason suffer slaves, who are still pretiied and kept vnder with the most heare burthenes and commandes of the other citizens, to bee called and accounted members of the same citie with them? But if we thinke this to be an abfurdt thing, then are they to bee druen out of the citie, and as rotten limmes to be cut off: but if we will still retaine them in a citie, in a familie, and so in our obedience and service, we must also make them partakers of the citie with vs. For seeinge they be subiects and not strangers, they must needs make vp a part of the citizen, and bee accounted in the number of them. Which I would have understoold to be of me so spoken, nor for that I should desire slavetie long since taken away out of our Commonweale, to bee thereinto againe restored: but
that forasmuch as the force and boldness of men is so farre broken out, as that wee fee
fentimtude and flauerie by little and little to creepe in, and to returne againe; it might be
forborne and provided for, that such flauers might not hereafter bee more hardly vid,
than the state and condition of man requireth, and might also haue their certaine place
and order in the citie. Wherefore let the order of flauers bee of all others the lowest
in degree in a citie; and of them wee will begin first to speake. For as for that which
Cicero obiecteth vnto Antonius, That he had so contracted affinitie, as that the might
thereby the better commend himselfe vnto them that were of the meanest degree; bee
ment it by them which had bene manumumified men, and nor by the flauers indeed: for
that in the citie Rome, flauers indeed had neither place nor degree. Neither did Metellus
his speach concerning marriages to bee made in degrees together belong vnto
flauers, to whom the rites and rights of marriage were altogether forbidden, having
only their mutuall concurring and companie one of them of another; as Paulus the
lawyer writeth in the second booke of Sentences, albeit not altogether aduisedly, for
that they held the right of blood, as did other citizens, and were forbidden incestuous
marriages as well as others; although that they had not the other rights of marriages.
And for that flauers were oftentimes borne of vncertaine fathers, their children were al-
so accounted vncertaine: and therefore flauers and manumumified men were not laid to
be of any familie, stocke, or house; onely they which were of the nobilitie defined,
boasted themselves to haue stocke, or house from whence they came. Hereof came
that speach of Decius against them that were defenced from the nobilitie, Semper efta
Audit qua, vos solos gentem habere: an hoc, si Claudie familia non sit, nec ex Patricio fan-
guine ortus, sed vno Curitiim quilibet, qui modo me duobus ingenii ortum fiam, rete-
cere posset: These things haue alwaies beene heard, you alone to have a stocke & house,
But if I were not of the house and familie of the Claudians, neither borne of noble
blood, but some one of the common people, which but knew my selfe to bee borne of
two free borne persons, could I in this hold my peace? Whereby he sufficiently insin-
uated, that flauers not manumumified men to haue haue had any stocke or house from
which they might account themselves defenced: and then onely to haue beene ac-
counted to to haue, which had their beginning from them that were free borne: and
hereof it commeth that we call such as be nobly borne by the name of Gentlemen, as
hauing an house or familie from which they are defenced. Howbeit that which they
were so nobly borne, went yet further, vauing them onely to haue an house and fa-
milie, from which they might produce their descant, none of whose ancestors had at
any time serued as flauers: For why, the multitude of the vulgar and common sort of
the people, was thought almost all to have taken their beginning from such as hauing
bene flauers, were by manumission become free.

Next vnto flauers are they whom they call State-free men, and after them the Lib-
bertines, or as we may termee them the manumumified men, who were euer where of
durers forts and condition, as there were also durers forts of flauers. And to let other
cities paue, wee see in Rome to haue bene foure forts or kinds of these Libertines, or
enfranched men; viR. those whom they called Romans, Latini, Iunani, and Dediti-
cy.: whom for that they bee visible and common, I let them paue: sufficeth it as it were
with the finger to point out the fountaines of them, least in a citie these durers orders of
enfranched or manumumified men might bee together confounded. Now the order of
degree of state free men, was in a meane betwixt flauers and the Libertines or man-
umumified men, for in that their libertie was yet holden in suspense, they were in better
case and condition than were the flauers, and yet withall in worse than were the liber-
tines, or men alreadie enfranched. And these orders euerie one of them accor-

Why we call such as noble borne by the name of gentlemen?

Four kind of libertines or manumumified men in Rome.
A thing to the quality of their condition and state, were also likewise in their degrees placed.

The rest of the citizens are divided according to the variety of their conditions and estates, and discretion of their manners and customs. Yet that is common almost to all people, that noble men should in order and dignity be divided from the vulgar and common people, since first Nimrod the great robber, most notably attended upon with a great power of wicked companions, and such as himselfe was, with cruel austerity oppressed them that were too weak for him, and so first took upon him the government of the Assyrians, as we have before said. So left his nobilitie got by villanie, for his posterity to imitate: which opinion further spreading, took such deep root, as that every man as he was the mightier in violence and murthering of others, he was thought to be so much the nobler: vntill such time as that the people by good lawes and ciuilitie better instructed, deemed, that the true nobilitie, was by vertue and not so by villanie to be sought for.

But for much as one man excelleth another in some one or other vertue: and for that such vertues as in one citye or place most highly commended, are in some other no lese esteemed. Hereof it commeth, that no one definition of nobilitie could ever yet be made agreeable into the nobilitie of all the people: honour and infamie being still deemed and reputed of, according to the manner and custom of euery country. For by the customes of the Perufines and Florentines, he which but now began to beare arms and feue in warre, was of one before vnnooble, now thereby become nooble: whereas with vs he is not so by and by: but if his posterity shall follow the wars, they are reputed to have gotten nobilitie as it were by the continuance of time. But not so at Venice, who still measure the nobilitie of their gentlemen, by the honourable antiquitie of such houses and families as haue alwaies attended their publike counsell and affaires. And albeit that the Decurions or pettie captains by the Roman law, bee reputed of by the name of gentlemen: which law is also received with them of Poitiers by the content of all the three estates, yet is it no where els with vs so found. But that the bearing of arms shou'd of it selfe make a gentleman, I see it to have so pleased not only the Florentines and Perufines, but diuers interpreters of the law also, and especially Alciat, who hath not doubted to cite Triumullus the great captain as author thereof. Truely amongst the Egyptians it was not lawfull but for the Caiafyes: and many worlds of yeres after, for the Mammalukes in the raigne of the Sultans, to feue and beare arms: who therefore enjoyed most great priviliges. Yet other people have divided gentrie from warre, neither haue therefore reputed any one to be a gentleman, for that he was a foulidour: vnto which opinion all the greatest lawyers together with Plato haue almost with one voice consented. And albeit that the Romans farre exceeded all other people in martiall honour, and bestowed the greatest priviliges vpon foulidours: yet for all that they bound not gentrie vnto martiaall service: seeing that it was lawfull for the Libertines or manumified men to seue in the warres, and that men for the filthinesse of their blues, and judgement, therefore vpon them passed, infamous, who were therefore embattred from all honours, had yet no exemption from the warres.

But forasmuch as all citizens after they had taken vpon them the manlike attitude, were bound to beare arms, so by that reason all the citizens should have bin therby ennobled, which were a thing absurd: for were all the citizens noble, none of them were indeed in that vulgaritie of nobilitie to be accounted at all noble. Wherefore Luctius Siccius Dentatus is of Dionysius Halicarnassensis, called a common and ordinarie man, whose speech against them of the nobilitie and gentrie is yet at this present extant:

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Where-
Wherein he boasteth himselfe to have bene in pay fortie yeares in the service of his country, to have fought in an hundred and twenty six battels, to have received 45 wounds, and twelve of them in one day, all of them in the fore part of his bodie: and in token of his good service, to have received fourteene Ciiic or oaken crowns (the honourable rewards due vnto him that had faued so many citizens) three others the rewards of his good service done in the besieging of towns, fourecore and three gold chapynes, an hundred and three score bracelets of gold, ten faire launces, and thirteene faire furniture for horses. And yet this io worthy & valiant a man, adorned with so many trophies in reward of his valour, was by the Roman lawes no more but as a common person. For they accounted him first a gentleman, that was the sonne of a new raised man: and him they called a new man, who was the first in his familie that had borne some honourable charge or office, and fo had power to erect vnto himselfe his statuie or image; such as were Caius Marius, and M. Tullius Cicero of Arpinc, both of them beeing but new men. Of whom the one beeing first made Quætor, and then Edilis, and afterwards Pretor, at last came to bee Confull; who in the time of his Confulship, in an oracion which hee made vnto the people, boastinge therein of his nevnesh, thus said, Ego novus homo primus omnium claustra nobilitatis refregi, &c. I beeing but a new man, was of all others the first which brake open the battres of nobilitie. The other having beene seven times Confull, in an oracion which he made against the nobilitie, saide, Contemnunt noutatatem meam, ego illorum ignaviaem: mihi fortuna, jilis probrar obieéptur. Quod si me inresepsit? facient idem majoribus suis qubuis at mihi nobilitas ex virtute cipit. Nunc visete quam iniqui sunt: quod ex alia virtute sibi arrogant, si mihi ex mea non concedunt: felicis quis imaginem non habeat, et non nobilitas est, quam perpetissi melius est, quan acceptam corrupisse. They contemne (faith he) my newnesse, their cowardie: my fortune is to mee objected, but vnto them their vices. But if they therefore of right contemne and despise me, let them so also doe their owne auncètours, whose nobilitie begun of their owne vertues, as doth mine. Now but see how partiall they are in their owne caues; that honour which they arrogat vnto themselues by other mens vertues, that they will not graunte vnto me for mine owne: and all forsooth, because I haue no images of mine auncètours to shew, and for that my nobilitie is but new, which yet is better for me to haue of my selfe raised, than hauing received it from mine auncètours, to haue my selfe slain the fame. For Cicero had sixe competitors in his Confulship, whereof two were noble men, two other of them were the first of their familie which had borne office, onely Cicero himselfe was a gentleman borne: whose father, as also the father of Marius, of Cato the Censor, of Q. Pompeius, of Curius, of Philo, and of Geminus, were all base perons of the comminallitie, but yet their fonnnes were accounted of as new men and gentlemen. But such as were descended from the Senators, by Romulus in the beginning of his rainge appointed, or from them which were afterwards by the Conful Publicus Valerius joyned vnto them, were called Patriuc (as having their beginning from the Senators, whome they called Patres) all the rest were common men, or else men of some better note, whome they called Equites, or Gentlemen; who were in the midst be twixt the Senators & the cimon people, being partly descended from the Senators, and part of them rifen out of the comminallitie: who if any of them were choen in to the Senat, they were no more to be accounted amongst those Equites or gentlemen: as is to be seene by Lucius & Nero the Censorfs, who yet seruing vpon publicke horses, were one of them by the other commanded to fell them: for after the ouerthrow by the Romans received from the Veians, the gentlemen began to serue vpon horses prouided for them of the publicke charge. Now I find that there were of the Patrician Fa-
families in Rome, about forty: but of such as by their valour left nobilitie to their posterity in Cicerones time scarcely thirte: of which families, or houses, seuen were of the same name with the Patricij, viz. Pompeilia, Martia, Julia, Junia, Mutia, Claudia, and Sempronia. And for that the entrance and way vnto the honourable preferments in the state, before the law Canuleia, was kept shut up and stopped by the Patricij (or them that were of the Senators descended) against the common and vulgar sort of the people; and yet for all that none of these Patricij was accounted noble, except some of their auenceftors had borne the honourable offices of the state: many of the Patricij, who were descended from the Senators, and yet could not cite such their auenceftors as had borne such honourable charge in the estate, (which was well to be vnderstood by their statues or images) were accounted of as men of base & low degree. So it came to paffe, after the law Canuleia was made, that some euens of the common sort of the people became noble, and some of the Patricij vnnoble, that is to say, obscure and vnknowne. As Marcus Aemilius Scaurus, a man descended of the Senators race, had his auenceftors base and obscure men: whereas he him selfe being but a new man, came to be Preteor, Conful, and Centur, and at last being made chief of the Senate, raised nobilitie to all his posterity. Wherefore the Roman nobilitie lay in the voyces and judgement of the people, which as they thought best, bestowed the honourable preferments in the estate and Commonweale. Yet was it an absurd and most unreasonabke thing, that any moist wicked mumtherer and manquellar, were he neuer so basely borne, might

by the beneft of bearing of some great place or office in the estate, lease nobilitie vnto his posterity: whereas he which excelled in wisedome, iustice, fortitude, and temperance, and so in all other vertues, godlineffe, and learning, ye closely and was descended also of the Senators race, if he could not show his auenceftors statues, was euene therefore accounted but as base and obscure. For such is the force of this word Ignobilis with the Latines, which in the felle fame fense is of the Greeks called ἦγοιος, and ἀνέγοιος, that is to say, such as either by some foule or notable fact or deed done, came into the knowledge of the people: which is yet oftentimes taken in the better part, for they which are called ignobili, refer it vnto the honor of their house & stock: which amongst the Romans did especially appeare amongst the Patricij or posterity of the ancient Senators:

which for that they were almost dead and wore out, Caus Caesar by the law Caflia, and after that Augustus by the law Scruia, chose many of the more noble families into the order of the Patricij. For before the law Canuleia it was lawfull onely for the Patricij to be bishops and priefts, and for them alone to make sacrifices, and to keep the Auspicia or divine obseruations. But after that Gennatius (first Conful that was made of the people) was in battell with the great slaughter of his armie vnder his conduct outrethroune, Patres non tam publica calamitatem moiti, quam feroces infulcis Consulis plebe duci, fremant, omnibus locis jurent, creantur Conspicule explebe, transflerrent auspiciam quo nefas effet. The fathers (as faith Lucre) not so haue the publicke calamity, as become insolent with the cuit conduct of the vnfortunate Conful chosen from amongst the people, murmured and fretted in all places, that they should go and againe create a Conful of the people; and thither to translate the Auspicia or diuinations, whether it was lawfull for them so to doe. And Appius Claudius the Conful, before that answered one of the Tribunes, asking him in an assembly of the people, Why one of the Conßuls might not be choen out of the people? Because (said he) none of the vulgar and common sort of the people can hold the Auspicia or diuinations; and that therefore the Decemviri had appointed a certaine order of marriage, lest the sacred diuinations should have bene polluted with persons uncertainly descended. At which answere, the people was with indignation exceedingly enraged; to heare it denied them
to hold the diuinations, as if they were vnto the immortall gods, more hateful than others. And albeit that the people at length had all things common with the Senators, viz. honours, commands, judgements, diuinations, cures, priesthoods, councils, powers, statutes, triumphs, and all other the greatest pretentions in the Commonwealth; yet could it never be obtained, that any one of the common sort of the people, should nominat the Interrex, or pronounce who should be the Archpriest, the Priest of Mars, or of Romulus; or yet be chosen into the college of the Salii. But as a statue or image was among the Romans the signe of nobilitie obtained: so in antient time with vs, with Cognifances for over them, were the tokens of nobilitie. Lawfull it hath alwayes been, and so still will be, for euerie man to deduce vnto himselfe his Cognifance to bee known by, but yet not to viupre the Cognifances, or bear the armes of other noble families. But the antient Grecians deemed not of nobilitie by the obtaining & bearing of great offices; which enerie man among the Athenians (after the law of Aristides, and the fecondious declamations of Ephealtis) might by lot, and few by voyces obtain: but nobilitie with them was still to be detined from the flock of their kings, or race of their great worthies, as from the Heraclides, the Aeacides, or Cecropides, or from such other like: or else from such, as who for the worthis acts, either by themselves, or by their accep- tions done, had by the general good liking, and publike decree of the people, and of the nobilitie, with commendation obtained a crowne of gold, extraordinary privileges, &c. so to fit in the highest places, or to have their diet allowed them in the Prytanee, or other like publike places: Such as is that decree of the Athenians (whereof Plutarch writeth) concerning Lycurus the sonne of Lycophron. It pleased the people of Athens (faith he) that requital should bee made vnto such as had well deserued of the state, as to praise Lycurus the sonne of Lycophron for his vertue and justice: and in the honor of him to erect a brazen Statue for him in the market place, except in such places as where the law forbideth any statue to be erected, and diet in the Prytanee to be for ever allowed vnto the eldrest of the poetirrie of Lycurus. So in like manner Isacus the orator writeth publique diet, the fift places, and privileges, to have bene graunted vnto the poetirrie of Harmodius the tyrant queller. W hich thing Aristotle reporteth to have bene a thing common vnto all the cities of Greece, to allow diet of the publique charge vnto the children of such as had valiantly dyed for their countrie. Howbeit that the Grecians with too much lenitie (should I say) or rather lenitie erected statues for such as had of them well deserued, which they vpon the least displeasure against cast downe, and that with greater despotie than they had with honor before set them vp. So when the Athenians had appointed 365 statues to be set vp in euery place of the citie in honor of Demetrius Phalerus, they againe in a moment caused them all to bee cast downe: & not yet so contented brake them also with such furie, as that no fragment of them was left, except that onely which was kept fast shut vp in the tower of Pallis.

Amongst the Hebrews were two sorts of noble men; the one defenced from the flock of Aaron, who only were priests: the other from the flock of the kings. For why, that nation wisely reposing their chief felicitie in the sinceritie of their religion, and the true worshipping of God, so likewise deemed their priests, which came nearest vnto the power of the immortall God, to be of all others most noble. Yea God himselfe had an especiall regard in making choice of Aaron, & in establisshing of him after the most grie- vous revolts & miserie of his people. And therefore as often as he commanded extreme destruction to be denounced & threatened vnto his people, he oftentimes doubleth that which is to say, That the state of the priest and of the common person, should bee all one. And therefore when the Jews had cast off from the crudel yoke of Antiochus the Noble, the Familii of the Æsmonians being of the flocke of Aaron, held the high priesthood, together with the kingdom about two hundred yeres, that.
that is to say, even unto the raigne of Herod the Great. Wherein the Hebrewes did well: for if great offices in Rome, got oft times by corruption and briberie, left nobilitie vnto their povertie which had to got them; what let is there why the priesthood of the eternall God, should not much more also ennable men, especially if we measure nobilitie by the places men hold, and not by their persons. Truly all the best learned lawyers are of opinion, That the priestly dignitie is to be preferred before all other honours and vocations: and that the ministers of divine things, & moderators of the most sacred rites, are not to be accounted among the number of the vulgar & common people; which is no new or strange opinion, but drawn & defined even from the most ancient antiquitie. For the most antient kings, to make their royal power the more renterend and stately, exercised also the priestly dignitie. Neither did the Greeks only, but the Roman kings also, yea and the greatest emperors themselues, title themselues high Priests or Bishops, whome the chiefe Arabian princes being also bishops, seeme therein to have followed. And so the Christian kings beeing by their religion forbidden to mingle prophane things with sacred, or armes with religions; yet tooke that which was next; that is to say, in preferring a sacred order of the Clergie, not only before the common and vulgar fort of the people, but before the Senators, yea and not before them alone, but even before dukes, earles, and other magistrats whatsoever giving vnto them the highste roomes, and first places next vnto the kings themselfes, in all assemblies, councels, enacting of lawes, and quartering of liberties and privileges. And why not?

When as the most antient people of the Celtes, accounted their Druides, who were the princes of their religion and judgements, superiours not vnto the common fort of the people onely, but even vnto their captaines and rulers also. For which cause Cefar in recounting of their degrees, first reckoneth vp the Druides, then their knights or hoffmen, and after them the common people. For the order of knights in the time of their ancestors, with a most strong power of hoffmen excelled all people; as witnesseth Cefar himselfe, as also Marcus Antonius: so that therefore I suppose them to have bene called kriarves; for the Greeks call him κοιμίας μεθος καιρός, whome the Latines called Sellarium, and we an hoffman. We said before the Turkish and Arabian princes yet in all their kingdoms and empires, to honour and obfette their Muties, or high priests.

Bishops, with the greatest honour and respect possibly to bee given vnto them, still referring vnto them the greatest and most doubtful questions of their law, to be by them decided. Yet the Venetians vse to exclude their priests from their counsells, from all places of command, and from all offices, least haply they should betray the secrets of the citie vnto the pope, to whom they are by dutie & oath bound. Wherfore among the Venetians, the order of the Senators is first and chiefest of all others; for that in it is the soueraigne power of that state: next vnto the Senators follow the gentlemen, who are not accounted of the number of the Senators, and last of all the commoners, who yet are both by one name called Citadinia, or Citizens. But the Florentines before that all was swayed by one mans command, divided not only the nobilitie from the clergie, but even from the common people also; and the common people they divided againe into three forts, of whom such as exceeded in wealth were called the Great ones, others of meaner wealth were called Popular Commoners, and they of the third fort, the refuse of the whole people. The auncient Egyptians much better divided their whole multitude of citizens, into Priests, Souldiours, and Labourers: setting the Priests and Souldiours, whom they called Calysry, free from all taxes and payments. Hyppodamus, who gave lawes vnto the Melesians, did a little otherwisewise divide the people into Souldiours, Artificers, and Husbandmen: whose writings Aristotelemeth either not to have well understood, or else not so wisely repproved, as is evidently to be gathered
gathered of those fragments which are yet to be seen extant in Stobaeus. I know not also how it came into Plato his mind, that having made a division of his citizens into Keepers, Soulediors, and Husbandmen, he separateth the Soulediors (under whose bucklers and defence the citizens ought to rest) I know not how, from keepers. But in brief, he would have the keepers of his Commonweale to excell all others in wisdom and experience: and to to rule over them, without any respect to bee had either to the honour of their dissent, or to the greatness of their wealth or substance. Truely it was wisely to set downe by that most wise man: who although he were himselfe descended of the most ancient flocke of the Senators, and derived his pedigree by the mothers side even from Solon himsefle, the Athenian law-giver, yet thought the true glorie of nobilitie and soueraignty to consist in vertue onely: W h i c h thing Euripides had before all wittily said, W h e r e t o t e l v e s m e a s u r e t r u e n o b i l i t y b y v e r t u e , for that there- in not onely Philosophers and Diuines, but also Poets, Historiographers, and almost all Lawyers, do with one consent in mine opinion agree, denying any place to bee left for nobilitie without honifie. And two things propounded, to w i t r o b i u l e , & v e r t u e , they haue decreed, That the more higher & more honorable place is to bee gi- ven v n t o v e r t u e , whether question be of bearing of rule, or of honour, or concerning the gravitie and weight of their testimonies and witnesse. The next case of nobilitie v n t o v e r t u e , many haue appointed to be the knowledge of hidden and most excellent things, whom they which have attained therunto, the law it self expressly calleth most noble: w h o m ( f a i t h t h e l a w ) K n o w l e d g e m a k e t h m o s t n o b l e ; o r e l s a s C a s t o d o r u s f a i t h , e x o b s c u r o n o b i l i e m e f f i c i d o t r i n a , Learning maketh of an obscure man a gentleman. But then how much more noble is he than both of them, whom morall vertue concur- ring with the vertues of the mind and knowledge, hath together ennobled? But yet if integritie be dividied from such knowledge of most secret and most excellent things, the prioritie in this case is of right to be giuen v n t o i n t e g r i t i e a n d v e r t u e : except in such v o c a t i o n s and callings, as wherein such excellent knowledge is of necessitie required: For why, it is better and more agreeing with reason, to haue a Generale skill in martiall affairs, although he be otherwise a naughtie man to governe an armie, than a good man which is no soouldier at all: but of these things more shal in due place be said.

But yet that which Plato leteth downe, That they which are but obscurely borne, excelling in vertues, are to be preferred before them which are nobly defended, excelling also in the same vertues with them; seemeth to me a thing verie absurd and unrea- sonable. And truely these two things thus propounded, it is right that some regard should be had of the vertue and nobilitie of a mans anceftors: and on that opinion the Lawyers haue alwayes been, whether question be for the obtaining of honours, or for the taking of places in solenne assemblies & meetings, That they are fit to be preferred , which both for their owne vertues and the nobilitie of their ancesftors toge- ther, are to be commended. But he whom the prince hath made noble, although he be not of any account or worth, either for his owne vertue, or for the vertues of his ancesftors, or for his learning & knowledge: yet by the consent of all the Lawyers he is to be accoun- tede in the ranke and order of the Nobilitie. And theorefore Plutius writing to Tratus fiad: C a i a v e e f f e v n o b i l i e s e f f e r e t e t u e r t u r , That it was the Emperors part to make noble men, & also to defend the. But this nobilitie Bartholus, not vnfitly hath called Ci-uilt nobilitie; declaring therby to haue so gotten a certaine counterfeit kind of no- bilitie in the opinion of men, but yet indeed to haue no part of the honor of true nobi- litie, without vertue. W h e r e f o r e l e t v s g r a n t t h e m t o e n j o y t h e f r u i t s o f s u c h t h e i r c i u l l n o b i l i t y , v n t o w h o t h e y a r e s o b y t h e i m a s g i f t & g r a n t c o n f e r r e d : w h e t h e r t h e i r
their nobilitie be for money or reward, or for the pryme of their youth, or for some other their moft foule and filthy seruices,by the princes bestowed upon them. But to bestow such nobilitie belongeth onely to them which have the power in foueraigne: and to them also whome Bartholus writeth to have but the principallite, especially if they be subiecte vnto the command of superiour princes, or have fellowes or companions in their government: who cannot so much as make a man base born to bee legitimate. Much leffe true it is, that some have written, the minions and domestick attendants of princes to be therefore become noble: for albeit that they thereby enjoy certaine privileges and exemptions from other seruices, yet are they not therefore to be accounted noble, except they have borne the greater and more honorable offices and places of command.

Yet question is, and I see it to have often times bene before demanded, whether he which by some chance or casualtie hath obtained some great place of seruice, or other fee, be thereby made noble: which I see to have so pleased many, so that an honorable power and command be knitt and joyned to such fees; such as are those of Dukes, Counties, and Marquesses, or that the title of nobilitie be by the soueraigne Prince expressly set downe in the charters and grants of homage and fealtie, and so giuen vnto the things themselves, and the profefors thereof. And hereof rite that beginning of noble and vnnoble fees. But by the custome of our countrey, wherein fees are deemed by of the same right and nature that other lands and possessions be: as concerning the right of the persons that had them, the Artificer which by inheritance, or by purchase possesseth a Dukedome, is nothing therefore the more noble, then if he possesse other tributarie lands: For why it seemed vnto our ancesstours an abfurd thing, out of the right of the land to fift out that honour which they otherwise had not, and the persons themselves to giue place vnto the things as a picture vnto the table where on it is painted, and much more indignitie that the right of nobilitie should be so bought and sold. For of two of the greatest things, namely, of Vertue, and of Nobilitie, as Euripides plainly witnesseth no trafique is to be made, μόνον τον αν αυτη χαριματον έν αν διαι ημων: Which wherefore seeing that by our customes, aswell as by the customes of the Germans, the Spaniards, the Brittons, and Italians, all these fees, whether it please you to tearme them privileges or seruices by chance obtained are to be bought and sold, who can of right thinke himselfe any whith the more noble for the hauing of such mercenarie things? And yet it is lawfull for every most base Cobler having got such fee, to create his vaflals to hold of him: as it is also for every most honorable person to receive his owne base vaflall. Whereby it appeareth, that wealth and riches be they neuer so great, can neither get nor bring forth any true nobilitie at all: Howbeit that Euripides bringeth in a person according to the opinion of the common people thus speaking: τιν τον ευγενεαν εχεσαι, Nobilitie is in riches. And in Cæleste: εις τας κληνοτ και περιβλεπται βροτοις.

And yet we read not only the vulgar add common sort of men, but euery Aristotle also himselfe to have placed the first degree of nobilitie in wealth; the second in honorable dience; and the third in vertue, placing that laft which should have bene in order first. Solon also in like maner made choice of the Citizens of Athens by their wealth and riches, vnto honors and places of command: the cause whereof we will in due place declare. Which opinion hath taken to deepe roore, that many think wealth, riches, and great substance, not onely to beget nobilitie, but that all the glorie of nobilitie is by pouerie & want of wealth quite extinguished and blotted out: howbeit that they which doe fay are themselues but men of small authoritie and credite. Truely
Truly Augustus the emperor supplied the wants of the poorer sort of the Senators, left that most honorable order should have beeue with poueritie oppressed. But Bar-tholus hath expressly written, True nobilitie to be neither got by wealth, nor lost by poueritie. Norther did M. Emilius Seaurus deme the honour of his house to be taken from him by his poueritie: yea the nobilitie and glorie of his familie deluded him from the power of his most gracious and mightie accuforts. Now then if there be a most shamefull villaine, and thereto rich withall; shall he therefore be in degree superiour unto the honest pouerit [oe]r? men I thinke will not to say: then how much lesse ought we to judge murthersers and men polluted with all kind of villanies,because they abound with wealth to be therefore the more noble? For why the Romans alwaies divided wealth from nobilitie, for to Tacitus reporteth of Cassius and Syllanus, the one

of whom faith he excelled in auentent wealth, & the other in the honour of his auncenstours. And to Cicero called Rosius for nobilitie and wealth the chiefe man of the towe wherein he dwelt. Wherefore our kings at such time as they, troubled with warres and prefled with want of coyne, had set nobilitie to sale, and that many men for their bad lines infamous, were yet for their money become noble: the Prince by a law made, declared none of them to be therefore to be deended noble, but that he might still be accounted amongst the number of the meaner sort, and beare offices amongst them. For what can be more absurd or pertinious, than to measure reputation by gaine, degree by money, and nobilitie by wealth? whereas these things often times by theft and robberie, or immodest: lauash prodigalian of tyrants are bestowed upon euery bad fellow, or by some other chaunces, (although in truth nothing be by chaunce done) or fortunes frailtie (whereof they be called the goddes of fortune) giuen vnto men, and so also againe from them taken. Whereas honestie doth in nothing participate with fortune, nor the true possession of vertue and nobilitie can by theft be taken away, nor by fire be consumed, nor by the inundation of waters drowned, nor by any other force exstinguished. But forasmuch as we are for the most part led by the vaine opinion and popular errours of men, where of both all publike and priuat lawes consist; it hath also prevailed, that he which hath either by the Princes graunt, or by his owne vertue, or wealth, or learning, or seruice in warres obtained nobilitie, may of right transferte the same not onely vnto his posteritie, but euery member of his family. And that contrary to the decrees as well of the Divines, as of the Philosophers: Whereby it is sufficiently vnderstood all sorts of men to haue had their beginning from the rotten earth, as it is said, το λιδο πάντων πεποτιον γινοντας εκείνων. But it is one thing to reason of degrees and dignities in the assemble of wittie men; and another thing to doe it in the presence of the vulgar sort, and scumme of the people. And yet nevertheless it not onely is, but alwaies also hath beeue a thing both honest and necessarie, for euery man to yeeld and consent vnto the Lawes and customs of his owne citie and country. And yet for all that some would not that the vertues, deferts, and honoour of the Grandfathers should be extended farther then vnto their Nephues fonnes, and that also vnto such as were of themselves lawfully descended, and not vnto their bastards or base borne. True it is, that by the customs of the Turkes, euery mans degree & reputation is esteemed by his owne worth and vertue, neither doth the grandfathers valour or nobilitie reach farther then their nephues: wherein they doe also wisely, to the intent that every one of them should endeavoure themselves by their owne vertues to renew the decaying honour of their flocke and kindred; being otherwise, to be accounted in the number of the base and common sort of people. Howbeit that by our depraued and corrupt manners, the farther that a man is in discení or degree from the vertue of his auncenstours, from whom he tooke the beginning of his honoure, the more
A more noble he is therefore reputed: neither if he shall by all manner of villanies, or
loosenes of life disdined himselfe, doth he therefore lose his degree or honour, ex-
cept hee be in publique judgement noted with infamous: in which case although hee
leave his leveld life and the company of wicked men, and joine himselfe with the
good, yet shall he not againe recover his nobilitie, so by judgement once lost, but by
the Princes restoring of him, and by speciall request. And as hee himselfe from his
awcellours receiued nobilitie, so doth he also vnto his posteritie derive the note of in-
fame; whether he were by right or wrong condemned: for that a thing by judgement
paffed, is still accounted to be indeed a thing true. And what manuell feing that
he which exerciseth base trades, and not becometh a noble man, is even without any
such publique judgement to be brought into the order of common persohns. But which
be such base trades is an high question, by reafon of the diuers Laves of diuers na-
tions, in that point one of them most vnlike another: Herodotus writeth, That in his
time they were by the customes of all people accounted base, which vfed handy-
craftes: of which opinion we read Xenophon also to have beeene; who yet yeeldeth a
reafon thereof not becominge a philosopher; so fortooth that men of such occupa-
tions were still busied, and led a clofe and fedentarie life: for what can bee more pain-
full or troublesome than the Generalls life? or more clofe and sedentarie than the
judges calling? And yet what can bee more glorious or more noble than they both
are in every Citie and Commonweale? But Aristotle laid better, who writ all Me-
chanicall or handycraftes men in the cities of Græce to haue beeene still kept from
councell, from all command, and honours: for that they beeing mercenary men, and
to be hired for wages, had quite loft the strength and power of a noble and he-hoicalc minde. And truely the Master of wisdome it selfe repellesheth husbandmen,
Smithes, Potters, Image makers, and such other handycraftes men from bearing of
authoritie and rule, from honors, and from taking places with the judges. Lycurgus
also and Romulus seperated their citizens farre from all handycraftes; yet Romulus per-
mitted his citizens to bee husbandrie, and to beare armes: whereas Lycurgus gave his
leauue onely to exercise armes. And to the end it was the leefc deofft of, Diony-
sus Halycarnassius repeating the fame thing faith: Eloc lustro, qui pulvere effent supra
centum millia mena: mulierum autem servorum, mercatorum, artisque forisides exercen-
tium (quidem Romanorvm nemini cauponariam arten, aut vilia opifcia tradare licet)
triplo plus quam turbe ciuitis. In this view were muftered of them that were foueteene
yeares old, aboue an hundred thousand: but of women, seruants, merchants, & such as
vfed base occupacions and trades, (for why it is not lawfull for any Roman to keep a
Taurene, or to exercise any other handierart) we reekned three times more then there
were of the ciuillier sort or ciuites. Yet some there be which thinke Numa Pompeius to
haue derogated from the law of Romulus, seeing that he appointed Colleges or Compa-
ries of artificers, as if they might not, haue beeene made of strangues, or of flaves.
Which feemeth to be also confirmed by that which Cicero said, Many to haue beeene
in Catilinas conspiracie, which flockt together about the Taurenes, in hope that the
minds of the needie might for money be moued to take his part, And by that also, that
the Tribunes of the people had by the companye and rout of the Artificers, wanted to
guard themselves against the insolence of the Confuls. But against these repugneth
that which Dionysius Halycarnassius writeth, that in the seuenteenth view were mu-
ftered an hundred thousand ciuitis, besides artificers: By which words it is manifest,
that Numa derogated not from Romulus his law, for as much as king Servius, the third
from Numa was the first that looide or muftered the people. Neither doth that
which is alleaged conuince them to haue bene ciuites whom the Tribunes of seditious

备份

Hercules

Handycrafts

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Handycrafts men

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Eccles. cap.18.

The Lacede-

monian and Roman
citizens by Ly-

curgus and Ro-

mulus their laws
givers forbidden
to exercise me-

chanical or

handycrafts.
citizens stirred up to rebellion, seeing that very flaus in like case were sometimes called vnto libertie: as we read they sometimes were by C. Cinna. Cicero also thus speaketh of the Artificers, whom also the conspirators with Catiline stirred up to rebellion: Etenim omne corum instrumentum, omnis opera, ac gaudia; frequentia cimium su temperamentum, altur otio. For (faith he) all their instruments and tools, all their werte and gaine, is maintained by the multitude of Citizens, and with quietnesse nourished. Now it were very impropretie told, artificers to be maintained by the multitude of citizens, if they themselves had bene also citizens. But by the Martiall law of the Romans, the citizens after they had begun once to wear the *mans gowe, were compelled to sete in the wars vntill they were fute and fiftie yeares old. Neither was there any way for a citizen of Rome to attaine vnto any honor, except he had servd in the warres ten yeares: For which cause it is by Linie reported, two thousand of the citizens to have beene openly folded, for that they had not for foure yeares space servd in the warres, which could by no means have bene done vnto artificers: whom Linie also in one place wrighteth, to have beene men altogether vnfit for the warres. That testimonie of Cicero is in this point also of more weight: illeblases sunt & fordidae gaudia mercinariorum omnium, quorum opera non quorum artes emuntur, e* rur in illis ipsa merces aut ornamentum sequitur. The gains (faith he) of all mercinate men are better and bafe, whose works and not whole skill are of men bought, for in them their very wares is the earnest penic of their flauerie. But where he speaketh of the Roman citizens indeed, he neither thinketh nor wrighteth any thing of them which is contempitible or base, or that foundeth not vnto their reputation and honour. Whereby it is to bee unuerstond Artificers and men of occupation in Rome, to have beene either flaus, or straungeths, and men of most bafe and lowe estate and condition: or if that by manumission they were become citizens of Rome, yet they were therefore but in the number of Libertines, having as it were in some form loft the right of the citizens of Rome, no otherwise then Noble men with vs, which have given themselues to base and gainfull occupations or trades, who as they have thereby left their nobilitie: so haue they also lost their degrees and places: except they have therefore obtained passion of our Prince, as that enforced with necessitie, they haue so intermedlated in such base trades.

Howbeit concerning the trade of marchandize, it is not well agreed upon betwixt the Lawyers and the aiuentur writers amongst themselves, whether it be repugnant vnto a mans credit and reputation or not. We read that by the Tribunall law Claudiata, it was forbidden the Senatours to have any greater ship at Sea, then of the burren of three hundred Amphoras, and that also for the carrying of the fruits of their landes: Questus omnis (faith Linie) patribus indecorus est, All gaving by trade (faith he) came into the Senatours vnseemly. Which law Hortensius faid to be in his time deade: as in Cicero we read: Whereby it is yet to bee gathered, that not onlye to have beene lawfull for the rest of the citizens to doe, every mans credit and reputation fauended whole: But also even the Senatours themselues, not to have altogether abstained from the trade of marchandize, or at least wise to have had their factors; as wee fee the manner is for the Venetian, Spanihe, and English gentlemens to haue. And that it was lawfull for the Romaine knights or gentlemen to vse the trade of marchandize, or at least wise that it was not altogether forbidden them, is to be proved by that which Cicero faith against Verres: Lucius Pratius splendide Simus Eques Romanus qui Panormi negotiatur, Lucius Pratius a most worthie Romaine knight, which doth trade at Panormo. And in another place: Q. Mutius Eques Romanus qui Syracusi, Q. Mutius a Romaine knight who tradeth at Syracusa. Much leffe there-
therefore was the trade of marchandise forbidden the common fort of men. And yet although by the old custome of the Romans, it was no shame for the citizens to trade marchandise: (yet I say) it feemeth not for all that to haue bene altogether lawfull for them so to doe: as is to be proved out of Dionysius Halicarnassius, who writeth about an hundred thousand citizens to haue bene ceddled: but of women, and marchants, and others of base trades, three times as many as of the citizens: whereby hee feemeth to haue exempted marchants out of the number of the Roman citizens.

Neither do we see that to haue bene the manner and fashion of the Romans only, but of the Lacedemonians and Thebans also. Howbeit that the vse of gold and siluer, being taken from the Lacedemonians, there was no place left for marchandise: yet was it Lycurgus his pleasure, by an especiall law more solemnly to provide therefore. As for the Theban citizens, it was not otherwise lawfull for them either to use for the magistracies, or honourable offices of the Commonweale, or to accept thereof being offered them, except they had full ten yeares before abstained from the trade of marchandise. And at length by the imperall lawes all entrance vnto honors, and places of command were shut vnto the order of marchants: and not that onely, but even to deal in the trade of marchandise was alwasy forbidden the nobilitie, as to intermeddle with martiall aires was forbidden marchants. By which lawes the trade of marchandise feemeth vnto many either base, or not verie honest or commendable. Truely Plato, Aristotle, Apollonius, Thucydus say, The trade of marchandise to bee an enemie vnto vertue. Yea the law of God feemeth alfo to haue restraind the holy people from the trade of marchandise, in these words, *Nn erit mercator in populo tuo.*

There shall be no marchant in thy people: that is to say, *tuas*, which word improperrly signifieth a deceiver, but more properly a marchant: for *tuas* is properly to buy & sell; and in that fence it is almost alwayes vndei. For that divine law which forbade the people, but not strangers, to commit vertue, feemeth alfo to have forbidden to buy any thing, to sell the same thing the deeer vnto a naturall Israelite. Wherunto agreeth that which he the *Prince of wisdome writeth, Mercator em manus a scelerare non quis habiturum.* A marchant hardly to haue his hands cleane from wickednesse. Wherefore the *Prophets moost often, and the interpreters of holy scripture, more often doe effectually the trade of marchants, as that *Chrysostome not obliquely or doubtfully, but euery plainely denieth, That marchants can please God, by reason of their lies, pettiuries, and deceits, and for that they are still prone vnto vnhonnest gaine, as Vpian the lawyer writeth.*

Yet of that we are to he warned, that whereas the immortal God forbid his people (whome he by a singulier right and choice had consecrated vnto himselfe) to trade in marchandise: belongeth not to other people in like manner alfo; for that he would haue this his people to excell all others in puritie and integritie of life. For why, marchandise is not onely vnto cities profitable, but honnest alfo; and not onely honest, but also necessarie. For what if a citie be built in such a barren soyle, or situate in such a place, as we haue seen the citie of Athens to haue bene, and as our Limoge, and the German Nuremberg is: and Venice also the beautie of the Mediterranean sea. W hich fourt citiees without traffiqe and the trade of marchandise had never bene such and so great as they were and are. Wherefore *Tullius* out of the number of marchants, or at least wife of base men, exempteth them which exerciseth a plentifulfull and gainfull, and not a base and bare trade of marchandise, *Mercatum certe invenisse est, for dida putanda est, simagus & copiosus, multa undique aportans, multisque sine vanitate impertinentes, non est admodum vituperanda.* The trade of marchandise (faith he) if it be small and bare, is to be accounded
ted also base, but if it be great and plentiful, bringing in on euerie side many commodi
ties, and without vanitie communicating the same unto many, it is not much to be dis
commended. Whereunto I would add that of platees, if it bring in but such things as
are necessearie, or at leastwise profitable for the citizens, and carrie out but such things as
are unprofitable, and to be spared. And therefore many lawyers say, The trade of mar-
candise abounding in plente of all things, in nothing to derogate from the honour of a
mans birth, his degree, or nobilitie. Which haply may be so in Italie, in England, and
in Portugall, but not with vs in France, nor yet in Germany. Yet that is euer where
true which Cicero writeth, Sordidus indicari qui mercantur a mercatoribus quod eodem lo-
c ac momento vendunt, Them to be deemed but bale, which buy of merchants that
which they hold even in the same place, and felie fame moment againe fell: for why,
they should gaine nothing, except they should lie loudly: whereas nothing is more
foule than vanitie and lying. Wherfore they do wisely which forbid not only the no-
bility, but even the magistrats & fouldiers also to deal in the trade of merchandize, least
vnder the colour of such traffique, a way be opened and gien to bafeness and rapine:
neither is it to be suffered, that he which cannot by himselfe, should by the help and mi-
nerie of his servants in that point defraud the law.

But bafe r ther are the buyers and selers of things dishonest, bee they neuer so
precious, and to be placed beneath handie-crafts-men and laborers, or rather so much
as is possible to be quite druen out of all cities: which cannot yet altogether bee done,
for that the law for things honest and dishonest, for things profitable and disprofitable,
is not euerie where one and the same. We haue heard painting and engraving to have
bene much commended and respected, by the estimation that the Greekes and La-
tines had of them. For who was more famous than Protogenes? or more glorious
than Apelles? one of whose tables, which for that it was most curiously wrought,
preferued the Rhodes from diuuision. Demetrius besieging of it: Which table is re-
ported to have bene esteemed at more than three hundred talents. And as Tully faith,
It was gien as a prætie & commendation to Fabius, a most prætie gentleman, That he
was scene in painting: which yet the Hebrews account of all other occupations the
baieft. And by the lawes and customes of the Turkes, as of all them of the East, and
of Affrike also, it is not onely a baie thing, but capitall also, with the needle, peneili, or
moulding, with any pictures or lineaments to shadow or draw the purtrature of any
plant, or living creature, or of whatsoeuer thing else that nature hath created. Wee
read also the profession of Physike to have bene amongst the Romans a servile and
abieft thing, and Physike it selfe to have bene excluded from the other libertall scien-
ces; which yet for all that the Hebrews and Greekes euer had in great estimation:
and begun then to be of our countreymen regarding, when as the Arabians had first di-
vided Surgeons and Apothecaries from Physitians, vsing them but as their instruments
and ministers. And albeit that Physitians be in cities to beueruenced, yet is it not to
be suffered them to be euall with orators and lawyers. For why, the most famous
Philosophers have defined the civil and lawfull knowledge of the law, to bee the mode-
ratour and chiefe gouernour, not of arts onely, but euery of all libertall sciences also. And
Rome (as Marcus Cato witnesseth) flourished above six hundred yeares without Phy-
sitians: whereas no citie can without lawes, and the lawfull knowledge of the law, any
small while endure or stand.

The order and vocation of Husbandmen and Graflers, is also right commendable:
as they which by those two most auntyent trades, have taught cities, townes, villages,
and families, to releeue and maintaine themselves, with things of all others most neces-
sarie. And truly Cyrus the Greater, of nothing auntyenth so much, as of the fields ter and
plained
planted by his owne industry and labour. Serratus, also Curius, Cincinnatus, Torquatius, and Cato, men no lesse famous for their ciuill than their domesticall prayses, were yet for that most commended. Quod attritis operis rustici manibus salutem publicam stabiliuent: quaque modo arationem bomin- inga sererant, triumpbals curvis habebant reverent. That with their hands worne with country labour, they establisht the welfare of the Commonweale: and that those hands which of late ruled the yokes of oxen at plow, now held the taines of the triumphall chariots in the citie of Rome. But these things were chiefly done in that age when as such men as had before bene Convuls were now from the plow called into the Dictatothip. Truly of all things whereby any thing is gotten, nothing is better than husbandrie & grafting, nothing more plentiful, nothing more pleasant, and I might say also with Theophras tus, nothing better becometh a free borne man, & in manum alpem & capite thea- pso: were not these most notable acts, in turlele manner contumeliously let out into base men, for wages hired. Now we have said those acts to be accounted base, whose wages is the eattest penic of their flaucerie: so that it ought not to seeme strange, if that husbandmen in the fall of the Roman Commonweale were put backe from the warrtes. Whereof it followeth, both the orders and degrees of husbandmen (I say) and thehearts to be placed in the rank and number of labouing men. For necessitie it selfe (yea oft times against reason) enforcing the dignite of degrees and vocations of men to be disposed of according to the laws and customes of euerie citie and country.

The Hangmans office almost euerie where is deemed of all other the basest: neither by the Centors lawes was it for him lawfull to have a dwelling place within the citie: as in this our age it is not lawfull for him at Tholouse. Whereas by the lawes of the Hebrewes it was not onely honest, but necessarie also, even the nobleft of them: if they had bene witnesses of capitall crimes, to be ale the executioners therein. Ye and in England the neerest kin to them that be hanged, be he their fathers, their brethren, or neerest kinmen, the last kindnesse they can doe them, is to play the part of the hangman, and to strangle them hanging upon a lowe paire of gallowes. But by our customes we see gainfull rewards proppounded unto this base an office, least we should be at any time deftinate of an office so necessarie for the citie; as we have heard say it to have long since happened in Gaunt, where the judge for lacke of an hangman commanded the father and the sonne, both convicted and condemned for the same offence, to cast lots which of them should be the others hangman; wherein the lot fell unto the father, who now growne very aged, with much entreatie obtained that his sonne, as by age the stronger, and so fitter to lye, might become the executioner; who without feare hanged his father: the eternall monument of which impetie and villanie (which I against my will have beheld) the Gantois suffer yet to stand in statues of braffe", and that in a publique and open place even in the midst of the citie.

There is also in citie a great multitude of idle lazie fellows, who neither in time of peace, nor warre, have any occupations to set themselues to worke, or other trade to busie themselves withall: whomse it is needfull either to banish out of the citie, or to kepe them in publique worke: for why, they can in no degree be placed, and so much the more, if they haue nothing of their owne wherewith to maintaine that their idle life. And these kind of men Amasius king of Egypt put to death, in like manner as if they had beetheues and robbers. Wherein they of Paris doe much better, who thrust the strong and lustie of these idle mates into their publique worke; courteously feeding and curing the sickle and aged, and diligently instructing the fatherlesse and poore boys and maids, some in learning, some in occupations, in foure dures colleges, besides a great hospitall endowed with most faire renouewes.
But if citizens live idle upon such goods as they have themselves before got, or were of old left them, albeit that they lead a foul and flagitious kind of life, yet are they to be therein suffered, if it were but that they might with their wealth help to the poorer commonwealths wherein they live. But if these men feed all as their mind with the contemplation of high and heavenly things, I deeme them then of all sorts of citizens the happiest, and to be placed in the highest ranks and degrees of them. But if they had rather lead an active than a quiet kind of life, it is much better to call them than poorer men unto honours and magistracies, if there be dishonestie of life let: for that they are like to be the clearest from bribery and corruption, than they which are presed with pouer and estate. Wherefore in obtaining of magistracies and honours, the law commandeth the richer sort to be oftentimes placed together with the nobler; yea and some times also to be preferred before them, if no staine of their past passed life let; and that is well agreeing unto the laws and customes of the Indians, whom Plinie writeth to preferre still the best and richest man unto honours and places of command.

Wherefore in what order citizens are to be placed, is to be referred unto the judgement and discretion of the masters of the ceremonies of euerie citie, for the unlikemene of their laws and customes almoht infinite. Yet I suppose, that citizens in a monarchie might in this order not unaptly be placed. That next vnto the king himselfe, who out of the number of the citizens, going lare before the rest should follow the holy order of the clergie: next vnto the sacred order of the clergie; the Senat: after the Senat should follow the martiall men, and amongst them, first the generall of the armie, or great constable, and then the dukes, counties, marquises, governors of provinces, landgraves, burggraves, captains of castles, vassals, and other fouldiers, with such others, as vpon whom the charge of the warres, by the custome of our ancesftours lieth. After them should follow the order of gowne men, which should containe the collegues of magistrats, and companies of judges, partly diuided into their places, with oratours, lawyers, pleaders, advocates, attournecies, proctors, tribes, regifterers, notaries, sergentes, apparitors, garders, tryers, trumpeters, gaillors, and all the compaine belonging to the law. Next vnto whom should follow the order of physitians, Surgeones, and apothecaries. And after them Schoole men, such as profesed to instruct the youth, or are themselves instructed; the professors (I say) of diuinitie, law, and physike, natural philosophers, mathematitians, logitians, rhetoritians, historiographers, poets, and grammarians. After the order of gowne men, I suppose are to be placed marchants, agents, farmers of the common custome, bankers, money chaungers, brokers, and especially they which haue the charge for the bringing in of cornne into the citie, and of such other things as are most necessarie for the feeding of the citizens, such as are the correngurers, butchers, ffinemen, fishers, bakers, puddingmakers, cooke, vnto whom we will loyne husbandmen and graisters; and vnto thefe all kind and sort of handycrafts men: which for that they seeme almost innumerable, of them, they which are the most profitable, ought to haue the first place, carpenters (I say) armoures, masons, mettal men, coyners, gold beaters, goldsmiths, matal melters, glasse makers, smiths, bakers, potters, horners, chaudlers, weavers alfo, and such as deale in finning of filke, wool, beatis, hair, flaxe, hempe, cotten wool, and schuch other like, whereof we see cloath, ropes, garments, hangings, fayles, and paper to be made. Next vnto whom follow cuttiers, skinners, fullers, dieters, tailors, shoemakers: vnto which occupations, although printing be not for antiquitie to be compared, yet semeth it for the excellencie thereof, before all the rest worthy to be preferred. For as for painters, image makers, caruers, makers and sellers of womens paintings, minifters, players, bawkeres, fencers, tumblers, jenters, and bauds, are in mine opinion either to be quite driven out of cities, or else to be placed in the lowest place of
all: so that even bath keepers, barbers, tailors, hucksters, ostlers, coach men, carriers, graue makers, farers and hangmen, are to be placed before them: But that these are indeed necessarie for the carrying out of fishes, and the cleansing of the citizens and cities: Whereas the other with their most base trades, the minifter of foule and vaine pleasures, not only corrupt the citizens maners, but utterly overthrow even the cities themselves. But we have so described the orders of citizens, not so much that the dignitie, as the condition of euerie one of them might so the better be understood.

Neither are citizens but most feldom, and that also in time of great necessitie, to bee in orders from other citizens divided: for that so doing may giue occasion and minifter matter vnto ciuill sedition: when as some of them divided from other some, shall perceive themselves to be noted also with a difference of their order and degree. Yea we said, that the citizens of one and the same trade or occupation were not in one street or quarter of the city to be together placed: except they were by the freainesse of the places, or opportunitie of the waters they were to vfe, therto enforced; as butchers, curriers, slers, bath keepers: who for that they are to have the continuall vfe of water for their of washing, must have their dwellings also neere vnto the rivers sides: so are also armouers, and limithes, to be placed apart by themselves from schoellers and students, as for other handicrafts men, marchants, and trades men, it is good to have them separated one from another, and to be diuided into euerie part of the city, that the citizens may more commodiously vfe their helpe in general, and not in time of damme.

Get be enforced oftentimes to runne from the furthest place of the citie to the furthest. Whereunto it is to be ioynd, that citizens of the same occupation or trade, diuided into diuers parts of the city, cannot fo easilly confpire against the common good, or delude the lawes, as if they dwell together. But if assemblie of all the orders and degrees of citizens, must of necessitie be made (for that degrees must needs in some sort bee distinguished from degrees, that a certaine dignitie of degrees may be kept) especiell caze is to be had, that the citizens be not diuided into two parts only, and yet that in such assemblies there be not more than three degrees or places: for that contention arising betwixt two, they easilly breake out into force; or elles vpon equal voyces breake off, and leave the matter vndecided: when as one thing is contrarie but onely vnto one, and that by nature many things cannot vnto one be contrarie; but that the third must of necessitie ioyne it selfe vnto the one of the two, so to reconeile them together: whereas if there be more than three parts, and in number equal, the same inconveniences doe follow (that doe of two) the euene number being easilly to bee diuided into two parts: but if in number vnevquall the number of opinions diuers will hardly end the controuersies once moud.

It shall also be more commodious and profitable to have one orator or speaker, for all the degrees of citizens together; then for diuers orders and degrees, diuers: so that it be agreed vpon amongst all the degrees and orders what is to be requested, determined of, or done: as heretofore at Thuirin and Orleame, when they called their affemblies. But if the orders and decrees of citizens shall therein differ among themselves, it is then needfull for every order and degree of the citizens, to have their owne speaker. As of late in the parliament of Bloyse, when as the Bishops grievously complained of the Nobilitie; and againe the Nobilitie of the Bishops; and the Comminalitie of them both, it was then needfull to have three Speakers appointed: and yet fo could not the good of the people bee sufficiently provided for, but that the Speakers were blamed of fallhood and collusion, and that diuers great and grieuous complaints of the people were thereof gien out. But these things are especially to be taken heed of in a Monarchie, wherein one man is judge of all controuersies: Wheras in other kinds of states, albeit
albeit that there be many speakers, yet the matter is still in the end put to voyses.

But that diuision of the citizens (which we have spoken of) into three degrees or parts, as it is vno all kinds of cities profitable, so is it in an Ariflotocarie most necessarie, that two of them disagreeing, the third may end the strife, or taking part with one, may draw the other whether it wil or no from the former received opinion. For if two factions shall arise, they which are wise, & with the good & welfare of the Commonweale, should set up an head of a third faction, and ioyne themselves vnto him: For three leaders of dierer factions, or part-takers, are right easily reconciled; whereas two are most hardly brought to agreement: whereas oftentimes arise seditions and civil wars, and that especially in the Ariflotocarie estate: For that in that estate, betwixt the nobilitie and common people, can be not third degree, all the right of souerainitie being in the nobilitie, and nothing thereof in the people; all the same right in a popular citie, or estate, being common to the nobilitie and Senat together with the people. Wherefore it is an easie matter to create a third degree or order: as at Rome the order of knights or gentlemen, was in a fort an arbitrarour or vmpier betwixt the Patricie and the people, as made of both degrees. But for that both the Patricie and the knights made fearely the fith part of the whole people, the people did therefore the more impietiously raige & rule: which was then especially vnderstood, when as by a law concerning the Theatres, place for the beholding of plays, was first vuen to the Senat, & next after them vnto the knights or gentlemen, all apart by themselues from the people: wherof Livie thus writeth, C. Atili Serrani, L. Scribonius Libonis, Eidemum Carulium Ludis Romanis primum Senatus a populo secretus spectatu, praeuisseque sermones fuerunt omnis notitas foliet alius tandem, quod mento ante debuerit tributum censentibus amplissimo ordini, alios demptum ex dignitate populi quique maiestatis patriam adiectum esset interpretantibus: & omnia discrimina tali quibus ordines discernentur, & concordie, & libertatis aequa minuenda esse: ad quingentisimum quingagissimum Septuagesannum in promiscuo spectatu esse, quid repente factum? Cur non immisceri soli in causa Patris plebem vellet? Cur duas panperem confessorem falsididerit? Nonam & superbam libidinem abnullius ante gentis Senatus neque desideratam, neque institutam Postremo Africanam quoque ipsam, quod Conful autior eius rei suisset, penitusisse severat, At the Roman plays of C. Atili Serranus, and L. Scribonius Libo, the honourable Ædiles, the Senat apart and diuided from the people, first beheld the fame: which thing (as euery nobily vlieth to doe) gaue occasion of speech, some deeming it now at length to be vuen vnto that most honourable order, which should long time before have of right beene gaue it; other some interpreting it to be taken from the dignitie of the people, whatsoever was added vnto the honour of the Senat: and all such differences as whereby degrees were discerned, tended alike to the diminishing both of concord and of libertie: that the people indifferently together had beholde the plases, now five hundred fiftie six yeares. W hat was that now fodenly done? Why should not the Senators be contented to have the people mingled with them in the Theatre? Why should the rich some the poore man to sit by him? A new and proud insolence, theuer before of the Senat of any nation either desired or ordained. Laff of all it is reported, Africamus also himselfe to have repented him, That being Consull, hee had beene author of that matter. Thus much he. W hereby it is to be vnderstood, that for the preteruing of the popular libertie, and concord, degrees ought fo to be placed with degrees, as that all of them may more easily bee ioyned vnto all in societe and communion together. Wherefore this fact of Africamus was blamed, not onely of the common people, but even of the Senators themselves, whose fauour he was thought to have gotten: For so Tullie writeth him to have bene blamed, not onely of the wifer sort, but euery of himself,
also; for that, that was by force from the people extorted, which had before 
vaill then bene willingly graunted vnto the Senators: for that albeit that the feats 
were indifferent vnto all, yet neuer any of the people would content to sit to behold 
the playes before the Senators. About an hundred yeares after was a law made by L. 
Roscius Otho, Tribune of the people, That the knights or gentlemen should sit and take 
their places vpon the fourteene steps or degrees next vnto the stage: For when the 
magistrats and the rest of the Senators, by the Centors law, did more commodiously 
sit and heare from the first and neereft places vnto the stage, the higher degrees and far-
ther off, were accounted of little credit: & albeit that the places of the Theater were of 
right great receit,(as which contained oftimes threetrice thousand of the citizens) yet 
could they not containe them all; & therefore by the law Roscius concerning the Thea-
ter, it was needfull that place should be kept for the knights, in the fourteene steps and 
degrees neere vnto the stage: and for that thereby the peoples voyces seemed secretly 
in some sort to be taken from them by Roscius the Tribune, whom it becommed to haue 
 bene a keeper & preferuer of the popular libertie and dignities; at such time as he came 
to behold the playes, he was by the knights (whose fauour he had won) with great ac-
clamation and applause received, but of the people with greater tumult and state, in 
such much that Cicero the Confull was glad to call all the assembly of the people out of 
the Theater. And so as a man of great wisedome and eloquence, with a grave oration 
repressed the peoples insolencie, and with a reproue and chiding, well becomming the 
dignities of the Confull, so appeale the tumult, as that the people retourned againe into 
the Theatre well pleased. Hereof came that speech of Plutie in commendation of 
Cicero,Te fuadente tribus Roscio Theatralis legis authori ignoverunt, notatique de discrimi-
mine sedis aequo animo tulerunt. The tribes (faith he) at thy peruation pardoned Roscius, 
author of the law of the Theatre, and tooke it patiently themselves to bee noted with 
the difference of their seats and fittings. Now a punishment was set downe by the law 
of the Theatre, Nee quis nisi cenfum equeslrem habere in xiiij speciaret. That no man 
extcept he had a knights wealth, should stand in the xiiij steps or degrees to behold the 
playes. But when many, their patrimonie being by the cuill warrs wafted, durft not 
for feare of this Theatre, all law behold the playes from the fourteene steps or seats, An-
qua sunt the emperour decreed, That they should not be therewith bound, who them-
selfes or their parents had euuer had a knights wealth or abilitie. Now as for the order 
and degree of women, I meddle not with it; onely I thinke it meet them to bee kept far 
off from all magistracies, places of commaud, judgements, publike assemblies, and 
councils: so to be inttenued onely vnto their womanly and domesticall businesse. And 
thus much concerning the order and degrees of Citizens. But by what means 
prouision is to bee made against the revolt and tumultuous storms 
of the common people, we will in due place more at 
large declare.
THE FOURTH BOOKE
OF OR CONCERNING A
COMMONWEALE.

CHAP. I.

Of the rising, encreasing, flourishing estate, declining, and ruine of Commonweales.

LI Commonweales take their beginning either from a Family, by little and little increasing; or else at once, as when a multitude of people, as a Colony drawn out of another City or Commonweale, doe as a young swarme of bees fly abroad unto another place: or as a slip or science pluckt off from a tree, and planted in a strange soyle, which taking root, bringeth forth much more plentiful and pleasant fruit, than doe those trees which grow vp of small kernels, or of their owne accord. Yet both the one and the other of these Commonweales, are established either by the strength of some stronger than themselves, or by the power of some others, who voluntarily had subjected themselves together with their libertie, unto the power and pleasure of others, to be by them disposed of, as by a soveraigne power without any law at all, or else upon certaine laws and conditions betwixt them agreed vpon. So the Commonweale having taken beginning if it be well rooted and grounded, first assureth itself against all external force, and then against the inward diseases of itself, and so by little & little gathering strength, groweth vp vrill it be come to the full perfection of itself: which wise may call the Flourishing estate thereof: which cannot be of any long continuance, by reason of the changes of worldly things, which are so mutable and uncertaine, as that the greatest Commonweales oftentimes fall even at once with the weight of themselves, some others by cruel wares, some by popular diseases, but most by the enemies violence, being as then ruinated, when as they thought themselves most assured: other some by the wrath of God, being vpon the sudden, and in a moment overthrown: some few by age growing old, and by their inward sickness taking end. But yet no Commonweales, finding or feeling greater changes or falles than the fairest of them: which for all that, are not in that to be blamed, epecially if the change or alteration come by any external force, as most commonly it chambereth, the fairest things being still the most envied at. And as Demetrius (he which was called the Besiger) deemed no man more happy, than him who had longest quietly lined in the greatest abundance of all things, never
A. neuer having tafted of aduerfitie, as a man by fortune deemed moft abieéct and unworthie, with whom fee should contend or strive: so we fee some Commonweales fo shamefully buried in pleasures and idlenes, or else fo to be corrupted, as that they might well move any man rather to pitie then to enuie at their state. Wherefore the risings and ruines of the Commonweales are well of vs to be considered, and what the caufes be of euery fuch their conversion and change before that we give judgement of them, or propound them as examples to be imitated and followed. Now I call that a Conversion of a Commonweale, when as the state thereof is altogether changed: as when a Popular estate is changed into a Monarchie; or an Aristocratie into a Demo- cratie; or contrarywife: For as for the change of cuftomes, laws, religion, or place, it

B. is but a certaine kind of alteration, the state and foueraigne continuing ftill: which may also to the contrary if felfe be changed, without any change of religion, or laws, or any other things else, besides them which belong vnto foueraigne. As when in our time the Florentine popular estate was changed into a Monarchie. Neither is the age or continuance of a Commonweale to be measured by the long standing of a citie, or of the waules thereof, as Paulus Marutius feemeth to haue done: who writeth the Venetian Commonweale that now is, to haue stood twelve hundred yeares; which hath yet suffered three changes, as we fhall forthwith declare. Sometime it hap-

C. peth also no change either of the citie, or of the citizens, of the cuftomes, or religion to be made, or any other force offered, or wrong done to any man: and yet that the state may perish: as when any foueraigne prince willingly fubie•cteth himfelfe, his king-
dome, and people vnto the powe•r and obedience of some other Prince, or else by his testament appointeth some popular Commonweale in fubiection of his State and king-
dome: As is reported of Attalus king of Asia; of Coelius king of Alpes; of Ptoleme•

D. king of Cyrene; of Eumenes king of Pergamum; of Nicomedes king of Bithynia; of Polemon king of Pontus, who left the people of Rome heires of thofe fo many their kingdemes: for then thofe kingdemes were quite taken away, and thofe Common-
weales brought into the forme of Provinces, and no change made of their Monar-

E. chies into a popular ESTATE. And fo contrarywise, if of one or many citiies or provinces be made one or manie Monarchies or popular eftates divided in foueraigne, that is not to be accounted any conversion or change, but even a verie beginning of diuers new Commonweales: As when the crowne of the Swifcers and the Giflons resol-
ted from the Germaine Empire, they became eighteene Commonweales, every one of them holding their eftates (divided from the other) in foueraigne. Sometime also of two is made one and the fame Commonweale, as were the Romans and the Sarabies, their two kings and people being in the fame power and league joined and combin-
ted together, neither of them subie•cted vnto the Laws or command of the other; but

with equal power both of them growing together into the fame citie. And left the Sarabies fo joined vnto the Romans shoule have seemed to have accrewed vnto another mans kingdom, it pleased them that the names of both the people being taken

away or suppressed, they should be called Qurites, which name the Magiftrates in their orations vnto the people ever after vied: Albeit that Romulus (who because he would not feeme to endure a fellow in the kingdome with him, had not spared his owne brother) caufed Tatius king of the Sarabies not long after to bee also flaine:

wherefore the Sarabies Commonweale fo perished not, either accrewed vnto the Ro-

maines (as fome haue beene of opinion) Albeit that other people called them neither Sarabies, nor Qurites, but Romans: For that that name once given vnto the Citie and the people, could never more be changed; or for that the name of the Romans was more flately; or elfe for that thofe two people fo grew together within the walls

of
The Fourth Booke

of Rome, yet so as that the one became not subject unto the other: as it chanceth when the one being vanquished, yeeldeth it selfe unto the other, and so suffereth the lawes of the vanquisher. Which may serue for the defendinge of the question of Cuners the lawyer, who doubteth, Whither the subjectes of the one Commonweale, if they be joyned into one and the selfe same bodie with the subjectes of another Commonweale, be thereby the subjectes of them with whom they are so joyned: which thing Bartheolus denieth; and for example thereof alleageth Raymond Countie of Toulouse, not erring indeed in his resolution of the question, but in the example by him produced, not having good regard vnto the traietie made betwixt the Countie and the estates of Languedoc of the one part, and Lewes the ix the French king on the other part, wherein it was comprised, That the only daughter of the countie Raymond should be espoused to Alphonse countie of Poitiers, the king's brother, with condition, that if they died without heites of their bodies lawfully begotten, the countrey of Languedoc should in full right returne vnto the crowne; yet for all that so, as that the customes of the country should not be changed; neither any taxe imposed without the consent of the estates of the countrey: which hath alwaies beene obfervt, the foueraigne ouet the country and the inhabitants of Languedoc remaining vnto the kings, as it had before that the countie was theretfrom exempted. But most certaine it is, that an estate subjecte vnto another, maketh not another Commonweale, but onely a part of the subjectes.

But that these things may the better be perceived, it is to be understood, that all conversions and changes of Commonweales, are either voluntarie or necessarie, or else mingled of both: and as for necessarie, it is also either natural or violent: For albeit the birth of things be more faire and pleasing than their death, yet for all that so it is, that the source and course of flowing nature rauieth all things, guineth vs also to understand, that the one cannot be without the other: so that all things which had beginning, although they haue stood many hundred yeares, yet must at length in time take end and perish also. But, as we deeme that death more tolerable which by little and little creepeth on through the weakenesse of age, or the course of some long lingering disease, and that almost without any sensiblle feeling thereof: so also may we say the change or fall of a Commonweale, which proceeding as it were of age, and after hauing endured a long tract of worlds, to be necessarie, and yet not violent: for that nothing can well be called violent, which is agreeing vnto nature: seeing also that the course of euerie things age is certaine, and a certaine time both euerie age appointed: so that in due time to take end seemeth to bee a thing of euerie thing to be wished for.

Now Commonweales be also changede some times to the better, and sometimes to the worse, whether such change bee natural or violent: yet the violent change still hauing violent motions, and so quickly done; and the natural changeing still be little and little, and so the lesse felt. But of all changes of Commonweales, no voluntarie changes is more pleasing or easie than that which is made by the consent and good will of him which hath the foueraignty, and of his subjectes: when as hee which hath the foueraignty, chooeth rather to yeeld the same vnto the nobility, or the people, than to hold it himselfe: as we have heard Sylla, with incredible violence to have taken upon him the Dictatorship, and that not without the most crueltyfull slaughter of the people, and so to have turned the foueraignty of the Commonweale from a popular estate, into a Monarchie; and yet him the same man within foure yeares after, voluntarly and of his owne accord, dispoileth himselfe of the Monarchy, which he had enjoyed under the colour of his Dictatorship, to have againe restored the foueraignty vn-
A to the people, to the great contentment of them all in generall, and the good liking of every one of them in particular. So also the nobilitie of the state of Sienna, by their common consent, yeelded the soueraigne of that state vnto the people, and abandoned the city themselves, which Pandolphus the tyrant, violently afterwards inuaded. And as in mens bodies divers changes happen from the qualities of the elements, the disposition of the body or the minde, the temperature of the humours, as also from the manner of the education thereof, and diuerity of diet: so also the Commonweale may suffer an vnuerse change or ruine, from friends or enemies external or internall, or from both, whether it be from good to euill, or euill to good, and that oft times contrary to the good liking of the subiects, who must sometimes as children and mad folks, be cured even against their wills, as Lycurgus, who changed the laves and royall state of his country, into a popular gouernment, contrary to the good liking of the subiects, or of the greater part of them; howbeit that in so doing, he was well beaten of them, and lost one of his eyes (the reward of his vertue) although he had before renounced the claime and right that he and his successeours had vnto the kingdome, as princes of the blood, and nearest vnto the crowne.

But forasmuch as there are but three sorts of Commonweales, as wee haue before declared: there are also but six perfect conuertions or chauanges thereof, viz., of a Monarchie into a Popular estate, or of a Popular estate into a Monarchie: and fo likewise of a Monarchie into an Aristocratie, and of an Aristocratie into a Monarchie: and of an Aristocratie into a Popular estate, and of a Popular estate into an Aristocratie. So also of every estate there be fix other imperfect changes, or rather alterations, that is to wit, from the Royall estate vnto the Lordlike: from the Lordlike estate vnto the Tyrannicall: from the Tyrannicall vnto the Royall, or from the Royall into the Tyrannicall: from the Tyrannicall into the Lordlike, and from the Lordlike into the Royall. So might one also lay of an Aristocratie, lawfull, lordlike of factious: And of a Popular estate, lawfull, lordlike, and turbulent. I call it an vnperfect change, as the change of a lawfull Aristocratie into a faction; or of a Royall estate into a tyranny: for that therein is nothing but the chaunging of the qualities of good gouernors into euill, the Monarchie yet still remaining in the one, and the Aristocratie in the other. I speake not here of the chaunging of a Monarchie into a Duarchie (or soueraigne government of two) for that we haue before declared such a Duarchie to bee comprehended vnder an Oligarchie (or government offew) other wise a man might make also a Truarchie of three princes, ruling together in one Commonweale (as it chaunced in the Triumvirat of Marcus Antonius, Augustus, and Lepidus) as also a Tetarchie (or government of foure) and fo other chaunges of Commonweales in number infinitt: whereof there is not onely no rule or precept to be guien, but are also of themselues most absurde: For when wee once passe the soueraigne government of one, wee forth with enter into the populatiae of moe: which as the lawyers say, is still contained in the number of two.

But besides these conuertions and chaunges of estates, which wee haue alreadie spoke of, it happeneth sometime that the estate of a Commonweale is holden in suuerene and suferance: as after the death of Romulus, the people of Rome was a yeare without a Monarchie, a Popular estate, or Aristocratie: For the hundred Senatours which commanded one of them after another, had no soueraigne power, neither commanded but onely by commision: true it is, that one might say, That the soueraigne was againe returned vnto the people, and the charge of command vnto the Senators, vntill that by common consent they had chosen them a king.

And sometimes againe it chaungeth, that the Royall, Aristocratie, or Popular
Commonweale being quite extingiuished, there ensued a meece Anarchie: when as there is neither souetraigne, nor magistrats, nor commissioners, which have power to command; as it chamced the people of Israel after the death of Jephte, when as their estate was brought to a meece Anarchie, and vpholden only by the prouidence and power of God alone, the best and greatest king; for so it is in holy writ reported. So likewise at Syracusa, after the death of Dion, and in Florence after that the nobilitie was thence driven out by the people: which so continued a certaine time without government, as a ship without a pilot or governour. And so after the death of Abyhabit king of Fez, that kingdome was in most miserable cafe eight yeares without a king. As also after divers murders of many the Egyptian Sultans, the Mammalukes made choice of Cempfon Gaurus, having liued a certaine time in a pure Anarchie. And in like manner the Russians, being weareie and spent with ciuill warres, for lacke of a soue-taighe, of themselves made choice of three of the German princes to rule ouer them.

Wherefore when an estate is come vnto a meece Anarchie, that is to say, when no man either commandeth or obeyeth, it is to bee accounted the verie ruine and destruction, and not the chaunging of a Commonweale: although that the families and colleges therein continue friends together. But if the nobilitie or people haue power to create the prince, and he being dead the magistrats shall themselves retaine the souetraigne power and command: yet is it not therefore to bee deemed an Anarchie, for that the souetraigne is still like againe to fall either vnto the nobilitie, or to the people.

The last point is, when as an Estate or Commonweale is together with all the people quite extingiuished: as it hapned vnto the people and signeurie of Thebes, which Alexander the Great utterly rooted out, together with their city, vauing only the house of Pindarus the Poet: vpon the entrance whereof was written, ον ους τοι σε τη τυφδας, Burne you not Pindarus his house. So also the Madianites, the Amorites, the Jebuites, and Pharexizes, were by the people of Israel utterly destroyed: which was not the chaunging of one estate into another, but a meece ruine of the estate with the people together. But yet it may well be, that some one member of a Commonweale, or that some one province thereof may be destroyed, or a town dye, and all the people therein slaine, and yet the Commonweale flandre: as it chanced to the towne of Arzille, in the kingdome of Fez, which the Englishmen razed, and put all the people therein to the sword: and to Sebaflis, in the kingdome of Amasia, which Tamurlaw the Tartar king vied in like fort: and to the towne of Bizance, a member of the Roman empire, which after it had bene three yeares besieged by the emperour Severus, was in the end taken, falled, razed, and all the people slaine, and the cite thereof given to the Perinthians, who reedified it, being afterwards called Constantinople, and now corruptly Stamboll, the choyce fear of the Turkish emperours.

But this is in Monarchies speciall and proper, that the Monarches one of them often times by force driven out by another, do not yet therefore change their estate: as in a few moneths in our remembrance it happened in the kingdome of Telefsin, where the king Abuchemo was by the people driven out of his kingdome, and Abadem chosen king in his stead: who forthwith after was also cast out by Harademus Barbarussa, who long time reigned not there, but that Abuchemo returning with the forces of the emperour Charles the fift chafed away Barbarussa, and tooke sharp revenge upon his disloyall subiects, making himselfe the emperours tributarie and vassall: but was againe not long after driven out againe by Barbarussa: the state of a Monarchie yet neuer chaunging, no more than did the Roman empire, for having had foure emperours in one yeare; one of them slaine by another: the estate of the Monarchie neuertheless still re-
A maining as the price and reward of the victor.

Sometime also rule and poweraigne it is even thrust upon men by force and against their will: as first Claudius, and then Gordianus the elder were even drawne and enforced to take upon them the Roman empire. And in our remembrance the inhabitants of Tripolis in Barbare, after they were revolted from Iatius king of Tunis, chose Mu-
cemen for their king: who being shortly after poysioned, they upon the sudden enforced a religious Hermit to take upon him the crowne and the kingdom: wherein he resigned against his will, until that Peter of Nauarte, by force tooke the city of Tripolis, together with the king, whom he sent prisoner into Sicilie: but was afterwards by the emperour Charles the first (to his great contentment) sent backe againe to live in his

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But as of men some perish and die in the most flourishing time of their age, some others in their youth, some in their childhood, and some before they could bee well borne: so wee also see some kingdomes and cities to bee cut vp and destroyed before they could strengthen themselves with lawes and armes, other some as abortious to be dead and extincted before they were born: as in our time the kingdome of the Anabaptists at Munfler (the metropolitall citie of Westphalia) was taken away and subverted before it was well thought to have bene borne. John of Leiden, a Sadler, and their ringleade, who had there by the space of three yeares borne him selfe for a king, and taken upon him the soueraignty (though still by the imperially hose besieged) beating at last together with the citie taken and publicly executed.

Now when I speake of the flourishing estate of a Commonweale, my meaning is not, that it should be come to the height of most absolute perfection: for that in these transhistorical things there is nothing so perfect, and in mans actions lesse than in any thing in the world: but I call that the flourishing estate of a Commonweale, when it hath attained unto the highest degree of the perfection and beautie thereof; or to say better, then when it is leaft imperfet, and that theft from all kind of vice: which cannot be well knowne, but after the declination, change, or ruine of euery Commonweale: As the Romans having made proofe of the Royall, Tyrannical, Aristocratike, and Popular estates and Commonweales, yet never flourished more than in the Popular estate; neyther did that their Popular estate ever flourish more in armes and lawes, than in the time of Papirius Cursor: Allstate, quia nulla virtutum forsaeor suis, non erat, quo magis innixun Romana quam in Papirio Cursor fletat. In that time (faith Livie) than which none was more plentiful of vertues, there was no man on whom the Roman Commonweale resting staid, than upon Papirius Cursor. This was the judgement of the Romans, of the most flourishing time of their Commonweale: for never after was the militarie and domesticall discipline, the lawes and ordinances better executed, faith better kept, religion more sincerely embraced, nor vices more severely punisshed: So that it ought not to seeme strange, if there was never than then greater store of most valiant and worthy men.

Now if any man shall obiect and say, That the Romans were then but poore, as not yet got out of Italie, neither having or yet extended their armes into Grecia, Asia, and Afrike, nor not having as then so much as subdued Italie, neither that the Capitoll did as then glitter with gilded vaults, but was covered with fhardes: I say againe, That vertue is not to be measured by the foot of wealth and riches; neither the excellence and perfection of a Commonweale, by the largeness of the bounds thereof, but by the bounds of vertue itselfe. So that I decree those their vertumned and rough shades and groues, to have had in them more majestie and honor than had afterwards their plea-
fant greene woods, with the trees most artificially planted in order of the curious Quincunx, and reckon Rome homely and untimned, more stately and replenished with majestie, than when it was neuer so well deckt, and with precious ointments perfumed. For neuer was the power of the Romans greater than in the time of **Trajan**, the emperor, who joyned unto the Roman empire, not only Arabia Felix, but many other great provinces also beyond the river Euphrates, and with incredible workmanship hauing built a bridge ouer the Danubie, (the remianders whereof are yet to bee scene) subdued **Decebalus**, with the kingdom of Dacia, & with the Roman legions danted the most cruel and barbarous nations that then lived; when as the citie of Rome it selfe, being head of the whole empire, did so abound and flow with ambition, courtiousnesse, pleasures and delights, as that it seemed to retitle no more but the shadow of the auncient vertue thereof. Neither was the Lacedemonian **Commonweale** then most flourishing, when as it had by force of armes subdued all Grecia, with some parts of Asia also: for now they contrarie vnto the lawes, had gien way for gold and fluer to enter into the citie, now the discipline of **Lycurgus** seemed to have bee neuer almost extinct, and so indeed not long after that same Commonweale came headlong tumbling downe. And thus much concerning the differences of the changes of Commonweales, which it is needful for vs to note, the better to conceive such conversions and changes of estates, which none have touched heretofore.

Now as for the causes of the changes of Commonweales, although they bee right many, and hard to be all reckoned, yet so it is that they may bee brought into some certaine number, which may suffice for our instruction. The most common cause of the change of Commonweales is, that when the posteritie of princes falling, the great men fall out among themselves, and so take vp armes for the govern-ment of the state: or for the too great pouetie of the greater part of the subjectts, and the excessive riches of some few; or for the unequall division of estates and honours, or for ambition and the great desire some have to command, or for the reuenge of injuries, or for the crueltie and oppression of Tyrants, or for the fear that some have to bee punished for their defaults, or for the chaunging of lawes or of religion, or for the desire of some at full to enjoy their pleasures, or for the casting out of them which with their excessive and beastly pleasures pollute and desie the place of maestie and honour. All which causes wee will particularly entreate of, and as need shall bee, manifest the same by examples.

Wee have now here before declared, that Commonweales had their beginning by violent tyrannies: whereof some have afterwards continued in the state of Lordlike Monarchies, and others in Royall Monarchies by right of succession: vnto whose diuets chaunces have also happened for the causes by vs before touched. And that it is so, all the Histories, both sacred and profane agree, that the first soueraigne and forme of a Commonweale had beginning by the Monarchie of the Asyrian, and that the first prince called **Nimroth** (which is to say a Bitter Ruler) whome the Histories, for the most part call **Ninus**, by force and tyrannie made himselfe a soueraigne prince; and that after him his succesfours continued that Lordlike Monarchie, taking vnto themselues the whole and entire disposition of their subjectts and their goods, vntill that **Arbaees** gouernour of the Medes, draue out **Sardanapalus**, which was the last king of the Asyrians, and made himselfe king, without any forme of fashion or election at all. The cause why, being for that **Sardanapalus** drowned in vaine pleasures and delights, was more amongst women than hee was amongst men; a thing which men of courage and valour take moost impatiently, to see them-
themselues subiect to such an one, as hath nothing of a man more than the figure
only. W e see also, that the princes of the Medes defended from A r t a n t h e s, the
kings of P e t i a, of A e g y p t, of the H e b r e w s, the M a c e d o n i a n s, the C h r o n i a n s, the A t h e n i a n s, the C e l t e s, and L a c e d e m o n i a n s, are all come by right of suc-
cession into their kingdomes and principallities, for most part found by force and vio-
ience; but afterward by justice and good lawes polished, vntill that their povertie
failed (which oftentimes drew after it the changing of the estate) or that the princes
abusing their power, and still encreasing their subiects, were themselves driven out
or slaine: and the subiects fearing againe to fall into a Tyrannicall government, if they
should give the fourentaigntie to one alone, or not willing to endure the command of
one of their owne companions, founded amongst them the Aristocratike estate, lit-
tle regarding the common people: at which time if there were any of the poorer or
popular fort, which would also have had part in the seigniourie or government, they
fancied vnto them the fables of the Hares, which would command together with the
Lions: Or if it were that the Monarchie changed into a Popular estate, yet so it was
nevertheless, that the nobilitie or richer fort still carried away all the great offices
and places of state: as for example, S e l o n hauing founded the Popular estate in Athens, yet
would not that the poore and common fort of the people shoulde have part in the
estates. Neither the Romans hauing chafed out their kings (albeit that they had es-
tablised a Popular estate) yet so it was, that the honorable offices and preferments were
still referred vnto the nobilitie onely. W e also read, that the first tyrants being dri-
uen out, the men at armes and gentlemen were indeed alwaies chosen vnto the honou-
rable places of estate, and the vulgar people still excluded: vntill that A r i n t r i s e d e r
and P e r i c l e s in Athens, and C a n u l c i u s and the other Tribunes in Rome, first opened the gate
of honourable offices and preferments vnto all the people in generall. But afterwa 

D

sometime fearing the death of their princes, without heites male, persuaded them whil-
sto make choice of their succeffours: as dukes of the emperours of Rome did, and as they yet at this present time doe in many places of A fr i k e: or else
the right of the election of the prince remaineth in the people, the prince being dead
without heites: yea and in some places the people hauing power for the election of
their prince, albeit that their princes have heites male also: as in the kingdomes of Po-
lonia, Bohemia, Hungarie, Denmarke, Sweden, and Norway, where they have oft
times thrust their kings out of their kingdomes, for slaining the maiestie of their go-

dovernment with tyrannie, licentious lusing, or cowardile. So sometimes also the peo-

E

ple hauing had a cruell tyrant, chose for him a just and courteous prince: or hauing had
an idle, an effeminat, or contemplative prince, make choyce of some valiant captain: as
did the Romans, who after the death of N u m a P o m p i l i u s (to rule their religion to-
gether with their policie) made choice of T u l l i u s H o f f i s u s, a good captain. Y e a most
commonly it chanceth, that vnto the greatest and most cruell tyrants succeeded, the
most iust and vertuous princes, as men alwaies to follow or imitat the doings of them
whose ends they abhorre: or els vpon certaine conditions, hauing taken the fourentaig-
tie vpon them, and to hauing their leson by writing, hate also their power, theretoe
somewhat diminished. So after the unfortunat end of M a r i u s A n t o n i u s, a man altogether
given to riot and voluptuous pleasure, succeeded the great A u g u s t a s, a most wife &

F

Vn to most cruell tyrants often-times succeeded most iust and vertuous princes.
The Fourth Book

sober prince. So after the miserable death of Nero a most cruel tyrant, succeeded Galba, an emperor most gracious: So after the strange event of the most drunken and licentious Vitellus, succeeded Vespasian the most continent: and vnto the monster of nature Helogabalus slaine and drawne in the same faction that was Vitellus, succeeded Alexander Severus the most varuous: a thing most strange, considering that he was his cousin germane, and together with him nourished and brought vp: and that the power to command in soueraignie hath this mischief in it, that often times it maketh of a good man, an cuill; of an humble man, a proud; of a mercifull man a tyrant; of a wise man a foole; and of a valiant man a coward. For what could be more notable then the first five yeares of Nero his raigne? what more excellent then his youth? or who for modestie was to be compared in the beginning to Tiberius? who so behavied himselfe (as faith Suetonius) as if he had almost beene a privy man: and being of one called Lord, commanded him, that he should no more by way of reproach so call him: and against fraudulent and infamous libels made of him, oftentimes laid no more, but that in a free citie, men ought also to have their tongues free: but speaking vnto the Senat: I haue had this good fortune (saide he) to have you for my gratious Masters, and so long as I live I will acknowledge you for my good Lords: for a good prince (saide he) must be the same not onely of the Senat, but alfo of all the citizens in general, and often times of every one of them in particular. Neither did he any thing in the beginning of his raigne, no not even in the leaft things, without the aduise of the Senat; and yet afterwaids having well casted of the power of soueraignie, hee became the most detestable tyrant that euer was for cruellie and voluptuous pleasures. So we read also that Herod the elder raigned six yeares as a good and just king (as faith Philo) and one and thirtie yeares as a most cruel tyrant, who caused seuentie Senators of the the house of David to be all slaine, which was indeed the whole bodie of the Senate except Semmeas, and afterward put to death his wife a most noble gentlewoman, with three of her owne children: and now lying at the point of death, gave commandement to kill all the best and chief of the Nobilitie of the whole land, to the intent that great mourning might thereby be after his death. Which examples I haue amongst many other marked, whose beginnings were too faire to continue long: the reason whereof may well be, for that he which at the first semeth to be so notable wife and worthie, must needs dissemble much: wherein Tiberius the emperour is said to have excelled all others. Whereas of them which have so curiously learned the art of false semblant and dissimulation, and haue their countenances at command, nothing that good is, true, or honest, is to be expected; but all things vaine, false, and fained, full of hypocritic and craft: Whereas he which at the first discovereth his imperfections (albeit that he be not therein wise) yet can he not possibly be a man exceedingly mischievous or naught: yea of such an one it is to be hoped, that he may at length prove an upright and just man: such an one as John the French king is reputed to have bene, who was of such a turne, as that he could by no meanes endure to looke aright vpon him whom he hated or liked not of: And yet for all that we read not of any thing by him either dishonourable or wickedly done. Neither ought it vnto any man to seeme strange, if there haue bene but few princes for their vertues famous: for euer where there be such a scarcitie of good and valiant men, and that kings are not chosen out of the number of such: and that they to whom their kindomes come by succession, commonly have their education polluted with so many vices, as that hard it is to say which of them is the greatest: it is almost a myracle if one of them shall bee able to get out of such a gulfe of all maner of vices. Yet if any such there shall be, as shall for his vertues become famous, he as a torch vpon an high place or watch tower, filleth all things
things with the light and brightnesse of himselfe: neither is onely whilest he yet liueth highly commended: but being dead, laueth vnto his children and po"llettie also, the most fragrant and sweet smelles of his vertue and worth, who though they shall tinge wickedly liue, yet are they the rather borne with, for their fathers vertues fake. Cambycis did many most cruel and shamefull things, yet was hee always both loued and honoured of his subiects, and redoubtled of his enemies, and all for the great love they bore vnto his father Cyrus, which was so well grauen in the harts of the people (as faith Plutarch) that they loued even allsuch as had a great and rising note, such an one as Cyrus had. And the emperour Commodus, albeit that he was a most cruell tyrant, and had in one day commanded the great Prouost of Rome to kill all the beholders of the playes in the Theatre (which were not fewer than three score thousand persons) for that they could not forbear to laugh, to see him in fead of an emperour, so cunningly to play the Fencer, as if he had bene one indeed; yet was hee neverthelesse of the people alwaies beloued, for the love they bare vnto the remembrance of Marcus Aurelius his father.

Wherefore we see kingdomes which come by successtion, seldone times to suffer change or innovation, albeit a that wicked sonne succeed a good father: for that his kingdome is like vnto a great tree which hath taken as deepe root as it spreadeth branches; whereas he which commeth but newly vnto a kingdome commended not strengthened with no vertue or power of his auncetstours, is indeed like vnto an high tree: which for that it is not well rooted, is with the wind and tempest easilie overthrownne. For which caufe a tyrant the sonne of a tyrant, must needs raigne in great daunger, except he be with great wealth and the power of his neighbor princes strengthened, or by long dificent of his auncetstours have obtained his kingdome. Neither can the vertues of a new prince deliuer his vngracious sonne from the conspiracies of his subiects: as it happened vnto Hierome a tyrant of Sicilie, who succeeded to Hiero his grandfather, a new prince in his kingdome, which he had by no right or claime gained, but was yet for his manifold and great vertues, of a priuat man, thought right worthy of that so great a kingdome, which hee so held almost sixtie yeares, without force or garrison, to the great contentment of all men; beloued not of his owne subiects onely, but of all his neighbour princes also, and especially of the people of Rome, to whom he was most deere: whose nephew, that he might seeme to excell his grandfather in magnificence and estate, thought it better for the assurance of his estate, to strengthen himselfe with strong garrisons of men, and so afterwards wholly giving himselfe over vnto riot and excelle, bare himselfe proudly towards all men, and so drew all mens hatred vpon him: and as for the counsel, the most affured foundation of his grandfathers kingdome, he altogether set it at naught: & to heape vp his mishaps, without any caufe why, renounced the amitie and alliance of the Romans. And so having loft both all the ornaments of his honour, and the flayes of his assurance, was by the conspiracie of his subiects himselfe with all his friends and kinsfolkes most miserably slaine, and his

Monarchie forthwith changed into a Popular estate. The like end almost had Dions the younger, another king of the same countrey also, and sonne to Dionysius the elder, who by fraud invaded the estate, which he of long time held with strong garrisons and fortresses, without the slay or alliance of any other forrein prince: but he once dead, and this his sonne a man vnskillfull of the government, and altogether givne to riot, succeeding in his place, and banishing his uncle Dion, and confiscating his goods, he was by the same Dion, returning out of exile againe into his owne countrey, with an armie thront out of his kingdome, and all the fortresses of his tyrannie overthrownne: which Dion not long after being also slaine, the Monarchie was againe changed into a

Nn iii

Popular
Popular estate. Whereby it is to be understand, new princes without great vertues hardly to maintain their estate: which although it be a thing right manifest, yet appearance more plainly by the example of Herod the elder, upon whom Cæsar for the valour of Antipater his father, by a decree of the Senat bestowed the kingdom of the Jews: who although he were in great favour with Marcus Antonius, and Octavius Augustus, yet for the better affurance of his kingdom, built most stong castles; and to gain the good will of his subjectts, bestowed great maffes of money for relieve of the poorer sort, and eased the people of a third part of their woonted tributes: but knowing how little he had for all that gained, he tooke also an oath of allegiance of his subjectts, seeking to gain them of the better sort with extraordinarie favours and good turmnes: and yet for all that he could do, he was so hated of his subjectts, that being become sickly, the people much enioyed thereat: which he perceiving, it had almost driven him into a phrensie. But he being dead, the Jews sent Sittie ambassadours to Rome, that so eafed of that teall government, they might become subjectts into the Romans, and so happily had obtained to hate bene, had not Herod his sonne bene then in great favour with Augustus the emperour, vnto whom the elder Herod had before by his will left fifteen hundred talents of gold. Howbeit yet, that all the succesflours and posteritie of Herod, which were in number many, in lesse than three score yeares, all in poore easte perihibited, as well for that he being but a new man, was not descended of rocall race: as for that his prowesse and valour fayled in his succesflours.

But these conversations and chaungings of kingdoms and Commonweales chance so much the rather, if the tyrant be too great an exactor, too cruel, or too much driven to his voluptuous and vnlawfull pleasures, or be delighted in all these together: as was Nero, Tiberius, and Caligula: and yet of these, wantonneffe and whoredome hath ruinated more princes than all the other causes: and so is it also much more daungerous vnto a prince for his estate than cruelty: for cruelty keepeth men in feare and awe, & bringeth a terror vpon the subjectts; whereas wantonneffe bringeth after it an hate and contempt alfo of the tyrant; forasmuch as euery man decrETH the effeminat man to be alfo faint hearted, and fatter vnworthie to command a whole people, which hath not power ouer himselfe. So we see that Servanapolus king of Alyria, Canades king of Petia, Dionysius the younger, and Hierofone, kings of Sicile, Helogabalus, Antony, Alexander, Chideric, Ferrander, Pifstratus, Tarquim, Aristocrates king of the Methenians, Timocrates king of Kyrene, Andronicus emperour of Constantineoble, Rhoderick king of Spaine, Appius Claudius, Galeace Sforia, Alexander Medicus, the Cardinall Petrie Tyrant of Sicene, Lugrac and Megal, kings of Scors, all for wantonneffe to have loft their estates, and most of them flaine vpon the fact doing. Neither is it long since Delmendin and Delmedin, two of the greatest citiues of Affrike, were by rebellion di[m]embered from the kingdom of Fez, and brought under the obeyance of the Portugals, for a maiden by force taken from her husband to whom she was betrothe, by the governour, who was therefore afterwaards flaine: as was alfo Ahufabid king of Fez himselfe with his fix children all maffacred by a secretarie of his, for hauing abused his wife. Neither for any other caufe did the people of Constantine (a fea towe in Affrike) chole rather to suffer the command of Deleaid a Chrustian renegat, than to obey the king of Tunes his flone. And why in our time was Muleajes thruit out of his kingdom, and fo loft his estate, but for intemperance? and yet neuerthelesse was so drowned in delights, as that returning out of Germanie, without hope that the emperour Charles the fith (in whom his greatest thruit was) would afford him any aid, and banished he was out of his kingdom, yet spent he an hundred crowns vpon the dressing of one peacock, as Paulus Ioannis reporteth: and to the end he might better concieve the pleasure of musick, still couered
A red his eyes, as having learned a double pleasure, not to bee so well perceived by two fencies at once: yet such was the judgement of God vpon him, as that by the commandement of his fones he had his eyes put out with an hot barre of Iron, by little and little drying vp the humors of them, and deprived of his kingdome also.

But for the crueltie of a prince, the estate eafily chaungeth not, if he be not more cruel than the wild beasts themselves, such as were Phaleris, Alexander Phereus, Nero, Vitellius, Domitian, Commodus, Caracalla, Maximinus, Eclerinus of Padoa, and John Maria of Millan, who were all flaine, or driuen out of their dominions, and their Tyranical estates for the most part chaunged into estates Popular. Which befell them not so much for the crueltie by them vied against the common sort of people (whereof no reckoning not account is made in a Tyranical estate) as for crueltie committed in the perfon of the great and best friended, who are always of tyrants to bee feared: vnto whom euen consuimely and disgrace is oftentimes more grievous than crueltie it selfe: whereof we have a domefical example of that Bodile, who for that he was by the commandement of Childerie king of Fraunce whipped, flew not onely the king, but the queene also, being then great with child. So was also the emperour Justinus the third flaine by Atellis general of his armie, whose fonne he had flaine, and in despiit profittued his wife vnto his feruants. And Archelaus king of Macedon, was likewife flaine by him whom he had put into the hands of Euripides the poet, to be whipt: as was his nephew also king of Macedon, flaine by him whom hee had without punishment suffered to be abused against nature by Antipater, and learned him cruauing of him revenge.

The Ariftoceatike estate also of them of Mityle, was chaunged into a Popular, for that it chauneed certaine gentlemen as they went along the streets with their baffandoes, in fpace to strike all fuch of the common people as they met: Whereupon one Morgales tooke occasion to flitte vp the commimallie to fall vpon the nobilitie, and so to kille them. And not to fecke for examples farther, Henry, of late king of Sweden (but now a prifoner) was also thrust out of his kingdome, for that he not onely didfainfully rejected the request of a certaine gentleman his subiect, but also with his owne hand most cruelly stabbed him with his dagger: wherewith the nobilitie and people moued, tooke him prifoner, and enforcing him to renigne his kingdome, gave it to his younger brother, who now reigneth. And almost alwaies the tyrants-quelettes have receivd either the estate or goods of the tyrants by them flaine, or the greatest honours and preferments in the state, as rewards due to their deferts. So both the one and the other Brutus, obtained the greatest eftates in Rome, the one of them for having driuen out the proud king Tarquin, and the other for having flayne Cesar. And Arbaces gouernour of the Medes having brought Sardanapalus king of Assyria to such extremite, as that he was glad to burne himfelle alie together with his concubines and treasures; for reward enjoyed his kingdome. So Lewes of Gonzaga having slayne Bonacoze, tyrant of Mantua, was by the subiects chosen their prince, his poffeffion ever fince by the space of about two hundred and fiftie yeares having enjoyed that estate. And the Venetians having flayne the tyrant Eclerine, obtained the feignitrie of Padua.

Some others there be, which fecke the tyrants death, and so the chaung of the estate, having nothing before but the desire of revenge, and that without either the feare of God, the regard of their countrey, or looue of their nearest and dearest friends; as he which to be revenged of king Roderike, who had ruified his wife, drew the Mahometan Moores into Spaine, who drowe out the king, and there vfling an hundred thousand cruelties, poftiffed the kingdome of Spayne, which they held by the space of seven hundred yeares after. And some others there bee also, who neither for hope.
hope of bearing of rule, or preferment, or of wealth; neither for revenge of wrongs, nor for any other private injuries received, are yet induced to the killing of a tyrant, without hope to be able by any means to escape therefore a most sharp and cruel death, respecting only the delirium of their country, and the honour of the fact: such as were Harmodius and Aristogiton in Athens, and those which slew Domitian and Caligula the cruel emperors. A thing which most commonly happeneth in the popular estates, wherein the new tyrants by force or fraud having opprest the liberty of the people, are never affured of themselves, or of their estate, without great and strong garrisons about them. So we see Alexander Medecies, nephew to pope Clement the forteenth, & sone in law to the emperour Charles the fit, by whole forces and power he obtained the suveraigne of Florence, and drug out them also that were of greatest power and courage in the state, to have compassed himselfe with great and strong garrisons, and alwaies to have gone armed, in such sort as that it seemed almost impossible to find the means to come neere him, and yet for all that to have bene flaine by the conspiracie of Laurence Medecies, not only his neere kinman, but his most familiar and domestical friend also: when as the said Laurence had promised to prostitute vnto him his owne sister; that so he might the better deliever the man disarmed (even as he was kiffing and embrasing his sister, whom he thought to have renifed) to the murtherer to be flaine: which was so courteously done, as that the fouloudiers of his guard, whom he kept for the fatisfie of his perfon, making merrie in a dining chambeft fast by, perceived nothing of the murther of their prince. And yet in so doing, the said Laurence neither delivered his country from tyranny (whereinto it by and by after againe fell) neither himselfe from daunger, being at length by a murtherous fellow himselfe also slaine at Venice. And Grefanus Medecies, who after the death of Alexander, by the helpe of the garrison fouloudiers, the oppotation of his friends, and favor of the pope, obtained the same government; albeit that he was reported to have bene one of the wisest princes of his age, or of long time before him, and a right great justicer, even by the report of his enemies themeselves, and had diuers strong cattles euin in the citie it selfe: yet nevertheless he was an hundred times in daunger of his petron, by the conspiracies of his subiects against him, being not able to endure a matter ourer then, albeit that he was both just and vertuous. And he which now raigneth, not long since missest not much to have bene flaine by the conspiracie of Pucimus, neither can bee safely without a strong garrison, so long as the citizens his subiects shall either remembre or hope for the rewards of their vailour and libertrie. And for this cause Dionysius the elder of Syracusa, being chosen generall, and having made himselfe maister of all, and changed the Popular estate into a Monarchie, had alwaies forty thouand fouliours in readiness at his call to set forward, beside a great garrison still attendant about his petron, and diuers strong holds, only to keepe the people of Syracusa with a part of Sicilia in subjection. And yet nevertheless he was no tyrant, as we call a tyrant, that is to say, a cruel, vittious, and naughtie man: neither was he ever amorous of other mens wives, but to the contrary sharply reproved his sone (as faith Plutarch) for having taken away one of his subiects daughters, saying, That he should never have one to succeed him in his estate, if he vshed such fashions: as indeed it fell out with him, being shortly after his death chased out of his kingdom.

Now if any man shall obiect and say vnto mee, That force and fear are two cuill matters for the mainaininge of an estate: true it is, and yet needfull for a new prince to vse, who by force changeth a Popular estate into a Monarchie, a thing altogether contrary vnto a Monarchy Royall; which the leffe guard it hath, the furer it is; & therefore the wife king Numa put from him the three hundred archers which Remiuer his prede-
A predeceffour had taken vnto him for his guard, saying, That hee would not distrust a people which had willingly and of themselues put their trust in him: neither yet command ouer them which should distrust him. But Sermius hauing of a flame made himselfe a king, beft himselfe with strong guards, and that wisely, as being fortaken of the Senators, who tooke his scruple gouernment in great euill part: For as iuft, pleasing, & gracious, as he was, yet had it bene a thing impossible for him without guards, garrisons, and fortresses, long to haue maintained himselfe and his fo new an estate, but that he should have fallen into the hands of his enemies. There was never a more gracious, magnificent, noble, couritgious, or courteous prince then Cesar; and yet notwithstanding, all these his great vertues were not able to preferue him, but that he was by his sonne Brutus and other the conspirators with incredible content and fidelity combyned against him, in the middest of the Senat most cruelly flame: who being before warned to take vnto him a guard for the safetie of his person, frankly answered, that he had rather to die once for all, than still to languish in safetie; wherein he did not wisely so to refuse a guard, hauing pardoned his greatest enemies (whom he sufferted still to live) and desiring to chaunge into a Monarchie the free estate of the most warlike people that euer was in the world. Which his course Augustus his succeffour followed not, but firft caused to be put to death all the conspirators against Cesar, (not so much in reuenge of the death of his vnkle Cesar, as he pretended, as so to provide for his owne safetie) after that hee still guarded with a strong guard about him, safely kept himselfe from the violence of his enemies: And albeit that having quite disinconfTed and ouerthrowne Sextus Pompeius, and Lepidus, and ouercome Marcus Antonius in battall at Actium,(who afterwards also flew himselfe) and the other citizens of greatest force and courage, either in battall flame or otherwise taken out of the way; he might have seeme to have beene able to have raigned in great securitie; yet rather the flame hee dispersd fortie legions into the provincies, placed three legions in Italie, and that not faire from the citie, kept a strong guard about him for the safetie of his person: forbid the Senators without leaue to depart out of Italie, and committed the gouernment of his legions not vnto any the great Lords, but to gentlemen onely, or some of the meaneft of the nobilitie. As for the creating of the officers of the citie, he diuided it betwixt himselfe and the people; yet so as that of such as stood for them, he would bring some of them by the hand vnto the people, and so recommending vnto their choice them whom he wished to have preferred vnto the offices and honors: he tooke from the people their free choice, and had the magistrats still be holden and bound vnto him. Iustice he daily administred, without intervination, receiving and answeringe euery mans request, hauing alwaies before him the records of the publicke reveunes of his forces, and of the provincies, so that he alone seemed to discharge all the dueties of all the officers. W hereby it evidently appeareth him to have bene a sole Monarque, and soueraigne Prince, whatsoever faire title of a Tribune of the people, or of a Prince, was by one or other guen vnto him. That is also reported to have bene of him veritie popularly done, in that he commanded debts due to the Commonwealke, which were growne by the cuill waters, and the records of the debtors to be torne and burnt. And yet this so mightie a Prince, endowed with so great vertue & wisedome hardly escaped the hands of the wicked conspirators against him, albeit that the most desperat and daungerous sort of them were now long before dead. But after that the subiects hauing by little and little made proofe of his justice and wisedome, tafted of the sweetnes of long peace and assured tranquilitie, in stead of cruel and bloody cuill waters, and that they had to doe, rather with a father than with a lord (as faith Seneca) and so began to loue and reuerence him: he againe on his part dif-

B The notable wis
dent of Augustus in his go-

ternment for the es
tablishing of his estate.
discharged his guard, going as a privat man sometimes with one man; and sometimes with an other without any other companie; and so laide the foundation of that great Monarchie, with the most happie successe that euer Prince did.

Now all Monarchies newly establisshed by the change of an Aristocratie, or Popular estate, haue as it were taken their beginning, after that some one of the magistrats, captains, or gouetnours, hauing the power of the state in his hand, hath of a compa- 
nion made him selfe Lord and soueraigne, or else that some ftraunger hath subdue
them, or that those states hauue willingly submitted themselves vnto the lawes & com-
mandements of some other man. As for the first point, and the most ordinarie change
of these eftates we haue examples enowe. For Io Pissistratus, when he had got the
chiefe office in the common weale, invaded the libertie of the people: as did also Cy-
felus at Corinth, Thrasybulus, Gele, Dionysius, Hiero, Agathocles at Syracusa, Panetinus,
and lctetes at Leonce, Phalaris at Agrigentum; Phidon at Argos, Periander at Am-
bracce, Archelaus in Caudie, Eunagoras in Cyprus, Polycrates in Samos, Anaxilus at
Rhegium, Nicocles at Sicyon, Alexander at Pherec, Marmorcas at Catana, the De-
cemuris at Rome, and there after them Sylla and Cæsar: the Salliers at Vertona, the
Bentiolus at Bolonia, the Manfreds at Fauentia, the Malstes at Ariminus, the Ban-
leones at Perusium, the Vielles at Tifernas, the Sforces at Millan, and diuers others of
like fort, who of gouernors of cities and armies haue taken vpon them the soueraign-
tic. For in matters of eftate it may be holden for an vn doubted maxime, that he is
mater of the eftate, which is mater of the forces. W herefore in well ordered Aristoc-
ratique and popular Commonweales, the greatest honours are graunted without
power of command, and the greateft powers to command are not graunted with-
out a companion therein: or if it be dangerous to divide the power of command to
many, as in matters of warte it is; then the power so graunted vnto the magistrat or
Generall ought to be but short. And therefore the Romans made chiefe command-
ners their two Consuls: and the Carthaginians their two Suffets, who euer other
day commanded by turnes: For albeit that the diſtention which is commonly be-
twixt them which are in power equall, is sometimes an hindrance for the execution
of good and profitable things; yet so it is that such a commonweale do govern, d is
not so subiect to be turned into a Monarchie, as it were if it had but one chiefe and so-
oueraigne magistrat: as the great Archon at Athens, the Prytani with the Rhodians, the
yearly Generall with the Achaens and the Eολians, and the Duke at Genes. And
for the fame caufe the Dictatorship in Rome continued no longer then the charge
required, which never passèd six monethes at the longest; yea and sometime labored
one day; which time expirèd, the power to command ceased: and if so be that the
Dictator did for any longer time retaine his forces, he might therefore be accused of
treason. And in Thebes, so long as it was a Popular eftate, the law was that the Gen-
nerall of the armie should be put to death, if he retained the forces above a day after the
appointed time: which was the caufe that the greateft capitanes Epaminondas and Pe-
lopides were condemned to death, for having retained their forces foure monethes after
the time, howbeit that they were by necessitie constrainèd so to doe, neither could
without the great danger of the State haue otherwise done. And so for the same rea-
fon almost all the Magistracies are annual, in Aristocratie and Popular Common-
weales. Howbeit that in Venice the six Councelors for the estate which are assistant
vnto the Duke, continue but two monethes in their charge: and he that had the keep-
ing of the principal forteffe of Athens, had the keyes thereof but for one day onely:
no more then hath the captaine of the castle of Rhague, who chosen by lot, hath the
charge but for a day, and is led into the castle hoodwinkt. It behoueth also in popu-
lar
lat & Aristocraticall Commonweales so much as possible is, to beware that the laws and ordinances concerning the Magistrates time be not changed, neither their charge protracted, if the necessity be not very great: as the Romans did to Camillus, to whom the Dictatorship was protracted for six months, which had neet to any other person beene granted. And namely by the law Sempronius it was straitly forbidden that the governments of Provinces should be granted vnto any for longer time than five years: which law had it beene kept, Cesar had never invaded the estate as he did, having the government of the Gauls by the consent of Pompeius and Crassus granted for five years more than the law allowed of; whereunto in that point was derogated in favour of him. Which was a notable overflight, considering that they had to doe with the most ambitious man that euer was; who so well grounded his power to continue, that he gave at one time vnto Paulus the Consull nine hundred thousand crownes, to the intent that he should not oppose himselfe against his enterprises; and vnto the Tribune Curio, fifteene hundred thousand crownes to take his part. The people of Rome moreouer allowing him pay for ten legions of soldiacks so long as the warres in France should last. Which so great a power was joyned with the hardest hart that then liued, and the most valiant that euer was, and descended of so noble an house, as that in an oration vnto the people he doubted not to say, That by the fathers side he was descended from the gods, and by the mothers side from kings; and yet withall so modest, as that his great enemie Cato said, That there was newer so modest a tyrant as he, and withall so vigilant: as that Cicero an other great enemie of his, (who conpired his death) calleth him in one of his Epiftles, The monster of widome & incredible diligence: and moreouer so magnificall and popular as euer any was, sparing for no cost for the setting forth of players, iufis, townities, feaftes, largerfies, & other publike delights: In which doing he vpon the publike charge woou the harts of the common people, and gained the honour of a most gracious and charitable man towards the poor. And yet for all that having by this means gained the foueraignty, he sought for nothing more than by all means to clip and cut off the wealth & power of the people, and to take from them their privilidges: for of three hundred and twentie thousand citizens which still liued of the publike corne which they receiued, he retained but an hundred and fifty thousand, and sent fourscore thousand ouer the sea into divers Colonies a farte off; and besides that tooke away most part of their fraternities, corporations, and colleges. In briefe it hath alwaies beene scene in all changes of Aristocraticke and popular Commonweales, then to have beene still ruinated, which haue at any time giuen too much power vnto the subjectes whereby to exalt themselves: Which thing Julian the Apoftata ment by that his embleame, or denifie of an Eagle shot thorow with arrowes fethered with his owne feathers, being before pluckt from her. For to do the foueraigne gouernors and magistrates of those estates, especially when too great power is giuen to him which is of too ambitious and haute a mind. And thus much concerning the change of a Popular or Aristocraticall estate into a Monarchie, wherein one of the subjectes maketh himselfe Lord thereof.

But the change of a Popular estate into an Aristocraticall changeeth commonly vpon the losse of some great battell, or other notable detriment of the state, received from the enemie: as to the contrary the Popular power then most enceath when it retreateth from the warres with some great victorie ouer their enemies. Of which manner of chawnges as there are many examples, so is there none more fitt than those of the Athenians and Syracuifs, two Commonweales of the selle same time: when as the Athenians by the default of Nicias their general, vanquished by the Syracuifs and so discomfited, forthewith chawnged their Popular estate into an Aristocraticke of foure hundred
hundred men, who yet bare themselves for fine thousand by the deceit of Pisander: so that the people complaing themselves to be so spoiled of the foueraignty, and comming to give voice in the councill, was thence repulld & driven backe by the forces which the foure hundred had in their power, wherwith they flew divers of the people and discouraged the rest: at which very time the Syracusians proud of their victorie (to the contrarie) chaunged their Aristocracie into a Popular estate. And within a while after the Athenians haung heard news of the great victorie of Alcibiades against the Lacedemonians, tooke vp armes against the foure hundred of the nobilitie, whom they by the leading of Thrasylalus thunto out of flow, and so againe chaunged the Aristocracie into a Popular estate. And in like manner the Thebans ouercom by the Enophtes, chaunged their Popular estate into an Aristocracie. And albeit that the Romans haung lost two great battels vnto Pirrus changed not their popular estate, yet fo it was that indeed it was then a fare Aristocracie of three hundred Senators which governed the estate, and but in appearance and shew a Democratic, or a Popular estate, the people being newer than then more calme and tructable. But fo one as the Romans had gained the estate of Tarentum, the people forthe with began to set vp their hornes, demanding to have part in the lands which the nobilitie had of long time possesed. And yet nevertheless afterwards, when as Hannibal had brought the Roman estate into great extremitie, the people became as humble as was possible: but after that the Carthaginensians were ouercom, king Perseus ouerthrowne, Antiochus put to flight, the kingdom of Macedonia and Atia subuerct, then immediately againe followed the flutes for the diuision of lands, and the turbulent feditions of the Gracchies, wherewith the Tribunes armed the people in most infolent manner, inful ting vpon the nobilitie. In like manner the Florentines ouerthrew their Oligarchie, established by Pope Clement the seventh, restorling the people againe vnto their won ted libertie: for so one as newes was brought vnto Florence, That Rome was by the imperials fack, and the Pope with the rest of the Cardinals and Bishops besieged; it is not to be beleued, with what pride the headstrong people began to rage against them of the house of Medices; with what furie they called downe their statues, defaced their armes, and reverused all their decrees and lawes. The Popular effates of the Swif ters indeed first tooke their beginning from the pride and insolence of the gouernours of those places, but yet had their greatest encreasings after the victorie of Sempach, about the yere 1377, at which time the nobilitie being with a great slaughter ouer thrown by the rural people, there was no more talking of Aristocrates, nor of acknowledgeing of the foueraignty of the empire ouer them, in what fort soever. But the chiefe caufe of these conventions and chaunges of these effates, is the rash unpauidite and unconstancie of the people, without discouer or judgement mowed with easie wind; which as it is with a little losse discouraged, so is it alse after any victorie intolterable, neither hath it any more deadly or dangerous enemie, than too much felicitie and prosperous success of the affaires thereof, nor a wiser maister than aduerstitie and disstrife, wherewith it daunted and discouraged, learneth to rest vpon the councill of the wiser fort, leashing the helme of the estate for them to gouerne, which they themselves in such tempestuous times know not how to hold. Whereby it is to bee perceived, nothing to be more profitable for the pretention of a Popular estate than hate warres, and to make enemies for it if otherwise it have none. Which was the principall reason that mowed Spie his yonger so much as in himself, to hinder the making of the famous citie of Carthage, wisely foreseeing, that the people of Rome being altogether martial and warlike, it had no enemies abroad would at length be enforced to make war vpon it selfe. For which caufe afo Onomadise geneall of the Commonweale of Chio,
A. Chio, having appealed the ciuill warrs, and driven out the most mutinous, would by no means banish the rest, albeit that he was earnestly persuaded so to doe, saying, That so it would be dangerous, lest (that having cast out all the enemies) they should fall together by the cures with their friends. Howbeit that this reason which had place for the stante and forren enemies, is not yet to bee received for the maintaining of enemies at home amongst the ciuens themselves: and yet in this case bee did but that which best becam him, and was also most expedient. For he that will have the upper hand in ciuill warrs, if he shall banish all them that take part with the faction contrarie to his owne, he shall then have no hostages at all lest if the banished shall prepare new warrs against him: but having flaine the most outrageous and daungerous, and banished the most mutinous, he ought still to retaine the remnant; for otherwise he is to feare least all the exiled together, making warr upon him, without feare of their friends at home, should so by force overthrow their enemies, and change the Popular estate into an Arilocratie. As it happened vnto the Heraclians, the Cumans, and the Megarenses, who were changed from Popular estates into Arilocracies, for that the people had wholly driven out the nobilitie, who with their friends combining their forces, and possessed of these three commonweales, ouerthrew therein the Popular estates, and againe establisshed Arilocracies.

Yet amongst other connections and chauenge of Commonweales, the chauenge of a Popular estate into a Monarchy often most happeneth; and that either by ciuill warrs, or through the ignorance of the people, having given too much power to some one of the subiects, as we have before said. For Ciceron speaking of the ciuill warrs betwixt Cesar and Pompey, saith, Ex victoria sum multa, sum certe Tyrannis exiit. Of victorie enthe many things, but especially a Tyrannical government. For that almost alwaies in ciuill warrs the people is diuided: wherein if it do fall out, that the leaders of the factions bring the matter vnto the tryall of a battaile, no man can doubt but that hee who therein shall carry away the victorie,possesed of the forces and power, shall either for ambition and the desire of honour, or for the sakes of his person, keepe vnto himselfe the soueraigntie. Whereas contrarie wise Tyrannical governments (for the most part) chauenge into Popular estates. For that the people which never kneweth how to keep a meanes, the Tyrannical government once taken away, desiring to communicat the soueraigntie vnto them all, for the hatred that it beareth against Tyrants, and the feare that it hath to fall againe into tyrannyc, becommeth so furious and passionat, as without reason or discretion to fall vpon all the kinmen and friends of the tyrant, and not to leaque one of them alie: whereas for the most part encheth the slaughter, exile, & proscription of the nobilitie; in which case cæsarc man of valoute, courage, and worth, chuseth rather to shunne the sate of the most headstrong people, as the raging of a wild beast, rather than to beate rule out it. As it happened at Athens, after that Pisistratus was slaine at Rome, after Tarquin the proud was driven out at Syracusa, after Hiero slaine, and againe after that Dionysius was banished: at Florence, after that the duke of Athens (who afterwards died Generall in the expedition of Poitiers) was driven out: at Milan, after that Galiano the tyrant had there lost his estate, where the people of Milan for seueral yeares after, held a Popular estate, vntill that at last it was againe changed into a Tyrannical government by the Toscans. Neither did the Swillars otherwise establishe that their Popular estate (which by the space of 260 yeares hath continued even vnto this day) but by killing of the tyrannical deputies of the empire, tyrannizing over them. The like we see to have happened in Thessallie, after that Alexander Dicu the tyrant of the Pheresians was slaine: and in Sienna, after that Alexander Dicu the new tyrant, was by the conspiracie of Hierome Severin slaine, and his partakers of the nobilitie.
nobilitie De Monte Now cait out, slaine, and banished; the people forthwith tooke vp on it the foueraignty. Neither is it to be doubted, but that the Florentines, after the death of Alexander Medices the new tyrant, would have taken the government from them of the house of Medices, and restablished their Popular estate, if they had certainly knowne the tyrant to have beene slaine: but when as almost onely Lawrence Medices with Caracciolus the murtherer were privie to the murther (supposed to bee not onely the tyrants familiar and domestical acquaintance, but his most inward friend also) no man could by him be perswaded, that he had slaine the tyrant: but so by present flight making shift for himselfe, gave opportunity to young Cosmus Medices his cozen (who then had the forces of the estate in his power) to take vpon them the soueraignty. But this conuersion or change of Tyranicall governments into Democracies, or of Democracies into Tyranicall governments, most commonly happe- neth, as we have said, by occasion of civil wars: for if a strange enemie become lord of any Popular estate, he commonly ioyneth it vnto his owne: which is not then to be called a change, but a destruction of that Commonweal, so visited vnto the victors; except the victor (which seldome times happeneth) restore vnto the vanquished their libetie and government: as the Lacedemonians chose rather that the confederat ci- ties of the Athenians, by them ouerthrowne in the Peloponnesian warre, yea and that euie the citie of Athens it felle alfo, shou’d enjoy their wooted libertie, than to be ioy- ned vnto the Lacedemonian estate: howbeit yet that the Lacedemonians in euie place establisshed Aristocracies for Popular estates, quite contrarie vnto the manner and fashion of the Athenians, who in all places went about to ouerthrow Aristocracies, and to establishe Democracies or Popular estates. So that it differeth much, whether the conversions or changes of Commonweales proceed from a forren and strange enemie, or else from the citizens themselues.

Sometime also the people are so fickle and fantastical, as that it is almost a thing im- possible for them to hold any one estate, which it is not by, and by againe wearie of: as we may lay of the amntient Athenians, Samians, Syracuans, Florentines, and Geno- wayes; who after they had changed from one estate or forme of government, would by and by haue another. Which phantastical disease most commonly changeth vnto such Popular estates, as wherein the subiects be too wise and of too subtil spirit, as were those whom we haue before spokon of: For amongst them euerie man thin- keth himselfe worthy to be a commannder, whereas where the subiects be more grosser witted, they the more easilie endure to be by others ruled, and more easilie yeeld vnto other mens aduises, than doe they whom you must with the multitude of argu- ments and subtiltie of wit comminge, before you shall perswade them vnto any thing: so subtillising their reafons, as that oftentimes they vanish euie into smoke; whereof affith an oblitiracie of conceit, alwaies enemie vnto wise counsellors, with diuers changes of Commonweales. As a man may easilie fee in Thucidides, Xenophon, and Plu- tarch, the Athenians lesse than in an hundred yeares, fix times to have chaunged their estate; and since them the Florentines euie times: which so happened not neither vnto the Venetians, nor Swiffers, men not of so sharpe a wit. For who knoweth not the Florentines to be most sharpe wittet men? but the Swiffers to haue alwaies bene men of a more dull spirit? And yet when as they both almost at the same time, chaunged their Monarchie into a Popular estate, the Swiffers haue therein so maintained them- selves now almost three hundred yeres: whereas the Florentines not long after chaunged their estate into an Aristocratic; they which in nobilitie and wealth exceed the rest, altogether diddaining to be made equall with the common sort of the people. But the nobilitie hauing fo got the soueraignty, began also to strive amongst themselfes for the
the principalitie: and with mutuell hatred and prospections so weakened themselves and their estate, as that they were by the people taking vp armes against them easily overcome and put to flight. But the nobilitie (and so the Aristocraticall estate) thus ouerthrown, the popular fort, and they of them especially which were called the Grandes (or great ones) began to strive and contend among themselues; for the government of the estate: and yet these much more cruellly than had before the nobilitie; for that they contended not by forme of justice, or of law, but by verie force of armes, and dint of words; who hauing with mutuell slaughters spent themselues, the middle fort of the people (for they were divided into three forts) began to take vpon them the managing of the estate: but these also falling together by the cares for places of honour and command, the verie baseft and refuse of the rafcal people, became too strong for them, filling all places with the blood and slaughter of them, vntil they had driven out and flaine the most part of them. Now these also of the baseft fort become masters of the estate, and hauing no more enemies left with whomo to strive, began at length to struggle with it selfe, and made such cruell warre vpon it selfe, that the blood ran down the streets, yea & that most part of the houses were with fire quite confumed, vntil that they of Luca mowed with their great mifeces and distresse, comming in great companies to Florence, exhorted them their neighbours to lay downe armes; and to secke for peace: by whole good speeches they persuyded at last, seased from their slaughters & butchering of one another. Whereupon to end the matter, they sent ambaffadours vnto the pope, to send them some one defendee of royall blood, to rule and reign over them: where by good fortune there was then at Rome Charles of Francie brother to king Lewer the ninth, who at the request of the pope, and of the Florentines themselves, came to Florence, and with the good liking of the people in generall, tooke vpon him the government, ended their quarrels, and reconciled the citizens among themselves, together with the Commonweale: and so hauing appeased the citizens, and reformed the Commonweale, being invited to the kingdome of Naples, he left in the citie of Florence his deputies. But he was scarce well gone out of the citie, but that the Florentines weare of the government of the deputies, came againe vnto their popular government, and so withall renewed their cuilte wars. For reedest whereof they sent for the duke of Athens, who hauing taken vpon him the souetaughtie, commanded the citizens to lay downe armes, and for the safegelie of his person, tooke vnto him a strong guard, so to keepe under the sedicitious and rebellious persons. But the citizens now supposing themselves so to be spoyled of their libertie, and brought into bondage by the terror of his guard, turned their old mutuell hatred all vpon the prince, first secretly, and afterwards three conspiracies breaking forth into open force, one after another in the citie; yea at last the citizens altogether burst out into such hatred against the prince, that they besieged the palace where in he lay, together with the fouldings which guarded him: neither could that so faine a liege be broken vp, vntil the prince was content himselfe with all his familie to void the citie: which for safegeland his life he was glad to do, not hauing yet a whole yeate governed the state. So the citie delectured of the scare of a matter, appointed a forme of an Aristocratie, not much unlike vnto a Popular estate; densifying new names for their officers and magistrats, still chaunging and rechaunging them with the manner of their state and government, oftentimes no better ordered, than if it had bene committted to mad men, or children without discretion: fearely twentiye yeares together keeping the same forme of state. But as sicke men in the heat of burning feuers, desire to be remoued now hither, and by and by against thither, or from one bed to another, as if the diseas were in the places where they lay, and not in the verie entars of their bodies: even so the Florentines
were still turning and tumbling of their estate, until they light on Cosmus Medeas, as.

of all Physitians the most skillfull, who cured the citty of these popular diseases, by estabishing therein a Monarchie, and building therein three strong citadels, furnished with good & sure garrisons; so leaving ynto his posterity a well grounded foreaigne state, by himselfe holden by the space of almost fortie yeares: than which nothing could have bin wished for of almighty God, better or more wholesome for such a mosteditious citty. And thus much briefly concerning the Florentine state, which haply might seeme incredible, had they not bene committed to the remembrance of all posterity, even by the * writings of the Florentines themselves. The like tragedies we see to have bene plaid also by the people of Affrike (who in that penne of warre are said to passe the Italians) when they made proofe of Popular estates: whereof I will set downe but one or two examples amongst many: as namely the inhabitants of Segelmesia, a citty upon the sea coast in the kingdom of Bugia, revolted from their king, established amongst themselves a Popular estate, but shortly after entred into such factions and civil writings, as that not able to endure either the government of their king, or yet the government of themselves, they by common consent laid all their houses and the walls of their citty euin with the ground, that so they might euerie one of them as kings and princes rule and raigne in their owne houses abroad in the country. The people also of Togoda, a citty in the frontiers of the kingdom of Fez, wearie of their Aristocratic, forsooke their country. For which causes the people of Affrike, not able to endure the Aristocraticke or Popular estates, have almost euerie where establisshed Royall Monarchies.

Now albeit that Aristocraticke estates seeme to many both better and more asfured and durable also than the Popular, yet so it is, that the gouernors thereof if they see not of accord amongst themselves, are still therein in double danger: the one from the faction amongst themselves, the other from the insurrection or rebellion of the people, who never faile to fall ypon them if they once find them at variance amongst themselves, as we have before shewed of the Florentines. The like whereof happened at Vienna, at Genes, and divers other Commonweales in Germanie also. As it also chanced in the Peloponefian warre, ynto all the cities of Greece which were then gouerned by the nobilitie or richer sort. Which is also yet more dangerous, when the gouernors giue leave to all strangers to come and dwell in their cities or countries: who by little and little increaseth, and in wealth and credit growing equall with the natural subjects or citizens, and having no part in the government, if they shall chance to be surcharged, or otherwise euill entreated of the gouernours of the state, will ypon the least occasion rise vp against them, and so haply chaie euin the naturall lords out of their owne country: As it chanced at Sienna, at Genes, at Zurike, and at Cullen; where the strangers encreasing, and seeing themselves surcharged and euill entreated, without having any part or interest in the estate, drie out the gouernours and slew most part of them. And namely they of Lindaw, after they had slaine the gouernors, changed their Aristocraticke into a Democraticke or Popular estate: as also did the inhabitants of Strasburg, who in detestation of the Aristocraticall government, which they had changed into a Popular, after they had driven out, banished, or slaine their lords and gouernours, solemnly by law provided, That no man should have the great estate, or any other publike charge in the citty, except hee could first well prove his grandfather to have bene one verie base fellow, and to himselfe be defended from the meanest sort of the rascall people. Which yet is no new matter: For we read, that the strangers in the Commonweale of Corfu encreased so fast, that in the end they feied upon all the nobilitie, whom they cast into prison, and there murthered them; chan-
changing afterwards that Aristocratical estate into a Popular goutenment. The like hapned vnto the Aristocracy Commonweales of the Samians, the Sibarites, the Trezienians, the Amphipolitians, the Chalcidians, the Thurians, the Cnidians, and them of Chio, who were all by strangers changed into popular estates, having with their multitude thrust out the naturall Lords and government. Which is the thing most to be feared in the Venetian estate, which we have before showed to be a meere Aristocratic, and receptacle of all strangers, who have there so well encrateth, that for one Venetian gentleman there are an hundred citizens, as well noble as base descended of strangers; which may well be proved by the number of them which was there taken 20 yeares agoe, or thereabouts: wherein were found nine and fiftie thousand three hundred fourtie nine citizens, aboue twenty yeares old; and three score feaven thousand five hundred fiftie feaven women: two thousand one hundred eighttie five Religious men, 1157 Iewes: which are in all, an hundred thirtie and two thousand three hundred and thirtie persons: whereunto putting a third part more for the number of them which are under twenty yeares old, (takinge the ordinary age and the lives of men to be 60 yeares, as the law preserveth) it amonisteth to the number of about an hundred seuen thousand foure hundred and fourtie citizens, besides strangers. In which number the nobility or gentlemen were not comprehended, who could not be aboue three or foure thousand, accounting as well them that were absent, as them that were present. And truely I cannot but maruell why the Venetians have publisheth, yea and that more is have suffered to be put in print the number that then was taken. The Athenians long agoe committed the like error, and when the citie was the most populous, found that upon the number taken, there were in the citie twenty thousand citizens, ten thousand strangers, and foure hundred thousand slaves; which open number and account the Romans would not take of their strangers, and so much lesse of their slaves: whom they would not either by their countenance or attie have knowne from the rest of the citizens: Howbeit that some were of opinion that the slaves ought to be knowne by their apparell; yet their opinion preuailed, which thought the same to be dangerous, and a thing to bee fearde, left the slaves entering into the number of themselues, should make their masters their slaves, for so

D Seneca writeth. We read in the hystorie of Cardinal Bembus, that the greatest assemblie of the gentlemen of Venice in his time (when as that Commonweale was most populous) was but sieteene hundred; which their fewness they by most certain tokens, and their attire, make still to appeare. But that which hath most maintained their frugonie against the commotion of the citizens, is the mutual amity and concord of the gournours and gentlemen among themselues; and the sweetnes of libertie, which is greater in that citie than in any other place of the world; so that being drowned in pleasure and delights, and having also part in certeine honors and meane offices, whereof the gentlemen are not capable, they have no occasion to strive for the changinge of the estate; as had those of whom I have before spoken, who were only debarred of all offices, but by the gournours of the State surcharged and euell entretayned also.

Now all these changes of Aristocrates into popular Commonweales have beene violent and bloodie, as it happeneth almost alwaies: whereas to the contrary it commeth to passe, that Popular estates chanceth into Aristocrates by a more gentle and insensible chauce. As when entrance is gien vnto strangers, who in tract of time by little and little plant themselves, and multiply, without having any patt in the estate and government, it falleth out in the end that the naturall citizen employed in publique charges, or in the warres, or by popular diseases wsted, do so decay: the

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strangers still encreasing; whereby it commeth to passe, that the lesser part of the inhabitants hold the soueriaigne, which wee have shewed to bee a right Aristocratic. Such were the changes of those Commonweales which we have before noted, from the people vnto the nobilitie, and such as have indeed happened vnto the Venetians, the Lucques, them of Rhague, & of Genes, which being in amittent time Popular estates, haue by little and little as it were without feeling, changed into Aristocracies: insomuch hereunto also, that the poore sort of the citizens haueing much a do to live, & to wholly intentiue vnto their domesticall and privat aeraires, than all publicke charges without profit: and so by succession and precription of time exclude themselfes with their families from entermiddling with the state. And this manner of change in the estate, is of all others most gentle and easie, and least subject unto tumults and fluxures: neither can otherwise be letted, but that it will in time change, but by keeping of strangers from entering into the citie; or by sending of them out into colonies, or else together with the rest admitting them vnto the honors and preremts in the estate: and so much the more if the people be givien to warre. For otherwise it is to be feared, that the nobilitie not daring to put armes into the subject's hands, but being constrained to goe to warres themselfes, should be at once overthroune, and so the people intade to soueriaigne: as it happened to the feigneurie of Tarantum, which in one battell against the Lapi-ges lost almost all the nobilitie: after which the people seeing themselfes the stronger, changed the Aristocratic into a Popular estate, in the time of Themistocles. And for this cause the nobilitie of the Argives, being almost all slaine by Cleomenes, king of Lacedemonia, they that remained yet alive, fearing the rebellion of the people, of themselfes received the comminallitie into the fellowship of the government, and so of their owne accord seemed willingly to grant that which the people otherwise haue taken from them by force, & whether they would or no: by which means their Aristocratic most quietly and sweetly changed into a Popular estate. So one of the things that gaine aduantage vnto the people of Rome ouer the nobilitie, was the victorie of the Vientes, who in one battell slew 300 of the Fabians, all gentlemen of one house, when as not long after twelve families of the Potitij, who acribed the beginning of their houses vnto the gods, were in one and the same yere quite extinguished & brought to naught, as Livius writeth. And therefore the Venetians, better citizens than warriors, if they bee to make warre (which they never doe but vpon great necessitie) use commonly to chuse theiir general one of their nobilitie, their souldiers for the most part being strangers and mercenary men. But this inconvenience for the changing of the estate, for the losse of the nobilitie, cannot happen in a Monarchie, if all the princes of the blood bee not slaine together with the rest of the nobilitie: as the maner of the Turks is to doe in all places where, they haue any purpole absolutely to command, where they spare not to much as a gentleman, whereof haue enuied the destruction of many Commonweales in the East, and great encreasing of the Turkish empire. But this change, or rather vnion or encraement of one estate by another, proceedeth from externall force. So, in France also, when as almost all the nobilitie of France was slaine in the expedition of Fontenay, neere vnto Auxerre, by the cuill warre betwixt Lothaire the eldest fonne of Lewes the Gente, on the one part, and Lewes and Charles the Bald on the other: yet for all that, all their three Monarchies stood full firm: and namely when the countrey of Champagne had lost so much of the nobilitie in those wars, as that for the reftoring thereof, the gentlewomen had especial privelie to ennoble their husbands with whom they should marrie, and yet for all that the Monarchy in the state thereof felt no change at all. And thus are the great and notable changes commonly made in Aristocraticke and Popular Commonweales.

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But nothing is so much in an Aristocratic to be feared, as least some gracious man of the nobilitie, or of the people, defirous of rule & authority, should stirre vp the people against the nobilitie, and become leader of them himself. For therof ensueth the most certaine destruction of an Aristocratic, together with the nobilitie. In this for Thraclius first, and afterward Thraclus at Athens, Marius and Caesar at Rome, Fra. Valori, and P. sedan at Florence, armed the people against the nobilitie: which is also so much the more to be feared, if the great honors of the estate bee bestowed upon most filthy and wicked men, and other vuntous men and such as have well deterued of the Commonweale, kept backe and excluded. Which thing seemeth not grievous onely to certeie good man, and not to be borne withall, but multiueth occasion also vnto the feditious and popular, to enflame the people against the nobilitie. Neither for any other cause did the people of the Citie by force wrest the power and government from the nobilitie, than for that they had preferred vnto the chiefe honours one Heracleotes, a man for his cuill life infamous. Which thing also was the destruction of Nero and Helogabalus, for that they had bestowed the greatest honours and preferments of the empire, vpon most wicked and corrupt men. Which of all other things is most to be feared and shunned in an Aristocratic Aristocratically governed: that is to say, where the people is kept from all honors and places of command: which although it be of it selfe an hard thing patiently to endure, yet were it the better to bee borne, if the government were committed to good men: but when it is giuen to wicked and unworthy men, certeie audacious fellow vpon occasion offered, will easilie draw the people from the nobilitie, and so much the rather, by how much the nobilitie shall be at leste vnirtie among themselves. Which plague, as it is in all estates and governments, so is it especially in an Aristocratic to be eschewed and fled. Now discord oftentimes ariseth euene of most small matters, which as sparkes raise the great fiers of ciuill warrs, which at length take hold euene of the whole body of the estate of a citie or Commonweale. As it happened at Florence, for the refusall made by a gentleman of the noble house of Bondelmont, to matrige a gentlewoman to whom hee had before giuen his promise, gave occasion to the raising of a faction amongst the nobilitie, who so wafted and deuoured one another, as the people to end the quarrel, easilie drave out all the rest, and commanded the state of the citie. And for like occasion arose great ciuill warrs amongst the Ardeates, for an inheretrix, whom her mother would have married vnto a gentleman, and her guardions to a base obscure man: which divided the people from the nobilitie, in such sort, that the nobilitie vanquished and put to flight by the people, tooke their refuge vnto the Romans, and the people vnto the Volscians, who were afterwards vanquished by the Romans. So also the citie & Commonweale of Delphos, for the same occasion, was chaunged from an Aristocratic vnto a Popular estate. The state of Mitilin was also chaunged from an Aristocratic into a Popular estate, vpon a suit betwixt the nobilitie and the people, Which of them should have the union of two orphans. And the state of the Commonweale of the Hefitiens, for a suit in matter of inheritance betwixt two priuat men. And the sacred warte which chaunged not, but euene vterly ruinated the estate of the Phocenes, was grounded vpon the marriage of an inheretrix, whom two of their great lords stroueto haue. And that more is, the Etolians and Arcadians, for a long time for weakned one another with mutual warrs, and all but for a boaters head: as they of Carthage and of Bizaque did also for a small frigot. So betwixt the Scots and the Picts, was raisd a most cruel warte, and all but for cermame dogges, which the Scots had taken from the Picts, and neuer could be againe reconciled, nowbeit that they had for fix hundred yeares before liued in good peace and amitie together. And the war betwixt the duke of
of Burgundy and the Swiflers, which could no otherwise be ended, but by the death of the duke himself, was all but for a wagon load of sheepe skins which he had taken from the Swiflers.

Sometime also the changes and ruines of Commonweales come, when the great ones are to be brought in question, so cause them to give an account of their actions, whether it be for right or wrong: wherein euery they which are guiltie (and especially in Popular eftates) not without cause alwayes fear the calumnies and doubftfull furies of judgements, which most commonly endanger the liues, the goods, and honour of such as are accused. And to leaue too often examples, wee have better enow of our owne, and that of such as of late haue fet on fire all the kingdome with ciuill wars when it was but spoken of, for calling them to account for two and fotive millions. And no manuell if they fo feared to be brought in question for embelishing of the common treaure and renownes, when as Pericles, a man of greatte integritie, and which had almoft magnificently spent euene his owne wealth for the Athenian Commonweale, rather than he would hazard the account that they demanded of him for the treaure of Athens, which he had managemend, and so generally of his actions, raifed the Peloponesian warre, which neuer after tooke end vntil it had ruined divers Commonweales, and wholly changed the estate of all the cities of Greece. Who alwayes having bene a good husband, and had the charge of the common treaure of that Commonweale, by the space of almost fiftie yeares, was therefore yet found next the richer, as Thucydidis, a molt true historiographer, and Pericles his molt mortall enimie reporteth of him: who cauased him to be banished with the banishment of the Oftracisme. And euery for the felle fame cauased the Rhodians and they of Choos had their eftates changed from Ariftocracies into Popular eftates. And albeite that Caesar was of himfelfe molt ambitious and defirous of soueraignty: yet was he not fuch defirous to bear rule, as afraid to be called to account by primit men, for fuch things as he had done, as his enimies had openly bofted that he should, foweone as hee was difchargd of his charge: not the leaft caufe that moved him to ceife vpon the estate. For what affurance could he have of himfelfe, seeing before the two Scipiones (Africanius the honor of his time, and Scipio Africanus) Rutulus and Cicero, by the judgement of the people condemned? Now if good men were to feare, what should the wicked do? who besides that they are in hope the better to escape, the Commonweale beeing all on a brole, are also resolved, that the common treaures can never more easily be robbed, or good men spoiled and flaine, than in the time of ciuill wares: euer taking it for an advantage to eft in the troubled water. And although it may fortune fuch wicked men alfo to perifh (as oftentimes it happeneth them which have bene the authors of ciuill wares, themselves to die a molt miferable death) yet have they ftil in their mouths that desperat faying of Cateline, That the fire (for tooff) which had taken hold of his house, which he could not with water quench, hee would yet quench with the utter ruine of the fame. And truly much he miffed not, that hee had vitellly ouerthrowne the Roman Commonweale, or leapt into the soueraignty; had not Cicero the watchful Conful, and Ca. Antonius his companion (althothing it were with mucha do) flaine him to desperat a citizen, with all his fellows. Neither ought Cicero (by his good leaue bee it faid) to have druen Cateline out of the citie, but to have oppressed him even there, the confpiracie once detected. For it is not to be hoped, but that he which feeth himselfe banished from his house, & from his country, if he haue power, wil forthwith put himself in arms, as he did. And had he gained the battell against Ca. Antonius, hee had put the whole estate in great danger, being one of the molt noble gentlemen, and beft allied of all them that were in Rome. Ceretine it is that by his departure out of the citie, a great
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and dangerous sinke of the Commonweale was so well crowded; yet had it beene better for him to have beeene there oppress'd, than armed against his owne countrey. But of such great and dangerous enemies, the wiser sort durst not, to make them our virtuous friends, or else vnto destroy them, rather than to drive them out of the ciue, except we should for honour banish them: as they did in the ciies of Athens, Argos, and Ephesus, where the great Lordes mightie in wealth, favour, or vertue, were for a certaine time (which for all that never exceeded ten yeares) constrained to absent themselves, without any losse of goods or reputation; which was an honourable kind of banishment. Of whom so banished, not any one of them is reported to have therefore made warre vpon their countrey. But to banish a great Lord with losse of his goods and countrey, is not to quench but to kindle the fire of warre against the estate: For that oft times such a banished man by the helpe of his friends aspireth vnto the fourtaigne; as did Dion banished out of Syracuse by Dionysius the younger, against whom for all that he yet tooke not vp armes vntill he was by him proscribed. And Martinus Coriolanus, who cast into exile, brought the Romans to such extremitie, as that had he not suffered himselfe to have beeene overcome with the praysers and tears of his mother, and the other women whom the Romans had sent vnto him, the Roman state had there taken end. In like manner the banished men of the house of Medes, and the nobilitie of Zutich in the yeare 1336, thrust out of their ciies, by the helpe and power of their friends and allies besieged their owne countrey countries; and for a long time weareied the ciizens their countrymen with a most doubfull and dauberous warre. But yet here some man may say, That it is more safetie to keepe a wicked and a dangerous citizen without the walls, than to bee troubled with such a plague in the vertue entrailes of the Commonweale. Whereto I yeeld: but yet how much greater a folle is it to let him whom thou oughtest to kill, to escape out of the ciue, who once got out, is both willing and able to strike vp, and maintaine warre? Artaxerxes king of Persia had cast in prizon Cyrus the younger, guiltie of high treason, and had commanded him in princely manner to be bound with chains of gold; and afterwaards overcome with his mothers requestes enlarged him: but he had no sooner got his libertie, but that he made most grievous warre vpon the king, and was like enough by his brothers death to have obtained the kindome, or else haue vndone his countrey; had he not by the kings armie beeene circumstanced and flaine. I said we must kill such people, or make them our good friends; as did Augustus, having discouered the conspiracie of Cimna against him, and hauing him in his power attained and convinced by his owne letters, yet nevertheless pardoned him; and not so content, tooke him by the hand, and (wore a bond of mutuall friendship with him,) and afterwards bestowed the greatest honours and prefermentes of the estate vpon him, at the time that Cimna expected nothing but the sentence of condemnation, and so present execution; vnder these words of grace and favour vnto him: Vitam tibi Cimna iterum do, pruis hosti, nunc insidiatori as parricide; Ex bodeerno die amicitia inter nos incipiat; contendamus utrum ego meliora sive vitam tibi deremini, ante debes, Cimna (laid he) thy life I give thee againe, being before mine enemie, and now a traitour and a murderer: But from this day, let us begin to be friends, and from henceforth let vs strive, whether I with greater truist have gien thee thy life, or thou with greater faithfulnesse doest ow it. After which time he never had a more faithful friend; being also afterwards by him appoincted heire of all his goods. Augustus had before put to death an infinite number of such as had swore and confirme his death: but now had a purpose in Cimna to prove it by gentleneesse and mercie he coulde gaine the hearts of men, wherein he was not deceited: for from that time there was never any found which durst attempt any thing against
against him. So the Venetians also hauing taken prisoner Gonzaga the duke of Mantua, of all others their most mortall enemie, (who had ioyned all his forces and power with king Ladis of Fraunce for the ouerthrow of the Venetian state) did not onely set him at libertie, but made him Generall also of their forces; by which fo honorable a kindnesse he bound, for euer after continued their most faft and loiall friend. And this is it for which Pontius the old capitaine of the Sannites saie, That the great armie of the Romans surprised in the straies of the Appenine mountaines was either franke and freely to bee set at libertie, or else all to be put to the fword: for that fo it should come to passe, that either the power of the Romans should by fo great a slaughte be greatly weakened, or else hauing receyued from the Sannites fo great a benefit, as the life and libertie of fo many men, they shoulde for euer after keepe good league and friendship with them.

But these conversions and chaunges of Commonweales do more often happen in little and small cities or effates, than in great kingdomes full of great provinces, and people. For that a small Commonweale is soone diuided into two parts or factions; Whereas a great Commonweale is much more hardly diuided; for that betwixt the great Lords and the meanest subiects, betwixt the rich and the poore, betwixt the good and the bad, there are a great number of the middle fort which bind the one with the other, by means that they participate both with the one and the other, as having some accord and agreement with both the extreames. And that is it for which we see the little Commonweales of Italie, & the auintent Commonweales of Greece, which had but one, two, or three townes or cities belonging to them, in one age to have suffered more alterations and chaunges than are in many ages reported to have beene in this kingdome of Fraunce, or in the kingdome of Spayne. For it is not to be doubted but that the extreames are alwaies contrarie one to the other, and so at discord and variance betwixt themselues, if there be not some means which may binte and joine the one of them with the other; which we fee by the eye, not onely betwixt the nobilitie and base common people, betwixt the rich and the poore, betwixt the good and the bad, but euen in the same citie also, where as but the diuerfitie of places separate but by some iuer, or waft vacant piece of ground without building vpon it, doth oft times fet the citizens at odds, and giveth occasion to the chaunging e

Small occasions serve to rife great diuerfitie amongst citi- tians, and to the change of the estate.

Small Commonweales more sub- ject vnmo change than great.
A discord, especially if some neighbour prince shall upon the sudden oppress a city or State weakened with the slaughter of the citizens or subjects, or else the citizens or subjects themselves being by the enemies together: As the Englishmen have often times vanquished and overthrown the French being at variance among themselves: And the king of Fcz safely took the city of Tefia, the citizens being almost all consumed and spent with civil warre, and in the memory of our fathers Philip the second duke of Bourgondy joyned vnto the boundes of his dukedom Dinan and Boutes, two cities in the country of Liege (parted in funder but with a river) after that they had with long warres weakened themselves, which two cities for all that he could not before by any force subdue; howbeit that in taking of them he did but matirie the one of them vnto the other, as faith Philip Commynes. So also whilst the kings of Marocco were in arms together for the Soueraignetie, the Gouernour of Thunes and of Telefin dismemberd those two provinces to make himselfe a kingdome of. And by the same maners Lachares seeing the Athenians in combustion, in the time of Demetrias the besieger, flept into the Seignorie. And that more is, we read that four thousand five hundred drakes and banished men invaded the Capitoll, and miffed but a little to have made themselves lords of Rome, whilst the Nobilitie and Common people in the mean time were together by the eares in an uproar in the middeft of the city, who thereupon fell to agreement among themselves; not unlike vnto two dogges, who readie to pull one an others throat out, being a wolf, fall both vpon him. Wherefore such civil discord is most dangerous vnto cities or estates, especially if there be no societie or alliance between the State so troubled, and the neighbour Princes: for that the enemy so at hand, may oppress the state (the citizens or subjects so at variance among themselves) before that any helpe can come. Whereat we are not to maruell, for they to whom neither the huge height of steeppe mountaines, neither the unmeasurable depth of the botomelle sea, nor the most solitarie desarts, nor the greatest and strongest fortifications, nor the innumerable multitude of enemies can serve for the staying of their ambitious and avaricious coulces and defires; how should they content themselves with their owne, without encroaching vpon their neighbours, whose frontiers touch theirs, and that at occasion presented it selve for them so to do? which is the more to be feared where the Commonweale is but little: as is that of Rhagufe, of Geneua, and of Luque, which haue but one Towne, and the territorie verie strait: so that he which shall gaine the town, shall withall become master of the Estate also: which so chaunceth not in great and spacious Commonweale, wherein many castles, cities, countries, and provinces are in mutual helpe together combined, so that one citye thereof being taken, or a countie or province thereof spoyle, yet followeth not the ruine of the Estate, one of them still succoring an other, as many members in one bodie, which at need helpe one an other.

Yet for all that a Monarchie hath this advantage propert vnto it selve, above the Aristocratie and Popular estates, That in these commonly there is but one town or citie wherein the Seigneurie lyeth, which is as an house or place of retreat for them, which haue the manning of those estates to retorne vnto; which once taken by the enemie, the estate is withall vndone: whereas a Monarke chaungeth himselfe from place to place as occasion requireth: neither doth the taking of him by the enemie bring with it the lossse of the Estate. As when the citie of Capua was taken, their estate was also ouerthrowne by the Romans, neither was there so much as one towne or fortresse which made resistance against them; for that the Senat and the people which had the Soueraignetie were all together taken prisoners. The citie of Sienna also being taken by the duke of Florence, all the other townes and fortresses of that Seigneurie
at the same time yielded themselves unto him also. But the king taken prisoner, is most commonly for his ransom set at libertie; wherewith if the enemy hold not him selfe content, the Estates may proceed to a new election, or take the next of blood if they have other princes: ye a sometime the captaine king himselfe had rather to yeeld vp his estate, or else to die a prisoner, than to give his subiects with his too heauie a ransom. As indeed that which most troubled the Emperor Charles the fift was the resolution of king Francis then his prisoner, who gave him to understand that he was upon the point to resigne his kingdom vnto his eldest sonne, if he would not accept of the conditions by him offered: For why, the realme and all the Estate stood yet whole without any change or taking, or any alteration suffering. And albeit that Spayne, Italie, England, all the Low Countries, the Pope, the Venetians, and all the Potentates of Italie had combyned themselves against the house of Franchise, overthroune our legations at Pauie, and caried away the king with the flower of the nobilitie into Spayne; yet was there not any which durst enter into Franchise to conquer it, knowing the lawes and nature of that Monarchie. For as a building grounded vpon deeper foundations, & built with durable matter, well voited and ioyned in every part, feareth neither winde nor tempest, but easily refiloth all force and violence; even fo a Commonweale grounded vpon good lawes, well voited and ioyned in all the members thereof, feareth not alteration: as alfo to the contrario we see some states and Commonweales so euill built and set together, as that they ow their fall and ruine vnto the first wind that bloweth, or tempest that ariseth.

And yet is there no kingdom which shall not in continuance of time be chaunged, and at length alfo be ouerthroune. But they are in better case which least feel such their chaunces by little and little made, whether it be from euill to good, or from good to better; as we have shewed by the example of the Venetian Commonweale: which at the beginning was a pure Monarchie, which afterward was sweetly chaunged into a Popular estate, and now by little and little is chaunged into an Aristocratie, and that in such quiet fort, as that it was not well by any man perceived that the estate was at all chaunged. An other example we have alfo of the Germaine Empire, which founded by Charlemaigne and descending to his posteritie, so long continued a true Monarchie vnder one foueraigne princes government, vntill that the line of Charlemaigne sayling, the Emperours begun to be created by election; at which time it was right easie for the princes which had the choice by little and little to clip the Eagles wings, and to preferbe lawes and conditions vnto the Emperour to rule by; and yet right happie was he which could thereunto aspire vpon any condition whatsoever: whereby the state of the Monarchie began by little and little to decay, and the state of an Aristocratie to encreafe in the Princes and Estates of the Empire, in such fort as that at this present the Emperours have nothing more but as it were the bane name and title of an Emperour, the foueraignitie resting in the Estates of the Empire it selfe. So that had not eleuen most noble Princes of the house of Austry for their worthy deeds right famous, as it were in a successiue right (one of them whilest he himselfe yet liueth, still procuring an other of the same house to be designe Emperour) in some fort maintained the maiestie of the Germaine Empire, the Emperours for their estate had now long agoe beene like vnto the Dukes of Venice, and happily inferior too. The like chaunge hapned vnto the Polonians, the lyne of Lagellon falling: as alfo the Danes, after that Christuerns their king was by them his subiects imprisoned, and his brother to be chosen king in his place, sworn to such conditions as the nobilitie would: and after that Frederike which now raigneth hath beene constrained to conforme the same, (as I have before noted) whereby it manifestly appeareth, that the Nobilitie there hold
A hold as it were the soueraigne right, and that by little and little that kingdome will change into an Aristocratie if Frederike should die without children.

And albeit that the estates of Hungarie, Bohemia, Polonia, and Denmarke, haue alwayes pretended the right of election of their kings, although they haue children, (which prerogative they yet maintain) yet commonly the kings their parents appointed their children vnto the succession of their kingdomes, who so chosen in their fathers places, better maintain the rights of soueraigne righte than do strangers (who haue the same of times cut short, and so their soueraigne power in them restraine) so that the kingdome do descending, as it were in succession from the great grandfathers vnto their nepheues, the soueraigne rightes by little and little without violence returne again from the nobilitie vnto the kingdome themselves: which is both an easie change, & most wholesome for the Commonwealth.

But to Caesir the Great, king of Polonia, worthilie defended the soueraigne rights by him received from his great grandfather: but hee dead without issue, the Polonians indeed called Lewes king of Hungarie (and Caesar his nephew) vnto the kingdome of Polonia, but with the soueraigne right therin much diminished; he for the gaining of the kingdome yeelding to whatsoever the estates desired. But Lewes dead also without heires male, lagello duke of Littuania marrying one of the daughters and heires of Lewes, and to with her obtaining the kingdome of Polonia, yet more impaired the soueraigne rights than they had before bene: the princes of whose posteritie neverthelesse as it were in succession right, for the space of above two hundred yeares, tooke vpon them the government of the kingdome, and notably maintained the rights of their soueraigne, vntill the death of Sigismundus Augustus, last heire male of that house: vnto whom by right of election succeeded Henrie of France, Charles the ninth the French kings brother: but with othes and conditions bound vnto the estates, so much derogating from the rights of a soueraigne Monarch, as that indeed he might have seemed rather a prince than a king. And to say yet more, I being sent to Metz, to assist them which were thither sent with the duke, to receive the ambassadours of Polonia, and to parle with them, it was told me by Salomon Sboroshei one of the ambassadours, That the estates of Polonia had yet cut much shorter the power of the new elected king, had it not bene in the regard they had of the honor of the house of France. Thus we see Monarchies peaceably by little and little to change into Aristocracies, if so it be that the Monarchie be not by auntient lawes and immutible customes maintained in the maistrie thereof. As we see in the creation of the pope, where the Consistorie (or Colledge of Cardinals) derogat nothing from the soueraigne maistrie that he hath in all the demaine of the church, and the fees depending thereon: no more than do the order of the knights of Malta in any thing diminuith the power of the Grand maister, who hath the power of life and death, and to dispose of the reueneues, estates, and offices of the country, yeelding fealtie and homage vnto the king of Spaine for the ille of Malta, which Charles the first the emperour vpon this condition gave them. And albeit that the colledge of cardinals after the death of pope Julius the second, determined in the conclauze, to moderate the popes power: yet shortly after they flew from that they had before decreed, in such sort that Leo the tenth, then by them chosen, tooke vpon him more power than had any pope of long time before him.

But that change is of others most daunagerous to a Monarchie, when as the king dying without issue, there is some one who in wealth and power excedeth the rest: & so much the more, if he be also ambitious and defirous of rule: For no doubt, but that having the power in his hand, hee will, if hee can, take the soueraigne righte from the other weake princes. For to Hugh Capet the right line of Charles maugne ended, being Prouost of
of the citie of Paris, and a man of great wealth, and no lesse fauourted of the people, excluded from the kingdom Charles duke of Loraine, who with his sone Ortho were the onely men left of all the potestieue of Charlemagne. Which is alfo to bee feared of the great Othoman princes, who although they haue their families of the Machallogies, of the Ebranes, and the Turcans, of the princes house and blood, to succeed in the Turkifh empire: yet for all that if the Othoman familie should altogether perifh, it is to be thought, that some one of the Bafiles or other great men, in greateff fauour with the Ianzaries, and the other fouldious of the court will carrie away the estate and soueraignty from the other princes of the aforesaid families, being but weake, and far off from the Grand Signior, which might so raife the greateft ciuill warres in the East, for the great opinion which the people hath of long conceiued of the valour and maiety of the Othoman familie. A notable example of such change of state wee haue in the chaunge of the Lacedemonian kingdom: where Cleomenes the king vanquished and put to flight by Antigonus, the kingdom was chaunched into a Popular effate, which so continued for three yeares: during which time the people made choice of five Prouols, or chief magistrats, whom they called Ephori, choisen out of the people themselves: but newes being brought of the death of Cleomenes, slaine in Aegypt, two of the five Ephori conspiring against the other three their companions and fellows in office: and so as they were doing sacrifie, caused them to be slaine: which done, they proceed to the election of Agesipolis for their king, a prince of the royall blood. But whereas before Cleomenes they were woont to haue two kings: one Lycurgus a man gracious with the people, but otherwise none of the blood royall, by corruption and briberie caufed himfelfe alfo by the people to be choyen king, Chilon, a noble gentleman, descended from Hercules, being for his pouerty and want of ability excluded, who not able to endure fo great an indignity offered unto his house and family, procured all the magistrats to be slaine: Lycurgus himfelfe onely escaping, who after great effufion of blood, held the soueraignty himfelfe alone, having before almost quite deftroyed the royall race of the Heraclides pofterity of Hercules. And thus much concerning the chaunge and ruine of Commonweales, which whether they may by any meanes beforeseene and prevented let vs now also see.

### Chap. II.

Whether there be any meanes to know the chaungets and ruines, which are to chaunce unto Commonweales.

Seeing that there is nothing in this world which commeth to paffe by chaunce or fortune, as all diuines and the wiser sort of the Philosophers haue with one common content resolved: Wee will here in the first place set downe this maxime for a ground or foundation, That the chaungets and ruines of Commonweales, are humane, or natural, or diuine; that is to say, That they come to paffe either by the onely counsell and judgement of God, without any other meane causes: or by ordinarie and natural meanes of causes and effects, by almightie God bound in such fit order and conquence, as that those things which are first haue coherence with the last; and those which are in the middest with them both: and all with all combined and bound together with an indissoluble knot and tying: which Plato according to the opinion of Homer hath called the Golden Chaine, that is to say, ὑπὲρ τὰ χρύσας, or by the will of man, which the diuines conſtite to be free; at the leaſt concerning ciuill actions: howbeit that indeed it is no will at all, which in any fort whatsoever is enforced and bound.

Which
A Which will of man is so mutable and uncertaine, as that it should be impossible to give thereby any judgement, to know the changes and ruines which are to fall vpon Commonweales. As for the counsell of God, it is infortuatable, but that he sometime by secret inspiration declareth his will, as he hath done vnto his Prophets, causing them many worlds of yestes before to see the falles of many the greatest empires and Monarchies, which pesterish hath by experience found to be true. But this divine power of the almighty most feldome times sheweth it felle immediately without the comming betwixt of meane causes; neither doth he it without greatest force and most sudden violence: as when he in one and the felle same moment with wonderfull fire, and reuenging flames, destroyed the fine cities with Sodome and Gomorrah; and so changed also the place, then full of most sweet waters and abundance of fish, with a most stinking & loathsome taff, as that it yet is vnlife to all kind of fish pestilent & deadly: and as for the ground it selfe, before of wonderful fertility, he so couered it with ashes and stinking sulphur, as that he seemeth in that country to have left no place for wholesome plants, or any kind of graine to grow in. So also he overwhelmed Bura and Helice, two cities of Greece, with such a deluge of water, and that so suddenly, that euen they also which were about to have fled out of the cities into the ships, being by the wonderful rising of the waters, vnable to come to the haueen, were fo all drowned. By the like wrath of God a great earthquake in a moment swallowed vp three and twenty cities in Italie, where afterward the Fenners called Pontine burnt out. As in like manner twelve cities of Asia are reported to have bene all at once vpon the fudden with an earthquake deuoured.

Wherefore seeing that mans will is still diuers and mutable, & God his judgements most secret and infortuatable: there remaineth onely to know, whether that by natural causes (which not altogether obscure, but by a certaine constant order of causese and effects governed, kept their course) a man may judge of the issue and success of Commonweales. Yet by these natural causes having in them this power (which are many and diuers) we may not ciuill causes, whereunto the change and ruine of cities and Commonweales must needs immediately follow: as when good delets goe vnrewarded, and great offences vnregarded, who knoweth not but that such a state or Commonweale must needs in short time perish and come to naught? For of all cauases none is more certaine, none more weightie, and in briefe none neeter vnto the change or ruine of a citie or Commonweale, than these. But the causes which we here seeke after, are the celestiall and more remote cauases, yet proceeding from a certaine natural course and force: howbeit that it be good also to behold and foresee all manner of cauases what focuer. For as a painter doth one way consider of a mans bodie, and the Physitian another; and the natural Philosopher one way considereth of the mind of man, & the divine another: so also the Polititian doth one way, the Astrologer another, and the divine a third way judge of the change & ruine of Commonweales. The Politian in the ruine of a citie or Commonweale, blameth the injuries and wrongs done by the prince vnto his subiects, the corrupctnesse of the magistrates, with the iniquitie of the laws: The Astrologer considereth and beholdeth the force and power of the heavenly stelares and planets, and thereo thinketh diuers motions to arise in mens minds, for the change and innovation of stelares and Commonweales: But the Divine constantly affirmeth all plagues, wars, dearth, destructions of cities and nations, to proceed from the contempt of God and of his religion, and God therefore to be angrie, and to stupifie the wight done even of the most wickeft magistrates, and to arme even his stelares against princes. And euery one of these have their cauases, by the helpe and concours whereof wise men may guesse the change or ruine of a citie or Commonweale. In which point we
Astrological p. 44

Astronomical...to

None done by

Nothing done by

All worldly

Now what man is there of sound judgement, which feeeth not the wonderful

force and effect of the celestiall bodies in nature in generall? Which yet for all that no

necessitie of nature worketh, for that it may by almighty God be still kept back and re-

strained, being himselfe free from the lawes of nature, which see himselfe hath com-

manded; not as by a decree of a Senat, or of a people, but even of himselfe: who be-

ing of all others the greatest, can do nothing but that which is right and just, for that he

is himselfe the best, and hath a * perpetuall care of all people and nations, but yet ther-

of himselfe secure, for that he is himselfe the greatest. But as all things which had be-

ginning haue also a loose and frailie dissoluble nature (as by most certaine and un-

doubtfull demonstration is to be prooved) it must therefore needs follow also, not only
cities and Commonweals, but even also other things, which from their first beginning
haue innumerable worlds of yeares flourished, must at length in tract of time fall also
and take end. And albeit that Plato the prince of Philosophers, having not as yet the
knowledge of the celestiall motions, and so much lesse of their effects (which as theren
was covered in most thickke darkenesse and cloudes) when as he with a notable
invention had conceited such a forme of a Commonweale, as seemed unto many to bee
everlafting, if it erred not from the lawes and orders by him set downe; yet for all that
he said, That it shoulde in time perish: as he which most manifestly saw the vanitie of all
things, which as they had a beginning, so were they also to take ending; nothing be-
ing still firm and stable, besides him which was the father of all things. Which being so,
there be no so notable orders, no so religious lawes, no such wifedom or value of
man, which can still preserve estates or Commonweales from ruine and most certaine
destruction. By which reasons, Secundus (a Philosopher of the Stoike sect) greatly com-
founded Pompey, discouraged and almost despet after the Pharsalian ouerthrow. Nei-
ther yet therefore do they which thinke the course of naturall causes to concern the
changes and ruines of cities and Commonweals, thereby bind the free will of man, and
much lesse almighty God himselfe vnto a fatall necessitie: no not if we should deeme
all things to be done by a continuat and interlaced course of forerunning naturall cau-
es; seeing that ever nature it selfe is by the power of God kept in & restrained. Where-
fore we oftentimes see both plants, and other living creatures, which by nature have a
certaine period of their lives, by some externall force to hasten or prevent the termites
by nature prefixed, and to sooner to die than by nature they shoulde. And as for man-
kind, we haue it oftentimes in holy writ recorded, That they which lead an uprigh &
vertuous life, shall live long: whereas the wicked should shorten their dayes, and bring
themselves vnto a most speedy confusion and end. Whereby it appeareth certaine
prefixed bounds of euerie mans life, to be by God appointed, which by time may bee
cut shorter, and by vertue extended farther. So kingdomes also have their beginnings,
their encreasing, their flourishing, their estates, their changings, and ruines: yet when these
changes shall be, or ruines, or destructions beside them, we see it by no learning to bee
perceived or vnderstood. For as for that which Plato hath written, Kingdomes then
to fall and take end, when as the sweet content and harmonie of them should perish
and decay, is a thing not worth the refutation: whereof yet for all that more in due
place shall be said.

Now many there be, which have thought the concurrreences and changes of estates
and
A and Commonwealas, to depend of the force, power and motion of the superiour celestiall bodies; which to discover were a matter of infinit difficultie, which yet for all that should not be so great, if Commonweales should as men and other things take their beginning. And albeit that the state and ruine of Commonweales should wholly next unto God depend of those eternall lights, and of their mutuall conjunctions and oppositions, yet could thereof no certaine doctrine be deluered or gathered, for the great variety and inconstancy of them which have obserued the force and course of the celestall stars & orbs; insomuch, that some one hath written the same star in the selfe same moment to have beene in his direct motion, and another hath likewise written the same to be retrograde, which yet for all that, was to bee seene in the heavenstationarie and immmoveable. So that they are by their owne rashnesse to be refelled, which vaunt themselves to be able without error, to foretell the force and power of the stars, upon cities and Commonweales; as also what effects they shall for many yeares to come produce, when as in the very motion of the moone, which of all the other planets hath in it least difficulty there is not one of them which well agreeth with one another. So Cyprian Leuicius, following the table of Alphonsius, (the evident error of whom Copernicus hath declared) hath made fo apparant faults, as that the great conjunctions of the superiour planets were seene one or two moneths after his calculation. And albeit that Gerardus Mercator haue endeavoured by certaine eclipses of the sun & of the moone, by ancient writers set downe, more curiously than any other, to judge of the course and order of the whole time from the beginning of the world; yet fo it is, that all his obseruations threaten a fall, as grounded upon a false supposition: which can in no wise be true. For he supposeth that in the creation of the world, the sunne was in the signe Leo, without any probable reason, following the opinion of Julius Maternus, contrary to the opinion of the Arabians, and of all other the Astrologers, who write, that the sunne was then in the signe Aries: being yet both therein deceived: these, fix signes; and Mercator too. For why it is manifeatly to bee proved, not onely by the most certain orders and customes of all people, but by the most divine testimonies of holy scripture also, The sunne in the creation of the world, to have bene in the signe Libra: wherby the Feast of the gathering of the fruits is commanded to be kept the last day of the yere, that is to say, the two and twantith day of the seventh moneth; which Moses hath expresslie written to have bene the first, before the departure of the people out of Egypt. Which to the intent it might be the least doubted of, wee reade to be oftentimes by him repeated: for when he had commanded the feast day Abib, that is to say, The feast of weeks, which the Greeks call ποντεκονων: he ioyneth herunto these words, τι ων η σαρξ τον άνθρωπον, that is to say, And the feast of the gathering of fruits in the end of the yere. But the last moneth of the yere past, is the beginning of the yere following; as Orus Apollo writeth, the Aegyptians to have declared the resolution of the yere, by a dragon turned about into a circle. But Iosephus, the best interpreter of antiquity, declareth the moneth Abib, which of th Chaldaies is called Nisan, and of vs before, March, but now Aprill, to have bene in order the first for the delierance of the people out of the bondage of Egypt: but yet the moneth which of the Chaldeis is called Ethanim, of the Hebrewes TItri, which was out October, but afterward fell into our September, to have bene by nature the first. All which, not onely Iosephus, but almost all the Hebrew Rabines also, namely Eleazar, Abraham, Esra, Ionathan the Chaldean interpreter, with almost all the teft, constantly affyrme. Which for that it hath great force for the difcerning of the runes of Commonweales, is of vs more manifeatly to be explained. The ancient schoole of the Hebrewes, begin the reading of Moses his booke, the Genesis, in Autumne: and Samuel, the most ancient 

The world to have taken beginning in Autumnne.
bine of the Hebrewes, appointeth the first Teumpa, or yearely conversion of the yeare, in the Autumnne equinoctiall: whereby it is manifest, the doctrine and customes of that most antient nation, to concurre and agree with the law of God. The same was the doctrine of the old Aegyptians and Chaldies also, concerning the beginning of the yeare, from whom all the mathematicall sciences rooke not onely their beginning, but were from them to all other nations of the world derived also. So Iulius Firmicus wrieth, the Aegyptians having receiued it from their ancestors, to have deliuered it unto posterity, The same in the beginning of the world to have bene placed in the laft part of Libra. The same was also the opinion of the Indians, who are yet worshippers of the Sunne, & of the Moone, as the Spaniards haue reported. And although the yere of the Grecians, rooke beginning from the summer Solsticium, yet nevertheless the people of Asia beganne their Olimpiades and the beginning of the yere from Autumnne. The Romans also from the remembrance of most antient antiquitie, began the yeare from the Ides of September, Lex vetus habet (faith Linie) & prorsis scripta literis; & quia Preter maximus est, Iulius September clausum pungat. It is an old law (faith he) and written in old antient letters, that he which was the great Pronoot, should euer the Ides of September drue or fallen a naile. This naile Feptus callet annalem, or an annuell naile, Qui quaternis fidebatur in dextra parte capitoli, & per eos dannos numerorum colligetur annum, Which was euerie yeare taftned in the right side of the Capitoll, that so by those rayles the number of the yeres might be gathered. Augustus appointed also the Olympic games in the month of September. And albeit that the Astrologers (as other people also for the most part) follow a new manner of account of the yeare, set downe by Moses, and begin their account of the spring diuision, yet nevertheless they begin their tables of the celestiall motions receiued from the Aegyptians and Chaldies from the Autumnne diuision. Which antiquitie, with the authoritie of so many and so worthy men, although they make the matter manifest enough and out of all doubt: yet euen nature it selde leadeth vs thither also, as that wee must needs confesse the beginning of the world to have bene in Autumnne. For if we grant, as we must needs, man as all other living creatures also to have bene by almighty God created in such state and perfection as that they should need no nustes: so alfo is it to be thought him to haue provided for all living creatures, and especially for mankinde, tipe fruits for him to feed vpon, and most beautifull to behold, planted in most faire gardens, as is in the sacred booke of Genesis to be seen: which can in no wife be done, but that the world must be created in the beginning of Autumnne. For why, Adam was created about Iordan, whereas come in the spring time yet shooteth not on eare; and the moneth Abib is so called, for that the come in the spring time in those places runneeth but vp in spindle, and the trees but scarcely bud: neither is the law of nature, or the season of the spring, or of Autumnne, from the beginning of the world changed. Wherefore Plutarch in his Synopfiaques, when he pleasantly questioneth, Whether egges or birds were first? resolueeth birds to have bene first created: and so whatsoever things els are contained in the whole world, to have bene in all parts created perfect. For otherwise if God shoould haue created man a crying child, or calves for oxen, or egges for birds, he must alfo have created nustes to have suckled them, and birds to have hatched them: which if it be absurd and foolish to say, so must alfo of necessitate those things bee absurd, whereof these things follow, viz. the world to have bene created in the beginning of the spring, and young footes to have bene made for fruitfull trees, and fo likewise other things to have bene created young, and not in their perfection. Whereby it is euident they greatly to erre & be deceived, which accounting & taking the beginning of the world from the spring, and the beginning of the day from noone, doe with their
their vaine conceitures go about to blot out and extinguishe the authentick of the sacred scriptures, as also the most antient records of the Indians, the Chaldes, the Aegyptians, and Latines, and all fortooth because cold weather still followeth after Autumnne: they fearing (as I suppose) least Adam being a naked child, should have taken cold. Seeing therefore the Astrologers, even as these men also to have laid false principles and grounds, of the celestiall motions, and much to differ amongst themselves, concerning the course of the starrs and planets, they can therefore (I say) let downe nothing certaine, concerning mans affaires, or the ruines of Cities and Commonweals.

But yet it hath lefte probabilitie by the foundation of townes and cities, to judge of the rising or falling of Commonweals: as many do also of houses before they lay the foundations of them, to foresee and let that they should not be burnt or razed, or fiece of the falling bucksteele: which to doe is a meerely folly, differing little from extreme madness, as though natures most constant order should depend of mans lightnesse, and the force of the celestiall spheres, of the will and pleasure of a base carpenter or mason. Indeed by the law it is prouided, That the value of houses burnt should bee deemed by their age and continuance, so for it is read in the old Horatian copie: although that D. Catoe a most diligent interpreter of antient readings, be of their opinion, which for abitus, thinke it ought to be read quantitatis (as who should say by their quantities, rather than by their age) whereunto the lawyer never had respect. For his meaning was, That houses according to the starrs and matter they were built of, were to be esteemed of longer or shorter continuance: as if an house were built of clay or mottor, it was esteemed to be able to last some foure or fcore yeares: in such sort as that if it had cost an hundred crownes at first to build, being burnt in the fourteene yeares after, there should halfe the price thereof be abated in the estimation thereof: For as for houses built with brick (they as pl編 faith) if they be built vp right and euerlasting, and so Vitruvius, and all other builders were wonto to esteeme of the use suffant, by the age and continuance of the houses burnt. For to esteeme of them by the elle, or by the greatnesse, so a barn built of clay or straw should be esteemed more worth then smaller buildings built of marble or of porphirion, as the temple of Porphyre at Siena, one of the leaft, but most costly buildings of Europe. But the deciding of such questions we must referre to Vitruvius, and other builders. And as for that some thinke we are by the foundations of cities and other buildings, to judge what shall be the faire or success of a kingdom or monachie should lese need the refutation but that M. Varro (whome Tullie writeth to have in learning excelled all other Greeks and Latins) commandeth Tarentius Firmianus to declare vnto him the Horoscope of the city of Rome: for so Plutarch and Antimachus Lyrius report. Whereupon he by the progress of that Commonweale gathering the causes thereof; and by things ensuing after, gessing at things foerepaft, & so by retrogradation judging the causes by the effects, by most light and vaine conceitures affirmeth the foundation of the citie to have bene laid in the third yeare of the fixt Olympiade, the one and twentith day of April, a little before three of the clocke in the afternoone, Saturne, Mars, and Venus, being as then in Scorpio, Jupiter in Pisces, the sunne in Taurus, the moone in Libra, Geminis holding the heart, or middle of the heauens, and Virgo ruldee. But feeing that the chief points of this figure belonging vnto Mercurie, and that this whole celestiall Scheeme beoke-neth men of traffique, or other wise studious of Philosophie, and all kind of learning, how can it come to passe, that these things should agree, or bee applied vnto the Romans, a people of all others most courageous and warlike: Howbeit that Tarentinus in this his figure, or Horoscope of the foundation of Rome, is most flamefully descreeved, as having therein placed the celestiall orbes in a situation quite contrarie vnto nature,
The Fourth Book

VII. Venus opposit unto the Sunne: which yet can never be about eight and fortie degrees at the most distant from the Sunne: which yet were a thing excusable and worthy to be pardoned, if it had bene by him done by forgetfulness: as it happened to Augustus Caesar: an excellent Mathematician, who in his booke of Altronomical judgements, hath set Venus and Mercury, one of them opposit unto another, and both of them opposit unto the Sunne: a thing by nature impossible, and hee himselfe acknowledging that Mercury can never be fix and thirtie degrees from the Sunne. Yet true it is, that John Picus earle of Mirandula, grounding upon this demonstration of the celestial motions, without cause blameth Julius Maturinus, for that he placed the Sunne in the first house, and Mercury in the tenth, which cannot be (faith he) except the Sun should be from Mercury the fourth part of the circle (or three signes distant): not having regard, that the globe may so be placed, to encline unto the North, as that the sun rising, Mercury may come vnto the Meridian, yea vnto the tenth house two hours before noone, and yet not be thirtie degrees from the Sunne. But Plutarch writeth Antimachus Lyrius to have left recorded, the Sunne to have bene then eclipsed, which yet he faith to have bene the diametre of the circle distant from the Moon. And yet there is another greater absurdity in that theame of Taruntius, in that hee placeth the Sunne in Taurus the xxij day of Aprill, which then entred not thereof unto vntill the thirtith of Aprill. Howbeit also that Lucas Gavius, who collected the celestiall theames of many most famous cities, differed altogether from this theame of Rome, by Taruntius before set downe: for he placeth Libra in the Eaft, as doth also Manlius. But of all absurd things none is more absurd, then by the overthrow of cities to measure the destruction of the estate or Commonwealth, whereas before we have declared, that a city oftentimes may be overthrown and laid even flat with the ground, and yet the state and Commonwealth therof remaine, as we have before shewed of the citie of Carthage: as oftentimes to the contrary the estate and Commonwealth may perish, the walls and other buildings yet standing all whole.

Wherefore then I rest not vpon such opinions, and much less vpon that which Cardan faith, who to seeme more subtilely that others to handle these hidden and obscure matters, & to raise an admiration of himselfe with men unskilfull of these things, maintaine the beginnings and encrease of the greatest cities and Empires to have come from that Starre which is the laft in the tale of Virga Maior, which he faith to have bene verticall vnto the great citie of Rome at the foundation thereof, and from thence even by the helpe and working of the same Starre translath the Roman Empire to Constantiinople, and so afterwards into France, and so from thence into Germanye: which although they be set downe but by a most brainscie man, yet do men ignorant of the celestiall motions wonderfully admire the same, and are therefore by vs to be refuted. For perceiving that laft starre of Virga Maior to be daily verticall, though perpendicular vnto them onely which are subieect vnto the circle which that starre describeth, Cardian faith it should be verticall at such time as the Sun toucheth the Meridian circle: in which state he supposed it to have bene, at such time as Romulus the founder of the citie laied the foundation thereof: which could not by nature so be, viz. that the laft starre of Virga Maior in the same horowe, that is to say at noonetide, should together with the Sun touch the verticall circle: For that starre being now in the xxi degree of Virgo, by proportion of the motion of the fixed starres, by reaon of the motion of the eight Sphere, it must needs have bene in the xix. degree of Leo at such time as the foundation of the citie of Rome was laide, and the Sun in the xix. degree of Aries, as the foregoing of the Sun declare. So that that starre was the third part of the circle, or foure signes and twentie degrees distant from
A from the verticall, when as it ought to have beene in the same signe, and in the same degree of the signe wherein the Sunne was, if Cardan his doctrine were true: who yet when he knew the same starre to have beene verticall vnto many great citie at the time of their foundation, since the beginning of the world, the Sunne also then being in the Meridian, he to meet with that objection, said the Monarchie to be due but to one of them. But why that to the Romans from whose verticall it is distant twelve degrees, rather then to the Scottish fishermen which dwell neere vnto the Oreades or vnto them of Norway, and other the Northren people? vnto whom the same starre is not onely verticall, the sun touching the Meridian in September, but is also directl perpendicular? Yet is it also more strange, to say the fame starre to have given the Empire to Constantinople, considering that that citie was built nine hundred yeares before that the Empire was thither translated. Joining hereunto also that the horoscope of the citie of Constantinople found in the Poeses libratie in the Vatican written in Greek letters, calculated by Porphyrie (as some affirmes) and copied out by Lucas Gauricus the Bishop, declareth the Sunne then to have beene in the xvi degree of Taurus, the Moore in the v of Leo, Saturne in the xx of Cancer, Jupiter and Venus coniunct in the same signe, Mars in the twelfth, Mercurie in the first of Gemini, Aquarius holding the verticall of heaven, and the xxiii of Gemini in the Leuant; which he setteth downe to have bee in May vpon a Munday, two howres after the Sunne rising. An other celestiall Theame of the same Citie is also taken out of the Vatican, calculated by Valens of Antioch, later than the former by fortie minutes. But yet that is verie absurd which Gauricus the good Bishop to come to this account supposeth the citie of Constantinople to have beene built in the yeare of our Lord 638, three hundred yeares after the death of Porphyrie: which yet it is manifest to have flourished about 500. yeares before Chrift: which he thinketh also to have beene afterwards taken by the Turks armie in the yeare of Chrift 1430, when as in truth it was by them woon and taclct in the yeare of our Lord 1453, the xxix day of May, being 1800 yeare before taken by the French men: wherein they reigned vntill the time of Chyarus king of Thataka, as Polybius (tutor vnto Scipio Affricanus) writeth; at which time it was called Bizance. And againe afterwards also was taken by Paufanus king of Lacedemonia in the Medean warre. And yet more, afterwards also was besieged by Mctiades generall of the Atheniens. And long time after, three yeares together againe besieged by Severus the Emperor, who after he had sacked it, razed it also downe to the ground, and carrying away the rest of the citizens into captivity, gave the ground whereon it stood vnto the Petimthians about the yeare of our Lord two hundred: which yet not long after was againe reedified, and by Constantine the great wonderfullly enriched after that he had thither translated the seat of his Empire. And yet againe after that, was with fire and sword most cruellly waste by the armie of Galienus the Emperor, all the citizens therein being either flaine, or elles carried away into captivity. Yet ceased it not for all that to be still the seat of the Greeke empire, vntill that the Frenchmen and Flemings vnder the conduct of Baldwin Earl of Flandres seized thereon, which they held together with the Empire, vntill that about fiftie years after they were by the Paleologi againe driven out: who hauing so recovered the citie there reignéd, vntill that it was by Mahomet the great Turke woon. All which changes of the Empire, and ruins of the citie, Gauricus neuer touched; neither did Cardan himselfe so much as suppose them: otherwise I suppose he would neuer have written things so absurd, and so disagreeing with themselfes. But great maruell it is that this Cardan starre hath had such power as to grant the Empires of the world to Italy, Grecque, Fraunce, and Germanie, when as it was to them but verticall, and yet hath
had no power at all upon the realms of Norway and Sweden, where it is not only vertical, the Sunne being at the Meridian in the month of August, but is also perpendicular: and yet neuerthelesse distant from Rome and Constantinople in latitude twelve degrees at the leaft. Besides that, why should he give vnto this Starre (which some foolish Astrologers take to be Saturnia) more power than to others, both for their greatness & nature more notable? why doth he exclude from the government of the world Regulus the greatest of all the fixe Starres? while Medula, Spica, the great Dog, the Vulcut, all most faire and beautifull Starres? while in brieue a thousand and threecore others, (for so many there are accounted beside the wandering Starres) vnto whom the Hebrew Mathematicians had added thirtie fixe more? Sufficeth it for this time to haue reiocted these errours so grosse, as the day it selfe is cleere.

But for as much as it were a thing infinite to refell all mens errours in this kind of matter, I will onely touch theirs, who have thought themselves wiser than the rest, and haue beeene in reputation as belt scene in the judgement of the heauens for the chaungen of Commonweales: such as was Peter of Arliac Chauncelour of Paris, and afterwards Cardinall in the yeare 1416: For he writeth the beginnings, chaungen, and ruines of religions and Commonweales, to depend of the motion and conjunction of the superiour Planets. And to mee it seemeth right straunge, why John Pitus Earle of Mirandula hath without farther search, accounted of the samefull errours of this man, concerning the knowledge of the Celestiall Spheres, as of most certeine & approved demonstrations; who hauing noted fixe and thirtie great conjunctions of the superiour planets, Jupiter & Saturne, since an hundred and fifteen yeares after the creation of the world, vnto the yeare of our Lord Christ 1585, there are not of them fixe true, and scarce any of them set in such place and time as they ought to be. Leu- pold, Alcubice, and Ptolomee were also of the same opinion, viz. the remouings of people, warres, plagues, deluges, plente, dearth, the chaungen of Elites and Commonweales, to depend of the motion and conjunction of the Planets, and especially of the superiour planets Saturne I say and Jupiter, and so much the more if Mars be also in conjunction with them both. And fo indeed as oft as they are in conjunction together, such things thereof enuie as often times draw euem the wiser forto into admiration: howbeit that no necessitie be imposed vpon man kind by the influence of the heauens. But howsoever that be, it is manifeat the Cardinall of Arliac to have beeene most grievously deceived, who reckning vp those great conjunctions from the beginning, supposeth by his account to have beeene thousand thousand yeares since the creation of the world, following therein the errours of Alphonse, Eufebius, and Bede, which the great content not of the Hebrewes onely, but of all Christians also hath long a goe reiocted: so soone as by the old interpretation of the Bible it was perceiued them to haue erred in their account above a thousand fixe hundred yeares: whereas all Churches at this present follow the more certeine account of Philo the Jew, who followed almost the mean between Iosephus and the later Hebrewes: for Iosephus differeth 342 yeares, and Philo but an 160 from the other Hebrewes. Whereof it is to be gathered this present yeare, which is from the birth of our Saviour Christ 1583, (wherin Bodin writeth these things in Latin) to have beeene 5531, or at most 5555 since the creation of the world. Wherefore Arliac is deceiued, who put the conjunction of the superiour Planets to bee hundred yeares ago, in the 320 yeare after the creation of the world: which after that computation must have happened twelve hundred yeares before that the world was made. The same man doth supposse also that at the creation of the world, the Horoscope whereof he describeth, the first degree of Cancer to have beeene then rising, the Sunne then to haue beeene in Aries, (which to be false we have by
by necessary arguments before proved) the Moone and Venus in Taurus, Saturne in Aquarius, Jupiter in Pisces, Mars in Scorpio, Mercurie in Gemini: which is all false and quite contrary unto the nature and motion of the celestiall Spheres, which is manifest unto every man which shall more narrowly looke thereunto, or take account of the motions of the Planets from thence unto these times: not to speake of that, that he placed the Sunne in the xix degree of Aries, and Mercurie in the xv of Gemini, having so against nature divided the one of them from the other six and fiftie degrees, as we have before declared: viz., that Mercurie when he is farthest from the Sunne, never to be farther off than fix and thirtie degrees. Which may suffice in passing by, to shew that the Hypothesis of the Cardinal of Arliae and his foundation being false, the reft that is thereon built cannot stand. But this he had propounded unto himselfe. It to be a thing contrary unto the majestie of the Planets, if in the creation of the world he should place them other where than euery one of them in their owne throne and chariot: which deuies of the vnskillfull, are more light and farther from the antiquitie of the Chaldees, than that they deferve to be refelaced.

But how much more certaine and better do they, which having consideradie looked thorow the antiquitie of the Hebrewes, and the animadversiones of Copernicus (who most diligently corrected the errors of Alphonfus, and of the Arabians) going orderly retrograde from these oppositions and conjunctions of the Planets, which we now behold, unto the vetie first beginning, judge of the resolution of the time past, as also of the change and state of Commonweales; if yet by this means any such judgemen, free from impetie and rashnesse may be made. Neither is it to be hoped (except happeinie in an innumerable sort of worlds) that the three superiour Planets shall meete together in the first point of Aries, whereof our wisefore rashly diuide a general destruction of Commonweales, as also of the whole world then to ensue by fyre from heaven. Howbeit that in the yeare of our Lord Christ 1609, there shall be a meeting together of the three superiour Planets in the ninth degree of Aries: which yet for all that is no true conjunction, as not made by the centers, but by the Orbes and Spheres of the Planets: And in the yeare 1584, Saturne and Mars shall be in conjunction in the first point and 46 minutes of Aries, and Jupiter in the same signe, but distant from them twelve degrees, with the Sunne and Mercurie: which conjunction shall fearce chaunce againe in the resolution of eight hundred yeares. And in this sort it is lawfull for a man looking into the yearely course of time, by writing to commend vnto posteritie the changes of cities and Commonweales, and so by things precedent and alreadie forspaken to judge also of things to come: yet fearing alwaies the majestie of almighty God, who is himeselfe bound vnto no lawes of nature, neither hath thereunto bound any of his servants. Wherein many greatly offend, who thinke the power and influence of the celestiall Spheres to be nothing, when as yet for all that their strength and power hath alwaies beene most great and effectuall, not onely vpon these elements which we here fee, and so vpon all other sorts of living creatures, but even vpon them also which liue like beals, as in facted writ it is to be feene, and yet of the good nothing at all to be feared. So many flood in great doubt in the yeare 1524, wherein the three superiour Planets, Saturne, Jupiter, and Mars were in conjunction in the tenth degree of Pisces, the reft of the Planets togethertogether with the Dragons head being in Aquarius & Pisces, both of them waterie Signes. Which felle same yeare in the moneth of Febuarie were twenty other conjunctions of the Planets also among themselfes, besides the fixe fatteres: which of all other things, was a thing most worthie the admiration. So that hereupon the Astrologers all the world over agreeing together for the destruction of the world, with a great fcare terrifyed the
the minds of many weake men; in that they so constantly all with one consent affirmed, the world to be now againe ouerwhelmed with an univerfal deluge and inundation of waters; in somuch that many miscreants caused ships to be made for them to save themselves in from such the rage of the waters, and especially Anniolus President of Tholose a most cunning lawyer, but a man either ignorant, or a contemner of the lawes of God, howbeit that he heard the promises of God still preached vnto him, and the oath by him made vnto * Noah that he would no more destroy the world by water. And true it is that in that yeares were floods and inundations of waters in divers counturies, but yet no such general deluge as was foretold and feared, neither any cities or counturies at all knowne to be drowned. Wherefore to affirme any thing of the chaunes and ruines of Commonweales, it sufficeth not to behold onely those great conjunctions of the three superiour Planets, but also diligently to observe and note the meane conjunctions, which are every two hundred and fortie, and every twentie yeares; as also the eclipse of the Sunne, and of the Moone, with the oppositions and conjunctions of the inferiour Planets amongst themselues, and with superiour planets, and in briefe their mutuall traictions, as also the force and power of the fixe stars, and their respect towards others. True it is that many of the antique writers have noted either death, or popular diseases, great mortalitie of living creatures, or the removing of people, inundations of waters, or the destruction of cities, or chaunces of kingdomes to have followed such conjunction of the superiour planets; yet not in every place generally, but in certaine counturies and places onely, whereby they haue by a certaine coniecture judged this or that signe to be by God deputed vnto this or that countrie. And hereof according to the power of the foure elements they have divided the twelve celestiall signes into foure parts, and have thereof left certaine instructions to posteritie: whereof for all that because they were not by long experience approved they could make no certaine act: as the Chaldeans haue fained, who vaunted themselues to have spent 470 thousand yeares in the praxis of natuittics, the better to perfwade men of the certainitie of their knowledge, and to make it thereby the more faclable. Whiche the Chaldean babbes spred abroad farre and wide vnto all people: but vnto none more foolishly then to the Indian Chinois, who fab 783 thousand and seaven hundred sixtie two yeares, to be the laft yeare passe since the creation of the world. Others there be which in that matter lie not so loudly and yet impudently enough. For Linus the moost antiquitie writer of the Grekes, Orpheus and Heraclitus, shewed the period of the greatest yeares within the revolution of 360 thousand yeares, whereas they supposed an hundred fouerecore foure thousand to be past. But a certaine Egyptian priest vaunted before Solon, the Egyptians his countrey men to have an historie of twenty thousand yeares written in Hieroglyphicall letters. And a little while after Herodotus (called the father of historie) underflowed from the same Egyptians, records of thirteenth thousand yeares to be extant in their sacred letters. Diodorus younger then the rest going into Egypt to find out the truth, heard certaine Priests to say antiquities of three and thirtie thousand yeares old to be found amongst the Egyptians; but when he came to try the truth of the matter in equall balancie, he found all their antiquitie to consist but of three thousand seaven hundred yeares: the computation of which time from the beginning of the world, agreeeth altogether with Philo, or within little lesse then two hundred yeares. And truely Callisthenes perswaded by the speche of Aristotle his master, when as others at the sacking of Babylon greedily sought after the Persian wealth, he diligently searched out and gathered together the bookes and antiquities of the Chaldeans: and there noted all the historie of the Chaldeans to haue beene comprehended in 1903 yeares: which time well
well agree with the facted historie, if we account the time from Nimrod, who first obtained the souverainty of the Chaldees; which historie is to be thought so much the truer, for that it is so reported by Simplicius a mortal enemie of the Christians, as wee have eliswhere declared. And therefore Ptolomy, who farthest repeating from uttermost remembrance the antiquities of the Chaldees (of them I say, which had noted the seldie courses of the celestitial spheres) bringeth the beginnings of the celestitial motions no farther than from Nabonassar, and from those eclipses of the moon which happened in the time of his rigaige, that is, the yere of the world 3750: But Ptolomy flourished in the time of Adrian the emperor, about foure hundred yeres after Nabonassar. Wherefore it ought not to seems strange to any man, if he nevertheless much as once suspected the motion of trempidation, neither understood the resoulation of the eight Sphere: yea he well obersuerd not the Equinoctials: For hee faith, The Equinoctium to have bene the thetue sixt of September, after the same rising, which Hifparbus had taught to have happened 283 yeres the same day of the moon, about midnight, whose errors could scarcely be perceived in the time of our ancestors: as not long ago Io. Regiomontanus sweued the motion of trempidation, before unto Astronomers unnowne. Wherefore by what means could they by any art conclude mens fortunes, or the changes and ruines of cities and Commonweales, who understood not so much as the celestitial motions, and much less the histories of all nations, when as yet they scarcely knew the tenth part of the world!

Wherefore they do foolishly which attribute the Quadripartite booke to Ptolomy, wherein the siete Triplicitie is giuen to Europe, and those countries which lie betwixt the West and the North; the aynce Triplicitie vnto Asia, and those places which are seated betwixt the North and the East; the waterie triplicitie vnto Afrike, and the earthly triplicitie vnto the other places. Neither have those things followed the consiuntions of the supeirour planets, which shoulde have followed had their rules bee ne true. Now if any man thinke (as many there be which thinke right foolishly) the places of the signes being changed, the force and nature of the celestitial Spheres to be changed also; hee must sorely vitterly subvert all the knowledge of the force and power of the stars by them before set downe and deliuered: seeing that the fixe fatteres are found since the beginning of the world to have palled through the fourth part of the eight Sphere: but since the time wherein the course of the celestitial Spheres began first to bee of the Chaldeis noted under king Nabonassar vnto this our time, to have ouergone almost a whole signe, et τιν πεντευην, or which is all one, the Equinoctials in the same space, to have prented the fates of the wandering fatteres, et τι πεντευην, and yet never thelesse the force and power of the celestitial houses approv'd in mens nativities, is still the selfe same that it is reported to have before bene: which thing to be so, Cardan himselfe confeseth: whom yet for all that it aghamed him not to write the Britons, Spaniards, & Normans, in auintent time gentle and modest nations, to be now (the regions of the fatteres being changed) become fieie, craftie, and deceitfull thewes; for that they were in auintent time governed by Sagittaries, but now by Scorpio: vnto whom the fame may bee aumwered which Cassius did vnto a certain Chaldean Aftrologer, who forbad him to fight with the Pathians before the moon was out of Scorpio: vnto whom Cassius pleaantly aumwered, Non Silivos miutus Sagittarius, I fear not (laid he) Scorpions, but Sagittaries: meaning the Pathian archers, by whom the Roman legions wherewith Cassius in Chaldea discomfited and ouerthrown. And truely if Cardans opinion were true, the nature of all things must needs so bee subverted, which yet is still the same which euer it was: For the people toward the North are now taller and stronger, and more warlike than the rest of the people of the world; and such Vitruvius.
The conjunctions of the superiour planets in the same celestial house, viz. in Scorpio to have show'd their force (if it were any) in Asia, and Europe, and not in Affrike, which they say to be governed by the signe of Scorpio. For before the change of the Roman empire was made, and that Popular estates transferred into the foureraigntie of Cæsar alone, the superiour planets with a great conjunction met together in Scorpio: which conjunction changed againe about seaven hundred yeres after: at which time innumerable legions of the Arabians having received the new doctrine of Mahumet, rebelled agains the Greeke emperours, subdued a great part of the East Asia, abolished the orders, cuftomes, rites, ceremonies, and lawes of the Christianes, when as yet Asia is in situation contrarie vnto Europe. The fame conjunction happened in the yeare of our Lord 1463, after which ensued divers motions of the people, almost in all parts of the world. For Lattarnachus king of the Tartats was by his subiects thrust out of his kingdom: Henrie the first, king of England was by his subiects also taken and in prifon flain, Edward the iii of a subiect made king: Frederike the third driven out of Hungary by Matthies Corninus, who of a prisoner was chosen a king: Lenes the eleventh the French king, by his nobilitie and vaflals besieged in his principall citie, and brought in daunger to have lost his estate. At which time also Alexander (commonly called Scanderbeg) the king of Albania his sonne, brought vp in the Turkes court, resouled to the Turk, and tooke vp armes against him. Yet is it worth the noting, that the great conjunctions of superiour planets, show their effects more in Scorpio, a martial signe, than in any other the rest of the signes, and so much the more if Mars be there also, or else some one of the other planets be also in conjunction or opposition with them. With like conjunction the same planets met together also in Sagittarie, in the yeare of our Lord Christ 74: at which time all the land of Palestine was fack'd, the citie of Hierusalem burnt and rased, and eleuen hundred thousand dead in the warres: at which felle fame time were seene in Europe great civil warres, and foure emperours flaine the fame yere. Two hundred and forty yeres after, another conjunction of the same planets chaunced in Capricorne, after which ensued wonderfull chaunges not onely of Commonweales, but even of empires and kingdoms also: Constantine the Great being therein chiefe doer: who having put to flight and flaine foure emperors, and translated the feat of the empire from the Westhetic into the East, by a perpetuall law tooke away the vaine and superflitious worshipping of the Paynim gods. We fee also, that after the conjunction of the same planets in Aquarius, in the yeare 430, the Gothes, the Ostrogothes, the Francones, the Pegipges, the Heruli, the Hunnes, & other Northerne people going out like swarmes of bees, overranne and ranfacked the provinces of the Roman empire, and most cruelly fack'd the verie citie it selfe, sometimes the feat of the empire. And againe in the yeare 1524, when as the conjunction of the same superiour planets, (yea twentie other conjunctions) had happened in Pisces, most great motions of the people ensued thereafter in many places in Europe: the people in armes against the nobilitie for all Germany on a broyle: in which want an hundred thousand men are reported to have bene slaine: the Rhodes by the Turkes was taken from the Christians: Frederike, his brother Christierne being driven out of his kingdom, possesed the kingdom of Denmarke: Geflaus of a priuят man became king of Sweden: Francis the French king overthrowne at Pauia was taken prisoner by the Spaniards. Besides that, it is to be seene, that after the great conjunction of the same super-
superior planets in Leo, in the year 796 king Charlemaigne overthrew the estates of the Lombards, tooke their king, and conquered Italie. At which very felle same time the Polonians made choyce of their first king; with diuers other notable and remarkable changes. So alfofortie yeares after, the same coniunctiion happened in the signe of Sagittarie, when as the Moores facked diuers countries, invaded a part of Greece, and ouerran Italie: and the Danes were then vp in great ciuitall warres: when as at the fame time Charlemaigne made himfelle Lord of Germanie, tooke away the Paynim superflition in Saxony, and chaunged all the Commonweales and principali- ties in Germanie, and Hungarie, which he brought vnder his obedience. With this great coniunctiion happened alfo four eclipces; which hath not happened since: but fix hundred thirtie fix yeares after, in the yeare 1544, in which time haply there had bene moe notable changes been, if the great coniunctiion which hapned the yeare following in Scorpio, had happened the fame yeare. And yet neuertheleffe as it was, all Germanie was vp in armes; which warres continued feuen yeares after. In briefe, if any foreknowledge be to be had from celeftiall things, for the chaunges of Common- weales, we must confider the coniunctiions of superior planets, since 570 yeares, with the coniunctiions, eclipces, and aspects of inferior planets, and of the fix stares at the time of the great coniunctiions, and to compare them with the truth of histories, and of times with coniunctiions before part; and not wholly to reft upon opinion of them, which haue determinately asigned the Triplicities vnto regions, which I haue by evident ex- amples before fowed not to be of any good assurance, but rather to stay upon the na- ture of the signes and of the planets. And yet for all that to refere the causes and effects of them vnto the great God of nature, and not to tie them vnto his creatures. As did Cipriamis Leonitus, who of a coniunctiion of almoft all the planets, than to come togethe- ter with an eclipce of the Sunne in the yeare 1584 by his writings (as from an oracle) denounced the end of the world euem then to come, faying, proue alio alterum aumenu- tum fili Det & hominis in maiestate gloria suse praemuniat, WITHOUT all doubt (faith he) it forefheweth another comming of the Sonne of God and man in the maiestie of his glory. But feeing he had fo strongly affurde men then of the confummatiion of the world, why did he yet write his Ephemerides for thirtie yeares after, when as the cele- ftiall signes and all Commonweales should according to his predictions haue before perifhed? But therin he found himfelle as well deceived, as was before him Alhomer, who with like rafhneffe hade written, That the Christian religion should take end in the yeare 1460. And Abraham the Jew (furnamed The Prince of Astrologers) who pro- phesied, That in the yeare 1464, fhould be borne a great captain(whom they call Mef- fias) who fhould deliver the Iewes his countrymen from the faditude of the Christians. And Arnold the Spaniard, who with like folicie prophesied of the comming of Antichrift, in the yeare of our Lord 136. But Leonitus might have knowne, that since the creation of the world vnto this time, there haue bene two hundred and threcfore coniunctiions of the superior planets, wherein were twenty foure great ones; that is to fay, such as ftill come againe after the revoluition of two hundred and forte yeares, Jupiter and Saturne meeting together in the fame triplicitie (as they call it) and the lef- fet-euerie twenty yeares: and the meaneft planets, as of Saturne and Mars, euerie thirtie yeares in the signe Cancer and the greateft of all, viz. of Jupiter and Saturne in Aries, which commeth againe about euerie eight hundred yeares. Howbeit that Mef- fahala calleth it the greateft coniunctiion of all, when as the three superior planets meet together in Aries; which yet I fee not ftall chance in the yeare 1584, as Leonitus sup- poseth, when as Jupiter fhall be diftant twelve degrees from the full coniunctiion of Sa- turne and Mars: which cannot rightly be called a coniunctiion so much as by their Spheres.
Spheres. But whereas the same conjunction, yea and a greater too, together with the most dark eclipes of the Sunne, and of the moone, happened in the taigne of Charles the Great, yet we see not the world therefore to have taken end. True it is, that the Hebrew learned men write, the destruction of all this elementary world, and of all mankind, &c. of all Commonweales, to enure after euerie feven thousand yeares, by the inundation of waters, or els by fire, and so to rest a thousand yeares: after which God shall againe restore that which is perished: and that this shall be done seuen times, which makest nine and fortie thousand yeares compleat, and that then this elementary world and the celestiall also, with all the bodies thereof shall take end, the majestie of the great eternal God, with all the blessed spirits yet full remaining. Which they say to bee by the word of God, howbeit verie obscurely declared: when as the tilling of the ground is commanded every seuenth yeare to be left off: and after seuen times seuen, not only the tilling of the ground is commanded to be left off, but euen slances and debtors to be set free, and euerie man to returne againe vnto his owne lands and dwelling. Truly it is by long observation at length knowne and found out, the motion of trepidation of the eight Sphires, to accomplish the course thereof, in the resolution of seuen thousand yeares, and the ninth Sphire in the space of fortie nine thousand yeares. Therefore Io. Regiomontanus hath since within this fourtie and twentieth yeares made plaine demonstration: of the truth of which motion neither the ancient Chaldeies nor Egyptians had any knowledge, but were thereof altogether ignorant. And albeit the ancient learned Hebrewes, haue by the gift and goodnesse of God, had not onely the knowledge of diuine and celestiall things, but euen the hidden and secret caues of nature also revealed and made knowne vnto them, and that from them the knowledge of most goodly things is vnto other men come: as Porphyrie the greatest of all the Philosophers of his time confesseth: and that this doctrine of the Hebrewes cutteth off the impietie of them which hold the eternitie of the world, or els that God was for an innumerable world of yeares altogether idle: yet doe these so learned Hebrewes attribute nothing vnto fatall necessitie, either feare any the decrees of the celestiall starrs, but affirme all things to be gouerned and changed by the will and pleasure of Almighty God: as by him which as ofte as he will is of power to make the nature of all things, yea euen the verie foundations of the world it selfe, as was well seene in the generall deluge, which ouerwhelmed the whole world 1656 yeares after the creation thereof.

Yet doubt I not but that some more certaine precepts might be givin of the changes, and ruines of Commonweales, if a man would enter into a certaine account of the time past even from the beginning of the world: and so comparing one thing with another, and knitting one thing vnto another, shall proceed farther, and set in order the varietie of Historiographers at variance among themselves: and also going backwards, shall of all the eclipes of the Sunne and of the Moone, even to the beginning of the world, by most certaine demonstrations comprehend the reason of the whole time past: and compare the histories of the most true writers amongst themselves, and with the oppositions and conjunctions of the celestiall starrs and bodies, knit and conjoyne the same with numbers, whose force in all the course of nature is greatest: which things soulde vp in infinit obscuritie, and hidden and shut vp in the most secret places of nature, are to be showed not by vaine conjectures, but by most euident and manifest arguments. Which is not to be hoped for from them which are more defirous of words than of matter or knowledge: who vpon an obstinate opinion confound the beginning of the world, and beginning the yere at the spring, which they ought to begin at Autunme, and the day at noone, which they ought to begin at even, not remembering darkness to have bene before light, confusion before order, and a rude confused Chaos.
Chaos before the world it selfe: besides that it is in the sacred books of Genesis so often repeated,Vespere & mane dies onus,The evening and morninge were made one day. Truly I commend many things in Gerardus Mercator a most pure writer for the observation of time: but in that I cannot commend him, that he begins the year elsewhere than of Libra; whereas we have by most certaine reasons not onely out of the most ancient customes of almost all nations; but also out of the most pure fountains of sacred scriptures, declared the year to have taken beginning in Autumnne. Which we will againe shew by the great and notable changes of estates and Commonwealths: whereby things to come may be the better and more certainly perceived, and the greatest chaunces, alterations, and changes, spoken to have happened about Autumnne, that is to say, a little before, or a little after the Autumnnal equinoctiall in September, the Sun then-entering into Libra: where the law of God appointeth the beginning of the yeare: And first it is manifest, the generall deluge to have begun and also ended in Autumnne. We read also, the great earthquakes, wherewith oft times great cities, and whole countries have bene destroyed, so have happened in Autumnne, such as was that trembling of the earth at Constantinople, wherein thirtene thousand men were lost in the yeare 1509, in the moneth of September: in which moneth, and in the same citie, the earth againe gravely shooke in the yeare 1479. So also in the yeare of Christ 545 such an earthquake happened in September, that almost all Europe shooke therewith. The same moneth of September, wherein the battell was fought at Actium, ten thousand men perished in the land of Palestine with an earthquake. And not long agoe, viz. in the yeare 1526, and 27, in the moneth of September a great earthquake happened at Putolci. The third day of the same moneth, in the yeare of our Lord 1556, such a tempest of rainie and thunders happened at Lucerne, as that a greater (as is reported) was never seene: which seefe same moneth & day the towne hall at Maidenburg in Germany, with the citizens dauncing therein, were all together with lightning conformed. The victorie of Augustus also against Antonius in the battaile at Actium, was by him obtained the second of September, where question was of the greatest empire that ever was; and the matter tried with the greatest forces that ever were assembled in any wars whatsoever: by which victorie the empire both of the East and of the West, fell into the power of Augustus himselfe alone. The third day of the same moneth the Macedonian empire, which had so long, and with so great glory flourished, was by Paulus Aemilius changued from a great kingdom into divers Populare estates, the king Persius being by him overcomed and taken prisoner. Sultan Soliman on the like day tooke Buda the chief citie of Hungarie, with the greatest part of that kingdom. The same day and moneth Roderike king of Spaine was by the Moores overcome and chased out of his kingdom, which wrought a wonderfull change in the state of all those Monarchies. On the same day and moneth revoltling, Lewes the twelthe the French king tooke the citie of Milan, with Lewis Sforia duke thereof, whom he deprived of his estate. The like day the emperor Charles the fift passed out into Afiathe, and invaded the kingdom of Algiers. The day following, that is to say, the fourth of September Sultan Soliman died before Sijeh, which being one of the strongest holds of Christendome, was by the Turkes taken the fourteenth day after. The ninth of September, in the yeare of our Lord 1544, James king of Scots was by the English men slaine, and his armie overthrown. The same day in the resolution of the yeare, the councell of Pofi was gathered in France, Charles the ninth then reigning in the yeare 1561, and a decree made for the receiuing of the new religion, which raised most great troubles in France. The same day and moneth Alexander the Great at Abela ouerthrew Darius king of Persia, with his armie of fourteen hundred thousand men; and so joined the king-
dome of Persia unto his owne. The tenth of September John duke of Burgundie, was by the commandement of Charles the euenth sleaine, whereas great wars arose throughout all France. The like day and moneth was Peter Longs the tyrant of Piacence sleaine by the conspirators. We read also, that the euenth of September the Paleologues, the Grecke emperours took the imperiall cite of Constantinople, and drave out thence the carles of Flaunder, who had these possessed the empire 560 yeares. The fourteenth day of September the Swiflers were with a great slaughter ouerthrown by the French, in the expedition of Mitigian ; which felle same day also the Turkes great armie laid siege to Vienna, the Metropolitical cite of Austria. The euenteenth day the French armie was by the Englifh ouerthrown at Poviers, and king John of France by them taken prisoner. Which day also, (or rather the like in the resolution of the yeare) a peace was concluded at Soissons, betwixt Francis the first, the French king, & the emperor Charles the sith, being both readie with their great armies to have fought for the kingdome, to the great hazard of both their effates, in the yeare 1544: a thing the more to be noted, for that the same yeare, moneth, and day, was also a great coniunction of the superiour planets. The same day of the same moneth, in the yeare 1575 the Christiau fleet with a great slaughter ouerthrew the Turkes great fleet in the battell of Lepanto. The eighteenth day of the same moneth Boulliene was deluetered vnto the Englishmen. And the foure and euenth of September Constantiue the Great, in a bloudie battell ouercame Maxentius the emperor, in the yeare of our Lord 333, and so of a simple strange captain made him selfe a great Monarch (which brought a most notable and maruellous change almost throughout the whole world) and so from thenceforth commanded the account of the yeare to bee begin in September: and in the Greceke feast vnto that day is added, ΙΑΙΤΙΟΝ ΝΟΝ, ΚΟΝΣΤΑΝΤΙΝΑΣ,ΕΝΤΕΥΕΝ,ΑΠΡΗ. Wee find also, that in the yeare 1136, in the moneth of September there was a great coniunction both of the superiour and inferiour planets, in so much that the Astrologers of the East, by their letters written from all parts (as faith the Cronicle of Saint Denis) threatned the world with great calamities, and the people with the change of their effates, which afterwords indeed chauncted: howbeit in that the author of the historie erred, that he faith, How that the same yeare there was an eclips of the Sun the eleuenth of April, and another of the Moone, the fift of the same moneth, a thing by nature impossible. It is also right memorable, that the euenteenth day of September, in the yeare 1569 Charles the ninth the French king, was by his subiects asailed neere vnto Meaux, where by speedie flight, and the helpe of the Swiflers he hardly with life escaped the hands of the conspirators: the which felle same day, moneth, and yeare, Henry king of Sweden was by his rebellious subiects dispoiled of his estatt, and cast in prison, where he yet remaineth, without any great hope to be euer with life from thence againe deliveret. The battell Montcontour was fought also in September. And the eighteenth day of September Bakazet at Nicopolis with a notable ouerthrow defeated a great armie of the Chriftiains, of three hundred thousand men. And the same day Saladin tooke the cite of Hierusalem, on which Pompey had before taken it. Pope Boniface the eight also was in September 1303 by the French taken prisoner, and deprivet of his papall dignite. Wee read also many the greatest princes and monarchoes of the world, to haue as this moneth died: as namely the great emperour Augustus, Tiberius, Vespasian, Titus, Domitian, Aurelian, Theodorus the Great, Valentinianus, Gratianus, Basilus, Constantine the fift, Leo the fourth, Rodolphe, Frederike the fourth, Charles the fift, all Roman or Greeke emperors. And of the French kings, Pipin, Lewes the younger, Philip the third, Charles the fift sur-named the Wise, and Lewes his kindman king of Hungaria and Polonia, with other most
most noble and famous Monarches in number infinite. But that is worth the marking that Lothaire and Charles the bauld, the one the king of France, and the other the German Emperour (and both of them the sonsne of Lewis the deuout emperour) both dyed the xxix of September, the first of them in the yeare 855, and the other 877. So Charles the fift, and Sultan Solyman, two of the greatest Emperours that were thefe many ages, were both borne in one yeare, and so both alo in one moneth dyed, viz. in September. Antonius Pius also and Francis the fift the French king, both of them great & famous Monarches, were both borne in September, and died both in March the moneth opposite to September. Ottavius Augustus was also borne in September, and so likewise in the fame moneth of September dyed. Whereby it is to be under-stood, Autumne and especially that moneth wherein the world was created, viz. September, in a fott to carie as a marke therof the notable chances of many the most noble and renowned Princes, as also the strauge changes which have happened alwell vnto the whole world, as vnto particular Estates and Commonwailes. The next conuertions and changes of cities and Commonwailes we fee to happen into the figne of Aries, which is an other period of the Sunne, and the third and fourth fort of changes to fall out about the Winter or Sommer Solfirium, or farthief flaves of the Sunne: not for that the creation of the world is to be defined from Aries, but for the notable periods of the Sunne in those times. Wherefore Leonius following the dreames of vnskilful men, ought not to refer the creation and deftruction of the world vnto the moneth of March; and much lefle to threaten vnto the world even a present conuiffuation and end. But he the fame man had before by his writings promised vnto Maximilian the Emperour the foueraigne of all Europe, with power to correct and chastifie the crueltie and titannie of other Princes (for so he writeth) of whom for all that it becometh him to have more modefly writ: But Maximilian was so farre from the soueraignty which he had in his vaine hope conceiued, as that he yet liuing, and with the German hoast also looking on: Sultan Solyman without any empeachment hauing farre and wide wasted the borders of the Empire, behige and forced Sigeh the strongepest place of the Empire, yea of all Europe: showing well that he should not have too far affiured himselfe upon the prophetie of Luther, who hath left in writing that the power of the Turkes shoule from thenceforth diminish, which yet more encrease than euer it did. But it is strange that Leonius saw nothing of the strauge change of the three kingdomes his next neighbours: which fith he saw not, how could he haue fuch certein knowledge of the end of the world, neuer as yet vnto the Angels themelues revealed? For all which he bringeth no other reafon, but that the Chriftian religion muft together with the world take end in the waterie triplicite, for that Chrift Iesus himselfe was borne vnder the waterie triplicitie; willing as it should seeme to bring in an other deluge: Wherein he showeth no lefse impicte then ignorance, whether we regard the maximes of the Aftrologers, who affirm and lay that neuer planet ruinateh his owne house, which shoule yet happen vnto Jupiter being in Pisces. (For certein it is in the figne Pisces in the great conuiffuation in the yeare 1583 and 84, and that the conuiffuation of these two planets in that Signe is alwaies friendly:) or that we follow the opinion of Plato, and of the Hebrewes, and of all other Philofophers, who generally lay, That the world is to be successively deftroyed first by water, and then againe by fire: or else that we ref our felues (as indeed we ought) vpon the promises of God, who cannot lye, which he in mercie made to Noab neuer to drowne the world againe. But as we ought not rashly certainly to affirm any thing of the changes and ruines of Monarchies and Commonwailes: So can we not denie but that the effects are right great and wonderfull in the conuiffuation
of the higher planets, when they change the triplicitie, and especially when the three A
superior planets are in conjunction together: or that such their conjunction have concurrence with the the eclipses of the Sunne or of the Moon: as it happened the
day before the taking of Perseus king of Macedon, and the battell of Arbella in Chal-
dea, which drew after them the ruine of two great Monarchies, and the change of di-
vers Commonweals, there appeared two most great and darke eclipses of the Moon.

As there did also in the beginning of the Peloponnesian warre, wherewith all Grecia
was on a fire, the Sunne vpon a faire day was wonderfully darkened, even at such time
as Perseus the Athenian General began to fet faile.

But as for them which contenme the force of the heavenly Starres, or els are altogether ignorant thereof; they stand as men amazed, to see in the same instant such con-
junctions and changes of Commonweals, and such great and turbulent motions of the
people together and at once raised. As namely Polybius (himselfe an Atheift) in his hi-
storie exceedingly manuelteth, That in the hundred and thirthy Olympiade in one selfe same time there was seen vp on the sudden a new change of princes almost
throughout the whole world. As namely Philip the younger to become king of Ma-
cedon, Achenas to be king of Asia, which he vntipped vp Antochoes, Ptolomeus Philo-
pater to become king of Egypt, Lycurgus the younger, king of Lacedemonia, Anti-
ocbus king of Syria, Hannibal general of the Carthaginians: and all these people
as it were at the same instant vp in armes one of them against another; the Carthagin-
ians against the Romans, Ptolomey against Antochoes, the Achenas and Macedo-
nians, against the Aelolians and Lacedemonians. And afterward all three of the most
famous generals of the world, namely Scipio Africannus, Hannibal, and Philopomenes, to
have all died (as Livius writeth) in one yere. These great changes are more euident
to be seen after the conjunction of the two superior planets, with the Sunne, or Mars:
as it happened in the yeare 1564, that the superior planets were in conjunction in
the signe Leo, together with the Sunne & Mercury: So haue we afterwards seen strange
motions and starres almost all Europe over. We have seen in the same time, in the
same yere, in the same moneth, in the same day, in the twentie first day of September,
in the yeare 1567, the French king guarded with the Swiflers, afplayed and in daun-
gro to have bene taken by his subiects: and Henry king of Sweden diployed of his
estate, and by his owne subiects caft in prison: and even as it were at the same time
Mary the most noble queene of the Scots spoyled of her kingdome by her subiects, and
by them imprisone, by whom it befeme her to have bene deluced: and the king of
Thunes driven out of his kingdome by the king of Algiers: the Arabians vp in
armes against the Turkes, the Moores of Granado and the Flemings against the king
Catholike, the Englishmen against their queene, and all France in combustion. The
same conjunction of the three superior planets happened also an hundred yeres be-
fore, in the yeare 1464, but not to precisely, neither in the signe of Leo, but only in
the signe of Pisces, and yet by and by after all the people were seen vp in armes, and
not onely the princes among themselfes, but the subiects also against their princes, as
we haue before said.

Now as for that which Copernicus (the great Astrologer of his time) saith, The chan-
ges and ruines of kingdomes and Commonweals, to depend of the Eccentrique mo-
tion of the earth, it is such, that it defcrewth no one were or account to bee thereof
made. For that hee for the ground thereof supposeth two things most absurd: the one
That the influences which all Philosophers attribute vnto the starres, proceed from
the earth, and not from the heavens: the other, That the earth it selfe moueth with the
same motions, which all the Astrologers of former times (except Endoxus) have alway
given
A giuen vnto the heauens. And yet mote strange it is to make the Sunne immouable and the center of the world; and the earth fiftie thousand leagues distant from the center, and to make part of the heauens, &c of the planets, to be mouable, and part of them immouable. Which old opinion of Eudoxus, Ptolomey hath by probable arguments and reaons refuted. Whereunto Copernicus hath well aunfwered: vnto whom Me- lanchthon hath onely with this verse right well replied, God in the heauens hath a tabernacle for the Sunne, which commeth out as a bridgewater out of his chamber, and retiyeth as a Giant to runne his course. It goeth out from the uttermost part of the heauen, and runneth about to the end of it againe: and there is nothing hid from the heat thereof. So also might he say, That Iofus commanded the Sunne and Moone to stay their course.

B But vnto all this might be aunfwered, That the Scripture ofteentimes accommodateth and fitteth it selxe vnto our weak seances: as when it calleth the Moone the greates light next vnto the Sunne, which yet nevertheless is the leaft of all the starses except Mercurie. But this doctrine of Copernicus might by a manifest demonstration, which no man hath yet vfed, easely be refuted, viz. that one simple bodie hath but one simple motion proper vnto the same: as is manifestly to be proued by the principles of natural Philosophie: then seeing that the earth is one of the simple bodies, as the other elements be, we must necessarily conclude, that it cannot have but one onely motion proper vnto it selxe: and yet for all that Copernicus hath assigned vnto it three diuers motions: whereof it can haue but one proper vnto it selxe: so that the other must needs be violent, a thing altogether impossible: and so by the same confequence impossible also, that the alterations and chaunces of Commonweales, should proceed from the Eccentrique motion of the earth.

But let vs now come vnto the opinion of Plato, who thought the chaunces and ruines of Commonweales to ensue, when the asent of the sweetneffe which proceeded from the harmonic thereof is interrupted and broken. Which chaunceth when in the nuptiall number (as he tearneth it) you depart farthest from those concords which the Musitions call Δια τεταρατον and Διετετερον. As for the nuptiall number he defineth it to be, that number which beginning of an unitie, as of a mayden inuiolate is divided in a double or triple sort of conftime, in such sort as that the male, that is to say, the odd numbers sall in continuat order be placed on the right hand, and the female, that is to say, the even numbers on the left hand in this sort and order. As for the middle places they are to be filled with numbers perfect, imperfect, quadrate, sphertique, and cubique, so that no sort of numbers be wanting. But this order of numbers may be infinite, for that the force and power of tune and conftime, is in diuision as infinite, as any other dimension whatfoever. So that the forme of a well ordered Commonweale shall fo long be firme and fere, as it shall kepe right conftime and tune; well agreeing vnto the sweet delite of the cite. The Dupla or Diapason, which is of one to two: the Sepquialtera, which is the proportion of two to three, which maketh Δια πεντα or a fift; the Sefquitertia or proportion of three to foure, which maketh Δια τεταρατον or a fourth. The Tripla proportion which maketh Δια πεντα και Δια τεταρατον, which for that it comprehended all concords and conthemes is called συγκειμενα, or a gathering of all together. Now if you go farther as vnto that proportion which is of foure to nine, the proportion of these numbers being not harmonically, their followeth thereof an unpleasent discord, which marreth the whole harmonie of a Commonweale. And this in mine opinion is that which Plato would say, for no man as yet hath explained this point; so that antiquite it selxe hath not without cause.
cause long since complained, nothing to be more obscure than the Platonick numbers. For Forrester the Germanie is farr from the mind of Plato, when as he seeketh after triple and quadruple proportions, for that in so doing he overthrew the foundations of the nuptiall number & the sides of the Triangle, which confift of the double and triple proportion. But in him is also absurd, that he thinketh the same proportion to be betwixt 27. and 64, which is of three to foure, a thing by nature impossible, and contrarie to the grounds of the Mathematiques. But Plato will eth vs alfo to fill the vacant place of the propounded triangle of the nuptiall number with fuch other numbers as proportionally arise of the mutuall conjunction of the male and female numbers, yet still continuing the harmonicke, for that the same concords are amongst them to be found, which we have alreadie set downe amongst the other foure first numbers: as of the marriage of two to three: viz. of two times three is begot the number of fix, which placed in the midde filleth vp the empike place betwixt 4, and 9, which two numbers by no means make any conuenient or harmonicke, but the proportion of either of them vnto fixe, is the fame which is of three to foure, that is to say, Schuualter or diue tria, or a fif, And so alfo if the number of two be as it were married in proportion ioyned vnto fixe, or the number of three, so combined vnto fixe; as viz. two times fixe, or three times fixe, thereof shall arife two numbers, viz. 12. and 18, which shall fill the empike space of the triangle betwixt 8. and 27. So if the number of two be proportionally ioyned vnto twelve, and the number of three to eighteene (as viz. two times twelve, or three times eighteene there of shall arife the numbers of 24. and of 54. And againe, if three be ioyned vnto twelve, or that which is all one, two to eighteene, thereof ariseth the number of 36. which three proportionate numbers of 24. 36. and 54. shall fill vp the vacant place of the triangle betwixt 16. and 8., the mutual proportion of which numbers so put into the void places of the triangle, and so filled with the numbers next, still keepe a perpetuall sweet course, although the sides of the triangle were infinitely extended, of which triangle let this be the forme. If therefore choice be had of fuch proportions as make a sweet content in the perpetuall course of numbers, the Commonwealth shall fo be everlafting: if so be that the state of Commonweales depend of harmonie. But that harmonie (as faith Plato) is sometime broken, so that the sweet content thereof must needs perish, and so Commonweales at length come to ruine and decay. But to fay the truth, it is not much more to be feared, left the subiects or citizens erring or declining from the sweet and natural harmonie of well tuned lawes, and customes, shall in fteed of them embrace most wicked and pernicious lawes and faditions? And yet for all that will I not denie but that harmonie and musique have great force & power for the chaunging of a Commonweale, in which point both Plato and Aristotle well agree. Howbeit that Cicero is of opinion it is to be a thing impossible, that for the musique of a Commonweale change, the Commonweale should it selfe therefore take change. Whereof for all that we have a moft memorable example, of the Commonweale of the Cyrenelies in Arcadia, who having given ouer the pleasure of musique, shortly after fell into such sedition and ciuill waRES, as wherein no kind of crueltie was forgotten, or not put in execution: whereas every man marvelling why this people was become so wilde and barbarous, seeing that all the rest of the people of Arcadia were wonderfull ciuill, courteous, and tractable: Polybius was the first which noted it so to have happened, for that they had left to take pleasure and delight in musique: which from all antiquitie had beene alwaies more honored, and esteemed in Arcadia then in any place of
of the world else, in such fort as that by the lawes and customes of that countie cuyt
one was yppon great paines bound to exercise him selfe therein, vntill he was thirtie
years old, which was the meane (as lyth Polybius) the first lawgivers of that people
wily devised, to quiet and tame them, being by nature rugged and barbarous, as com-
monly all the inhabitants of the mountaines and cold countries be. The like we may
almost also say of the French nation; whom Iulian the Apostata in his time called
a barbarous and fierce people and of all others most desirous of libertie, who yet now
at this day are in ciuilitie inferior to no people of all Europe, none being more tra-
iable vnto their magistrates or obedient vnto their Princes than they, as men by na-
ture, but by instruction better taught, and in the judgement of all their neigh-
bours most skilfull in Mufike. Wherein that is also worth the noting, that almost all
the French songs & tunes (whetewhich the country people are even yet much delight-
ed) are still Ionique or Lidian, that is to say, of the first or seuenthe tune. Which
tunes Plato and Aristotile forbid the youth and women to vs: for that they be of great
force and power to mollifie and effeminate the minds of men; and therefore would
have them to vs: the Dorian tune, which our men call the first tune, to the intent that
so they might be the better instructed with a certaine pleasant modellise, mixt with
gratitie, a thing proper vnto this Dorian Mufike. Which prohibition might have
served better in the leuer Asia, where they have no other songes but of the first or se-
uenthe tune; and namely in the countries of Lydia and Ionia: But the people of the
cold and mountainie Northern countries, which are ordinarily more savage or at least
wife lesse courtesse than the people of the South and the inhabitants of the plaine
countries, can no way better tame and mollifie themselves than by vsing the Lydian
and Ionique harmonie. Which kind of Mufike was also forbidden in the primitiue
Church; wherein it was not permitted to sing Psalms or prayles vnto God but in
the Dorian or first tune, which at this present is yet in the Church most in vs. But as
men which would tame wilde and savage beasts, disarme them first of their teeth and
clawes; so the Lydian and Ionique harmonie disarmeth the more outagiuous and
barbarous people of their sauage and cruell nature, and maketh them quiet and tra-
iable: As it is happened vnto the Frenchmen, who happily had not beene so plant and
obedient vnto the lawes and customes of this kingdome, if the nature which Iulian the
Emperor fayeth to have beene in them to hautie and impatient of seruitude, had not
by Mufike beene attempered and mollified.

But of all those things which we haue yet brought to judge of the future chaun-
ges and ruines of Commonweales, we see no rule (whether it be of Astrologic or mu-
sike) certain and sure: howbeit that we haue by them some probable coniectures,
whereof yet none seemeth vnto mee more certain or easie, than that which may be
drawn from numbers. For why I thinke almightie God who with wonderfull wil-
dome hath so couched together the nature of all things, and with certain their num-
bers, meanes, measures, and consent, bound together all things to come: to have also
within their certaine numbers so fluct vp and enclosed Commonweales, as that after a
certaine period of yeares once past, yet muft they needses then perish and take end, al-
thouthey vse neuer to good lawes and customes: as Plato with Aristotile therein
gree. But when that period shall be, neither of them declareth: except some there be
which suppone Plato to signifie it by certayne obscure numbers in his eights booke De
Republica: at which rocke not onely all the Academickes, but euery almoast all the sects
of other Philosophers also, have suffered shipwrecke. And first of all Aristotile skip-
peth ouer this place as ouer a dike, neither doth here carpe his maileter (as his manner
is) when as for the obscure thereof he had not wherefore he might reprowe him.
Proclus also having curiously enough interpreted certain of Plato's books de Republica: would not so much as touch the eight, itayed (as I suppose) with the difficulty of the matter. Theon also of Smyrna (for there is another Theon also of Alexandria; who wrote a commentary upon Pirotomee in Greek) a man most skillful not in Plato his philosophic only: but in the Mathematiques also: at such time as he expounded Plato his Commonweale there flucke fast, neither tooke vpon him to expound this place. Cicero in one word excuseth the difficulty of Plato his numbers. Marcellus Euchius (in mine opinion) the harpest of all the Academikes plainly confesseth himselfe not to know what Plato in that place ment: fearing lest it should so fall out with him as it did with lamblichus, who seemeth to have bene willing in three words not to have manifestly a thing of it selfe most obscure, but rather to have made it darker. Philo the Jewe uerie where imitating of Plato, thought that obscure and hidden number to be fittie, and that he faie th to be signified by the right cornered Scalenus, such an one as Pythogoras comprehended in the three numbers 3,4,5. and thentunto he supposeth those words of Plato to be referred, sequitertia radicis quinario conunita: sequitertia the radix or root ioyned vnto the number of fufe for the proportion of 3,4,5, is the proportion sequitertia. But in that he is deceived for that he hath brought in a plaine number, whenas it appeareth Plato his meaning to have bene to have a solid number sought out, which should in it selfe containe all kind of numbers, excepting the numbers perfect. Yet Philo of these radical numbers 3,4,5, brought eniere one of them apart into themselves maketh three quadrats: whereof are made 50 numbers, all plaine: but the words of Plato make mention of the hundred cube. Beside that there be Dimetients incommensurable vnto the fides, as in the number of Plato: whose words it pleath mee heare to let downe, and to interpret the fame: as well for that the interpreters doe in the interpretation thereof very much differ amongst themselves: as also for that hee sayth the ignorance of that number to bee vnto the Governours of Cities and Common-weales almoost capitall.


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which is as I interpret it, Truly the compass of such things which take their beginning from God, is by the perfect number comprehended: but the compass of worldly things is contained by that number wherein are found numbers exceeding, and numbers exceeded by encrease and decrease, three places in foure termes comprehended: whereof are made numbers among themselves both like, and unlike, numbers encreased, and diminished, which may be called by their owne names, and compared among themselves: whose sequitertia radicis ioyned vnto the number of fufe, maketh two coniects thricie encreased, one equall equally: an hundred times an hundred: an other equall, or one part of it selfe longer, of an hundred dimetients, which might among themselues be compared, the numbers of fufe detractted lefte by the vnite: but two of ineffable proportion: but an hundred Cubes of the ternarie is selfe. And this number made by Geometrical proportion, is in worldly things most mightie, to them which have either the better or the worse beginning. Here Plato is sylehe led away, not unlike the fifth Polypus, hauing on euery side cast ouer his blacking like yoke, left otherwise he should haue beeene entangled and caught. Wherein truely he seemed to have imitated Heraclitus, to vnderstand whose writings he said a man had need of a most skillfull interpretor. Which obscure kind of writing and speakeing by Heraclitus deuided (when as he most often would beate into his Schollers eares that his σκέπτον, that is to say speake obscurely) is oft times vied not
A not of *Plato* onely, but euen of *Aristotle* him selfe also; to the intent that so having cast a notwithstanding his eyes as well of the learned as of the unlearned, concerning the knowledge of most difficult things, and fuch in the hidden secrets of nature, they might themselves become therefore the more admirable. Which thing we especially note in the booke of nature; which booke *Aristotle* boasteth himselfe of purpose to have so writ, as that he would not have them to be understood, imitating therein *Plato* his most obscure *Timaeus*: Which thing *Lucillus* writ also of him selfe, that he had rather not to be at all understood, then to be reprehended or found fault with all. But let vs discouer *Plato* his deceit by those things which he himselfe witteth more plainly, that we may more certainty judge of those things which he fouldeth vp in fuch obscure or of words: for he would that those things which take their beginning from God, should be contained within the perfect number. But what thing is there at length which oweth not the first beginning of the being thereof unto almighty God, either immediately without any other mean cause, or else some other the meane or middle causes comming betweene. And that God himselfe without any other meane cause created the Angels, and other the celestiall bodies not onely *Plato*, but even the *Manichies* also themselves confelle; who yet most wickedly thought all earthly things to have had their beginning from the prince of euils. True it is that the earth brought forth plants & other liuing creatures, the waters also fishes, and foules; yet both of them by the commandement of almighty God: But vnto the creation of Man he would alfo haue the *Angels* present. Howbeit that *Aristotle* was of opinion on the forming of all things to be in a fort duiine infused into them, when as he writ in all things to be *βασιλευς* των ουρανων, or some divine thing. As for the mind of man he calleth it not obesely but doubtfully and euen plainly *βουλευτης* των ψυχων: which is (as I interpret it) *βουλευτικος* Δεον των ψυχων, *βουλευτικος* from aboue, from God, or from heaven, not out of the power of the feed, as he faith of other liuing creatures: of whom for all that *Virgil* in generall faith: *Ignavus est ollis vigor & celestis origo*, A ficte force they have, and a celestiall beginning. Wherefore we must confesse all things to be included in perfect numbers if we will beleev *Plato*. But let vs graunt vnto the *Academikes* (which yet is an impietie to do) these earthly things, which we speake of, to have had their beginning else where then from almighty God, shall therefore the perfect numbers as better, be attributed vnto heavenly things? yea the perfect numbers should rather agree vnto earthly things, for that the perfect numbers more how oft they be are eu en, and of the female kind, for otherwise they were not perfect: neither are more than *four* within an hundred thousand: there being also other perfect numbers above that number of an hundred thousand, but such as cannot be applied either vnto divine, or humaine or worldly things. Wherefore seeing that the number of fix is the first of the perfect numbers, it ought by the opinion of *Plato* to agree vnto these things immediately by God himselfe created, and yet we fee the same number neuertheless to agree vnto most vile and abiect liuing creatures. For *Aristotle* writeth the Hare (by the law of God an vnclene creature, & forbidden his holic people to eate of) to liue at the most but fixe years. The like number of yeares the same man attributeth alio vnto Mice. And vnto certaine kinds of flyes, as vnto waples and Bees fixe years are by *Virgil* allotted, and their hives are still made fixe cornered: all which base creatures except the Hare are engendered of putrification. But as faith the Poet: *Numerus Deus impaire gaudeat*, God delighteth in an odd number. And odd numbers are attributed vnto men: For that which *Seneca* writeth: *Septimus quisque annus atati notam imprimat*. Every feauenth yeare imprinteth some marke into age, is to be understood only of the male sexe: for experience sheweth vs even vnto the view of the eye, that the

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number of six maketh a change, and leaueth a marke vnto the female kind: So that as men begin to feel the heat of youth at fourteen yeares; women wax ripe at twelve, and so holding on from six to six, till to find in themselves some notable change in the disposition either of their bodies, or of their mindes. All divine Holy-days also are concluded in septenaries, or such other odd numbers. In many places also Diamonds grow by nature it selfe polished six square, as Plato in his 33 booke reporteth, which in the mountains of the Pyrenes is a common matter. Wherefore it is an absurd thing that Plato attributeth the beginning and ending of divine things vnto perfect numbers only. But Porphyry the most famous philosopher of his time, when he enterpriseth that of Plato out of his Timaeus τίς μὴ συναφές ἐναντίον; writeth the eflace of all Commonweales, and the life of spirits to be determined, at the farthest in the resolution of a thousand yeares. Plutarch in his booke entituled ἡ τιμή τοῦ ζωον ἀνθρώπου supposeth the life of Spirits to extend longer, but yet neither of them foundeth after the perfect numbers. But if to be that Plato in so great fewness of perfect numbers, could not tell which of them should agree to things sprung from a divine beginning; that numbers then should he decide so great varieyte of worldly things: or if he knew that number, why did he pray and make vowes vnto the Muses that they would show him it.

Therefore it behoveth a man of deeper consideration to seeke out such numbers as may signifié the conuersions & changes of worldly things, and which are by long experience, and not by light and vaine conteuctes approved: such as I deme the numbers of seaven and nine and their quadrate and cubike numbers: 27, 49, 81, 343, 729, to be. For as the number of six (which is of all perfect numbers the first) changeth the maner, habit, or nature of the Female kind, so most ancient antiquity hath by experience proued the number of seaven in some sort to change the Male kind also: and that as the numbers of seaven or nine we commonly to use vnto men the beginning and time of their birth, that so the number growing of the multiplying of either of them, hath beene wont to bring vnto them their end and destruuction. Which same thing I transfer and applie vnto Commonweales also, so that the numbers of seaven and nine, and such as arise of their quadrate and cubike numbers, do often times bring ruine and destruction vnto Commonweales. For that which we have allaged out of Seneca and Censorius every seauenth yeare to imprint some marke into the age of man, and so the daungers of mens lines & substance to happen still vpon their seauenth yeares; vnderstandeth that to belong especially vnto men. Of which mine opinion I have vse and experience the authour: For it is every sixt yeare which leaueth a most certaine note of it selfe vnto women. And first to begin withall the strengthe of bode and of mind is increaseth in them the sixt yeare, or else therein they die: the twelth yeare they begin to wax warme, and the eighteenth yeare are teade for husbands: and if disease fall vpon them in their sixt yeares, they are so often times in daunger. The like whereof happeneth vnto men the seauenth, the fourteenth, and one and twentieth yeare: So that Plato not without cause attributeth the even numbers vnto the female sexe, and the odd numbers vnto the male. And for this cause Plutarch faith, The auncient Romans to have vse to give name vnto their male children the ninth day, for that the seauenth was more dangerous, and vnto their female children or daughters the eight day: for that (as faith he) the even number is proper vnto the female sexe: And therefore I supposeth them of old time to have vse every eighth day to do sacrificce vnto Neptune, for that the element of water agreeeth vnto wo- men, as doth the fire element vnto men: As also that they thought the number of seaven to be feared. Howbeit that the law of God commandeth the male children to be
to be circumcised the eight day: which the sacred interpreters of the Hebrewes think to have beene done, that so there might be one Sabbath betwixt the birth of the child and the circumcision thereof, and so more strength might thereby be given vnto the child. For why, Moses doth in sacred writ teach vs, God most plentifully to bleffe the Seauenth day (which was the birth day of the world) with his grace and all other good things: which abundance and floare of his good blessings is no where scene to be given vnto the rest of the other days, by a certaine wonderful caufe of nature from all Philosophers hidden.

Yet nothing feemeth in mans nature more wonderful than that the yeare three-score three hath bene full noted to be vnto almost all old men fatall, Observe in this (faith of A. Gellius) in multa hominum memoriam, expertissimum in senisioribus plerisque omnibus sexagesimum tertium vitae annum cum periculo & claede aliqua venire, ant corporis morbis gravioris, ant vitae interitis, ant animi agricultis; It is a thing observed (lately hee) in the great remembrance of men, and also by experience proved in many old men. The threescore and third yeare of their age to come vnto them all with some danger and hurt, either of the body, or of some great disease, or of losse of the, or of some tormenting griefe of mind. Yea there is an epistle of Augustus the emperor vnto his nephew Caesar, bearing date the ninth of the Calends of October, written to the same purpose in this sort, Anicii Caii, meum ocellus incudisstimus, quem, semper mediis sidus desidero quinam a me abes: fed praecipue debus talibus quidquid est bodi- erum: ouali mei regiuntur meum Caium: quem ubicum, & hoc die fuisi, ipsero latum & bene volentes celebrasse quartum & sexagesimum natalen meum: nam ut videis, &c. quamvis non comminens senorum omnium tertium & sexagesimum annus, &c. All haile my Caius (lately he) my most sweet delight, whom of my faith I alwaies longed for when thou art at me, but especially on such daies as this is mine eyes doe now seeke after my Caius, whom wherefoower thou haast this day bene, I hope that thou livest and in good health, haast celebrated my threescore & fourth birth day: for as you fee we haue escaped the threescore and third yeare, the common Climatericall yeare of all old men, &c. Howbeit that Augustus liued vntill he was seuentie seuen yeares old; as did also Pomponius Atticus, who died at that age. We might reckon vp an infinite number not only of the poore and bafer for, but euen of the nobler for alfo, who ended their daies in the threescore and third year of their age: but we will onely reckon vp some such as were for their learning famous, who as at that age died, viz. Aristotle, Cicero, S. Bernard, Boecacc, Erasmus, Luthur, Melancthon, Silvius, Alexander Imolens- fis, the most famous lawier of his time, Cardinall Cusan, Lisacre, and Sturmius: And therefore the old Grrece duines seeme to haue consecrated the number of seauen vnto Apollo, and of nine vnto the Mufes, as Plutarch writeth.

Now if any man will more curiously search out these things, whether it be in the sacred or profane histories, he shall finde the lives of men for the most part to have expired and taken end full in the seuentie or nineth yeares of their age: and women in the sixt. Plato is said to have dyed at the age of fourecore and one, which is nine times nine yeares: Theophrastus at 84, which are twelve times seauen yeares, which period few men passe; or els they passe to xiii times seauen, as did S. Hierom and Isocrates, who liued 91 yeares. Plutarch, Barbolum, and Cesar liued fiftie five yeares, which is eight times seauen yeares: Lamell liued 777 yeares: and Methusals (who of all others liued the longest) 970 yeares: Abraham liued an hundred seuentie and five yeares, which are five and twenty times seauen yeares: Issac 147 yeares, which are xxiii septenaries, or spaces of seauen yeares: ifasli liued 190 yeares, which make xx times nine yeares: David liued seuentie yeares, which make ten times seauen yeares. An infinte thing it were.
to reckon vp all which are in histories found to have ended their days at these above. A
said periods of sevens and nines. He also who of our ancients and of histories is called *Hippocrates* writeth that all is far from the falest memorie of men ob-
serued but none to have lived being borne in the eight moneth: a child also in the feuenth yeare to have all the teeth, and
that men (as Pliny writeth) it to have bene even from the farthest memorie of men ob-
serued) having bene kept from meat seven dayes, albeit they may live longer, shall yet
neither with the length of time thereof. The law of God hath most religiously also both
confecrated and commanded, the seuenth day to be kept holy, as the birth day of
the world, and all of that therein is: which one day of all others God almighty blessed,
and which day all antiquite hath by long experience reported to be so unlike the other
dayes of the week, as it is set vp as an old proverbe, No seuenth day to passe
wherein the sunne is not at one time or other therein to be seenne. Upon which day the
auntient Hebrews constantly affirme, The rage of diuels to be restrained, wisdom to
be into the minds of men infused, thet bodies to be strengthened, and their fields
with enceafe of fruit to be blessed. The seuenth yeare also is by the law of God holy,
as is also the seuenth time seuen yeare, which is the yeare of *Tribute*: neither is it to
be doubted, but that a certaine secret force is in them, both for the change and ruine of
Commonweales. So that it ought not to seeme strange, if that this number of seuen
be of the Hebrews called facted or holy: which *Calum* (following *Galen*, as I suppose)
calleth Perfect (where he entreath of the rest of the Sabboth day) which hee even to
afonishment wondereth to be so often and so religiously propounded, to bee of all
men observed and kept, in so much that even the paine of death is propounded vnto
the breakers thereof: so that the whole summe of all God his lawes may seeme to bee
therein contained: yet is not therefore the number of seuen a number perfect, for that
it is odd and masculine: whereas all perfect numbers are even and feminine. For why,
the Mathematitians define that to be perfect, which may bee diuided into the fame
whole parts, whereof it is made, so that in such diision nothing be wanting or super-
fuous. As 1, 2, 3, make fixe: which three numbers doe also equally diuide fixe into
equal parts, as it was of them made, as it is in other perfect numbers also. *Laticantius*
in the fame error offended, who calleth the number of three and ten, perfect and full
numbers: and also *Cicero*, who deceived many, in calling the numbers of seuen and
eightfull numbers: which *Macrobius* understandeth to bee solide, and others to bee
perfect numbers: neither of which can truely bee said of the number of seuen: as for
the number of eight it is indeed a solide, but not therefore a perfect number. With
like error is *Plutarch*, himselfe deceived, who writeth, Three to be a number perfect: howbeit that *Aristotle* deemeath the force of that number to be of great force in the
whole course of nature. *Philo* was herein also deceived, in taking ten to bee the most
perfect number.

Now indeed there are but foure perfect numbers from one vnto an hundred thou-
sand, viz. 6, 28, 496, and 8128, amongst which the last cannot serue for the changing
of Commonweales, for that it exceedeth the age of the world: neither the two first,
for that they are too little: so that but one of them can be well applied vnto the cahn-
ges of cities and Commonweales, viz. the number of 496, which is made of seuentie
feventenaries of yeares, and a perfect number: it being also a thing by most auinte anti-
quitie
quite obtained, All cities in the revolution of five hundred yeares, to suffer either some great change, or else some utter ruine. But these numbers touching the change or ruine of cities and Commonweales, may be two wayes applied, viz. vnto the princes themselves, or els vnto the continuance of their kingdomes and empires. As if a man should say, This kingdome of Fraunce to fall and take end, after that three score and three kings had therein raigned, this number consisting of the numbers of seuen and nine, committed in themselves. As Efestas, who living in the time of Romulus, prophesied, That nine kings shou’d more yet raigne in Iuda, and that the tenth should together with the people be led away into captiuitie, and so that kingdome to take end: As also that there should be nine kings of the Petrians, or as that the seuenth king of the Romans should be thrust out of his kingdom: which number of princes well agreeth with the number of the yeares which they raigned in Iutie, viz. 182, a number consisting of sixe & twenty septenaries: & at Rome 244, for in the 75 leptenaries, that is to say, in the 245 yeare Tarquin the proud, last king of Rome, was thrust out of his kingdom. Hierome the Prophet then liued, when as the prophesie of Efest was fulfilled, and himself prophesied, That the people should be againe delitered in the seuentie yeare of their captiuitie, as indeed they were, and the temple againe restored. The same Prophet *Efestas prophesied also, The most famous citie of Tyre to be in 70 yeares after vnpeopled and left defolate, and afterwards within seuentie yeares more after the ruine thereof, to be againe restored. The same number agreeth vnto the Athenian Commonweale, wherein saue kings, whom they call Δικαιοβής, raign’d also 70 yeares: the taking of which citie, and the victorie of the Athenians at Salamine, is reported to have happened vpon the verie like day. As for the number which of the Academikes is called futus numerus, or a Fatal number, viz. 1728 (being indeed a quadrant number) seemseth to have bene expired from the raigne of Nimus vnto the victorie of Alexandre the Great, at Arbela, and the ouerthrow of the Persian empire. For Herodotus, Diochrous, Throgus Pompeius, Justin, and Ctesias, begin that empire from Nimus. And at such time as Hierufalem ouerwhelm’d with most bitter calamities, was won and rafed, the temple ouerthrown, king Sedebias flaine, and the people carried away into captiuitie: at the selfe same time the Egyptians rebellion against the kings of Assyria, the Athenians shooke off the tyrannically yoke of the Ptolemaides, and the Romans expell’d the proud Tarquin. Now the temple had before stood 427 yeares, a time consisting of whole septenaries. But for that in the computation of times, there is great difference amongst the Historiographers, we will use the Roman Fasts or Calendars, which cannot lie. Wherein we fee, that from the foundation of the citie, and of the Roman Commonweale vnto the bataille of Actium, where in Marcus Antonius was by Augustus vanquished, and the whole empire brought vnder the power of one onely Monarch, and a generall peace establisht throughout the world, there are accounted 727 yeares, the solide number of nine. The same number of yeares passed from the conquest of the kingdome of the Lombards by Charlemaigne, vnto the conquest of the fame countrey by Lewes the twelth the French king, vpon the Venetians and the Sforzes. The like number of yeares is accounted also from the ouerthrow of the kingdom of the Piats, and the great victorie of the Scots vnto the captiuitie of Marie Steward their queene. As also from Egbert king of the West Saxons ( who having vanquished the East Saxons, made himselfe the sole Monarch of England, and called the people Englishmen) vnto queene Marie, who was the first woman that tooke vpon her the fouraughtie of that people in foure centurie hundred and fortie yeares space. So from the raigne of Augustus, after the victorie by him obtained at Actium, and the temple of Ianus the fourth time shut vp, vnto Augustus the last of all the Roman emperors, flaine

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The numbers of seuen and nine fall in to Commonweales.
by Odonacer king of the Hercules, and the empire possess'd by the Gothes, there are accounted 496 yeares, which we paid to be a perfect number, as consisting of seuentic septinaries; with the perfect number of sixe: For by the Fals the yeare following Odonacer began to reigne. Wherein it is also worth the noting, that as the first emperor Augustus with wonderfull felicitie and wisedome, both establisht and encresed that so great a Monarchy, which he held more than fourtie yeares: so Augustus the last of the Roman emperours diminished both in name and loueraignie, held that his empire scarce a whole yeare, which happened the tenth of the calends of September. As it happened to Constantine the Great, who establisht the seate of the empire at Constantinople; and to Constantine the last Christian emperor, there dispoyled of his effare, and flaine by Mahomet king of the Turkes, turnashmed the Great. Now from the building of the citie vnto this Augustus, are accounted 1225 yeares; which number consisteth of whole septinaries: which thing Veetius the great Foth-faier foretold, as Conformer out of Marcus Varro writeth. The same number of yeares we finde from Ninnus king of Assyria, vnto the death of Sardanapulus, whome Arbaces governour of Media dispoyled of his governement, and translated the kingdome vnto the Medes. Now from Saul the first king of the elect people of God vnto that Sedeclias was slain, and his kingdome ouerthrown, returneth that perfect number of 496 yeares. But whereas Josephus reporteth the burning of both the Temples, and the taking of the citie, to have chanc'd the selle same day, viz. the ninth day of the first moneth; he in that agreeeth not with the booke of the Kings, neither with the Prophet Hieremy, who both otherwise report the same. So many yeares, viz. 496, are accounted from Caranus first king of the Macedons, vnto Alexander the Great last king of that countrey, descended of the line and issue of Heracles and of Eacus. Somewhere bee which adde certaine yeares moe, and some others which detrafft some all. Wherefore my meaning is not to allege any other than the records let downe by the most certaine Historiographers, and such as every man may draw even out of the verie saits and calenders of the Romans themselves. Of which fott is that, that from the foundation of the citie of Rome, vnto the lacking thereof by the French men, are accounted 364 yeares, which number consisteth of whole septinaries: As also from the building of the citie, vnto the slaughter at Canna, Terentius Varro being then Consull (at which time the I Commonweale was fallen into extreme danger) are numbered 536 yeares, that is to fay 77 septinaries of yeares: And from thence vnto the slaughter by the Romans, received from the Germans, vnder the conduct of Quinctilius Varro, are passed 224 yeares, a number consisting of whole septinaries: both which ouerthrowes happened the second day of August, as is by the auncient Romans reported. Neither is that leffe memorable which Tarapha a most certaine Historiographer amongst the Spaniards reporteth, The Moores and Arabians to have invaded Spaine in the yeare of Christ 707, and that also the seuenthe yeare of the reigne of king Roderike, and to have holden the same kingdome 770 yeares, neither could vttlerly be from thence againe expuls'd, before the time of Ferdinand king of Aragon and Castile. It is also worth the noting, that from the execution of Aman, and the deliverie of the Iewes at the intercession of Heles, vnto the victorie of Iudas Macabens against Antiochus the noble king of Syria and his lieutenant, there passed 243 yeares, which is the solid number of sevene, that is to fay sevene times seuen septinaries: both which victories happened the thirteenth day of the moneth Adar, as the Hebrewes haue well noted. The same number of yeares passed from the time that Othananas (having vanquished Marcus Antonius, and visitied the whole Roman empire vnder his owne obeydance) was by the Senat called Augustus, vnto Constantine the Great; a time notable for the strange chanc'es which then
then happened in the whole empire, as well in the lawes politiques, as in matters of religion. Tacitus hath also noted in another singularitie, That the cite of Rome was by Nero burnt, on the like day that it had long before beene burnt by the Gauls, which was the fourtie of the calendes of August: where in some haue gone so farre, as to number how many yeares, moneths and daies, pasted betwixt both those fires.

But that the numbers of six are almost vs to women fatall, I thought it not needfull by examples to prove, leaf I might be thought to stand upon trifles, only that I note, that in the yeare 1582, at such time as the prince of Orange had receiv'd a mortall wound, the one and twentieth of March, being the fortie ninth yeare of his age, and that all men dispair'd of his life, he yet recover'd his health at his entrance into his fiftie yeare: But Carota Charlet of Burbon his wife within two monethes after died, when as shee entred into the six and thirtie yeare of her age, which is the quadrat of the number of six: even as the prince her husband was wounded in the nine and fortie yeare of his age, the quadrat of the septenaria or number of seuen: which I thought not to haue written, but that I was told the Name by the prince of Orange himselfe, as a thing by him noted, when as I was of counsell with Francis duke of Alfonan at Anwerpe.

But now for that we are by way of discouerse come so farre, the last that remayneth is for me to answere some thing to them which take pleasaunt rather to carpe than to commend my writings: for that I said I understand not the prophécies of Daniel concerning the rising and fall of Empires and kingdomes. For I doubt not but that if he (amongst others a most wise man) would in their due times haue plainly set downe such things as he by divine inspiration had conceiv'd and declareth, all things then whereof we now doubt, should without all doubt be vnto vs most plaine and euen. Truely he defineth the state of his owne cite, king Cyren then beginning his raigne, what time the captitnity was ended, according to the prophécie of Jeremia (which he beginneth from the destruction of the Cite and of the Temple, and not from the raigne of Josue as some suppose) and the holy people returned. He defineth it (I say) by feauentie weakes of yeares, that is by 460 yeares, and that right plainly; when as the prophécie was made in the last yeare of the captitnity, which was the feauentiethe from the destruction of the Cite and of the Temple: that so the prophécies might in good order with the prophécies, and times with times be continued: whereas they which longer proster the times leave an hundred and twenty yeares at one gaping. But the Prophet expressly taught, that the beginning of the time ought to be accounted from the time of the prophécie given, wherein the people againe return'd as it had beene before dead, and appointed vnto it selfe a Prince and other magistrates, from whence the reforment of the Cite is to be accounted, and not from the repairing of the walles and buildings. In which case Pompe liad said well: Vrbe deserts, in pariethus Rempublicam non confiisse. That the cite being forsaken, the Comunweale confisst not in the walles thereof. But many Historiographers from the time of Cyren vnto the raigne of Herode the great (who hauing taken Hierusalem and flaine all the Senators together with the cinge himselfe, and spoild the Jewses of their kingdome) do account 490 yeares. Others there be which tecken otherwise, and fo great varietie and difference there is amongst them, as that all the opinions of all of them may well be refellet, not onely by every one of them a part, but euery by all of them together. As for those things which Daniel writ concerning the Empires, he openly and plainly hath called the Medes, the Persians, and Grecians vnto the Empire of Babylon: but besides them none. The fourth Empire (by him spoken of) we haue showed not to belong vnto the Romans, seeing that question is there concerning Babylon.
Babylon, which the Romans neuer subdued; which when they passing over the riuer Euphrates had unfortunately attempted, they received many and great overthrowes of the most invincible Patrians. But yet more foolifhly do they who attribute that fourth Empire unto the Germans, who never so much as dreamed of any the least part of the Babylonians Empire. Which things for that they be by vs where disputed we will here let passe. Which things for all that Frankbergerus the Saxon and Bishop of Lipsie, by the authoritie of Luther, and one Dresferus a meere schoolman with rayling without any reaon at all refelth, whom I shall yet count an eloquent man, if he shall but learn afwell to speake, as he hath learned to speake euill: But for that the angrie man (a common fault of the wife) is angrie with me, for that I dare not rashly judge of the divine oracles, least in so doing I might offend in such his matters, and so farre from all mens enuyes: he shoule haue taught me why he thinketh the Prophet Daniel to have there omitted sittie empires, which I have noted to have bin ten times greater than the German empire, and such as have in them also contained a great part of the Babylonian empire? Why also Daniel in his first chapter hath writ of himselfe, That he lived in the first yeare of the raigne of Cyrus king of Persia: And yet more, why he should write himselfe to have receiued that divine oracle or prophesie in the 3d yeare of the raigne of king Cyrus? And why in the chapter following doth he make mention of Darius king of Persia, who was mumeled in that kingdom seneen and thirtie yeares after that Cyrus began to raigne? For neither Berofus a most true interpreter of the Chaldean antiquities, whose Ctesias and most of the antient writers, have followed: neither Megasthenes the Cronicle of the Perisian affaires, neither Herodotus, called the Father of Historie, neither any of the Greeke or Hebrew historiographers, report any to haue bene before Darius Hystaspes: I except only Josephus, who in that place differeth from Berofus. But least we should seeme to declare so sharly, and to presse them too farre, What is the reaon why Daniel in the eleventh chapter of his prophesie writeth, That Darius should have three Persians his succeffors and that the fourth should come out of Grecia, who by mightie force and strong hand should obtaine the empire: But that this was Alexander the Great, no man doubteth, who thrust Darius Codomanus out of the Persian empire, whose father was Darius Ablas, his grandfather Darius Mnemon, and his great grandfaather Darius Nonthus, whom Daniel turneth his speech. W hic which if he be so, Daniel must needs have luted two hundred and twentie yeares, if he were a youth grown when he was carried captive into Chaldea, which he must needs be, for that he then spok made both most eloquently and wisely. And thus much euyet man may most piainely gather both out of the aucted auctoritie, and also out of the antient histories of Herodotus and Josephus.

For Cyrus died in the 39 yeare of his raigne, Cambyses in the 6, Darius Hystaspes in the 37, Xerxes in the 21, Artaxersxes in the 44, Darius Nonthus in the 19, Darius Mnemon in the 36, Darius Ablas in the 26, Darius Codomanus in the 10, all making the summe of 288 yeares. For Daniel was taken prifoner together with king Joachim. But let the interpreters of those divine oracles luppole all things to bee manifeest unto them, and let euyet one of them with great confidence at their pleasure determine of thee Daniels weakes. Yet how can these which euery most flatly have discrieved all these matters, defend that of the Prophets Zacharias * and Aggeus, who witn their prophecies in the end of the antient yeare of the captiuitie, Darius Nonthus as they will have it then raigning. This is now (by those Prophets) the antient yeare. And if it be so that they will have the antient yeares to be accounted not from the destruccion of the Temple, but from the Edict of Xerxes, then truly Zerubabel and Nehemiah the chietaines of the people must needs have luted full two hundred and sittie...
Of a Commonweale.

A fifty yeares, being so old when Cyrus began his raigne, as that they were able to conduct the people out of Chaldea into the land of Paleline: whom yet the doubt not to prove euery by the testimonie of Nebemab himselfe, him to have liued euery to the last Danus. Wherefore all Historiographers are here much troubled and at great variance among themselves: one saying that there were but five of these Persian kings: an other six: and others feauen: many eight: some nine: yea and some there be which have deuized a tenth alfo. Truely Genebrardus in his Chronologie affirmeth there to have bene of them onely five: but Junctius faith ten. Wherefore in so great riege of opinions one of the two may be: as viz. that none of them all be true, the other can in no wife be, that most of them then one should at all be true; and which of them it is I can not affirme: neither if I could wou'd I. And in mine opinion I haue hereof more modestly than they written, that it was not a thing to me well knowne, vnto whom for all that I will yeeld, if they can by any means maintaine the certaintie of their owne poiffions. Howbeit that S. Hierome hath reiecteth many things which are found in the writings of Daniel: And that the Hebrewes allow not of the rest which are not writ in the Chaldee, but in the Greeke tongue by Theodotion.

Wherefore these examples thus propounded, it is lawfull by a certaine conictrall gessinge to ayme at the rising and falling of Commonweales: as also for a man looking into the precedent causes of things, with the diuers coniunctions and oppositions of the Planets, to go lo farre as the knowledge of such things will beate: not rashly affirming, or lightly beleewing any thing concerning such things as are by the Almightye and euer liuing God farre leat from the sense and teach of man.

Chap. III.

That it is a most daungorous thing at one and the selfe same time, to chaunge the forme, lawes, and customes of a Commonweale.

Ow Cities and Commonweales arise; by what meanes they are also encreased, what diuers alterations and chaunges befell euery one of them; and by what conictrues the fall and ruine of them is to be by vs gathered, I suppose we haue sufficiently before declared. But for as much as the pretensions by vs alreadie noted, are not sufficient to make any certaine demonstration of, but rest vpon such grounds as are fartheste off from the senses and capacitie of the common fort of men: Neither that if they were deliuered by way of demonstration, or other more certaine rules, should they therefore inferre any necessitie at all? It remaineth that wee according to that wisedome and discretion whettwhic Almightye God hath of his goodnes endued men, endeoure our selves to rule Estates and Commonweales, and by all meanes to foresee and decline the chaunges and ruines of them. For why, it is one general opinion and doctrine of all Philosophers, yea euery of them which idly dispute what is done in heauen: a wise man not to be bound or subject vnto the power or influence of the flares: but onely they which give the raines vnto their disordered appetites, and beastly desires, not suffering themselves to be governed by the rule of reason, or of other the beft lawes: vnto whom Salomon the maifter of wisedome hath sharply threatened the torment of the wheele, saying, That God should cause the wheel to passe ouer them: that is to say, the force and effect of the celestiall Spheres, which ouer the good should haue no power at all. Seeing therefore that the power & influence of the flares may by the power of God, that is, by wisedome (by the gift and goodnesse of Almightye God given vnto men) be avoided: and that wise physitians haue found the meanes...
means to change the diseases, and to alter fevers contrarie vnto their natural courses, to the intent the more easily to cut them, or at leaft wise to affwage them; why should not the wise politician, or gouernour of a Commonweale, foreseeing the convulsions and changes which naturally happen vnto Commonweales, by good lawes and other convenient remedies prevent the ruine thereof; or if the force of the mischiefe be fo great, and the destruction so certaine, as that it can by no wiseome of man bee prevented or stayed, yet shall he performe that which cunning physitians doe, who by the Symptomes appearing vpon the criticall days, and by the causes of the disease, doe more certainlie and better guesse of the sickens mans death in what manner it shall bee: and so yet in good wise they thereof warning vnto his ignorant subiects, left that they should vpon the sudden be vterly oppresst with the ruine of the falling Eftate and Commonweale. And as the most skilfull Phisitians euin in the state of the disease, and the greatest grieue thereof, do yet put their patients in greater comfort, if the Symptomes, be good then if the grieve or fit without them were but easie and gentle; and as to the contrarie when they see a man in the higheft degree of health that may be, they are then in the greatest fear, left he should suddenly fall vnto some extreme sicknesse, as the great physician Hippocrates faith: So alfo a wise gouernour of a Commonweale, seeing the state on all fides beft, and almost overwelmed with enemys, yet if in so great danger he otherwise see wise men sitting at the helme of the Commonweale, the subiects obedient vnto the Magiftrates, and the Magiftrats vnto the Lawes; he taketh courage thetere, and promises both vnto himselfe and others good successe; the ignorant people & cowards hauing in the meantime lost their patience, and lying as men plunged euin into the bottom of despair. In which state the Romaine commonwealth stood after the third slaughter of their armie at Cannas, when as now many of the friendly and confederate citis, which before had continued in their fidelity and aligenece, resoluted from the Romaines, following the fortune and victories of Hannibal: For why almost all men now delpaied of the eftate of the Romaine Empire: at which time of diffresse, of all others no man more hurt the Commonweale than did Terentius Varro the Conful, who with some few hauing escaped from so great a slauhter (as wherein three score thousand of the citizens of Rome were slaine) did write letters vnto the Senat and people of Capua, That the Roman Commonweale was vndone, as hauing in that battell loft all the force and flower thereof. Which thing so terrified them of Capua, (although in wealth and power they farre exceeded all the rest of the Roman confedarates) that they not onely themselues forooke the Romans, but drew with them many of their allies and confedarates also vnto Hannibal; when as in deed the Conful should have extenuated the ouerthrow and losse received. Whereas Scipio, who was afterwards called Africanus, to the contrarie with comfortable speeches then cheered vp divers of the citizens dispairing of the state of the Commonweale, and by oath constrained such as were about to haue abandoned the citie, to stay there still, and not to flitte, but resolutely to aduancure their lyes for the defence of their countre and Commonweale. Neither was the Senate terrifried with the fear of so many daugners, as wherewith they were on euery side beft and inclofed, but rather feemed with greater wiseome to manage the Eftate than euier it did before. And albeit that the common people (according to their wonted lightnesse and foolifh ignorance) almost in euery towne and city sung the praisess of Hannibal, after his so many and so great victories ouer the Romans: Yet for all that, the Senat of euery citie fauoured the Romans: For so faith Livie, Venus veluti morbus omnes Italia populos incaferat, et plebs ab optimatibus dissenitiret: Sentius Romans saueret, plebs ad Romanos rem traheret, One diseas as it were (faith he) had infected all
all the people of Italic, viz. That the people still dissented from the nobilitie; the Serat still favoured the Romans; and the people still enclined unto the Carthaginensians. 

Ye a Hiero king of Syracuse, accounted the wicest prince of his age, did then much more carefully than before honour and reverence the amity and alliance of the Romans, not doubting in what he could to helpe and relucce them; yea and in that their desperat estate amongst other things went them a statue of Victorie(of gold) for a present; as he which had oftentimes proved the incredible wifdomde of that Serat in the managing of their affaires. Wherein a man may see, that the wicier fort seeing the Romans fo aduisd and to constant in their extreme necessitie, and that their lawes were neuer more straightly kept, or martiall discipline more feuerely obserued, (as Polybius in euery wite-nesse of those things, himselfe wirteth) were alwaies of opinion that the issue of their affaires would be good: not unlike the wifhe phystion, who seeing fauourable Symptomes in the strongest fit of his patients disease, is yet still in good hope. Whereas Carthage to the contrary proud of so many and so great victories, mistes off so many countries and nations, and placed in the height of all worldly felicitie, was neuer than then neeter vnto ruine and destruction: whereof were moost certaine tokens, for that in that Commonweale was no place left either for law or virtue, all things being done by the popular rage, or vurtuly luft of the common people: so that it must needs shortly after be cast downe headlong from the highest degree of honour, and become subiect vnto the Romans, as not long after it did, Scipio beeing then their general.

Wherefore the first rule for the keeping and preferving of Commonweales in their eftates, is well to know the nature of euery Commonweale, together with the diseases incident vnto them: whereof we have more at large discoursed in the former Booke. For it is not enough to know which kind of Commonweale is better than other; but he behoveth vs also to know the meanes how to mainaine euery one of them in their estate, if it be not in our power to change the same, or that in changing thereof we shall put all to the hazard of vnter ruine and decay. For while it is better to have an euill Commonweale than none at all: as with convenient diet in some fort to preferve the fickle man, than by applying of medicines to an incurable disease so to take away his life quite. For as phystions say, we must neuer apply violent remedies but vnto desperat diseases; and that whenas there is now no other hope left. And this maxime taketh place in euery fort of Commonweale, not onely for the changing of the estate, but euery for the changing of lawes, manners, and customs also: whereunto many hauing no regard hauet ruinated and ouerthrown right faire and great Commonweales, allured with the bait of some one or other good law, which they have borrowed from some one Commonweale quite contrary vnto their owne. For as we have before shewed, many good lawes there be good for the maintenance of a Monarchie, and yet fit for ruinating a Popular estate: as also othere there bee good for the prefervation of the Popular liberty, & yet most fitly fitting for the overthrow of a Monarchy: for that those Estates by nature contrary, are by quite contrary laws both maintained and ruinated.

And albeit that some lawes there be good and indifferent to all sorts of Commonweales, yet so it is, that the antient question of right wife Politians is not yet well resolved, viz. Whether a new law being better, be to be preferred before an old antient law that is worfe? For the law be it never so good, is nothing worth if it cary with it a contempt of it selfe, or of the rest of the lawes: Now for it is, that weares in matter of lawes is alwayes contemptible, whereas to the contrary, the reverence of antiquity is so great, as that it gueth strength enough vnto a law to cause it to be of it selfe obeyed, without
without the authority of any Magistrat at all, joyned unto it: whereas new edicts and laws with all the threats and penalties annexed unto them, and all that the Magistrates can do, cannot but with great difficulty find entertainement: in such sort, as that the fruit we are to receive of a new edict or law, is not oft times so great, as the harme which the contempt of the rest of the lawes draweth after it for the novelty of some one. And to make the matter short, there is nothing more difficult to handle, nor more doubtful in event, nor more dangerous to manage, than to bring in new decrees or lawes. And this reason seemeth unto me very considerable, but yet I will let downe another of no lesser weight, which is, That all the change of laws concerning the estate is dangerous: For to change the customes and lawes concerning inheritance, contracts, or servitude from euill to good, is in some sort tolerable; but to change the laws which concern the estate, is as dangerous, as to remove the foundation or corner stones which uphold the whole weight or burthen of the buildings; in which doing, the whole fabricke is to be fore shaken, and beside the danger of falling, receiueth more hurt by the shaking thereof, than it doth good by the new repARATION, especially if it bee now become old and ruinous. For euene if it is in a Commonweale now alreadie growne old, wherein a man neuer so little remove the foundations that upholdeth the same, he is in great danger of the ruine thereof. For the ancient maxime of the most wise polititians ought well to be waitid, That we must not change any thing in the laws of a Commonweale which hath long maintained it selfe in good estate, whatsoever apparent profit may bee thereby pretended. And for these causes the old law of the Athenians, which was afterward also received in Rome, and passed in force of a law, published at the request of Publius Philo, was the most necessarie law that could be in a Commonweale, viz. That it should not be lawfull for any person upon paine of death to preferent any request vnto the people, without the pruicie of the Senat. Which law is yet better kept in Venice than in any place of the world els, whereas it is not permitted so much as to present any request euenu vnto the Senat, without the aduise of the councell of the Sages. And yet in the Commonweale of the Locrenians, this law was much straiter, Where he which would present any request, to haue it passe in force of a law, was constrained to moue it before the people with a rope about his neck, wherewith hee was there vpon the place to be strangeld, if he prevailed not to proue the law by him moued to be good and profitable for the Commonweale. Which was the cause that this estate for a most long time stood and flourished, without any thing added or diminished to or from the most antient laws and customes thereof, no man daring to propound any new law to passe, vntill that one of the citizens which had but one eye, made a request vnto the people. That he which wittingly should put out his eye which had but one, should therefore himselfe have both his owne put out: For the making of which motion his audacitie had given him cause, haung oftentimes threatned him to thrust out his eye, and so to deprive him quite of his sight, although he were therefore to endure the penalty of the law, which was to loose one of his owne. With the equitie, or rather necessitie of whose to reasonable a request the people moued (though with much a do) enacted the law. Whereby yet nothing was derogated from the law called Lex talionis (or the law of like punishment) which was then common to almost all nations: For why, it was reason that hee which had maliciously deprived another man of his sight, should himselfe be deprived of his owne sight also.

Now if any man should say, That many lawes must oft times of necessitie bee changed, as the lawes concerning visuals, or the bringing in, or carrying out of marchandise, or concerning the augmenting or diminishing of the punishment to bee inflicted upon offenders, which are euenu in a short time to be chauanged: I therein agree with him,
him, for that necesitie hath no law: first, if new lawes give good hope offruit and profit of them to arise, as of good corn yet in the blade, then are they not to be reected: but here question is not of lawes concerning ordinarie policie, but of such as concern the very estate it selfe. Which both would and with, if possibly it might be, that they should still be most firme and immoveable: not for that the Commonweale ought to leave the lawes, seeing that they are al made for the maintenance of the Commonweale, and of the societie of men: neither that any man without the laticetie and pretention of the lawes, but for the Commonweale sake. For why, the first and chiefie law of all Commonweales, is this, Salve populi suprema lex esto. The welfare of the people, let that be the last law. For what reason moved Themistocles to fortifie the cite of Athens with walles and bulwarkes, even the verie same reason induced Themistocles to persuade the Athenians to raise their walles, viz. the welfare of the people: whereas otherwise the Lacedemonians had undone the citizens together with the cite. Wherefore no law is so facted, but that upon yrege necessitie it is to be changed. And therefore Solon after he had publisht his lawes, caused the Athenians to weare to observe and keepe them for the space of one hundred yeares: giving them thereby to understand, that lawes could not be made immoveable, neither were to be all at once together changed. Lycurgus also in like manner tooke an oath of the Lacedemonians his subjects, to keepe his lawes untill his returne from the Oracle of Apollo, from whence he afterwards never returned, but went himselfe into voluntary exile, out of his nature country; to to bind his citizens so much as possible was to the perpetuall keeping of his lawes. And albeit that the iniquitie of some antiquie lawe bee by, right evident, yet is it better to endure it, vntill that it in time by little and little of it selfe loose the force, than vpon the sudden by violence to repeale it. For so did the Romans by many the lawes of the twelue tables, which they would not abrogate, but onely by not obferuing them, in that they were unprofitable or vntill, sufferd them to grow out of use: which they so did, leaft in abrogating of them, they might seeme to impair the credit and authoritie of the rest of the same lawes. Yet after that they had by tract of time bene of long buried as it were in oblivion (which was fourteen hundred yeares after that they were first published) it was at the motion of Abyatus the Tribune, decreed, that such of those lawes as were as it were of themselves growne out of use, should be reputed as repealled and abrogated, to the end that no man shoulde with them stand in force be entangled.

But for that the nature of man as of all other worldly things also, is most flipperie and vnoconstant, running still headlong from good to ill, and from ill to worse; vices by little and little still encreasing, not unlike vntill humors, which without sencible feeling encresce mans bodie, vntill it be full of them, breedeth in it many mortal dangerous diseases, and so at length bringeth it vnto utter destruction. For remedie whereof new lawes must of necessitie be deuised: which must yet for all that by little and little be done, and not violently at once. As Agis king of Lacedemonia vnwisely attempted to have done: who desiring to reestablih the Commonweale the aient discipline of Lycurgus, now by the negligence of the magistrates almost grown quite out of use, caused all the obligatiouns and fecules of privat men to be vpon a sudden brought out & burnt: which done, he was about to have proceeded to the making of a new diuision of lands, to the end to have made an equality of wealth and goods amongst the citizens, as Lycurgus had before done; which although it were a thing desired of many in the Lacedemonian Commonweale (which had indeed to bene founded) yet so it was, that in making too much haste in the doing thereof, he not onely fell from his hope, but thereby kindled such a fire of sedition also, as burnt vp his whole house.
house, and so afterward dispoiled of his estate, and by his rebellious subjects together with his mother and other his friends and partakers strangled; made away for a fort of mad and euill minded fellows to invade the state, having to deprive his country of himself a good and vertuous prince. Whereas he should before hate made himselfe maister of the forces, or that he had not bene possible, yet to hate founded the minds of them of the greatest fort, and by meanes to have gained them vnto him one after another, as had Eucrgin done before him; and then to have forbidden them the use of gold and fluer, that so it might have gowne into 'as little estimation as iron;' and in some time after that, to have forbidden all sumptuousnesse in apparell, and rich furniture, and not at once to have encoached upon the libertie of the people, to have pro-
vided their patience, and changed their discipline: For that to use such a violent letting of blood, before the corrupt humors purged, or to strong a medicine, before any preparative given, is not the way to cure the diseases, but to kill the diseased. Where-
fore in the governmements of COMMONWEALES, and healing the diseased thereof, we must imitat not the Physicians onely, but even nature itself; or rather the great God of na-
ture whom we see to do all things by little and little, and almost insensibly. The Ven-

cents right wisely during the life of Auguftus Barbarin their duke, attempted not in any thing to abridge his power, though by them much disliked and feared; least in so do-
ing they should either have offered some disgrace vnto him their prince, now growne old, or els have raised some new furtures, and so have troubled the quiet of their Com-

monweale. But he once dead, before they proceeded vnto the new election of Lore-
dan, the legionarie caused such new lawes and decrees to be published, as whereby the power of the dukes was right greatly impaired and diminisfled. The same wee have shewed alfo to have bene done in the elections of the German emperours, the kings of Polonia, and of Denmark, who of soueraigne Monarches are now brought vnto the small estates of Generals in chief, some of them more, and some leffe; which the more clofely to hide, they have left vnto them the inpetuall and toall markes and cogni-
sances in their habits, in their titles and ceremonies, but in few things els in effect and deed. But as it is a daungerous thing for the subjects all at once to abridge or cut short the power of a soueraigne prince or magiftras, who yet hath the power in his hand: so is it also no leffe daungerous for a prince vpon the sudden to displace or caft off the an-
tient patenies of his predecessours, or els at once to thrust out some part of the great magiftras and officers of the estate, and to remaine the rest, they which are new cho-

en or retained, resting ouer charged with enuiie, and the other with euill doing or igno-

tance, and withall deprive of the honour and good, which they have bought full deere; and it may be that one of the fairest foundations of this monarchy is, that the king dying, the officers of the crowne continue stil in their charge, who by that means still mainaine the Commonweale in the estate thereof. And albeit that the officers, of the kings house be at the pleasure of the succesour to be changed, so ought hee yet therein to use such discretion, as that they which are removed have not occasion to in-
novat or moue any thing as men disgraced, or at leasthwise have no power left them so to doe, albeit that they were thereunto willing. In which point the emperour Galba being deceiued, and hauing thrust Otho out of the hope hee had conceived of the em-
pire, to adopt Piso to succeed him in the government, and yet for all that without dif
taining of Otho, he was shortly after by the fame Otho (a man in great favor with the Pre-
torian fouldiours) slaine together with Piso, whome he had before adopted to succeed him in the empire and government of the state. All which periis and daungers are leffe to be feared in an Aristocratie or Popular estate, for that in them they haue the soueraignitie neuer die; howbeit that there is in them no leffe danger in chaunging of their
their soueraine magistrats, or generals (as we have before declared) or in making of
laws which may tend to the impairing of the power of the people, or which may any
way becom profitable unto the nobilitie, and prudentiall or hurtfull unto the people:
or in case that virtuous and proffasions faile, or that some great extreme death arise;
in which cases there is alwayes daunger of popular commotions and rebellions. So that
in briefe, when question is for the displacing of great magistrats, or for the suppressinge
of corporations or colledges, or for the cutting short of privilidges, or the augmenting of
punishments, or for the reforming of disorders amongst the people, or for the calling
of great men to account, or for the reducing of religion to the forsett course and begin-
ing thereof; which by secession of time, following the naturall corruption of man,
hath bin altered & changed from the first purifie thereof; there is no better means than
to come thereunto by little and little, without forcing of any thing, if it were possible,as
by way of suppression. Whereof we have a notable example of king Charles the first
(when hee that was surnamed the Wise) who at such time as he was Regent in France
(his father being as then prisoner in England) by the euill counsell of some ignorant in
matters of estate, at one chop suppressed all the officers in France, of whose also hee
suppressed the greatest part, appointing little commissioners for the hearing of such
accusations as should be laid against them for the extortion and brietie by them com-
mittted and vled: whereupon all France was in such tumult and vprote (for the infinit
number that then were of male contentes) as that shortly after for remedie thereof, hee
by a deeree in the high court of parliament at Paris, wherewith all the nobilitie were af-
sembled, abrogated the former law. Which deeree is yet extant in the act of that his
court, to this effect and purpose, Cun regio potestatii & procurationi, quam gerimus, non
modo quaque alius, sed etiam quaque nobis ipsis & in Rempublicam, & in singulis popantur
emendare: confentancem fist, revus plant, perpetuit & cognit, qui de imperio magistratibus
adempto noua legis insinuas, placet abrogari; et quidem abrogamus, & aperte declaramus,
legis illius, quae importunis quorumdam rationibus erecta est, nunc ab omnibus, & quae acte
getam ferm, cum magno nostro dolore acta gefta fuisse; nec illam magistratum ac honorum
abrogationem, quam non iure factam esse confitemur quamvis fraudes esse: aut cuinquisquam
ins ac degnatatem violare nor vella ex parte voluisse: ac proinde legem illam iure a nobis
refeindi & abrogari teffamur, ut omnibus magistratibus, salus omnia, & integra reipr.
turar. Whereas by the regall power and authoritie which we beare, it is sifting for vs to
correct and amend, not onely such things as others, but even by our selves also are
trespased against the Commonweale, or other men in particular: all things through-
ly looked into, and tried, our pleasure is, That what we have by a new law comman-
ded concerning power and authoritie taken from the magistrats, to be againe abro-
gated, as indeed we abrogat, and plainly declare the force of that law (which was by the
importunit suit of some wrested from vs) to be nothing: and that such things as were
then done, to haue bene done to our great grieue: neither that the depriuation of offi-
ces or honours, which we confesse to haue bene not lawfull done, to bee imputed to
any man: neither that our will was in any part to violat any mans right or honoure:
And therefore we freely protest, that new law to be of vs rightly repealed and abro-
gated: and that so all things late and whole, may go against bee vnto the magistrats retu-
red. And thus much we. But Charles the ninth comming vnto the crowne, and see-
ing the number of officers through the liberie of the times growne almost infinit, to
the great hurt of the Commonweale, in such sort, as that it seemed a thing almost ne-
cessarie to haue deprived them of their honours and fees, yet did he not so, for that it
could not without great injurie be done, when as the money they had before paid for
them, could not by reason of the want of coine in the common treaflitie, bee again

Ss vii

repaid
repaid vnto them; neither if it could have bene, could he yet be without imputation & disgrace, that was so without cause displaced. Besides that, vnto many their credit & reputation was in more esteem & decreed than was their profit, and much the more was it to be feared, that if they should both of their money and preferment be together spoiled, least their present credit and profit being impaire, and the hope also of the recovery of the money they had paid lost, should minister vnto many of them occasions for them to raise rebellions and new disturbes in the estate of the Commonweale. Wherefore the want of money in the common treasurer profited: vs then mindfull of other things, and fortune so favoured the vnskillfulness and ignorance, as in amiable time it did a painter, who painting of an horse, when as he not knowing how cunningly to express the same of the horses mouth, and weare of his worke not well fortifying his mind, in an anger cast his wet sponge at it, and so by fortune expressed that which he by cunning could not do: even so it pleased that king to lessen the multitude of his officers stil as they died, by chusing no new in their steads, when as he could not againe restore vnto them the money they had paid for their offices, neither if the princes wealth & power had bene fo great, as with his becke or a wink of his eye, to cause all his subjectts to tremble, and so to be able to doe what thing soever he list, shoulde he yet seeme to do wisely by force to take away the offices and places before vold vnto his magistrats and officers: For that not onely they which have receiv'd the injurie, but even other his subjectts also, are oft times much mowed and incens'd with injuries and wrongs done vnto other men: Besides that, the mightier that a man is, the more unjustly and temperately he ought to behaue himselfe towards all men, but especiall towards his subjectts. Wherefore the Senate and people of Basil did wisely, who hauing renounced the Bishop of Rome Religion (which they now detested) would not vpon the sodaine thrust the Monkes and Nunneres with other the Religious persons out of their Abbies and Monasteries: but onely tooke order, that as they dyed, they should die both for themselves and their successors, expressly forbidding any new to be choisen in their places; that so by that means their colledges might by little and little by the death of the fellowes be extinguish'd. Whereby it came to passe, that all the rest of the Carthusians of their owne accord forsaking their cloisters, yet one of them all alone for a long time remained therein, and so quietly and without any disturbance held the right of his couent, being neuer enforced to change either his place, his habit, or old ceremonies, or religion before by him receiv'd. The like order was taken at Coire in the diet of the Fridons: wherein it was decreed, That the ministers of the reformed religion should be maintained of the profits and reuences of the church, the religious men yet neuertheless still remaining in their cloisters and couents, to bee by their death suppressed, they being now prohibited to chuse any new in stead of them which were dead: as I haue learned by the letters of the ambaflador of Fraunce, who was then at Coire. By which means both they which professed the new religion, and they which professed the old, were both provided for: whereas otherwise it had bene an unreasonnable thing to have thrust them, who had learned not onely to live idly, but even to doe nothing at all (as Lucilius niectly faith) having neither trade nor occupation to live upon, out of the old possesion of their lands, were it neuer so vniust. Whereof beside the injurie vnto them done, daunger might haue also ensu'd, lest they not hauing whereof to live, and so brought into dispaire, might haue attempted some thing against the state; and so haply drawne after them all their friends and allies alo, to the great trouble of the whole Commonweale. For the same cause the king hauing given leave for the free exercise of the new religion in this realme of Fraunce, and seeing that they which vnder the colour thereof were gone out of their cloisters, demanded a portion in the
A the lands and inheritance of their parents or necro kinshem; it was decreed, and that upon great paine, That they should againe returne into their cloisters: which seemed to be a thing directly conturic into the law, whereby free libertie was gien for euerie man that wold, to profess the new reformed religion. Howbeit that this was indirecely to stop the mouthes of them which departing out of their monastries, fough to trouble the estate, and under the vaile and colour of religion, to trouble the most great and noble houses of this realme: besides that it had beene also necessarie in all the customes of this realme, to take the article concerning the religions, who both by the cannon and ciuill lawes, as also by all our lawes and customes, are excluded and shut out from all hope of inheritance.

B But now that we have saied, That the multitude of officers, or of colleges, and companies, of privileges, or of wicked men, which through the sufferance of princes, or the negligence of the magistrat, are by little and little growne to the harte of the Commonweale, are by the fame meanes to be againe suppressed; hath place in all things which concerne the publike state, and hath a reference into the nature of the lawes, which have no force nor effect but for the time to come. And albeit that tyranny bee a thing most cruel and detestable, yet so it is, that the fairest way and meane to suppress the same, is the tyrant haue neither children nor brethren to succeed him, is together with the death of the tyrant to abolish also the tyrannicall government; & not by force whilst he yet liueth to stop to take from him the gouerniment, with the hazard of the ruine of the whole estate, as oftentimes it chanceth. But if the tyrant haue children, and doth what he may to destroy the good, and to put the great men one after another to death (as Tarquin the proud, and other tyrants following his steps vfieth commonly to doe,) or to suppress the magistrats or other great officers which might stay the course of his tyrannie, to the end that hee may without lett or contollement doe whatsoever him pleaseth: then in this cafe violent remedies are to bee vfieth, but with such limitation and restriccion as we haue before set downe, and not otherwise, lest so wee might seeme rashly to arm the subiects against their princes.

We ought then in the gouernment of a well ordered estate and Commonweale, to imitat and follow the great God of nature, who in all things proceedeth easily and by little and little, who of a little seed causeth to grow a tree for height and greatnesse right admirable, and yet for all that infenibly, and still by meanes conioyning the extremeties of nature, as by putting the Spring betwixt Winter and Sommer, and Autumnne betwixt Sommer and Winter, moderating the extremeties of the times and seacons, which the false fame wisedome which he vleeth in all other things also, and that in such fort, as that no violent force or courfe therein appeareth. But if it be oftentimes daungerous to change the lawes of an estate or Commonweale, as wee haue before declared: Let vs now see also, if it be not in like fort daungerous oftentimes to change the magistrats, or that it is much better to have them perpetuall and without chaunge.

Whether.
CHAP. III.

Whether it be better in a Commonweale to have the Magistrats still changeable, or else perpetuall.

Oras much as both cities, citizens, and Commonweales, in commonly to be for nothing more turmoil and troubled than by men for the obtaining of offices and honours, mee thinke this question to bee one of the most profitable and most necessarie of any that can be made in matter of estate. Whether it be better to have annuall or perpetuall Magistrats in a Commonweale? Than which question I know not whether there be any amongst them which concern a Commonweal more harder to decide, or more pleasant to understand, and therefore not in any wise by vs in this place to be omitted. Which I say not as meaning to take upon me the deciding of this question, but onely to touch the reasons which might well be given both on the one side and the other, leaving the resolution thereof unto them which heretofore have better founded the proceeding and consequence thereof. Neither is it mine intent of purpose, either to propound and move this question, to give foopt unto them which would change the laws alreadie received, which the subjects ought to hold for good and wholesome in euerie Commonweal; nor for any desire I have to change the estate of Commonweals alreadie established, which have continued by long succession and course of years.

Now the first and strongest reason that is to be had to make the magistrats and officers annuall, is, for that the first and principal end of euerie Commonweale ought to consist in vertue: and that the scope of euerie good and true law-giver, is to make his subjects vertuous. Which to attaine vnto, it behoveth him to propound vnto the view and sight of the whole world, the rewards of vertue, as the marke whereat euerie man ought to aime in the fort he can.

Now most certaine it is, that honour is no other thing than the reward and prize of vertue, which neither ought nor can by the counterpoise of profit be esteemed: whereas rather to the contrary vertue hath no more capital an enemie, than profit denvised to arise by honour. If then the honourable preferments, offices and commissions bee taken out of publique place, to be alwayes enclosed & shut vp within the particular houses of most unworthy men, who for favour or money carrie away the same: it is not then to be thought vertue in that estate to be the prize, the corrupt nature of man being as it is, that, hardly to be drawn vnto vertue, what reward or prize furious bee devised for the alluring of men thereto. And thus much for the first point, which ought to move princes and euerie law-giver, to set preferments, offices, and all such other the rewards of vertue, in the eye of all the world, and so to divide them amongst their subjects, to euerie man according to his deferts, which they cannot do, if they grant them vnto men in perpetuities.

Another point which the wife law-giver ought still to have before his eyes, is, To cut vp the roots, and to take away the seeds of civil sedition, so to maintaine his subjects in good peace and amity amongst themselves, and one of them with another. Which is a matter of such weight, as that many have thought it to bee the only end which the good law maker ought to hope after. For albeit that vertue may oftentimes be banished out of Commonweales, for men to line in a disordered licentiousnesse of all kind of voluptuous pleasures: yet in that all men agree, that there is no more dan-

The root of sedition is by all means to be cut vp in a Commonweale which can hardly be where magistrats and officers be perpetuall.
Of A Commonweale

A gerous a plague vnto Commonweales, than ciuill sedition and discord. Forasmuch as it draweth after it the common ruine aawell of the good as of the bad. Now so it is, that the first and principal cause of sedition, is inequality; as to the contrary the mother nurse of peace and amitie, is equalitie; which is no other thing than natural equitie, distributing rewards, preferements, honours, and all other things common vnto the subjectes indifferently, and in the best lett that may be. From which equalitie the very thecues and robbers themselves may in no wise depart, if they meant to live together. Hee therefore that shall divide the honours and offices of estate vnto a small number of men, as needs it must be, when they are giuent for tearme of life, hee I say hath lighted the greatest flames ofielousie of one of them against another, and the greatest fire of sedition that can possibly be raised in a Commonweale.

Now if there were no more but the two reasons before alleged, viz. The enjoying of vertue, with the rewards thereof unto due, and the auoyding of sedition, the greatlest plague of a Commonweale; yet were they euen sufficient to let, that offices should not be perpetuall, but rather annual, to the end that euerie man so having therein part and interest, might so also have occasion to live in peace. But yet there are farther reasons also, which is, that by such perpetuallitie of offices and promotions, not onely the vnicitie and concord of subjectes, and the true rewards of vertue are so taken away, but that the due punishment by the lawes appointed for offenders are thereby also impeached, or rather quite abolished: Whereof the wise lawgiver ought to have a greater regard than of the rewards to vertue due: For that the wise and accomplished man looketh for no other reward of his vnetuous actions, more than vertue it selfe: which a man cannot say of vice, neither of the vniuous. And for this cause the lawes both of God and man, euen from the first vnto the last, haue commanded nothing more, than the punishment of the wicked. And what punishment shoulde a man do vpon them, who are alwayes so high mounted, as that it is impossible to come nigh them? Who shall accuse them? Who shall imprison them? Who shall condemn them? Shall their companions or fellowes in power? will they cut their owne arms, or tipp their owne entals? beleue it they will never be so euiul aduised. W hat if the great ones bee also partakers of their foule robberies, villanies, and extortion? how shall they then punish the others? they will rather blush for shame, and be touched with compassion of them which are like vnto themselves, than with the hainousnes of the offences being endured to take of them punishment. But if any there be so hardie as to accuse, ye or but so much as to complaine of one of these demie gods, he is in daunger of his life, as a falle enformer, if hee by proooceler than the funne it selfe, prooce not villanies done in most obserue darkenesse: and admit that all be by them well proued, and that the guiltie magistrat be convinced and attainted, yet so it is, that this ordinarie clauce Frater nofser efs, He is our brother, shall sufficie to couet and buri all the villanies, deceits, and extortion, of the moft vniust magistrat that a man could imagine. So that hardly one of a thousand which had deferved punishment, should in fuite hundred yeres be brought to execution.

But if the magistrats were annuall, it is most certaine, that the feare to be called to accound, would alwayes keepe them in awe, and that they would tremble and quake as often as they heard that thundering threatening which the Tribunes of the people made to Marcus, Privatum rationem rerum abs se gesserum redditurum, quantum Consul nobiuisisset. That he being a priuatus man, should giue account of such things as hee had done, for that he would not so do being Consull. And indeed what could a man see more faire, than them which had but a little before administered justice, and taken charge of the common treasure, with other such publike offices, after that they had put off their robes

Perpetuallitie of offices the cause of impunitie of the great officers.

Great magistrats and officers in doubt to be called to account where they are but annuall.
robes of dignitie, to come in their common attire as privat men, to give an account of their actions done in the time of their magistracie. And this is it for which Plutarch hath so highly commended the constume of the auintent Romans, who animated the young men to commence their publike accusations against such as had still acquited themselves in their publike charges, setting them on as grayhounds upon wolves, or other wild beasts. In which doing not only the offendors were punished, but euerie man else upon an emulation and strife, as it were, endeavoured him to doe well; but especially they, who had themselves accused others, as well assured that there nether wanted none, who still right narrowly looked into all their doings, so that it much concerned them to beare themselves most vpightly in the whole course of their lives. Which benefits those estates and Commonweales must needs desire, which have their magistrates perpetually, or for terme of life. For which cause the emperour Claudius wisely renewed an old edict or law, then growne out of vfe: which was, That hee to whom the government of any province was by lot fallen (as the manner was) should forthwith, all excuses let apart, go vnto his charge, and that the time of his authoritie and charge once expired, he should not forthwith take vppon him any other new publike charge or government, to the intent that the euill behaviour or extortion of the magistrates should not by such continuation of their power and authoritie remaine vnpunished. For whatsoever decrees or lawes bee made, the euill magistrates would still keepe the power in their hands, and doe what they can one for another; in such fort strengthening themselves, as that is a thing almost impossible to have of them any reason. Which was the cause that moved Hannibal that great captaine to present a requisit vnto the people of Carthage, to make their judges annuall, which before held their places for terme of life, and that none of them should keepe his place two yeares together, as Livie reporteth, whose words we thought good thus here to set downe, Iudicium ordo vna tempore dominabatur Carthagine, eo maxime quod idem perpetuu iudices: res, forma, vitaeque omnium in illorum potestate erat; qui vnum eius ordinis, & omnem auctorem habebat. hortum in tam impotentium regno Praetore judce Annibali; vocare ad se Questorem; idem pro nihil habuit; nam auctorem faciundi erat: & quis ex quibus in iudicibus potentissimorum ordinem referantur, ibm pro futuris max opibus animos gerebat: id indicium ratus Annibali, viatorum ad prehendendum Questorem misit, subductumque in conscientem non ipsum magiam quam ordinem indicum; (præ quorum superbia atque opibus nec leges quaequam esse, nec magistramus) accipiant, & votum ausibis aequi ortionem animaduerit, legem ex templo promulgavit pertulitque. The order or companie of the judges (faith he) did at that time bear all the sway at Carthage; and well the more, for that the elde same men were still perpetuall judges: euerie mans wealth, fame, and life, was in their power, and that one of them should of that order against him, had them all his enemies. In this their so inoffent a raigne Hannibal being made Praetor, convented one of the Questors, or publike receivers before him, which made thereof no reckoning, for why, he was of the contrary faction vnto him: and forasmuch as out of the Questors choyce was still made into the most mightie order of the judges, they still bare their hautie minds unanswerable vnto the wealth and power they were afterwards to enjoy. Which Hannibal taking for a great dignitie, lents a sergeant to lay hands vpon the Questor, and having brought him into the general assembly of the people, accused not him more than he did the whole order of the judges (through whole pride and wealth, neither the lawes nor the magistrates were (as he said) any thing at all regarded) and perceiving his speech to be with the good liking of the people receiued, forthwith enacted, and proclaimed a law, That the judges should be every yeare chosen, and that none of them should be judges two yeares together. And thus vnto he. For why,
it was otherwise, a thing impossible to chastise them: a man still hauing them all his enemies, that should touch but one of them. For that they being perpetuall magistrates, and commonly allied one of them vnto another, it was impossible to hope to have any of them punished, and much lesse to have against them justice, if a man had any thing to do with them: and in case a man refused one of them, hee must in so doing refuse the whole bench of them also. As not many yeares ago, in the court of Paris (which at this time consisteth of an hundred and fiftie judges) in a suit betwixt Chr. Thuan, chief justice in that court, and John Tili, registre of the court (who tooke upon him the defence of his daughter being absent) were, for alliance onely, three-score judges on the one side, and two and forty on the other, challenged and rejected, and all vpon the same bench. And for this cause it was ordained in the assembly of the estates of the country of Languedoc, holden at Montpelier in the yeare 1556, where then I was, and charge there giuen to John Durande, attorney for that country, That amongst other his instructions, he should specially moue the king, that it might please him to ordaine, that the nie kinsmen or other of alliance vnto the judges, should not from thenceforth be admitted vnto the same bench, neither into the same court: Which same request four yeares after, was by the estates of France presented vnto the king in the parliament at Orleans, howbeit that nothing could therein bee obtained, neither can be, so long as honours and preferments are in perpetuittac giuen in the Commonweale. For it is now two hundred and fiftie yeares since that king Charles the fift, and before him Philip the Faire had ordained, That no man should bee judge in the same countrey wherein he was borne: as in like case Marcus Aurelius made an edict, That no man should be governour in his owne countrey. Of which law the profit was thought so great, as that he would have the same afterward extended even vnto them which were but councellours or assistants vnto the governours of countreys: which was a thing then wel put in execution, as it is at this present in Spaine, & in most of the cities in Italie, where the ordinarie judge is most commonly a stranger. Which was also by the ambafladors of Molcuiet requested of the estates of Polonia. Howbeit that the decrees of our kings concerning those matters, were quickly buried; after that the publike offices and charges began to be with vs giuen for terme of life. And not to search further into the edicts of the Roman emperours, we find also in Cesar his Commentaries, that the auncient Gaules, and namely they of Autun, had amongst them an inuiolable law, which expressly forbad the magistrates to be continued in their places above one yeare, and that two of one familie could not be magistrates together, nor yet one of them, so long as the other who had alreadie bene magistrat should live. And that more is, it was alwaies expressly forbidden, That two of one familie might be councellours together, neither yet one of them, so long as the other who had alreadie bene a councellour was alive.

Moreover the thing which ought of all others to be most recommended vnto all subjects in generall, & euerie one of them in particular, is the preferment of the Commonweale. And what regard or care of the publike good should they haue, which therein hare no part? Such as are themselves excluded, and which fee the common preferments and offices giuen in prey to some few in perpetuittac? How should they have any care of that which concerneth them not, neither neere, nor a farre off? And admit that any good and honest man would say, would doe, or underke, any thing that were for the common good or profit, being himselfe but a privat man, who should hearken vnto him? who should support him? who should fauour him? So that euery man leaving to thinke of the publike, entendeth vnto his owne buenefee, and haue in that case should be but laughed at, and derided.as a fool, which should take more care of
of the common welfare than of his owne. As for them who alreadie enjoy the pub-
like preferments and offices, they for the most part have no great care of the common
good, being now for ever assured of that which they most desired. O but how much
more happy should both the subiects and Commonweale be, if euerie man in his de-
gree and according to his qualitie, having enjoyed connuencable preferments, and so ha-
ting learned true wisedome by the managings of worldly affaires, should retire them-
selves from these vaine and worldly busineses, to occupy themselues in the contempla-
tion of things naturall and divine? For most certaine it is, that contemplation is the true
mother and mistresse of al true wisedome and happinesse, which men altogether wrap-
ped vp in worldly affaires, neuer so much as once dreamed or tafted of; and yet for all
that this is the end, this is the scope, this the chiefe point of all mans felicite.

And yet besides these three, there is another great inconvenience also, in that offi-
ces and preferments are in Commonweales granted vnto men for terme of life: that
is to witt, that some few would haue all, and some one would posfesse himselfe of many
publike charges and offices at once; as it was in auncient time permitted them in Car-
thage: which for all that seemed both vnto Plato and Aristotle a thing right daun-
gerous, For that it is an hard matter for one man well to discharge one office, but well to
discharge many no one man can; and is therefore in euerie well ordered Common-
weale a thing forbidden. Howbeit that the ambitious desires of men always passeth
beyond the prohibitions of the laws, the most vnworthy most commonly burning
with the hoaste flames of ambition; not unlike the weake flomacke, which is alwaies
more deificous of meat which it cannot digest, than is the flomacke which can bettet
digest it: thinking it not to stand with their honor and reputation to stay in the meane,
or to abate any of their titles and dignities, but contrariwise to mount still higher and
higher. In so much that the seigneurie of Venice in some fort to satisfie the ambition
of the citizens, gave leave vnto him which had borne a greater office, to refuse the lesse
being laid vpon him; which is a daungorous course, to measure the publike charges
and offices, by the foot of the subiects ambition, and not by the common profit.

Then how much more daungorous is it, to make the magiftrats and publike char-
ges perpetuall, ouly to ferue the ambitious desires of some, and so to make the Com-
monweale subiect vnto the desire and pleasute of some few? For why, it is to be feared
least that they who can neuer satisfie their immediat desires with the multitude of offi-
ces and publike charges, but had rather to burst at the table of ambition, than in time
to withdraw themselues: It is (I say) to be feared least some hungrie fellowes shall at
length fall vnto them, Depart you hence; or if they will not so doe, plucke them away
by force, not without their owne daungers, and troublting of the quiet estate of the Com-
monweale. At the assemblies of the elettes of Rome into the place called Campus Martius,
for the chufing of their cheife magiftrats, and other their great officers, cerneine narrow bridges were in diuers places laid for the citizens to passe over by, that
so the little tables wherein their voices were contained, might the better be of them re-
ceived: at which time such as were threescore yeares old, were still warned to giue
place, and not to come to giue their voices, leaft haply they might by the multitude of
the younger fort be oppreres; and not for that such old men were cast headlong from
off the bridges into the riuer, as some haue thought. But how much more feemely were
it for them which have quietly of long enjoyed the great offices and preferments in the Com-
monweale, and which are now growne old therein, sweetly to retire them-
selues out of those high places, than violently to be thrust out by others? especially con-
sidering that there is no place more slipperie or daungorous, than are the places of ho-
nour and command. Besides that (which wole be) such ambitious men in their fal-

ling draw after them the fall of many others also, together with the ruine of the whole Commonwealth: as did Marius, who having passed through all the degrees of honour, and bene six times Constall (which never Roman had bene before him) yet not so content, would needs take upon him the charge of the wars against king Mithridates (which by lot was fallen vnto Sylla) howbeit that hee was now grown extreme old, to the intent to obtaine the leueth Constallship, and to continue a perpetuel commanding power vnto himselfe: But Sylla understanding of the commision giuen to Marius, and of the authority by a tumultuous assembly of the people taken from him now ablen (and having also an army with him) contrarie vnto the law and the custome of their ancetours, straight way returned to Rome with his partakers, feyzed vpon the citie, where he made a molt horrible maffacre; which afterwaords in such fort continued, as that all Italie and Spaine was embraed with blood, not onely the captaines and chief commounders of Marius his faction being by Sylla slaine, but even his companions, friends, and kinmen also, being most shamefully proscripted, or els banished, and so the Popular estate brought vnto an extreme tyrannie. So euene for the same occasion three hundred yeares before, the Popular estate was there chaunged into a faction of an Oligarchie; not for having of offices in perpetuittie for tearme of life, but onely for having continued the charge vnto the Decemviri, or ten Commissioners, for two yeares together; men appointed for the reforming and amendinge of the lawes, who would haue continued the third yeare also, and by force of armes still maintained their commision, enroaching vpon the libertie of the people, had they not by force of armes (though not without great danger of the state) bene againe remoued.

So by the same means many Popular and Aristocraticke estates were chaunged into Monarchies, or at leastwise into tyrannicall governments: for having giuen the publike charges and commisions vnto their magistrats or commissioners, for longer time than was needfull, or for proIonuing of them longer than by the law they should; as to Pisistratus in Athens, to Philon in the citie of Argos, to Cypselus in Corinth, to Dionysus at Syracusa, to Panetius at Leontium, and to Cesar at Rome. Which Amylius Memucous the Dictator foreseeing, presented a requent vnto the people, which passed into the force of a law, whereby it was ordained, that the Seniors power from that time forward should continue but for eightene monethes, which before was estaublisht for five yeares: and the next day after that he was created Dictator, depoised himselfe of his Dictatorship, being not willing to hold it more than one day; giving this reason vnto the people of his so doing, visites quam mihi dunturms imperia non placant. That you may know (laid he) how little long lasting authentique and power please me. And for the same occasion the law Cornelia, published at the instance of one of the Tribunes of the people, prouiding, That it should not be lawful for any man to fecke to have one and the same office more than once in ten yeares. Neither miffed it much but that Gabinius the Tribune had by the Senators themselfes bene slaine in the full Senat, for having by his requent made vnto the people, procured commision for five yeares together to be graunted vnto Pompey, for the ending of the Piratical warre: Whereof Dion giueth a notable reason, For that (faith he) the nature of man is such, as that a man having for long time borne some honourable charge, commonly hath all other men in contempt and disdain, neither can well endure to live in subjection after he hath for a long time commanded. Which thing Caesium almost in the same fence writeth, Antiquitatem proincurarum dignitatem voluit annua succesiunc repara, ut nec dura potestate suas in seferaret, & multorum praeceptor gaudia repararet, Antiquitie (faith he) would the honour of the provinces to be repaired with annual succession, in such sort as that one man shoulde neither grow insolent with long power, and
preferment be a comfort to many. And haply it was not one of the least causes that the Assyrian and Persian empires stood so long, for that they suiter yeare chauigned
their lieutenants and generals.

But how then commeth it to paffe, that even children by way of complaint sue to
be maintained and kept in the possession of the honours and estates that their fathers
and grandfathers had? As in fact hath bene seen in the constables of Campagne, of
Normandie, and of Britaigne: in the marshals De la Foy, as they termine them, in the
great chamberlaines, and other infinit, even vnto the sergentes lees of Normandie, as
I have before noted: And namely in Aniou, Touraine, and Maine, the house of Ro-
ches had made the offices of bailiies and fettwards hereditarie, had not Lewes the ninth
reued them, and made them mutable and justifiable, by his decree in the yeare 1236.
The like is done in Principalities, Dukedomes, Marquisats, and Earldomes, which
now are had in perpetuitt, which before were holden but by way of commiision, and
that during the princes pleasure, which at the first were but annual, but afterwards per-
petuall: and at laft by the favour of our kings are become hereditarie. Howbeit that
other people allo as well as we, haue in the fame errout offended: So that there is al-
moot no place in all Europe (except in England) where offices and dignities are not
now hereditarie, in such sort as that commanding power and autoritie, with the ad-
ministration of justice, is by right of succession fallen euyn vnto women and children,
and of a thing publike made particular, and to be fole to him that will giue moft, as it
must needs be, being once brought into the forme of a patrimonie, which hath giuen
occasion more boldly to trucke all estates and offices, when as men fee by the laves
and customes euyn facred injustice it felte prophane, and fet to fale to him that will giue
moft: Of which inconveniences is proceeded the euill custome of making of all estates
and offices perpetuall. For one should doe inuitie to take an office from a marchant,
and not reftore vnto him the money that he paid for it. Thus we fee the dan-
gers and abfurdities one of them as it were linked in another, by the making of the
estates and offices of the Commonweale perpetuall. Besides which reasons by me al-
leged, we have also the authoritie of the greatest Law makers, Philofophers, and
Lawyers, as alo the examples of almost all the antient Commonweales: as namely,
of the Athenians, the Romans, the Celtes, and others infinit, who haue flourished, and
do yet flourith in diuers places of Italie, Swifferland, and Germanie, as also the authori-
tie of Sir Thomas Moore, chancellour of England, who in the Commonweale by him
deufed, maketh all the magiftrats and officers therein annual, some from fix mo-
nethts to fix monethes, and others from two monethes to two monethes, and all
and to avoid the inconveniences which I have before spoke of. And these reasons they
for most part vie, which fay, That magiftrats and officers should not be in a Com-
monweale perpetuall.

But now on the other side, they which maintaine it to bee more for the publike
good, to make the estates and offices in a Commonweale perpetuall, allege, That no-
thing can be well done in a yeares space, when as the magiftrat must depart out of his
charge before he well know his dutie; and hauing begun to understand what belong
eth vnto his place, must yet forthwith leave the fame vnto a new man; and so bee like-
wise vnto another, all still new men; fo that the Commonweale is still to fall into the
hands of vnfit suffiuent men, and suth as want experience. But suppose that the prince or
the people, or they which haue the choice of the magiftrats, commit not the publike
charge but vnto men knowne to be of good experience, yet feeing to many holy daies,
dayes not judicall, vacations, daies of election, and of triumph, as take vpp a great part
of the yeares, as well the publike as mens privat actions must therewith needs be trobled,
warres begun be delaid, judgments interrupted, actions of the wicked abolished, punishments deferred, & in briefe the Commonweal in the greatest dangers thereof to be abandoned. Whereof wee have a million of examples in all histories, both of the Greeks, and of the Latines, which had their offices annuall. And it hath oftentimes happened, that the magistrates and captains having charge to make & performe some warre, were upon a sudden called home again, and so all was at a stay: as it happened when question was for the fending of one to succede Scipio Africanus, the people, the Senat, and the magistrates, found themselves therewith greatly entangled: (Marius lath Lune) contentionibus & in Senatu, & ad populum aliqua res efi: postremo ededucta est Senatui permitten ter: patres igitur invatis (sic enim congenerat) confuerunt ut Confules provincias infer e comparsaret, The matter (faith he) was with great contention debated, both in the Senat, and before the people; at length it was brought to that point, as that the people committed it into the Senat: wherefore the Senators being sworne (for so it was agreed) determin'd, That the Confuls should divide the provinces betwixt them. Which was a great novelty: to sweare the Senat thereunto. But Scipio understanding of the decree of the Senat, whereby one of the Confuls was forthwith to succeed him, without further delay concluded a peace, more to the advantage of the enemy than hee would otherwise have done, if hee had not feared least his succesflour should have carried away from him the glorie and honour of his victorie, as it is reported himselfe to have oftentimes said. So the warre against king Mithridates was protracted above twentye yeares, by reason of the continuall changing of the Roman Generals, the enemie in the meane while (many faire opportunities by him offered, and by the Romans neglected) faire and wide extending his dominion and empire. Yet sometimes the Generall was to give vp his charge, when hee was even vppon the point to ioyne battell with the enemie, although he had none appointed to succeed him: as it happened vnto the great captains Epaminondas and Pelopidas, whose charge expired even at such time as they were to give the enemie battell: who yet neverthelesse seeing themselves to have an advantage of the enemie, and that they could not without the most manifest danger of the State leaue their charge, gave battell, and so obtained a most glorious victorie, whereby the Thebans with their allies were preferred, and the Lacedemonians with a great slaughter ouerthrown. But returning home, in stead of thanks and triumph, they were both accused of high treason, for that they had holde their charge longer than the time by the law appointed, & so brought vnto their triall and convicting, were by the commissiners condemned to die: howbeit that they were afterwards by the people pardoned. Now who knoweth not how many strong places haue bene taken by the enemie, for chaunging of their captains? how many citie's and towne's haue bene forced, for hauing put into them new gouernours? and especialiy at such time as the enemie was nice, & readie to besiege the fame: as oftentimes it commeth to passe, that the fauourites carrying awaie the honor, the old expert captains are excluded, who right often in reuenge thereof either go ouer vnto the enemie, or els otherwise disquiet the place of victuals, and other things necessarie.

And yet there is another reason which might well stay the preferments and offices of the commonweale from being mutable, which reason Tiberius the emperor had still in his mouth, at such time as men complained him to be the first that had for many yeares together continued the eftates and offices still in the same mens hands: I do it (faid he) to the end that they which are already full of the blood of the people, may as Horfeleeches, full and ready to burne, give the subjectes some release, fearing left such as should come new & all an hungry, should without temerity or respect at all, draw out the rest of their blood, gnaw their bones, and fucke out the very marrow that was yet

The reason why Tiberius the Emperor would not have the great officers often chaunged.
left in the subiects. And this vnto me seemeth to be a reason of right great importance: for it is an old and true saying, *Rom parvus populis regnum breue*, a short reign spareth not the people. And yet in the raigne of *Tiberius*, offices and other places of command were vtilly given and not sold; obtained, but not cruedin upon men of desert bestowed, and not shamefully let to sale to them that would give most: which opinion of *Tiberius* ought to bee of much more force in such places as where port sale is made of all preferments and offices of the common weale: for it is to bee presumed (as *Alexandrer Severus* the emperor, &c after him *Lewes* the 12) that the marchants of offices must (eby retale, &c as deere as they can), that which they had before bought in groffe.

And beside that which we have already said, how is it possible that he should command with such authority as becommeth a magistrate, which leeth that by and by after he shall but stand for a cipher (as they say) without any authority or power at all? who shall obey him? who shall fear him? who shall do his commands? whereas to the contrary, if the magistrates power be perpetual, he shall command with dignity, hee shall boldly oppose himselfe against the wicked, and give ayde and succour vnto the good: he shall reuenge the wrong done vnto the oppreffed, and reftit the violence of tyrants, and that without feare or maldoubt of being thlust out, or diptoyled of his dignity and office, as hath bene seene by some euen of the greatest princes, astonishec with the constancy & immutable assurance of the magistrates, not hauing what to reproce him for: neither yet daring to displace them, feating also the discontentment of their subiects, vnto whom the brightnes of Iustice and vertue is always reddoubtale, and the integre of valiant and couragious men right commendable.

In brieve, if we would have (as all men ought to with to have) magistrates wise, stout, and well experimeted in the charge committed vnto them, we must with them to bee perpetual: for why it is impossible that new magistrates should be expert in their charge the first yeare, considering that the life of man is short, and the nature of authority and power most difficult, whether it be for the training up of the subiects in warres, or for the maintaining of them in peace; for the administrition of Iustice, or for the managery of the publike revenues: all which cannot in shorter time of new magistrates be either throughly learned, or duly practised. For as the rest of families commonly commeth of new feruitors, even to the fols of Commonwealths also proceedeth from new magistrates, who still bring in new deuises, councels, laws, factions, customs, edicts, judgements, ceremonies, actions, and in brieve a new change of all things in the Commonwealths; whereas enueth a contempt of the old laws & customs, as also of the magistrates themselves. All which may well be scene in the antient Commonwealths of the Grecs & Romans, wherein the new magistrates were no sooner placed, but they forthwith forg'd new edicts & laws, so to cause themselves to be the more spoken of; without regard whether they were profitable for the Commonwealth or not; propounding only this vnto themselves, how to leaue a remembrance of their names vnto posteritie: wheras men so sick of ambition, are still more desirous of a great than of a good name. Howbeit that it is not needfull to vie many arguments to prove & show as it were vnto the sight of the eye, that the magistrates and officers ought to be perpetual, seeing that we hate the law of God, which cannot bee so bound vnto places or persons, but that a man therefrom may well draw an example to imitate and follow. Now it is not found, that the magistrates and officers establisshed in the law of God were annuall: neither is it found, that they which were once provided of honorable places and preferments in the Commonwealths, were ever after againe remoued to giue place vnto new magistrates, and so to yeeld unto ambition which is to vertue due. So wee finde also, that *Plato* would that the offices in his Commonwealth should still
A

ill for the most part be perpetual. So that in briefe we see the reasons by vs alleged, to be by the facted scriptures, as also by long experience and tract of time confirmed, not by the example of small Commonweale, but even of the greatest and most flourishing monarchies and kingdoms that now are, or ever were in the whole world, as were those of the Assyrians, the Persian, the Egyptians the Parthians, the Ethiopians, the Turkes, the Tartars, the Mofcoutes, the Polonians, the Germans, the Frenchmen, the Danes, the Swedens, the Englishmen, the Scots, the Spaniards, the Italian; excepting some few Commonweals which are still turmoiled with the continual changing of their Magistrates, and perpetual fluids of sedition and discord for the shortnesse of their offices.

Now it is not like so many people and nations to have failed of the light of nature, of judgement, of reason, & experience, seeing their estate so wisely managed, and to have so long flourished both in time of peace and war: which could in no wise so long have stood, had their mutable magistrates bene every moment to have been a new chosen. And thus we see the reasons both of the one side and of the other, which might move some to make their magistrates perpetuall, as some others also to make them annuall. Vrto which reasons sometime are toynd such flourishes of eloquence, as might at the first well daffe the eyes not only of the ignorant, but even of the sharpest witted also, to heare the reasons of the one side, without giving of care vnto the reasons of the other, which are here by vs indifferentely let downe, that every man might suspend his judgment, vntil that cuerie thing were in equall balance well weighed.

But as men oftentimes erre in the maintaing of the societies of men, and government of cities and Commonweals; so doe they in two notable things also especially: whereof the one is, That they too narrowly looke into the inconueniences of a law, without weighing of the good that ensueth thereof: the other, That they-runne from one extreme into another; and so as it shone the water, ran all headlong into the fire, when as they should have stayed in the midst. Plato would, that the magistrates in his Commonweal should bee all perpetuall: which extremitie seemed vnto Arisotle blame-worthie, who therefore running himselfe into the other extremitie, and reiecting the opinion of his master Plato, opened a way unto all the citizens, to all the honours and preference of his Commonweal, saying, That otherwise to do were to kindle the fire of sedition in the whole estate: whereas yet neither the one nor the other of them hath made any distinction at all of Commonweals, whereof the resolution of this question especially dependeth. And we haue seen even in this our time one of the greatest persones of this realme, and the chiefie man of his core, who haung embraced the opinion of Arisotle, hath endeavoured himselfe by all means to change all the offices into commissions, to be holden but by sufferance: who neuer had other thing in his mouth, and yet without any distinction in what forme of Commonweal this change was, without harme to be receiued.

Now most certaine it is, that Commonweals in nature contrarie, are by common lawes and meanes to be alfo gouvnet and maintained (as we haue oftentimes before saide, and yet must oft times say) so that the rules and orders proper to maintaine and preserve Popular estates, furce to the reade ruine and ouerthrow of Monarchies and sole governments. The Popular estates are maintained by continuall change of officers, to the end that cuerie man according to his quality might have part in the offices, according as they have part in the soueraignty, which can in no wise bee where offices be given in perpetuie. Besides that equalitie the nurse of Popular estiates is by the annuaull succession of magistrates the better maintained, and the long custome of continuall command giue not an appetite...
or desire to some one or other ambitions cistien to aspire vnto the soueraigne alone. Whether to the contrary in Monarchies it is not necessarie, no nor yet wholesome, that subiects having no interest in the soueraigne, should be nourished in ambition, it being sufficient for them to learne to bee dutifull and obedient vnto their soueraigne prince, and especially if the Monarchy be Lordlike or Tyrannical: For that the subiects in the one be the princes naturall flaves, and in the other the tyrants flaves by force, it should be a thing impossible for such a Lordlike Monarch, or tyrant to hold their eftates, and to give such yearely or fuccesfue commanding power vnto their subiects. And therefore tyrants, who are no leffe hated and feared of their subiects, than they themselves feare and hate them, having little or no trust or confidence in them, for most part guard themselues with straugers onely, and some few of their owne subiects, such as they know to be vnto themselues most loyall and faithfull, vnto whom they commit the cuftodie and guard of their own persons, of their eftates, of their forces, and of their wealth, without any desire at all to change them, not onely for that they distrust others, but alfo for that they would not acquaint them with the sweetnesse of power and command, least to some one or other of them therewith enflamed, should be desirous to dispach the tyrant of his life, to obtaine his place: or els otherwife in doing to gratifie the subiects. Whereas the Lordlike Monarch whose his subiects more willingly obey as his naturall slaves, is not so much hindred or letted from the choice of his magiftrats and officers, as is the tyrant, who is not but by force and constraint obeyed of his subiects; and therefore giueth not the preferments or offices of his eftates in perpetuicide, neither yet maketh them annuallly but onely bestoweth them as he thinketh good, and that for so long as pleaseth him, divideth them amongst many at his good pleasure, without any law or decree therefore, all depending of his will and pleasure.

But the Royall Monarch, who is in such fort to intreat his subiects, as is the good father his louing children, albeit that he be no more bound vnto mans lawes, than are the other Monarches, yet will he, neuerthelesse. of himfelle establifh decree and lawes, for the placing and displacing of magiftrats and officers, to the end they might so bee holden; divideth the honours and rewards of vertue not to all indifferentely, without direction, but vnto such as delervative the fame; hauing full more respect vnto the experience and vertue, than vnto the grace and favour of them who are vnto him most of all commendeth. And yet for all that, shall in all things obtine and keepe the commendable mediocrity, in such fort, as that he shall make many offices perpetuall, and some changeable also from three yeares to three yeares; and other some to be erecte yeares also changed; as namely the presidents of the parliaments, of the finances or common recet, or governours of provinces, who could neither otherwise bee punished for their oppression and misdemeanors, if they had their such great authoritie and power in the estate and Commonweale full in perpetuicide. He shall also divide the honors and preferments of the state, vnto the richest and nobler fort, albeit that they be not men of so great experience as are some of the poorester and bafter fort, so to prevent flutes and seditions: yet for all that prouided alwayes, that vnto them which of themselfes are not of sufficient capacitie be full accordant men of good experience in their charge, so to couert and supplie the defect of the others. And yet is not so bound, vnto his owne laws, but in case of necessitie hee may againe diplace them whomhe heath before ordained to be perpetuall magiftrats, finding them of whom he hath so eull made choice, for the weakenes of their minds or bodies, to be altogether insufficient for the publicke charge to be by them sustayned, or for to couert the blame of them which are so insufficient, shall giue them some honest means to discharge themselves of such their charge.
A charge: as did the most wise emperor Augustus unto a great number of the Senators, who unworthy of their so honourable places, by that meanly cleanly displaced themselves, without any force or stature; or at leastwise shall appoint them deputies for the executing of their charge: yet in the mean time suffering the magistrates and officers themselves, to enjoy still their titles of their offices, and wootioned privileges. And to the intent that justice, the principal and chief ground of an estate or Commonweale may bee the more religiously distributed, hee shall for the administration thereof appoint perpetuall colleges and companies of Judges, and especially of such as are without appeale to judge of the lives, fame, and goods of the subjects: not only that these judges should to be the better experimented (as well for hearing the opinion of divers, as for their long exercise in judgement:) but also that so their seuerall power might be in form: fort weakened (for fear they should abuse the same) and that so being many of like authoritie and power, they should not so easily be corrupted: not unlike to a great deale of water which is more hardly corrupted than is a little. For as Plinie saith: Nemo omnes, neminem omnes aut quam felifereant: melius omnibus quin singula credatur. No man euer deceived all men, neither did all men euer deceiue any man: better it is to beleue all than one. Howbeit, yet that by the wisedome and vertue of some one good judge, a whole company, or bench of judges of the same count is oftentimes releued: and their fictions and secret practises broken; or being otherwise good men, yet miff-e-enformed by sale accusers and pettie foggiers, cannot know or understand the truth: but are by the wisedome of some one of their company the better environed. As I haue knowne one judge alone to haue caused the whole company of judges to change their opinion, being before resolved and set downe to haue put a poore innocent woman to death: whom yet for all that he by most pregnant and lusely reasons clearely and fully acquitted of that thee was in danger to haue beene condemned for. Who therefore well deferve to be named: and was Potter a learned judge of great integritie and vertue: who hath left unto his countrey his two sonnes inheritours of their fathers vertues: one of them Master of the Requests: and the other, Secretarie of the Finances; in vertue not inferior unto their father. Besides that, the experience of many worlds hath givne vs sufficiently to understand many judges, by conferring their opinions together, to guie the better and founder judgement, than where they judge every one of them apart. Howbeit that Aristotle thinketh it better to haue every judges opinion considered of apart by it selfe: and that hee faith to haue beene the usual manner of judgement in many the cities of the Greeks. Now the Romans to haue helden both these fictions and manners of judgements, vero in Peilanius is the Author, where hee faith: Alas efferationem cum unius judices constituantur, anism cum singulis sententiam ferunt: It to be one manner of proceeding when all the judges together determine of a matter, and another when every one of them deliver their opinions apart. Wherefore causes are more indifferently and uprightly dicided in Europe by a competent number of judges together: then by seuerall judges in Asia and Afrique, whereas one particular judge of a Province according to his will and pleasure determineth of all appeals made vnto him from the other particular and inferior judges in that province. And albeit that in Grand Caire (one of the greatest cities of the world) there be foure judges which haue their diuers and separate jurisdictions, and every one of them haue also their diuers Deputies, who judge also of causes apart and by themselves, yet are the appeals still brought vnto the first judge chief of the foure; who alone without any companion or assistent by him selfe at his pleasur determineth all appeals: whom it is no great matter for him to winne, that standeth in his good grace, or that hath the
greatest presents to give him. Howbeit that the two Cadeleschers are the chiefes of all the judges, and may at their pleasurfe place or displace any of the rest of the judges, yea and all of them together also fo long as it shall please the Grand Seignor. For why amongst the Turkes all power and command is but by sufferance and during pleasure both given and received.

Now we have before said that in the royall Monarchie all the Magistrates and Officers should neither be perpetuall, neither all still mutable: For that it is not needfull to change the meane officers, as Clarks, Sergeants, piled, Notaries, and such other like who for that they have no power or authoritie to command, cannot hurt the Estate: and yet neuertheless the experience of their charge which cannot but in long time and by great praife be got, requireth that they should bee perpetuall. And so might a man lay of other inferiour officers also, being still subject unto the power and authoritie of the greater, but cannot yet of times be changead without the great hurt of the Commonweale, and many private mens hinderance. The Senators and Counsellors of estate also, whole dexterity for the managing of the great affaires of the Commonweale is not but by long experience to be gotten: we see them to have beene in Rome, in Lacedemonia, and amongst the Areopagi in Athens, perpetuall: and so I thinke they ought to bee every where els, so that in the perpetuall change of mutable magistrates, the Senate should still be constant, firme, and immutable, and that upon it the other mutable officers and magistrates should as uppon a most flute stay rest: which was not so well provided for by Plato, who would haue his Senate to be every yeare by lot chosen. But now as for such great magistrates and officers as acknowledge no command more than the foueraigne Princes alone, wherit it be in martiaall affaires, the administrifation of justice, or the change of the publique receit, if the royall Monarch shall kepe them but one, two, or three yeares in their charge at the most, he shall so leave open a way vnto his justice, for the examining of their actions, and by the same meanes shall caufe the wicked and corrupt magistrates to quake, standing always in dread to be called to goo an account of their doings. And for that Magistrates and Officers are not to be changead all at once (for that all sudden changes in a Commonweale are dangerous) and that the publique actions be not interrupted, the change of such great Magistrates as are in corporations and colleges together is to be made by the successing of them one of them vnto another: as they doe in the Commonweale of Rauge, where the Senate is perpetuall, and the Senators who are also soueraigne judges, are not but every one of them one yere in charge: who yet change not all at once, but successiueely, and as it was intenisible; and in their turne after that they haue for a certaine time lined as private men, returne more freth vnto the same charge againe.

But yet generally in every Commonweale this rule hath alwayes place without exception, viz. That the perpetuall Magistrates & Officers should haue either no power at all, or elle verie little power to command, or elles some companion joyned with them: and that they to whom great power is giuen, haue the same but for a short time, and by the law limited to some few monethes or yeares. By which tempering and moderation of power and command, the difficulties and dangers shall ease, which might otherwise ensue by the sudden change of all the Magistrates at once, for the interruption of publique actions. Neither need we so to feare lest the Commonweale should be without Magistrates, as a ship without a master to govern her: for it often times changed in Rome, for the lute of the magistrates, who one of them hindered an other, or els the same day entered all into their charge, as they all at one and at the seale same instant departed out of the same together. Neither need we so to feare
also left the wicked by briberie mounted into the more his degrees of honour, should escape uncorrected: or that the ignorant or vskillfull should carie away the preferments of the estate and Commonweale: they which before had charge, having for certaine yeares rested themselves, still returing againe with much greater experience then before. Now they which with for annuall Magistrats, annuall Senators, annuall powers and commandes, foresee not that (beside the difficulties and daunyngs by vs before allledged to enfue thereof) by this means either rude artificers or such like ignorant and vskillfull men, must be called vnto such publicke charges as they are never able to discharge, or else that the Commonweale must needs be full of most wise men, and such as are of greatest experience and knowledge. Howbeit that cannot by nature be, that all men can do all things: whereas we see particular men scarcely well to discharge their particular charges; and in other some to reft great wildefome, who yet have no skill in government at all. But in doing that which wee have said there shall not castife any default fall out, neither shall the subiects have any just cause whereof to complain; the rewards of honour being so exposed to every mans sight; as the marke whereat every one should ayme, though few there bee which hit the fame, and the fewer officers and rewards there should be, and the dearer that they were prized, the more they should be of all desired: when as every man shoulde for his vertue be called vpon, and that there should be no cause of sedition, no man being excluded from the merit and reward of his vertue and sufficiency, so that the caufes of sedition so taken away, the subiects may still live in all peace and tranquillitie. And if need be we may vfe Commissioners or Syndiques, as they did in the time of Lewes the ix, and Philip the faire, for the chastifing of the officers, and the calling of them to account.

Now some difficulties concerning the changing of Magistrats and Lawes are by vs before set downe, and more I suppose will be imagined: yet were it unreasonable to looke into the discommodities of a law (and so for the same to reiect it) without consideration also of the profits thereof, seeing that there is no law so good (as faith Cato the Censor) which draweth not after it some incommodities. And in mine opinion that law may alwaies be accounted good and profitable, if the which good which may enticethereof be maniftest, and greater then the harme that is to be feared thereof: wherein many oftentimes offend, which thinke it impossible to haue all discommodities quite taken out of the lawes, the Commonweale yet neuerthelesse still standing in safety, but so falling into such daunyngs as they before thought not of, straight waies blame the lawes, and oftentimes change the fame, when as in truth they shoulde haue auctur ed & changed them selues. So some good Princes euen aduised oftentimes to their harme-cancelling a good Law for some one incommoditie they haue bene therein. Whereof we will vfe no other example then that of Lewes the xix, who comming to the Crowne at once displaced all his fathers aun tent feruitours, and removed also the princes his nie kinfmen from the government of the state: who therefore with a wonderfull content confpired with the enemy against him, and brought him to such a strait, as that they had almost strucke the crowne from his hand, and by force wrested the roiall sceptre out of his hands. But these fluttered againe quited, and all things well pacified and set in order, fearing left his sonie should fall into the like daunger, charged him neuer to chaunge them whom he had aduanced; and yet not so contented, made a law, whereby he decreed all offices to be perpetual, and that such as were once preferred therunto, should not be againe displaced, otherwise then by resignation, death, or forfoure: And by an other Edict declaring the former, published the xx. of September in the yeare 1482 decreed, That no officers having forfeited their offices, for what cause soever, should be enforced to yeeld vp their offices, except they were so before adjudged,
adjudged, and the parties condemned. Which edict he commanded stand in force, not only whilest he himselfe yet lived, but also during the reign of his sonne Charles. And albeit that he could not so bind the hands of his successor, yet so it is neuerthelesse, that this his decree & law hath ever since bene innojably kept, although the auntient clause, So long as it shall please us, remaine still in all letters of office. Which words declare no perpetuell power to be given vnto the magistrats or officers, but by suffrance onely, except by law or custome it be otherwise provided. Yet sill remaineth that idle clause, that thereby it may be understood, all power and authoritie to have in auntient times bene given by our kings during their pleasure, and to have of the magistrats bene holden but by suffrance onely. And albeit that in the reigne of Philip the Faire this irris was againe touched, for the giuing of offices in perpetuitie, yet for all that the matter still refited vndecided. But Philip Valois reuoked the communions, and ordained, That from that time forward the royall offices should bee perpetuell, which well declareth them before to have beene mutable at the pleasure of the kings, albeit that the officers had not forfeited them. And amongst these praiseth which they giue vnto king Robert, one of the greatest is, That he neuer dispossed officers, if he had not for some foulde and infamous fact before forfeited his office. Whereby it is to be gathered, king Robert his auncestours to have vued other lawes and customs.

But yet happily it may seeme vnto some, that if offices should still be giuen with that clause, During the Princes pleasure, the magistrats would better discharge their charges for the hope they should have by this meanes to continue still in their places, proceeding still from better to better, and bearing themselves virtuously, for feare otherwise to be displaced. Whereunto I agree, in a well ordered Lordly Monarchy: but the daunger should be greater to open such a gap vnder a prince on euery side befit with flatterers, and compassest in with clawbackes: For why, euery man feareth, that princes so befit, must either make a more filthy gaine and traffique of their offices, or else take such places and power to command, from good men, who almost alwaies haue the courtiers life (polluted with all maner of vices) in hatred and detestation. Besides that this beflowing of offices during pleasure, fauoureth somewhat of tyranny, or of a Lordlike government, rather than of a Royall Monarchy; which (so much as possible is) should by lawes, and not by the princes will and pleasure onely bee gourndered: So as many a Lordly Monarchie, where the subiects being naturall slaves adote, and feare their foueraigne prince, as a god come downe from heauen, accounting his commands as the lawes of nature it selfe. Whereas in a Royall Monarchy, where the subiects are as children, it is needfull to rule and governe all things by law, as much as possible may be, for otherwise if the king faile without cause exclude some one more than some other from some office or preferment, he that should bee so excluded should hold himselfe injured, and so rest discontented with his prince; who ought rather to be beloved than feared of his subiects; which to bee, he ought to take away all occasion of discontentment that men might haue against him; and better meanes is there none, than to leave all that may be to the disposition of the lawes and customes, no man so hauing just cause to complaine of the prince.

The learned Budens who was of opinion that it were best to haue the magistrats and offices still changeable, without having regard vnto the law made by Leveis the xi. hath holden, That in auntient time the Presidents and counsellors of the parliament of Paris were but annuall: and that the solemne oath which they still take the 12. day of noevember, and the letters patents which they still are to haue from the king for the opening of the Parliament, show sufficiently that their offices were not perpetuell, but still at the pleasure of the prince to bee reuoked, and so to bee by them holden, but by suffrance;
A sufferance: and so by these reasons drew many to be of the same opinion with him, who had they but turned over the records of the court, and of the chamber of accounts, they should have found that that Parliament which before was ambulatory & moveable, and which had no power but by commission, was by Philip the long ordained to be an ordinary Court, with ordinarie power, circuite, and jurisdiction; in the erection whereof was expressed that it should still have therein one or two Presidents, of whom the first was the Earle of Wurtzburg the kings nie kindman; as in like sort the President in the Imperial chamber, is always one of the princes of the Empire. And so for a long time also the President of the court of Paris was still a martiall man and not a gowne man as he now is; and even yet at this present the Great Prætor of the court of Paris, whom we call the chief President, is still honored with the quality and title of a martiall man, as of a knight, or as the Latins call it Miles, or a foildiour, although he never drew sword; which title the other judges of that court have not, who then were but three score, but now are an hundred and fiftie. Whereby it is plaine the court of Paris so founded to have an ordinarie and perpetuall power, neither to have need of the Princes annuall retcripts, or letters patents for the deciding and determining of controverties. Howbeit that king Henry the second comming into the Parliament for the publishing of certaine Edicts and laws, which in that court could hardly find passage (having it put into his mouth by certaine flatterers) said openly, That the Parliament had at all no power, if it pleased not him by sending of his letters. Patents euer yeare to give opening vnto the same; which his speech astonished many. But certaine it is that the letters patents which are sent to this end, and the annual oath which the Presidents and Counselors take, is but a matter of formalitie and cultome, necessarie at such time as the parliaments were not holden but by commission: But afterwards that they were erected into the forme of ordinarie courts, such auncient solemnities are no more necessarie: for why the annuall Magistrats are to take an annuall oath; whereas they which are perpetuall Magistrats are to take it but once for all, without any needlesse repetition of the same. So the continuall Roman Magistrats euer yeare tooke their oath, for that their power was but annual; whereas the Senators tooke it but once for all, for that their dignitie was perpetuall and during the whole time of their liues. The same might be laid of the forme of the commissions and decrees of that court, conceived vnder the name and feale of the king, and namely of the letters misfite of the court: which although they bee conceived in the name of the court, are yet neuertheless sealed with the little royall seale with the flowredeluce: howbeit that all the other magistrats, enschals, bailies, provosts, and governors of countries, having power of ordinarie command or by commision, direct the same vnder their owne names, and their owne feales; which is yet retained of the auncient forme, euer since that the parliament was but the kings priuie council, which counsell for that it had no ordinarie power, did nothing of it selfe, and the commissions are alwayes granted in the name of the king, as having the onely power to command in his counsell, as we have before shewed. Which forme hath bene euer since followed in the erection of other parliaments, euer vnto the court of Aides, who give out all their commissions, vnder the kings name: which hath mowed some to say, That the parliaments haue nothing but an extraordinarie power by way of commissi on only. Howbeit that it sufficiently appeareth by that which is by vs before said, them to have an ordinarie and perpetuall power, which they still hold the king being dead: Which if it were but a power holden vpou sufferance, (as some would haue it) it should then together with the death of the king take end, as all other powers and commissions eile doe. But these courts and the ordinarie magistrats thereof, the king being
being dead neither change their attire, not wear any mourning garments, or other figures of sorrow: yea that more is, the first confirmations of the new king are always granted unto the Courts of Parliament; as hath beene always vfed since the time of

Luwes the eleventh, in such sort as that their power is not onely ordinarie, but perpetuall also, not only in the whole bodies of themselves, but even in every one of the members, officers, and ministers of the said Courts of Parliament.

And yet for all that is not the manner of those Princes to be discommended, who vnto their Officers and Magistrates give their power but by sufferance, which they (if cause be) at their pleasure againe take from them, as the kings of England have vfed to doe. For albeit that the ancient and moderne Commonweales, especially the Populur and Aristocratie (more straitly bound vnto the lawes than are Monarchies) have their Magistrates and officers for the most part annuall, and that none of them was againe displaced, without just cause why; yet so it was for all that, that the people sometimes revokd their former choice made, and placed some others whom they knew to be more fit for the charge they were to undertake: as it did in establishing the Dictators and others their Captaines and Gouernors, revoking sometimes (as I say) even their ordinarie magistrates; as it did Ofeaciium the Consul, who at the request of Fabius Maximus was remoued from his charge, as a man not sufficient for the mame of great and daungerous a warre as the State had then in hand: Neither had they for the remouing of their magistrats, regard onely if he had in any thing unspared, and so deferred to be remoued; but even vnto the insufficiencie of him also, whether it were knowne or unknowne when they received him into the Estate, or that it were befallen him afterwards; deeming also weakness, or age, madnesse, or other like diseases, such as let and hinder mens reasonable actions, to be sufficient also to displace them from their offices. And namely Lucius Torquatus choosen the third time Consul excused himselfe before the people for the infirmite of his eyes saying, That it was not reason to put the gouernement of the Commonweale into his hands, who could not see but by other mens eyes. But O how many are there of the blind, deafe, and dumb, not having in themselves any light of nature, neither wisdome, nor experience so much as to gouerne themselves, who are not yet content to guide the fayles and tacles, but desire also to lay hands even upon the verie helme also of the Commonweale?

Now that which we have said concerning the meanes that ought to be kept in the channge and continuance of Magistrats and Officers, hath not onely place in royall Monarchies, but even in Popular and Aristocratie estates also, where the officers almost all, or for the most part, ought to be euery yeare, or from two yeares to two yeares still mutable: as they do among the Swiflers, and dulder other Commonweales. Yet neuertheless for the prefantion of the same, there must still be some estates in the Commonweale perpetuall: as namely those whose experience and wisdome is always necessarie for the stey of the reft, such as be the Councillors of estate: And this is it, for which the Senat in Rome, in Athens, and in Lacedemonia, was still perpetuall. And why, the Senators still during their lives held their charge and places: for as the hookes and hinges whereupon great burdens rest, must of themselues be strong and vnmoveable; euue to the Senat of the Areopagi, and of other Commonweales also, were as most strong and sure hinges, whereupon as well all the mutable officers as the whole weight of the Estate and Commonweale rested & reposed themselues. The contrarie whereof is to be done in Monarchies, wherein the greater part, and almost all the estates ought to be perpetuall, except some few of the chief and principall: as they doe in the kindome of Spayne, where they well know how to keepe
keeps this mediocrity or mean proper unto the royall estate. And so for the fame cause the Venetians which have an Aristocraticke estate, make their officers every yeare chaungable, and some of them from two moneths to two moneths; and yet nevertheless have their Duke, the Procurators of S. Marke, the Chauncelour, and soure Secretaries for the Estate, perpetuall; which the Florentines ordained in their Estate also (after that they were by Lawes the xxii. delieted from the most cruell tyrannic of Countie Valentinus Borgis) taking order that their Duke should from that time forward be perpetuall, to the end that the Commonweale before in perpetuall motion and chaunge of all their estates and offices, might yet have some thing firm and stable whereupon to rest and stay it selfe; which good order being in short time after by the most turbulent Florentines abolished, they fell againe into greater tumuls and cuill warres then euer they were in before: whereas if they had had but a perpetuall Senate at the least, and the Senator continued in their charge, (who from six moneths to six moneths were still chaunged and rechaunged) and had but kept a certaine meane butwixt these two extremities, of generall chaunge, and still continuing of all their offices, their estate had bee much the more assured; neither had their Commonweale beece still so tossed and turmoiled with so many and so great furges of sedition, and tempells of cuill warres. But these things thus by vs declared, let vs now see alfo whether in a wife and well ordered Commonweale it be good that the Magistrates should be all at vnitie, and of one accord among themselves or not?

Chap. V.

Whether the vnitie and concord of Magistrates amongst themselves bee good and wholesome for the Commonweale, or not?

His question, viz. Whether it be good that the magistrates and officers of a Commonweale should be of accord, or els at discord and variance among themselves? may perhaps seeme altogether needlesse and vaine. For who euer doubted but that it was alwaies expedient, yea and necessarie too, that the Magistrates in euery Commonweale should be of one and the same mind? to the end that they all together might with one content and heart embrace and fekke after the publike good: And if so be (as wise men haue alwaies thought) that a well ordered Commonweale ought to resemble a mans bodie, wherein all the members are united and conioyned with a marvellous bond, euery one of them doing their office and dutie; and yet nevertheless when need is, one of them still aideth another, one of them releueth another; and fo all together strenthen themselues, to maintaine the health, beautie, and welfare of the whole bodie: but if it should happen them to enter into hatred one of them against another; and that the one hand should cut the other, or the right foot topple the left, and that the fingers should fcape out the eyes, and so euery member should draw vnito it selfe the nourishment of the other next vnito it; it must needs fall out, that the bodie in the end must become maimed, lame, and impotent, in all the actions thereof: euem so in like manner may a man decerne of the estate of a Commonweale, the honour and welfare whereof dependeth of the muntall loue and good will of the subjectes among themselves, as also toward their soueraigne prince. Which sweet vnitie and agreement how is it to be hoped for, if the magistrates which are the principall subjectes, and such as ought by their example to bind together the rest, be at variance and discord among themselves? But euem to the contrarie the subjectes shall become partakers of the factions of the magistrates, they first nourishing secret grudges, and afterward open...
contrary reasons to show that it is good for the Commonwealth, that magistrates should be at discord and variance among themselves.

But now they which more subtilly reason of these matters, deeme to the contrarie, the health, and welfare of the Commonwealth to be best preferred and kept by the discord of the magistrates. For why (say they) the force and nature of vertue is such, as that it cannot be contrary vnto vertue; neither that good men, although they bee at neuer so great oddes, can yet be enemies among themselves: but being provoked by the injuries of the wicked their adversaries, do still well the more and more encreafe and flouri: neither is the valour of worthy men any where more evident and manifest, than when they without bittetnesse contend among themselves; and so prickt forward with an honest ambition, and enflamed with the heat of men like vnto themeselves, as with a fire, are by the emulation of their competitors invited to take in hand great matters, and so still to overcome their enemies in well doing. So when Taxilas king of the Indians had by his ambasadores freely and without refiilance offered his kingdome vnto Alexander the Great, (then bearing downe all the kingdomes of the Easte before him) if to be he wanted wealth; and withall refused not to receive wealth also at his hands, if hee had of it too much: Alexander glad of such a match, laid vnto him, If we must thus contend and combat together, it shall never be said, that you shall take this point of honour from me, as to be accounted more magnificent, more courteous, or more royall, than my selfe: and so gaue vnto him another great kingdome, with an infinit maffe of treasur. In like manner Tullus Hostilius king of the Romans, laid vnto Metius Scaevus Dictator of the Albanians, the ciuill disords which thou obiectest vnto vs, wee deem them as profitable to our cityes, for we strive together, whether of us shall better or more earnestly fight for the good of the Commonwealth.

Now if contention and emulation be thus good and profitable amongst valiant & good citizens, and wholesome for Commonweales, how much more then ought it to be thought necessarie for most base and abiemt men, for the stirring of them up to vertue,
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But as and for the mutual hatred and accusations shall openly detect and lay open unto the world, their own filthiness, their foul extortions and robberies, as the sleepers are never more afflicted, than when the wolves devour one another; as it happened thus Philip Commissary in England, which, while the great lords flew or condemned one another, the poore people in the meane while remained safe from their invasions. Which was the wife councell of Cincinnatus, seeing the Consul Appius openly to withstand the people to hinder them for the doubling the number of their Tribunes; Let be (said Cincinnatus) for the moe they shall be, the worse they will agree. And right needful oftentimes it was the power of the Tribunes to bee broken and weakned by their owne diuision, when as by the opposition of any one of them, all the proceedings of the rest were so hindered and stayed: And truly Cincinnatus therein said wisely, for so the Commonweale stood and flourished, the Tribunes oftentimes being at discorde and variance amongst themselves, which (they being at enmity and concord) would have in a moment fallen: and so long it well stood until that Pub. Clodius a most wicked man, about foure hundred yeares after presented a request unto the people, which passed into the force of a law, whereby it was ordained, That from thenceforth the opposition of one of the Tribunes should not hinder the proceeding of the rest of his fellow Tribunes. And therefore Cato the Censor, the beautie of the Romanes wisedomme (and one to whom was given the chiefe pratyce for wise doome and vertue amongst the Romanes) could neither endure the agreement of his servants in his familie, nor of the Magistrats in the Commonweale, but (lyb. 6.) they fell to one another, that fo the wicked and offenders might with their accusations as with mutual wounds fall, and the good to gaine prайте. For why, he thought it a thing almost impossible in so great an accord of flates and of magistrats, but that the one of them should make spoil of the Commonweale, and the other of his priuate substance, especially being in hope to escape unpunished, and out of fear for being accused. And therefore doubted not of times to accuse offenders, hee himselfe being also fortie times by others accused: howbeit that he still bearing himselfe ypon the integritie of his forespassed life, and the commendable things by him done, eazyly avoided all the flanders by his aduertaries against him fully furnished. Neither was that Commonweale euer after fuller of good and valiant citizens, than it was in his time. Yea the Senat of Rome alloted a great summe of money to Mar. Bibulus to buy his Consulship, and the voyces of the people, to the intent to oppose him against Caesar his knowne enemy; who had cunningly set vp Lucius his friend (whome the Senat would have had excluded) that to hee might doe all things as he thought good, his friend and fellow in office agreeing thereunto. And not to go farther, we have herefore the witnesse of Julius Caesar, who in his Commentaries saith, The Gaules to have had a most astuent custome amongst them, to slay vp their great lords one of them against another, to the intent that the common people
people (which were as he reporteth but flaues) might so bee safe and free from their outages and robberies. For so one of them opposing himselfe against another, and euill controlled by the good, and the wicked by themselfes; there should be no doubt but that the Commonweale should so be in much more saufetie and assurance, than if they were of one accord among themselfes. Whereby it is to be understood, the discord of princes and magistrats to have always bene vnto Commonweals wholeform : as the meanes whereby the wicked (as we said) may by the vertue of the good, or their owne mutuall accusations be weakened. Which seemed a thing profitable not onely vnto the Romans, and our auncestours, but euens vnto Lycurgus the wife law gifter alfo, who therefore himselfe set dissention betwixt the two kings of Lacedemoma, and appointed alfo, That there should always two enemies be sent embassador for the state; so the intent they should not by their mutuall consent and good agreement betray the Commonweale: but that being at variance, they might still one of them bee controlled by the other. As for that which is said, the parts of mans bodie which represent a well ordered Commonweale, to bee newer at discord among themselfes, is quite contrary; for were not the humors of mans bodie much contrary, a man should quickly perish: the prefervation thereof dependeth of the contrarietie of hoat & cold, of moisture and drought, of bitter choller to sweet flegme, of beaftly desires to divine reason: as also the prefervation of the whole world next vnto God dependeth of the contrarietie, which is in the whole and euery part thereof. Even so the magistrats in a Commonweale ought in some fort to be at difference among themselfes, albeit that they otherwife be right good men, for that trueth, the publike good, and that which is honest, best discovereth it selfe by that which is thereunto contrary: and is still to bee found in the middeft betwixt two extremes. And it seemseth that the Romans had this principall end before their eyes, ordinarily making choyce of their magistrats that were to bee placed in the fame charge, still enemies one of them vnto another; or at leastwise of quite contrarietie humors and dispositions, as is in all their histories to be seene. As when the Senat foresaw that Claudius Nero should carry away the Confulpship, an hoat and fluttering man, and withal a most valiant and courageous captain to oppose against Hannibal: the Senat (I say) procured to have ioyned vnto him for his companion or fellow in office Lucius Salinator an old captain, and a man of great experience, but yet as cold and faid, as was the other hoat and terrible, and yet fit to heat the old age of Lucius, now a little too cold for the warres: who so ioyned and united together, gained a most notable victorie against Hannibal, which was the ruine of the Carthaginians, and the prefervation of the Roman estate. These two men also afterwards were by the people made Cenzors together; who still at discord, noted one of them another of infamie, a thing never before seene: and yet they thus still at variance, were in all mens judgements two of the most famous and vertuous men that then were in Rome. With like wisedome the Romans ioyned together Fabius Maximus, and Marcus Marcellus, in their warres against Hannibal, both of them right great and most expert captains, but the one of them being a cold, and the other an exceeding hoat man; the one alway still desirous of battell, and the other still seeking for delay; the one called the Roman Sword, and the other the Bucklet; the one a fierce warrier, and the other a long lingerer: by which contrarie humors of these two fo great personages the estare was not onely preferred from ruine and destruction, which must needs otherwise undoubtedly have ensued, but farre and wide enlarged also. If then the emulation and discord of the most vertuous magistrats be so profitable vnto a Commonweale, what then is to bee hoped for, when the good magistrats shall oppose themselfes against the wicked?
And these reasons may on both sides seeme probable, but what in truth is to be resolued upon, is not so easie to judge which to do, not onely the quality of the magistrats themselfes, but the divers forms of Commonweales, is to bee also considered. And yet I suppose, that in euerie kind of Commonweale it is good that the inferiour magistrats and officers, being under the power and authoritie of the greater, should still be at variance and discord among themselfes, and that more in a Popular estate than in any other: For that the people having none but the magistrats to governe them, is most easie to be pilled and pouled, if the magistrats bee not one of them by another controlled. And in a Monarchie it is expedient also, that even the greatest magistrats should sometime be at oddes, considering that there is a souetaine prince to chaflifie and correct them; so that hee bee not mad, forious, or a child, or one otherwise subject unto another mans power. But in a Aristocratie or Popular Commonweale it is most dangerous, that the great magistrats should bee at discord among themselfes, and that especially if they bee not good men, who never have any such contention or debate amongst them, as may hurt the estate or Commonweale: but such as was the honourable difference betwixt Scipio Africamus, the elder, and Fabius Maximus: betwixt Scipio the younger, and Cato; betwixt Livius and his companion Nero; or the contention of Lepidus with Fulvius, of Marcus Scaurus with Catulus; or of Themisokles with Aristides: whole notable contention for vettues sake was always vnto the Commonweale wholesome. But if the greatest magistrats in a Popular estate bee ciuill and wicked men, or that their ambition be founded vpon an euill ground, it is then daungerous leasest that their dissensions bee cause of ciuill warres: as it happened betwixt Marius and Sylla, betwixt Caesar and Pompey, Annugas and Marke Anthonie, Themisokles and Pericles. And yet much more dangerous such contentions are in an Aristocracie, than in a Popular Commonweale: For that the gouernours, which are alwaies the fewest in number in an Aristocratie estate, and yet command the rest, haue still to doe with the people: who vpon the first occasion take vp armes against their lords, if they once enter into quarrels. For a few lords in an Aristocratie are easily drawne into two parts, by the great magistrats, who if they fall into fedition among themselves, as alfo with the people, it cannot otherwise bee, but that the change of the estate must thereof needs ensue; the leaders of the factions oppressing their enemies: or else the gouernment of the estate falling wholly into one mans hands, which is not so much to bee feared in a Monarchie, whereas the souetaine prince vnder his power keepest all the magistrats in awe.

But in euerie Commonweale it is expedient and necessarie, that the number of the souetaine magistrats, or of them which come nexte vnto the souetaine, should still be odd, to the end that the different amongst them might still be compos'd by the greater part or number of them; and that the publick actions be not by the equalitie of them hindered or letted. And that is it for which the Cantons of Vene, Vnderwalde, Zugi, and Glarais (which of all others are most Popular) haue beene glad to make in euerie one of them three souetaine magistrats, whom they call Amans, & not two, for that the third may easily reconcile two being at variance betwixt themselves; in stead whereof they of Schwitz have fourte, as they of Geneva have also their fourte Sindiques, and they of Berne, Lucerne, Friburg, and Solute their two Auoyers: and Zuric, Basile, Schaffoufe, their two Bourgomasters: as some there were which thought it better to have of such great magistrats moe than foute, and yet in odd number alfo; as in ancient time the Athenians had their nine Pretors, whom they called Archontas; that so the fewer might still yeeld vnto the rest, or be in number oute come, which
cannot be where only two beare the sway, except they had alternative power to command each of them his day by turns, so as had the Carthaginensians Suffetes, and the Roman Consuls, so as we have before said. And therefore by our laws also are three appointed for the common receipt, that so the third might still reconcile the other two his companions at difference betwixt themselves, or els by joyning himselfe to one of them, make that part the greater. Which odd number of great magistrats is more necessarie in a Populat or Aristocratike estate, than in a Monarchy; and the discord and dissension of them leefe in this state to be feare than in the other. For that as almightie God the Father of the whole Fabrike of the world, and of nature, both with an admirable concert and agreement gourne this world, composed of the contrarie compositions and motions of the celestiall orbes among themselves, as also of the different natures of the flatres and elements, and of the contrarie force and power of planets and of other living creatures: even so also a king (the lining image of God himselfe the prince of all things) should of the dissimilitude of magistrats in some fort, at variance among themselves, keepe and maintaine the welfare of his subiects and people. And as in instruments, and song it selfe, which altogether out of tune, or all in the selfe same tune, the skilfull and learned eare cannot in any fort endure, is yet made a certaine well tuned discord, and agreeing harmony, of soff unlike voices and tunes, viz. of Bafes, Trebles, and Meanes, cunningly confused and mixt betwixt both: even so also of the mightie, and of the weake, of the bie, and of the low, and others of the middle degree and fort betwixt both; yea even of the vete discord of the magistrats among themselves stiffe an agreeing welfare of all, the straitest bond of state in enemie well orderd Commonweale. So Cæsar making sharpe warre vpon them of Beauuis, having in his armie two captaine deadly enemies one of them vnto the other, commanded them to turne all that their hatred vpon their enemies, who so in his venge fight with great emulation gained a notable victory over their enemies, which their dissension had gien vnto their enemies, had they not had a generall aboute them, who kept them both in awe. Which as it oftentimes happeneth, so did it also chance to Leves the twelth the French king, who gained the estates of Bulonia, and ouerthrew the Popen armie, by reason of the discord betwixt the cardinall of Pauie, and the duke of Vrbin, who through ecalousie of one of them against the other, so hindred & entangled themselves, as that they gue victorie vnto the French: into which daunger the Roman estate was like to have fallen, by the contention rifen betwixt Fabius Maximus, and Minutius the Roman generals, which had vndoubtedly gien Hannibal the victorie, and the Romans the ouerthrow, had not Fabius for the good of the Commonweale forgot his disdaine, and by his valour deliuered his tuth companion together with the Roman armie, from a most certaine and pres. destruction.

Wherefore the contentions of the greater Magistrats are most dangerous in a Populat estate or Commonweale, (where there is no other head to command them but the multitude) and especially if he sceeke how to ferue their owne proud and ambitious desiers, rather then the common good. And therefore the Roman Senat seeing Marcus Lepidus, and Q. Fabius mortall enemies chosen Censors together, went vnto them in great number to perfwade them now at length for the Commonwealhe fake to become friends, or at least wife to fuspend their enmitie, so the better to attend vnto their office, being the fairest and of greatest importance in the whole Commonweale. The like whereof we read to have beene often done by the Senat, in setting the buse Tribunes, and proud Consuls agreed, at such time as their dissension seemed to tend vnto the daunger of the State. But as it is not good that the greatest magistrats in a Populat estate should be too great enemies; so also is it not convenient that they
they should be too great friends, especially if they be not good men, and that for the reasons by vs before alleged. Which was the caufe that the younger Cato seeing Pompee, Cesar, and Crassus to straitly allied together, and that they fo coniyned, were too strong for all the rest of the people; cried out aloud the Commonweale by such combyning of the great ones to be bought and fold; foreseeing as it were out of a watch tower the formerse and tempelst thereof at hand. Yet true it is that of two extremee it is better that the great Lords and magistrats in a Popular or Aristocraticke estate should be of one accord then at discord: for that being of accord, they will alwaies like better to command others, and in some sort or other to prefetue the Estate such as it is, than together with the Commonweale, quite to ouerthrow their owne power, whereunto their discord would bring them, when they had once ginen fayles vnto the tempelt. In such sort as Livie faid of Calamus the Campanian: Improbiam hominem, fed non ad extremum perdium, qui mallet incolumi quam euerfa ps. Itz dominaturum, A wicked man (faith he) but not altogether desperate, who had rather to rule over his countrey yet standing upright, then over the fame ouerthrowne. So albeit that Mar. Tullius faid, The three-headed alliance of Cesar, Crassus, and Pompee to be a thing greatly to be feared: Yet when he faw Crassus the moderator with the Roman legions flaine in Chaldea, and Julia Cefars daughter Pompee his wife by vn timely death taken away, he cried out: Vtiam Cn. Pompei, amicitiam cum Cefare nunquam coiffe, ant nunquam demiffes, I would to god, O Pompee, (fa.id he) thou haddest either never made friendship with Cesar, or having once made it, haddest never broken it. For why their friendship much diminished the Popular power, but their enimie altogether ruinated the fame; one of them being in no wise able to endure his equal, nor the other his superior, vnill that fo by cuill warre the state was quite at length ouerthrowne, and Cesar become mafter of all. And as for that which Cesar writeth, our auncetfours the antient Gauls to have thought the diſfection of their princes and great gouernors to have bene profitable vnto their estates, I can hardly be perfwaded therein: when as by the report even of Cesar himselfe, the diſfection of the princes and of the estates of Francse,(then for the most part gouvener by Aristocrats) vrought their owne deftruction: some of them praying aile of the Germans, and some of them of the Romans, being long a prey both to the one and to the other, and in the end vnto the Romans alone as the onely conquerors. Neither is it true the mutual slaughters of the Nobilitie of England to have bene commodious and profitable vnto the comminatical and inferiour fort, as Philip Comines writeth; yeare at a such time as I was Embaffadour in England, I understand by some of the inhabitantts there, them to teare nothing more then the factions of the Nobilitie and their cuill discord: for the better appealing and representing whereof they have ofteentimes vied to assemble the high court of Parliament, whereunto all the States are assembeld. And thus we have declared in what sort the Magiftrats ought to behaue them felves towards their Prince, as also how they ought to beare them felves one of them towards an other, as also towards other private men; and whether they ought to be at vnite among them felves or not. Now it remaineth for vs briefely to flow also, how the Prince ought to behaue him felle towards his subiects; and whither it be expedient that he should himfelfe judge them, or be him felle correctant among them.

Vu iiiij

CHAP.
Whereas it be convenient or expedient for the Maiestie of a soueraigne Prince to judge his subiects him selfe, or to be much conversant with them.

It may seeme vnto some that this question not before reasoned of, hath not in it any doubt, and that it is not needfull for vs further to enter there into ; confidering that all the auintent and wise polititans are of accord, that kings were neuer for other thing establisht than for the administration of justice, as faith Herodotus speaking of the Medes; and Cicero likewise of the Romans; as also we read that the first kings of Grecce, Aeacus, Minos, and Radamanthus had no title more honorable then the title of Judges; who for they with great equity administered justice, are by the Poets reported to have obeyed of Jupiter an euetalltng power & office for judging of the goffts in hel. And albeit that Homer calleth princes the pastours, or feeders of the people. Yet so it is that the title of Judges hath long time after him continued in the person of the princes of Athens, who had the soueraigne government for ten yeares. And not onely the princes of the Medes, the Greeks, and Latins, but even the Generals also, who were as soueraignes amongst the Hebrewes, had no other title then the title of Judges: And at such time as they demanded of Samuel (now weareid with age) a king, they ioyned thereunto, that he might judge them, as other kings did their people: Which sheweth sufficiently that the principal charge which they had, was to doe justice themselves in person. And the principal reason that might move the princes themselves to judge the subiects, is the mutuall obligation which is betwixt the Prince and his subiects: For as the subiect oweth vnto his lord all dutie, aide, & obedience; so the Prince also oweth vnto his subiects justice, guard, & protection: so that the subiects are no more bound to obey the prince, than is the prince to administer vnto them justice. Neither is it sufficient to have it done by an other man, as by the Magistrats at the Princyes command, seeing that the subiects being commanded to yield their faith and obedience vnto the prince, cannot do it by their Deputies, but onely by themselves in person; and that this obligation betwixt the Prince and the subiect is reciprocall. Howbeit that it is leffe inconvenient that the vsall should give his faith and homage vnto his Lord by his deputie, than the Lord to do him justice by his officer, for that the obedience of the subiect in this case cannot be called in doubt: whereas the subiect hath no warrant that the magistrat or officer shall not suffice himselfe to be by bribes corrupted, which the Prince will not do, who is therefore still unseverable before God, vnto whom he cannot say that he hath with charged the conscience of his Judges, his owne thereby being not discharged. Besides that it much and notably concerneth Commonweales, that they which hold the soueraignty should themselves doe justice: that is to wit, the union and amitie of the Princes with the subiects, which cannot better be nourished and maintained then by the communion of one of them with the other, which is lost, and brought to nought, when the Princes do nothing but by their magistrats and officers: For so it seemeth vnto the subiects that their princes dislaigne and contemne them, a thing vnto them more grievous then if the prince should him selfe doe them wrong; and so much the more heauy, as a consumelce or disgrace is more hardly to be borne, then is a simple wrong or injurie. Whereas to the contrary when the subiects see their Prince to present him selfe in person vnto them to doe them justice, they go away halfe contented, albeit that they have not that which they desired, or at leaft wise they will say, The king hath scene our request, he hath heard our difference, he hath taken the paines to judge our cause. And if so be that the subiects
iacets be by their king seene, heard, or understood, it is almost incredible, how much they are raished with contentment and pleasure, if the prince be neuer so little vertuous, or have any other commendable qualitie in him. Besides that there is no greater meane to gue authoritie vnto his Magistrates and officers, and to cause justice it selfe to be both feared and revered, than to see the king him selfe sitting in his regall throne to do his subjects justice. Moreover the Magistrates oftentimes doe wrong and injure vnto the subiects by standing vpon the nice claues, words, and sillables of the law, which they darte not pass, as being bound and subject thereunto. And in case that they make any conscience to judge according to the strictnesse of the law, they must yet first send their reasons vnto the Prince, and attend his answer, and exposition of his Edicts and lawes made according vnto the opinion and aduice of his other officers, who will often times fee the sutes putles bothom; in such sort as that many sutes liue longer than the partie and sutes them selues, yea and some times are for euer suspended. Whereas if the Prince him selfe in perfon shall vouchsafe to judge the matter, he which is the living law, and above all ciuill lawes, being accompanied with his Counsell shall doe both good and speedie justice, as having respect vnto the vertie ground and equitie of the matter, without farther standing vpon titles and formalitie. By this means also fo many oppositions, appeals, ciuill requests, removing of caules, infinite decrees, one of them vpon an other, which make sutes immortal, should cease, and justice without stay or let take course, no appeal being to be made from the Prince. Joynig hereunto also that the Commonweale should so be relieved of the great charges and wages which it alloweth vnto Judges, and of their particular fees which are about measure heauie; besides the bribes and presents which must be gien, which often times passe the ordinary fees, in such sort as that the subiects in stead of having good and speedie justice (which the Prince oweth them) are constrained to pay for it as for the most precious thing in the world: howbeit that oftentimes it happeneth, that the merchant is well paid, and yet the marchandish by him deliueterd is right little or nothing worth. And yet there is another verie considerable point also: which is, That the partie contending are sometimes great and honourable, as that they would rather answere before many judges, in fudicr for their vnworthinesse, iniquitie, or other like qualitie, whereby it oftentimes commeth to passe, that they end their suits and differences by combats and dynt of sword; whereas the Prince in presence might euen with the twinkling of his eye set them agreed. And were it that no other greater profit were thereby to come vnto the Commonweale, then that the prince by vfe and exercitie of judgement should have the force of right and justice throughly engraven in his mind: what greater or better thing could there bee wifhied of almightie God eithet for the prince or for the subiects, than that hee might most curiously and feriously learnne daily to adminiseter justice? The knowledge of other artes and sciences, which is it selfe a thing most royall, and so most proper vnto kings. For as for the knowledge of armes, and of martiall affairs, it is well fitting a Prince against his enemies, whereas justice is most necessarie for him at all times, and in all places, whether it be in peace or warre.

But not to rest altogether vpon reason and arguments, we will also vide the examples herein of the most wise and noble princes. What man was there amongst men to be in wisedome compared with Salomon? And yet we read, That the onely prayer that he made vnto God, was to obtaine wisedome wherewith rightly to judge his people, which his prayer was so acceptable vnto God, as that he seemed therefore most plentifully, and to the great worlds wonder, to have powerd vpon him all the treasures both of wisedome and of knowledge; that so all men might understand God not one-

**Examples of great Princes, who themselves in person semel, vnto their subiects.**
ly to have inspired him with wildorne, but also that the office of right judgement was
even by God himselfe guen vnto kings; who was also for experience in great affaires:
and politike wisedome like vnto the Great Augustus: And yet neuertheless we read
that he without ceasing was still busied in the administration of iustice, insomuch that
even when he was sicke, he caused himselfe to bee carried in his horse litter to doe iustice.
Howbeit that that was the ordinarie vacant time of the Roman emperors, who
for the administration of iustice were commended above all the princes of the world,
even so faire, as that a poore old woman to whom the Great emperour Adrian refused
to aunswere her preferring vnto him a tequest, excusing himself. That he was not then
at leaue, that he no longer then (said the) but discharges thee of thy charge thou bearest.
Wherunto the emperor hauing not what to answere, preffently said & did her iustice.
Now then if so great a prince (whose empire was bounded with the same bounds
that the course of the sunne was, and troubled with so great affaires) acknowledged the
bond, To doe his subiects iustice; what ought they then to doe which hold but the
scantlings of that great empire? Ought not the iustice of one of them to enforce himselfe
in his owne person, and to study with all his power, how to impoy himselfe for the
doing of iustice? Considering that (as Plinie the younger faith) there is no more noble Phi-
losophie, than to encreat of the publike affaires, and to doe iustice, putting in practice
that which the Philosophers haue taught.

Now if the knowledge of that which is right, and the administration of iustice, bring
so many & so great profits vnto princes; how much greater shal the fame then be, if they
shall by themselves handle but those things onely which are proper vnto their soue-
raignite? For as for the rest of the ciuil affaires, a prince may well commit them vnto
the magistrates: but the rights of soueraignitie, and the deciding of them, hee can in no
wise put off, but together with the soueraignitie it self. Surely they are very blind, deafe,
and dumbe, which neuer but by other mens eyes see, and by other mens ears heare, and
by another mans tongue, and that oftentimes a strange tongue also, speake and talke
of such things as are theirs, and most proper vnto themselves Now wee haue before
shewed also, not by the examples of strange nations onely, but even by the examples
of our ancent courts also, the idle slothfullyneffe of kings, who committed the manag-
ing of all their affaires vnto their domesticall servants, to have thereby both them-
selves and their posteritie vnto destruction.

These arguments and reasons thus by vs before alledged, make a faire show vnto
them who sufficiently understand not, nor by experience know not, the secrets of soue-
raignitie, and hidden knowledge for the maintaining of maistrie: But vnto me looking
neter into the matter, they are not sufficient to refolue this question, nor to maintaine,
That a prince ought in person himselfe to administer iustice: Yea vnto mee it seemeth
not onely not necessarie, but not profitable vnto the subiects, the prince himselfe to bee
vnto them the minister of iustice. True it is, that for them so to doe, it should bee not
onely profitable, but even necessarie also, if the princes were themselves such as Sct-
 laxesigned vnto himselfe the kings of the Indians to bee; that is to say, so much better
than their subiects, as the gods are aboue men. For what can bee more glorious or
more royall, than to see a prince by himselfe in the open sight of the people with great
integritie and vprighteneffe judge and decide causies, to give rewards vnto such as have
well deferved of the Commonweale, and to inflict punishment upon the wicked and
offenders. For he must needs be a good and wise man himselfe, which is not de-light-
ed but in the companie of good and wise men: and he must needs excell in integritie
and iustice, who himselfe with great equteie administrath iustice. But shal we therefore
say, that vittious princes ought to thrust themselves into the sight, and so to communi-
A cat their vices vnto their subiects; the leaft vice in a prince being like vnto a canker in a faire face: and so to doe, what were it els, than in the sight of the people to set vp an example of vice, to lead men, to draw them, yea & even to enforce them to be naught? For there is nothing more naturall, than for the subiects to conforme themselves vnto the manners, vnto the doings and sayings of their prince; there being neither gesture, action, nor countenance in him, be it good or bad, which is not marked, or counterfaited by them which see him, hauing their eyes, their fences, and all their spirits, wholly bent to the imitation of him. So that Plutarch well called the princes life a Perpetual Commission, whereunto we still direct and conforme our selves. And this is a doctrine from most auncient antiquitie deliuetered vnto all posteritie, first by the mailler of wisdome himselfe, and after by Plato, Cicero, Livie, and Cassiodore, repeated as an infallible rule, That such as the prince of a Commonweale is, such will the people also be. Yea Theodoric king of the Gothes, writing vnto the Senat of Rome, pailth further, vsing these words, Facilis est errare naturam, quam dissimilem sui princeps posit Rempublicam formare. An easier thing it is (said he) for nature to change her course, than for a prince to frame a Commonweale unlike vnto himselfe. And though examples need not: in so plain a matter, yet we have seene king Francis the first, in this realme, and Mansor, surnamed the Great,empletour of Affrike and Spaine, who both in two diuers times, and in diuers places, began to have learning and learned men in estimation; when suddenley the princes, the nobilitie, the cleargie, yea euens the souldiers and artificers, with all the people in generall, gave themselves so to learning, as that there was never found to great a number of learned men in all languages, and in all sciences, as in their time. Seeing therefore that the princes example is of so great force and power for the conforming and changing of his subiects manners, either to good or bad; great heed is to bee taken, that the prince, except he be by nature well, and by education better framed and instructed, come not much abroad for the people to behold and imitate: but if he be euill & wicked, then by all means to be as a popular and common plague kept out of the sight of his subiects. Yet haply some man may say, That an euill prince shou'd not therefore abstaine or withdraw himselfe from publike affaires, or from the judgement place or Senat; for that no man was so bad, but that he hath in him some vertues or commendable qualitie; or which cannot at leastwise dissemele some of his vices: of which his verties & vices, his subiects may make change, in such fort as that they may easily decline the one, and embrace the other. But in mine opinion and judgement, they will rather imitate his vices, than his vertues: and so much the rather, by how much the corrupt natur of man is more prone and enclined vnto vice than vnto vertue; as also for that there is but one most strait way which leadeth vnto vertue, whereas on both sides there are innumerable crooked by-ways and turnings vnto vice, whereas to they may more easily fall, than into the straight and right way of vertue. In Alexander the Great were many moft rare and heroicall vertues, yet so it was, that he greatly blemished the beautie of them, as also of his other noble acts, by an euill custome that hee had to bee Drunkene; wherein he tooke such delight, as that hee propounded a talent as a prize vnto him which could drinke moft: in which beastly contention and strife together with him which had gained the prize burnt and perfficted: hee himselfe most looking on, Mithridates also king of Amasia, imitating of Alexander the Great herein, surprisal him, that having fet vp a prize for him that could eat and drinke moft, hee (as Plutarch faith) gained the foule victorie in both (if to bee overcome of intemperate and exccesse be to be accounted at all a victorie.) But to counterfeit vertues, or to dissemele vices, as it hath alwayes seemed a moft hard thing vnto all men, so hath it especially vnto princes, for that they of all others haue leaft learned to command their desires,
Princes of all orders must be so wise, as well as so just, to counteract the vices of the court, and to diffuse their virtues.

The heeire the Great, and king of Persia, was accustomed to tell of the witcoidm, vettue, and learning of the man, but that in a moment all minstrels, players, drunkards, bauds, harlots, and such like, were quite vanished out of the princes sight, and the court suddenly changed, as if it had been from heaven inspired. But for that Dionysius had but changed his countenance, and not his mind, and call out the allurements of pleasures, but not pleasures themselves; hee could not long dissemble his vices, either yet endure Plato, who was no sooner gone out of the court, and disembarked out of Sicily, but that the prince forthwith returned unto his wounded vices, by him before for a while forborne, but not quite forsoaken: at which very instant minstrels, dancers, harlots, bauds, and such other vermin of the court, which had before beene duen out were againe recalled. So much power the prince hath at his pleasure to change and turne the harts of his subiects, but always rather unto vices and vanities than unto vertues. But I doe more willingly remember our own domestical examples than others; king Francis the elder, for the healing of a wound he had received in his head, caueth his head to be polled, when suddenly after all his household seruants, all the princes, all the nobilitie, the magistrats, the artificers, and people of all sorts in general, caueth their heads to be from that time forward polled also; inso much that if any did from therefore vse the old fashion, and account it an indecent thing to be polled, he was therefore of all men devided: whereas before from the beginning of this kingdom, it had always bene the marke of the kings, neither was it lawfull for any but for the nobilitie and Senators, to weare long haire: all the rest of the meaner sort being before compelled to poll themselves as slaves, until that Peter Lombard bishop of Paris (for the power and authoritie which bishops then had above kings) obtained That it might be lawful for the common people to weare long haire also. True it is, that the flatterers of princes help much to conforme the maners and fashions of the people vnto thole of the princes, they still rather counterfeiting than imitating even the vices and defects of the prince, whom he if they see laugh, they laugh also, although they know no cause why; if he be lamente, they hale downe right also. Alexander the Great, and Alphonse king of Aragon, seeing both wrie necked, the one by nature, and the other by curteze, the courtly curtesy to counterfeit that their deformatie, held their neckes also avry; as the Courtier, and Perfecion in the life of Pericles writeth. Seeing therefore the nature of man is inclined to follow the vice of the prince, were it not even to vndeue a people, and to ruinat an estate, to thrust full into the sight of the people a prince euill brought vp; and a portrair of vices for them to imitate? And yet it is more dangerous for that for one vice which the prince hath, oftimes those of his traine have an hundred, who euery where they passe, may alter & marre the good disposition of the people; or like warmes of flies & caterpilhrs, who having deuouted the leaues, and fruit, do also leaue their spame behind them, able to infect the fields and trees be they never so cleane and fruitfull.

But luppofe we the prince not to be vittious (a rare gift, and by the goodness of God given vnto men, when as in euery age a tolerable prince is scarcely to bee found) but to bee of great vertue and perfection, ye2 euyn a man without fault (howbeit that there is a great space betwixt them which are endued with vertues, and them which are without vices) yet is it almost a thing imposible, but that some thing shall at one time or other fall from him, which we noted may feeme vnto the people foolish or ridiculous: wherein much is derogated from the reputation and dignitie which the subiects ought to haue of him. But let vs luppofe that also, him to be neither a man euill gien, nor foolish,
Of a Commonweal.

A foolifh; neither yet so to seeme, but to be a man endued with great vertues, and of good education; yet so it is that too ordinarie conuersation, and too great familiaritie of the subiects with the prince, much diminueth his maieftie, and withall engendrith a certaine contempt of him: of which contempt proceedeth the diſobedience of the subiects vnto him and his commandes, to the ruine of the whole eſtate. And now againe to the contrarie, if the prince to maintain his maieftie, shall ordinarily show himſelf vnto his subiects, in his greatneffe, with a terrible port, it may be that hee may bee the more of them redoubt̄ed: but it is dangerous leſſe he ſhould be therefore the leſſe loyed. Whereas the loye of subiects towards their foueraigne is much more neceſsarie for the preſervation of an eſtate, than is feaſe, and fo much the more, for that loye cannot be without feate to offend him whom we be loy; whereas feate may well be, and most often is without any loye at all, men commonly hating him whom they feaſe, and as occaſion ferueſt ſill ſeeking to take him ſeate out of the way.

And truely vnſo me more deeply confidering of the matter, almighty God (the foueraigne prince of the whole world) feemeth to haue ſhewed a ſhort waie vnſo worldly princes (the true images of himſelfe:) how they are to commuſnicate themſelves vnſo their subiects, to be of them both beloued and feaſed: For he communicaſeth himſelfe vnſo men but by viſions and dreames, and that but to a few of the elect & most perfect of them alſo, men of great integritie of life. But when hee with his owne voyce published the Ten Commandements, he cauſed his fire to bee feene heauenſ high, and the mountains to tremble with thunder and lightning, with ſuch a dreadfulſſound of trumpets, that the people ſtrucken with feare, and falling flat vnſo their faces, befought him, That hee would no more from thenceſoorth ſpeake vnſo them himſelfe (for that otherwise they ſhould all die) but onely to command ſuch things as he pleaſed by his ſeruant Moſyes. So that that people of all others moſt choſen, had but once almighty God (who ſheweth himſelfe but in ſpirit to be feene) himſelfe ſhewing forth his lawses; when as yet for all that to alſoore men the moſt feereſtly to loye him, hee at all times, and in all places and countieſ, doth with great loye, and eternall bountie, fober and Chriftiſall mankind, yea indeed all ſort of ſuíing creatures, powring continually vnſo them his great and infinit fauiries, larges, and bountie. If therefore the wise prince ought in managing of his subiects, to imitate the wiſedom of God in the gouernment of the world, he neſſt but seldom times come into the ſight of his subiects, and that with ſuch a ſtate and maieſtie, as beſt agreETH with his wifedome, power, and græteſſe, and yet make choice of ſome few moſt wize and worthy men, with whom to commu‐nicate his ſecret counſels, and by them to declare his will and pleaſure vnſo the reſt, and yet inceſantly to heape vnſo his subiects his graces and fauiries; & with great wifedome and power to protecť and defend them againſt their enemieſ. In the booke De Mundo (or of the world) dedicated to Alexander the Great (and without caufe alscribed to Ariftoſle, as fauíouring nothing of his life) a compariſon is made of a foueraigne prince vnſo God; as that the great king of Persia was not refiant in a proud and ſlateſly paſſage or caſtle, compaſsed in with three high waſſers, full of all pleaſures and delightes, neuer flouting abroad, or ſeeing & acquiring himſelfe but with ſome few of his friendes; who yet neuertheleſſe by ſight and watches let vpon high places, ſtil in one day underſtood and knew all the enemieſ of his empire, euen from the farthest parts of the East Indies, vnſo the ſtraits of Hellepontus. And yet neuer was there any princes vnſoet heauen moſt honoureſ and reuerenced, or better beloued of their subiects than they: or whose commandes were moſt ſuſt vnſo their subiects, or moſt of their subiects regarded, or that longer preferuéd their empire, power, and ſtate. So thole princes alſo which gueſſe themſelves out, and became fauiries vnſo their vain pleaſures and
and delights; most commonly used to withdraw themselves from the sight of the multitude into some secret places, that so they might at more libertie glut themselves with all kind of pleasures. For to Tiberius Cæsar of all others the most cunning, dissimblers, made choice of a most defect island, wherein he for many yeres liued in all kind of voluptuous and beastly pleasures. Which was of him right filthily done, but yet more wisely than they who with the most odious smell of their loathsome pleasures pollute and defile as well publicke as private places: who besides that they offend more by giving of coull example than by the wickedneffe it selfe by them committed, doe also in the minds and conceits of men engender a neglect and contempt of themselues.

Wherefore a prince that wife is, so oft as he should show himselfe vnto the people (which he should moyst seldom do) should so prepare himselfe, as that he may vnto all men seeme even in his face and countenenance to carry with him a certaine state and majestic, yet still mixt with modestie, but especially in his speech, which should alwaies be majestical and sententious, and in the manner of phrase, something different from the vulgar. Which if it shal seeme something hard for the prince to performe, or that he have not the grace of speaking, it is best for him to speake little, or else altogether to be silent: For that we know men in so great matters, as to contemne, or feare; to hate, or love; to be still without opinion, than with any certaine reason, led & mouded therunto. For if the proverbe of the wife Hebrew be true, That the soole himselfe in holding his peace is accounted wise, how circumspe& and aduised ought a prince to be, when hee openeth his mouth to speake in publicke place? considering that his words, his countenance, and lookes, are oftentimes accounted and esteemed of as laves, oracles, and decrees. Wherein Tiberius the emperour, least he should in anything offend, brought in a new fashion, as to be spoke vnto, and alfo to giue aunswere by writing, for what matter soever it was, Moris erat (faith Tranquillus) eo tempore principem etiam presens scripto adire, The manner (faith he) at that time was, with writing to goe vnto the prince even then present; to the end that nothing might escape which had not before bene well thought upon. For it is not possible but that they which speake much in open assemblies, as in the Senat, or before the people, must many times erre: which done by a prince, shal breed contempt, or at leastwise cause him to bee the lesse esteemed: So that a Grecian (I wot not who) not unfithly said, That a prince if bee bee wife should vnto the people, or in open audience no otherwise speake, than bee would doe in a Tragedie.

But I know that some of contrary opinion vnto mine, will say, Is it not the true estate and office of a prince, to doe justice vnto his people? to heare the complaints of his suieblets? to see the requests of his own? and by the mouth of every one to understand of their just grievances, which are commonly luppesed, or at leastwise dignified by another man? And why then should the prince hide himselfe from his people? takle but with few, and those of his most inward friends also? or aunswere nothing vnto many, of right asking him of many things? yea not to be willing so much as to heare his suieblets speake? Things altogether absurd, and not befeeming the maieftie of a foueraigne prince. Whereunto I say, that mine opinion is not, that he should so hide himselfe, as not at all to shewe himselfe; as the kings yet doe even at this present in the East Indies, and namely the king of Borney, who speakeeth not vnto any but vnto his wife and children; neither is scene of any, but still speakeoth vnto others by one of his gentlemen through an hole by a reed or cane which he holdeth in his mouth, as he did vnto the king Catholike (as we read in the histories of the Indies;) but my meaning is, that he should not be much in the assemblies of the people, neither easie to bee spoke withall of all men, not to vie much discourse with his suieblets, except with such as are necessarie.
OfACommonweale.
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neere vnto him,or of his familiar acquaintance;not to take pleafure in

icfts and taunts,
For that by fuch things the princes maieftie and reputation, which ought by all meanes to be whole and vntouched , is greatly impaired
and lightned: and fo much the more,by how much the prince is of greater eftate and
For it were not
maieftie whereunto good and efpeciall regard is alwayes to be had
feemely for a pettie prince in his eftate to counterfeit the great kings of /Ethiopia , of

in play,or other publike exercife

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Tartarie,of Perfia,or of Turkie

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who differ not their fubiefts fo much

as to

looke

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much of them redoubted and feared for their power,
as for the maiefty that they hold when they fhow themfelues vnto their fubiefts.Howreftly

vpon them

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neither are fo

beit that the kings of Affrike

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<^ilua,re\\% to be feene

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hold yet

this maieftie

more

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as

inthehiftorieof Fraacis

where hee fpeaketh of the maieftie of the Great Negus,

whome we call Prefter Iobn: and in the hiftorie of Leo of Afrrike, where hee fpeaketh
of the king of Tombut before whome his fubiefts appeare not,but vpon their knees,
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with duft vpon their heads.
Now if any man frail lay ,That the kings of the Eaft, arid of the South are thus to
be honoured,for that their fubiefts are of an abieft and a feruile nature ; but that they
of the North, or of the Welt, whole fubiefts be of greater courage , are notable to
endure fuch a feruitude and flaucrie this fliall be in due place decided , as alfo what the
nature of euerie region is and yet for all that I fee the kings of England, Sweden,Denmarke,and Polonia,who are fituat toward the North, much better to maintaine the
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, than doe the kings of Fraunce , or the
Mofcouia yet better than all the reft, and yet are not
therefore the lefle,but well themore of their fubiefts obeyed.
Nowthe greateft daunger that can come, vnto a prince.to doe all by others ,is,lcaft How the imgra
that they vpon whome he fhould (o difcharge himfelfe.fhould take from him his eftate
{TouiXedir rand foueraigntie,and fo poflefle themfelues thereof: which for al that hath ncuer chan- «'r" ° his e *

maieftie of their cftates withthcir fubiefts

princes of Italic, and the kings^bf

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realme,but onely vnder king C^a^ra ,furnamcd the Loutifh

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firice

the time whomL'^Ktih

fhowed themfelues vnto their fubiefts in their maieftie but mannaging'of
onceayeare,i>«;.thefkftofMay ; as wereadin our ownehiftories.andalfoinC^*- ^nw^S. *°
buss. Greeke author,who faith, That the auntient kings of Fraunce tookc no other
pleafure but to eat and drinke,leauing the mannaging of all their affaires vnto the great
AdafterofthcPallace. But we muft not draw into confequence the example of one
king bereft of fence,to ground a maxime of ftatc vpon Yet is there well one meane
to meet with that inconueniencc, which is,That the prince for one lieutenant, or for
one great Maifter of the Pallace.fhould haue two or three in power and fauour equall
For in fo doing he ihall ncuer be circumuented,thcir power being fo diminifhed , one
that the kings of Fraunce

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ofthemftill bewraying or controlling the other, the kings maieftie being fo

more ftately and fure
4/w, Perennius

For Tiberius hauing made Seiams too

Theodofius the fecond, Eutropius

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great

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Iuftiiitm , Belli/anus

and
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frill

the

Common

Xerxes, Art*-

and Cfalderic, Pefin committing vnto them alone the mannaging of all their
affaires,with the guard of their perfons.they fell into the daungers which wee fpake of,
being in hazard of their eftatcs.
bantu

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As for the adminiftration ofiuftice,and the hearing of the complaints and griefes of /..«;« bettr to b«
the fubiefts,itfhall be alwayes better prouided bygoodandfufticient magiftrats, than
gS^tmciby the prince in perfon himfelfe . Forwhoknowethnot

fo many good parts to bee * ntm g* r »"»
requifitinagoodjudgc,asarenotallwelltobefoundin the moll fufficient prjnce in prbccWdfc.
the world ? Yea who knoweth not fo many things to bee within the compafle of the
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dueticofagood judgc,as may ouerflip and efcapeeuen the moft skilfull and carefull
men ? whereof many muft needs efcape the prince before he can pet'eciue them , and-

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To many times the verie substance of the matter confifteth in that which is overflipped. And if one shall say, that the prince may have about him both wife and learned counsellors, according to whose advice and counsell he may determine of matters, and so give judgement; such as Augustus, Trajan, Adrian, Marcus Aurelius, Alexander Severus, and the other Roman emperours are reported to have had: who were alwaies accompanied with most worthy and excellent personages: truly that seemed not so hard a matter unto the Roman princes, so brought vp and so emitted thereofunto, but now we live after another manner and fashion. And who is there that feeth not, not onely the prince not to be able to endure so many dilatory pleas, so many flights of the lawyers, so many shifs of the plaintiffs, such petitions and outcries of such as run from court to court: but not euuen the magistrats themselves without incredible tediousness to be able to endure the same? all which yet they must endure. Yea the prince is not able himselfe to conceive all such things as are the greatest and of most importance in the Commonweale, and how then shal he alone suffice to decide and determine so many shifs and causes? But if hee shal take that charge in hand, and not well and orderly discharge the fame, in stead of doing of the subiects right, hee shal doe them great inuie and wrong. Wherein Demetrius (he which was called the Befieger) hath for inst cause beene blamed: who hauing receiued a great number of his subiects requests, put them into the lap of his mantle, and at the first bridge he came vnto, whereby hee was to passe over a river, throwe them all into the water: Whereof the subiects seeing themselves by him condemned, conceived a mutuall hatred against him, so that shortly after he was for taken of his armie, which yeelded it selue to Pyrrhus together with the king-dome, which he so gained without battell. Besides that in this course taken, we should be alwaies driven to haue recourse vnto the commissiouns for instructions: and afterwards vnto the prince for judgement of the cause: howbeit that it is sometimes hard, and oftentimes pernicious also, to seperat the instructions of the matter from the judgement.

But suppose that the prince were at leisur, and that hee both could and would see, heate, and judge all the causes of his people, yet were it a thing not becomming the majestie of a king to make such an ordinarie confusion of his court, where beside the subtilities, the countenances and fauours, (not these subiect to enquire) and the contrarietie of letters, commissions, decrees, and provisions, which are there dispatched under the name (but without the knowledge) of the prince, whereof colour is oftentimes made for the doing of wrong: it is yet more ouer insupportable for the subiects, vnto whom justice is due in the places where they are, to search for the fame at the court, and to follow the prince still removing from place to place, where it were better for them sometimes to loose their right, than with so great charge to follow the suit. Besides that the most honorable and worthy caues for a prince that wil himselfe intermeddle in judgements, are the caues concerning life and honor: who shal be the accusers? who would fall into so great charges to sue the matter in the court? and into the daunger to bee slaine by the accused, if the prince should pardon the fault. For when princes sowe carelesly at any time to condemne the guilty partie, but doe oftentimes pardon and restore such as be alreadie condemned: by this meanes should ensue not onely no punishment of offences, but euene the greatest impunitie of the offendours: than which there is no more certaine token of a Commonweale in short time about to perish. Wherewith to meet, secret accusations haue bene brought in and admitted by auentur edit of Conan king of Scots, which is at this day in vfe in Scotland, and called the Indict: and yet is better provisied for by the ordinance of Milan (which well deserveth to bee religiously kept in euerie Commonweale) where in euerie towne there is a cheft with an
hole in it, in every principall church, wherof the gouvernours have the key, whereinto it is lawfull for every one secretly to put his bill of accusation against any man; where-in the crime committed, the time, the place, the partie guiltie, and the witnesses, are all of them comprised, with the reward of the moiety of the confiscation allowed vnto the accuser. Which is an easie way for the punishing of offences before ordinarie judges; a thing impossible to prosecute before the prince. For these reasons and the difficulties by vs noted, Tiberius the emperour having obtained the empire, protested in the full Senat, and afterwards by his letters made it knowne vnto the officers, That hee would take uppon him nothing which belonged vnto the jurisdiction of the magistrats; for that it was more that was required of a prince, than of a magistrat. Neither ought it to seeme vnto any man strange, why the office to judge and decide matters, proper vnto the auncient kings, should now belong vnto the magistrats; for that when people as yet had no lawes, but that the kings power and will was accounted for law, it was then needfull for subiects causes to bee judged by the princes: but after that lawes were once established, according vnto which the magistrat was bound to judge, and due punishment by them appointed for offences, and rewards vnto such as had well defendd; that necessitie was taken away, and translated from the princes vnto the judges.

But here some man may say, That a prince may be so wise, so just, and so full of understanding, as that he will give no judgement but such as is agreeable vnto equitie and reason; and the compass of his territorie so strait, as that hee may himselfe suffie to judge and determine all the suits of his subiects, as there bee divers such princes in the Low countries, in Germanie, & especially in Italy: In this case should it not be a good and a profitable thing for the Commonweale, the prince himselfe there to adminifter justice: If thou aske me what mine opinion is therein, I thinke it not profitable either for that he offended a prince, either for those his so happie citizens or subiects, or him in person himselfe to sit in judgement, nor for that the subiects do so much love and honour the maieftie of their prince, as not to date freely enough to speake their minds, and to caufe him to vnderstand their right; neither for that they could hardly have ascended vnto him, for the multitude of causes which he should still have before him, hauing opened this gap: but even for that nothing is so proper vnto a prince, as clemencie; nothing vnto a king, as mercie; nothing vnto maieftie, as lenitie. And therefore the emperor Titus (a man of good courtezie, as that he was called Humani genus deiiitas, or the mirror of mankind) gladly took vpon him the office of the great bishop, because he would pronounce sentence of death vpon no man, either pollute his hands with mans blood, when as yet some other emperours who were also bishops (though not so religious as he) leaff of all others abstained from such capacitall judgements of life and death. Now nothing is more contrarie vnto true justice, than pitie; neither any thing more repugnant vnto the office and dutie of an upright judge, than mercie: hee not onely by the cuill law, but euyn by the law of God also being forbidden to haue pitie (euyn of the poore) in judgement: which we faid to be so proper vnto maieftie, as that it cannot be therefrom divided or petaried. So that a prince sitting in judgement must take vpon him two contrarie persons, that is to say, of a mercifull father, and of an upright magistrat; of a moft gentle prince, and of an inflexible judge. And if the prince be by nature mild and pitifull, there shall bee none so cuill or wicked, who by force of tears and prayers shall not escape the punishment by the law appointed, euyn the moft cruel men being oftentimes by them overcome. So we read, that Augustus the great emperour, for wifedome inferior vnto none, examining a murderer, began in this sort to question with him, I am sure thou haft not killed thy father: in which words he not
only instructed the guilty man what he was to answer to him both his prince and judge, but also most courteously gave him his pardon. *Cicero* also at such time as the condemnation of a man was presented to him to signe, is reported to have said, *Victam liter as haecirem, I would to God I knew not letters.* And therefore *Cicero* pleading before *Cæsar*, before resolved in any wise to have put *Ligarius* to death, said, *That he pleased not before him as a judge, but as before the father of the people: and having some thing appeared his anger, began thus to press him farther, *Caufas, Cæsar, egi multas, & quidem tecum, quum te tenitis ratio honorum tuorum, certe nunquam hoc modo, ignoscite indices: erravit, lepsum eft, non putavit, sionquam poshac: ad parentem feri agi solet, ad indices, non fecit, non cognita suit, falsi fetes, fictum crimen, Dic te Cæsar de faéto Ligarii judicem esse &c.* *Cæsar* (faith he) I have pleaded many causes, and that with thee, when thou stoodst uppon thine honour, but yet never pleaded I in this manner: pardon him my lords, he hath erred; he was deceived, he thought it not, if ever he shall doe so againe: so men vie to please before a (foueraigne prince, or a) father: but vnto the judges, we say flatly, He did it not, hee neuer thought it, the crime is forged, the witnesses are false. But say *Cæsar*, thy selfe to be judge of the deed done by *Ligarius*, &c. And in this fort secretly intimating vnto *Cæsar*, that he ought not to bee a judge, holding the place of a soueraigne: and afterwards highly commending *Cæsar* his noble acts, his valour and his clemency, moved him so much, as that he changed both his colour and countenance, and was in such a fort rauished, as that he could not heare the one halfe of the oration (the shortest of all them that *Cicero* left in writing) but that he grunted more vnto the guilty man than ever he hoped for. If then *Cæsar* himselfe, one of the greatest oratots that euer was (even in the judgement of his capital enemie *Cicero*) and one of the most valiant and wisest men of his time, was so overcome by the force of eloquence, pardoning him whom he deadly hated, and had before resoluted to put to death: what shall the leffe circumfept prince doe, be he neuer so little enlinded vnto pitie? how shall he be able to endure the filed speech of an eloquent aduocat? the pitious complaints of poore old men? the cries and sighes of distressed women? the weeping and wayling of little children? *King Agelius* a most famous prince of his time, overcome by the importunit requests of a friend, writ vnto the judges, requiring them, That if the partie accused, in whose behalfe he writ, were not guilty, hee should bee acquited by the equitie of his cause: but if he were lawfully convict, hee should yet neuertheless bee for *Agelius* his fake discharged, and so in any case acquited. But O how many should escape the penaltie of the lawes, if judges in such cases should hearken not one ly vnto the princes secret letters, but euen vnto their letters patents also: and then what may wee deeme that a prince himselfe would doe? Wherefore himselfe in person to fit in judgement, becometh not the maiestie of a foueraigne prince.

But now if it bee so hard for a prince in this case not to erre and bee deceived, then how much more hard is it in a *Popular estate*, where the people suffer themselves to bee deceived and led away with faire words, as a man may bee almost in all the accusations made both in Athens and Rome, when the people give sentence; where the innocent were condemned, and the guiltie acquitted: of examples whereof all the histories are full. *As Servius Galba* a great otratour, accused, attainted, and condemmed of treason before the people of Rome; not having any more to say for himselfe, but turning his speech and action, wholly framed to the moving of pitie; and so embracing his children and with teares commending them vnto the people, so moved the beholders, as that he easily obtained pardon, and so escaped. Whereupon *Cato* the elder, who had accused him, said. That had not *Galba* abused his children and his teares, hee had beene well whipt. Whereas other noble and valiant men, who could neither
neither abuse their prayers nor tears, but bearing themselves upon their integritie, if but some lying orator, or false enformer, had accused them, they were most unuitfully condemned. And so oftentimes in like manner not orators, but flatterers: and that not openly, but secretly, doe with duets deceits circumvent the prince. And therefore the nobilitie of Polonia, by force wrested a privilege from Lctes, king of Polonia and Hungarie: That if question were of any of their liues and honours, they should not bee judged but by the king himselfe: forseeing, that so they might easily escape the judgement of the king, but not the judges, who are bound vnto the strictnesse of the lawes. And hereupon it is come to paffe, that none of the nobilitie are euer there condemned to death, what offence soever they doe, but always escape either by fine, or at worst, by beeing kept in prison for the space of a yeare and fixe weakes, which is now there passed into the force and strength of a law, and yet is there obserued and kept, as I have learned of Zamofshe the Polonian ambadour.

But suppose the prince to bee such an one as is not easilie to bee moven vnto pitie or compassion, yet then is it to bee feared, least hee in judgement fall into crueltie. For whereas to keep the meanes is to euerie man a right hard thing, so vnto princes it is of all others most difficult, who easilie suffer themselves to be carried into the one extremitie or other. If hee bee a good prince and an embracer of vertue, hee will have wicked men in extreme hortor & detestacion, who with even the wisest men are movéd with a iust anger, and so oftentimes carried away with a cholerike passion. There need no better example than that of Augustus the emperour, who was accounted to bee one of the most wise and vertuous princes that euer was, and at his first sitting in judgement endured as it were the paine of the condemned: and sufferéd not leff (as faith Seneca) than did they themselves which were executed. And yet nevertheless this vertuous prince by continuall custome of judging and condemning such as were condemn'd before him (as moft necessarie it was) became too much rigorous and cruel, sufferinge himselfe to bee transportéd with passion and indignation against the wicked: in suche sort, that one day sitting in judgement, and condemning many the accused to divers punishments: his friend Mecenas seeing not able for the preasfe to come neere him, calle a little billet of paper into his bosome, wherein hee called him an Executioner or Hangman: whereat Augustus suddenly flaire, and finding himselfe transportéd with choler, and so to bee too hasty in judgement, to stye his anger forthat with brake vp the court. And for this cause out fathers haue right wisely ordyned, That the Criminall Chamber of Parliaments shoulde from three monethes to three monethes still bee changéd (which for this caufe is called Tournelle: for that all the judges of the other Chambers judged euerie one of them by turnes, to the intent that the common custome to condemne and put men to death, should not change the natural mildnesse of the judges, and make them cruel and hard harted. Besides that it is a verye hard, and almost impossible thing (as faith Theophrastus) that a good and honest man, should not enter into choler, seeing the most detestable enormities of the wicked, and so oftentimes to become as a man euens furious, and as it were out of his wits. So Claudius the emperour hearing one day the plaintiff rehearse the great and manifold villanies of one accused, fell into such an outrage, that taking vp a knife which lay before him, hee threw it into the accused mans face, even in full judgement. But if the prince which intermedleth himselfe with judgement bee by nature cruel, he shall then make a butchery of his court; as did the emperour Caligula, who by one onely sentence, for divers crimes condemned fiftie petions, even vnto the same kind of death, and often tooke pleasure to cut of the heads of many good men, sometime

A most hard thing, for a fougerange prince fluing himselfe in judgement, to keep a mema between too much hortor and vertue.
time to prove his owne strengthe, and sometime to prove but the edge of his Cimitar. If therefore it bee so hard euem for the most wife, to keepe the meanes betwixt mildneffe and rigour, which is necessarie for judges, it is not so easily to bee found in princes, who are most commonly extemate in their actions: for the waywardneffe of a privat man, is indignation in a prince; and the anger of a subiect, is called furie in a king.

But let vs proceed farther, and suppose, that the prince haue the grauitie, the knowledge, the wisedome, the dieretion, the experience, the patience, and all other the virtues requite in a good judge; yet so it is, that he cannot be without daunger, if he shall in person judge his subiects. For the best and fairest rule for the maintenence of the state of a Monarchy, is, that the prince, if it may be, cause himself to be beloved of all, without the disdain or hatred of any. W herunto to attaine, he hath two means, the one by appointing due punishment to be inflicted upon the euill; & the other by giving deleret rewards vnto the good. And for that the one of them is fauorable, & the other odious, it behoueth the prince that would be loued, to referue vnto himselfe the bestowing of rewards; which are, elates, honors, offices, beneficiues, petitions, privileges, prerogatives, immunities, exemptions, restitutions, & other graces and favours, which every well aduized prince ought himselfe to grant: but as for condemnationes, fines, confiscations, & other punishments, he is not himselfe to meddle with them, but to commit them vnto his most uprigh and wise magistrats, for them to doe good and speedy benefice therein. In which doing, they which receive the benefits, shall haue good caufe to love, respect, and reuence the prince their benefactor: and those which are condemned, shall yet haue no occasion at all to hate him, but shall still discharge their choller vpon the magistrats and judges. For why, the prince doing good to every one, and euill to none, shall be beloved of all, and hated of none: which even nature hath figure out vnto us in the king of Bees, who never hath sting, leaff he should hurt any. And albeit that the saide Scriptures teach vs, all plaques, diseases, calamities, and other worldly chance to depend of the wrath of God, yet in this all diuines (which more exactly entreat of diuine matters) wholly agree, none of all these things to bee done by almighty God, as by an efficient cause; but by permission onely, and to bee from him divided, but as from a not letting cause: which caufe the manner of the Hebrew phrase euerie where signifieth by the word Hiphil, ordinarily vised, when it speake of the vengeance of God. We read also in the Poets (though somewhat otherwise) that Jupiter had three kinds of lightning, which they called Manubias Albias, Rubras, Atras.

The first is white, which serueth for aduertisement, but hurteth no man, as proceeding onely from Jupiter, and his friendly aspect vnto the Sunne: For which cause Seneca faith, Id solum fulmen placeabile est, quod munit Jupiter. That onely lightning (laith hee) is peaceable which Jupiter lendeth. The other is red, and proceedeth from the aspect of Jupiter vnto the inferiour planets, whome they calle the inferiour gods, which hurteth and blafeth fruits and beafts, but killeth no man. The third is blacke, and made by the aspect of Jupiter vnto the high planets and the fixe starrs (which they calle the high gods) which killeth, overthroweth and destroith all whatoeuer it lightenth vpon. For the Theologie of the antients belonged vnto the Bishops, the Philosophers, and the Poets, as Marcus Varro witnesseth in the one and twentieth booke of worldlie things: wherein they all agreed, That the great God, which they thought to be Jupiter (to speake properly and according to the truth) could not be himselfe angry, neither hurt nor condemne any man, but all things to be done by meanes caues, and the ministrie and power of angels. And therefore the antient Egyptians deduced a law euem from

Prometheu
A Promethius their law givers, whereby their kings were not onely forbidden to kill any man, but even so much as to behold any execution done; least by such looking on, some print of cruelitie should remaine in them the beholders. And this vnto mee feemeth a great secret of this our kingdom, and a thing of great force for the gaining of the subiects love and good will towards the prince; all rewards, gifts, honours, offices, charges, and commandes, comming still from the king: but penalties, and punishments alwaies adjudged and inflicted by the magistrates. For at such time as William Poyet (my countrey man) Chauncellor of France was accused of treason, and by the enuy of his most gratiuous enemies circumvented, the king who had receiued the wrong would not himself be judge in the caufe, neither so much as be present at the triall; yea when the partie accused had refused all the judges of Paris, it was the kings pleasure, that two judges, men of great integritie, and free from all corruption, should be called and chosen out of every court of parliament in France to try him: Whereby may be understood with what an observatıon of law and justice this kingdom standeth, when as-almost at the same time Thomas Moore Chauncellor of England, and Hierome Moron Chancellor of Milan, both of them accused of treason, had for their judges, one of them even the very conspirators themselves, guiltie of the same treason against the prince, and the other his great enemies.

But here haply some man may say, the honour of noble personages to require, that when question is of their lives, their honour, or whole estate, the king himselfe should take upon him the hearing of the matter. For when the duke of Alencon (Charles the seuenth his nie kinman) was accused of treason, the court of parliament answered the king, That hee could not be tryed but in the presence of the king, and of the peeres of France, without being lawfull for them to appoint their substitutes. In like case vpon counsel asked by Lewis the eleventh, when question was for the triall of Renate of Anjou king of Sicilie, the court gave the same answer, viz. That it could not so much as give an interlocutorie decree against a peere of France, when question was of his honour, except the king himselfe were there present. I say for all that, that this was not for the king to judge. For why, it is to be proved, that the king in auentient time was not in person himselfe assistant in the judgement of treason, although it were in the triall of the princes, or of the peeres; as is to be found in the records of the court, a protestation the third of March 1386, made by the duke of Burgundie, as chiefe peere of France, against king Charles the sixt, wherein is contained, That the king ought not to be assistante at the judgement of the king of Nauarre, arraigned of treason; and that so to be, appertained not but onely to the peeres of France, saying, The like protestation to have beene made against King Charles the fift, to the intent hee should not bee present at the triall of the duke of Britaine: and in case hee would needs pase on farther, and breake the custome of their auncestors, the peeres of France demanded in full parliament, That an act of that their protestation might be vnto them decreed, and so afterwards it was enjoyed vnto the clarke by a decreee of the court, to deliuer vnto the peeres, and to the kings Attourney generall an act of such their protestation. So alio when question was for the triall of the marquess of Salusse, vnder the raigne of Francis the sixt, it was by liuely reafons, and by the authentick of the lawes both of God and man maintayned, That the French king could not in that judgement be assistant, seeing it concenred the confiscation of the marquisats: and albeit that the kings Attourney generall vrging the matter, the king was at the judgement present, yet gave hee not sentence, whereby the marquess was himselfe condemned, and his goods most unjustly confiscat, yet that judgement for al that seemeth vnto many but extorted, and the other princes resteth therewith much discontented. So alio Alexander the Great would never
The king ought not to be judge, where he is himself a parte, in matters concerning his own interest.

take upon him the person of a judge, neither thought it meet to be assistant in the judgement given against Philotes Calisbenes, and others which conspired against his person, least he should so seeme to have terrified the judges, or to have taken from them the free power of judging: as we read in Quintus Curtius. For if it be contrary vnto the law of nature, that the partie should be judge also; & that the king is a partie in all causes which concerne either the publike or his owne proper patrimonie in particular, in which case he cannot be a judge; by a much stronger reason ought the fame to take place in the offence of treason, and especially in the chiefc point, where question is, the partie accused to have attempted the honour or life of his prince. And for this cause Lewes the ninth would not pronounce sentence at the judgement of Peter Mauclere duke of Britaine, albeit that hee was there present when the judgement was given; neither likewise at the judgement of Thomas earle of Foulders. Neither yet Philip the Long the French king, in the case of Robert earle of Foulders attainted of treason. Yea that more is, the decretes or sentences are given in the name of the peers, and not in the name of the king, albeit that he were himselfe there present: as is to be seen in the sentence given against Robert earle of Foulders, which beginneth thus. Nos pares Francie ad reguem & mandatum regis venimus in suum curiam Parisis & tenuimus curiam cum xij alieos personis, &c. We the peers of France at the request and commandement of the king came into his court at Paris, and with twelve other persons held court. The sentence also against Peter Mauclere, whereby the fee of the countie of Britaine was taken from him, is given by one archbishop, two bishops, eight earles, Matthew Montmorancie the vicount of Beaumont, and John of Soifons, conceived in these words, Notum facimus quod nos coram clarissimo domino nostro Ludovico rege Francie indicamus, &c. We make it knowne, that we befoe our most noble lord Lewes king of France hauie judged, &c. By which words it appeareth that the king, albeit that he was present, yet gave not sentence, nor no use in trials concerning his right. So also we may see in the case of the succesion of Alphonfus countie of Poitiers, although there were but question of the demaine, the king yet nevertheless gave not therein his opinion or judgement. Neither in like fort did king Francis, howbeit that he was present at the judgement of Charles of Burbon the confable attainted of treason. And that more is, when question was of the felinite and homage which the counties of Champagne ought to doe vnto the king, it was judged by the peers of France, and many earles, the king then present, not to judge, but to alisift them: the forme of which sentence is yet found in these words conceived, Judicatum est a paribus regni, videlicet a Rhemensi Archipresbisco, & Lingovenisi, Gulielmo Catalaunensi, Ph. Bec- luacenensi, Stephano Noviomeni episcope, & Odone duc Burgundiae, & alios episcopos, & baronibus, &c. Nobis audientibus & judicium approbantibus, &c. Now if the prince ought to doubt to judge the causes of his subjects, where it concerneth but their particular, and wherein he himselfe can have no interest, to the end not to give occasion of discontentment to them whom he should condernne, whether it were right or wrong, but ought still to maintaine himselle in the loue and vnitie of his owne people, as in a most stately and strong tower: then how much more ought he to doe, when hee is himselfe a partie, or the causes capitall, as for rebellion or treason? I remember, that in the triall of Charles duke of Burbon, one Valier examined in the tower of Loches, by the president de Selus, and the bishop of Puy, and other the conspiratours examined at Tarrare by John Brimon president of Roan, depoied, That the occaision which causd the duke to rebell, was the aunswered that king Francis made vnto the articles which the duke had sent vnto the court of parliament, concerning the suit he had against the king and the regent, concerning certaine lands and demaines which the duke claimed as belonging
longing vnto himſelfe. Wherein had not the king in any sort medled, but left it all together vnto his judges and attouneries, he had not giuen occasion to so great a subiecte to have brought both the king himſelfe, and the whole realme, into ſuch a daungerous an eſtate as it was in short time after. For what good iuſtice foever the prince doth, alwaies he that ſhall bee condemned will thinke that he hath wrong done him. 

Now to say as some men do obiect and say, That if the prince in perſon himſelfe should take vpon him the admiſſion of iuſtice, men should have a good and quicke dispatch of their suits; and that ſuch numbers of appeales, ſuch exceptions and petiſtions, with other long delays of iuſtice, ſhould be so quite cut off; deferueth not so much as anywere. For who is he which knoweth not at what great charge he must bee, how many circumſtances and delaies, how many windings and turnings, how many repulſes and griefes he must endure that hath any suit in court? Neither is it to be thought, Judgements to be fo much the better, by how much they are the ſhorter. For althoſe Thucydiades (the moſt famous of them that were of his time, of the ſcience of the Areeopagi in Atenes) feemeth to have beene in the fame opinion that some others were, viz. That offences once committted, were forthwith to be punished; yet I verily ſuppoſe the opinion of Plutarch, yea of the Hebrewes themſelves to bee the truer: for these thinke it neceſſarie for him that will judge aright, to ve delaiſes in publicke judgements. But he in that little booke which he wroth of the low vengeance of God, plainly teacheſth men to be warned by almighty God, if they will be the true imitators of his iuſtice, to proceed but slowly and by little and little in the triall of capital caufes, whether it be that the truth of the matter may the better appeare, or for the drawing of some profit from the offendours before their death, or to draw them to repentance, or for their more gruſſin punishment (for that the punishment is the greater the longer, that it hangeth ouer ones head) or the better or more iuſtly to judge of another mans life, being withall in queſtion. For right hard it is for a judge presſed with choller and defire of ſtreuenge, haſted by some, and thuft forward by others, to doe good iuſtice, what knowledge or feare foever hee hath to judge amiable: and what ſhall then the prince doe, who hath neither the one nor the other? The judgements of thofe inferior magiſtrates are corrected by the superiour, by way of appeale: but if the prince himſelfe shall take vpon him to judge, who shall reforme his decrees? For he that in the former judgement hath not ſufficiently declared his matter vnto the judge, or by ouerſtate let ſome thing paffe; if yet he may appeale, all may wel be amended: but if the prince himſelfe ſhall once give judgement, the gate is then after ſentence shut vp, and no place left for appeale, or how to amend the error. Which we ſay to reſtraine a prince from intermedling with judgements, except he be a man of great wisedome, or vfe therein the assiftance of his wife and learned councillours; and the cauſes ſuch as may feeme worthy the princes hearing and judgement: following therein the counsell of Isahro, who seeing Moſyes troubled from morning to night in doing iuſtice to all men, and in all cauſes, You kill your felſe (laid he) with taking too much paine; chufe mee out of the wifeſt and moft diſcret men of the people to eafe your felſe vpon; and if there be any thing high or diſcult to judge, it iuſtifie that you take vpon you the hearing thereof, leaving the reſt vpon the other magiſtrates and judges to heare and determine. Which counfell of his father in law Moſyes followed. So likewiſe wee read, that Romiſhs ha⁠ting committed vpon the ſenate and the magiſtrates, the ordinarie administration of iuſtice, referred vnto himſelfe onely the hearing of matters of greatest importance. And albeit that the Roman emperours afterwards would haue their judgements to extend something farther, yet was the emperours iurisdiccion for the hearing of matters still shut vp and included within certaine bounds: which for all that the princes flatterers, or else
else the princes themselves oft times went beyond, fittin in judgement sometimes even of light and ordinarie matters: so as did Claudius the emperor, (the most fortis lust that ever was) who yet would alwayes be judging and deciding of causes and controversyes: of whom he Tranquillus thus writeth, Alum negantem rem cognitionis feudarum juris esse, subito causam apud se agere cogerit, He compelled (Eay he) another man denying the matter to belong vnto the emperours hearing, but to be onely an ordinarie matter, and so to belong to the ordinarie jurisdiction, he compelled him (I say) even forthwith and without more ado, to pleade the cause before him, but that so foolishly, as that the lawyers openly mocked him, therefore infomuch that one of them was so bold with him, as to say vnto him in Grecce, which yet most of the strangers by vnderstande, αυτο δε των γενεσεις, An old man, and a fool too. And another triped him going out of the judgement seat, and so gaue him a fall: yea his folly at last proceeded so farre, as that the verie pages and lackies would play with him as hee slept, and spot his face with ink. And into this case the prince must needs fall, who void of wisedome, thinkest it a goodly matter in the presence of the people to determin great matters, and so to make himselfe to bee of all men contempted and laughed at: than nothing can be more daungerous in a Monarchy. Wherefore the prince which will often fit in judgement, be preuent in the Senat, or much show himselfe vnto the people, him I would have equall in vnderstanding vnto Salomon, in wisedome to Augustus, and in modestie to Aurelius; or els but seldom to come abroad, and more seldom himselfe to administer justice, and that so much the leffe in the presence of strangers, who still judge such things as seeme not commendable in a prince, not onely in his mind, but even in the cuill feature of his bodie, or vncomelineffe of his attire: and such other small imperfections (which the subiects for the loyne and reuerence which they beare vnto their naturall prince easly beare with all) to bee right great vices or deformities. Which the strangers never excuse, but reporting the fame to the worlde, still augment them in strange places, even to the least of his lookes, countenances, behaviours and gesutes. The fame of king Ageclan had with the bruit thereof filled all the leffe Africs, Greece, and Afrique, whom ye when the king of Egypt had scene lying vpon the ground in a medow, with a courte Grecce cloke on his back, and himselfe but lean, liitle, and lame withall, he made of him no great account, but rather had him in contenent and desision. The like is reported in the memorie of our fathers, to have happened vnto king Lewes the eleventh, who being chosen arbitrator in a contentious betwixt the kings of Naples and Caffile, and going vnto the frontiers of his kingdome, the Spaniards at their arriall mocked the French men and their king, Who seemd vnto them as a pilgrim come from Saint James of Compostella, with his great cap vpon his head, set all about with brouches, and his jacket of course cloath, without any manieffe at all, either in his countenance, or in his behauiour; and they of his traine also all in like fort apparellled: (For why, he could not abide (to see any man in brauc attire) whereas the king of Caffile and his troupe being come, shewed themselfes in most sumptuous attire, with their hones in their rich caparions: which shewed a certaine greatnisse in the Spaniards, insomuch as that it seemed the French men to haue bene but the Spaniards servants, but that there was a great and strong armie of them not farre off in the field, in readinesse at all affaires: which the Spaniards dicingouring, yeeld vnto the French king such conditions as himselfe pleased. And yet the same king Lewes the eleventh considering princes by the opinion of men to bee either prycle or dipracle worthy (who commonly are led away but with the exterior shew) hearing that the ambassadorus of Venice were come bruely apparellled, and well accompanied, he caused himselfe to be also most magnificently in royall robes attired,
tired, and so sitting in an high chair of Estate; admitted the embassadours vnto his
preference.

Wherefore with greater reason ought a prince, when as he commeth to an enter-
view with another strange prince (which he ought but most seldom to doe) to shew
himselfe in such sort, as that there be nothing in his attire, and much leffe in his counte-
nance or behauior and speech to be discommended. And that is it for which Philip
Commes speaking of the enterview of princes, sayth, That they ought to shun it so
much as they may: for that their preference always diminisheth their fame, and the opini-
on conceived of their persons, causeth them to be the leffe esteemed: a thing yet
more to be feared towards the strangers than towards the subiects.

Now that which I have said, It not to be set for soueraigne, or for soueraigne prin-
ces to entermeddle with judgements: ought yet more to be observed in a popular e-
state, for the great difficulties in assembling of the people, and to cause them to un-
derstand reason: and then after that they have understand it, to induce them well to judge
thereof, their judgements being oft times perturbed by seditious declarations or fali-
tions: which was the greatest occasion of the ciuill wares amongst the Romans, vnill
that Sylla the Dictator had remitted the hearing of all causes vnto the magiftrats,
excepting the offence of treason, and that in the highest degree.

But yet besides the inconveniences by vs before noted, nothing hath euery bene more
dangerous, or more ruined Commonweales, than to transact the authoritie of the
Senat or command of the magiftrats, vnto the prince or the people. For that the
leffe the power of the soueraigne is (the true markes of maieftie thereunto still refer-
ted) the more it is affured; as well said Theopompos king of Lacedemonia, who having
encreased the power of the Senat, and appointed five Ephori in title of office, as Tri-
bunes of the people: and being therefore by his wife reproved, for that in so doing hee
had much diminished his owne power: So haue I alio(laid he)much more assured the
saine for the time to come. For hard it is for high and stately buildings long to stand,
except they be vpholden and staid by moff strong shores, and rest vpon moff ture founda-
tions; all which confiteth in the Senat or counsell, & in the good duties of the mag-
iftrats. In which thing the Venetians, as they have done many things wisely, so haue
they done in nothing more than in that, that they which have the soueraigne, inter-
medle not with judgements openly, but not so much as with any other thing els, which
may well by the magiftrats or the Senat be dispatched: Which haply hath bene one of
the chiefes means wherby that state hath bene fo long preferred, considering that there
neither is, nor euery was any Comomweal, where they which have the soueraigne tro-
oble themselves leffe with that which belongeth vnto the counsell or the magiftrats.
The Great Council of the nobilitie, or gentlemen, wherein the whole maieftic of that Com-
monweal resteth, is never assembléd for the creating of new magiftrats, or enacting of
lawes, all the rest of the affaires of the estate being to be dispatched by the Senat, and
the counsell of the Ten, and of the Seuen men; and matters of jurisdiction by the other
magiftrats. Which if it be a thing commendable, and well appointed in Aristocra-
tike estates, with better reason ought it to take place in Popular estates, where the more
heads there be, the leffe wit there is, and so the worse resolution also. Neither like I of xen-
ophon that most famous mens opinion; who speaking of the Athenian Comom-
weale, sayth, That the more popular that the lawes are, the better they maintaine a De-
mocratic, or Popular estate, When as (faith hee) the people hath the hearing of all
matters, and that all pafleth by lot and voyce; which thing indeed doth vterly overthrow all Popular Commonweales. As in Athens, when as by the perfuasion of per-
icles, the hearing and deciding of matters, and the manningage of the state, was taken
from
from the Senator or council of the Areopagi, to be brought backe vnto the people; the citie destitute of wit, and without councell, fell first forthwith into great broyles, and not long after into vnter ruine & decay. But amongst the Swisseres, where their Popular estates haue now flourished 260 years, and do yet continue and grow from good to better, still flourishing both in peace and warre: those their estates are preserved and upheld by lawes of all other leaft popular, nothing being almost left vnto the people more than the chufing of their officers, the other rights of fouraignty being but sparingly and within a certaine convenient measure communicated vnto them. Neither was the Roman Commonwealth euer faire or farther from ciuill warres, than when (the majestie of the people faued whole) all things were done by the Senat and the magistrats: which was from the first Carthaginien warre, vnto the conquest of the kingdom of Macedon. But after that both the Gracchies by their most popular lawes had taken from the authoritie of the Senat and the power of the magistrats, as much as they possibly could, all to encrease the wealth and libertie of the people; there ensued there of a most miserable change of that Commonwealth: neither did the citie of Rome euer after eafe from ciuill warres and sedition, vntil that immoderate libertie of the insolent people, was by the power of one oppreft and brought vnder, and so brought into extreme miserie and servitude. The same inconuenience or mischiefe befell the Megarensians, who from a Popular estate fell into a most miserable Tyrannicall government (as faith Plato) for the unbridled libertie and infolencie of the people, taking vpon them the hearing of all things, above the authoritie, jurisdiction, and power of the Senat, or of the other magistrats.

But the best kind of Commonwealth is that, wherein the soueraigne holdeth what concerneth his majestie, the Senat maintaineth the authoritie thereof, the magistrats execute their power, and iustice hath her ordinarie course. Whereas otherwise if the prince or the people shall take vpon themselues the authoritie of the Senat, or the commands, offices, or jurisdictions of the magistrats; it is much to be feared, least that they destitute of all helpe, shall at the length be spoyled of their owne soueraigne majestie also. And in mine opinion they shamefully erre, which thinke themselfes to encrease the princes wealth and power, when they shew vnto him his Claws, giving him to understand, that his will is his countenance, and his looke, ought to be as an edit, a decree; and a law; to the end that there should be none of his subjects which should presume to take vpon them the hearing or deciding of any matter, which might not bee againe by him reuerfed and chang'd: so as did the tyrant Caligula; who would not that the lawyeres should so much as give their councell and opinions, when as he said, Faciam ut nihil respondant nisi Eccum, that is to say, That is he to whom it alone belongeth to give his opinion; meaning by himselfe: but by the word Eccum, which is, Behold the man; alluding to the word Aquum, which is, That which is right and iust. But this opinion by little and little crept into princes minds, breeding in them an incredible defite of oppression and tyrannie.
 Whether a Prince in civil factions ought to ioyne himselfe to one of the parties, and whether a good subject ought to be constrained to take part with the one or the other faction: with the means to remedy seditions.

Ow wee have already declared, What a Soueraigne Prince ought to be in the administration of justice towards his subjects; and if he should take upon him the petition of a judge, when, and how, and in what sort of Commonwealhe he ought to doe it; let us now also see out of the terms of justice, when the subjects are divided into factions and part-takings, and that the judges and magistrates are themselves parties also, Whether the Soueraigne Prince ought to ioyne himselfe to one of the parties; & whether the good subject ought to be constrained to follow the one or the other partie, or not. And first let vs let down this, as a maxime, All factions and part-takings to be daungerous and pernicious in euery sort of Commonwealhe, and that they ought, if it be possible, by all means to be prevented; or if that cannot be before they bee plotted, yet to search the means to heal them, or at leastwise to employ all convenient remedies to mitigat the disease. And albeit that of civil seditions and part-takings there sometime commeth great good, as some one or other good law, or some other good reformation, which had not bene if the sedition had not happened; yet it is not therefore to be said, that sedition is not daungerous, although that it by chance and casually draw after it some good: as in mans bodie a daungerous chauncing, is the cause that men vfe letting of blood, and purgations, and so draw away the cuill and corrupt humors: so seditions oftentimes are cause that the cuill or wicked men are blame, or driven away and banished, to the end that the teft may live in quiet; or that cuill lawes and decrees be cancelled and repealed, to give place vnto good, which had otherwise never bene received. For which if one shal lay, That seditions, and cuill warres, are good, hee might also lay, that murders, particides, adulteries, theft, and the subversion of estates & Commonwealhes are also good. For why, there is no impetue so great, no villanie so detestable, whereof no profit may redound, either to all, or to some men in particular; yea the verie villanies of wicked men almighty God woulde to draw either to the punishment of the reprobate, or to the glorie of his name. Which yet to praye, were as we should commend daifes; as Pauerinus the Philosopher highly commended the four quartaine: which were but to confound the difference betwixt good and cuill, the difference betwixt profit and dispers, betwixt honour and dishonour, betwixt vice and vertue; and in briefe to confound fire and water, heaven and earth together. Wherefore as vices and daises are daungerous both vnto the bodie and the soule; so seditions and cuill warres are hurtful and pernicious vnto all estates and Commonwealhes.

But it may be some man will say, That seditions and cuill warres are good and profitable for Tyrannicall Monarchies, and for the maintaining of Tyrants in their Tyrannicall estates, they being alwayes enemies vnto their subjects, and such as cannot long continue, if the subject be once at accord amongst themselves. But we have before declared, the Tyrannicall Monarchy to be of all others the weakest, as that which is not but by cruelties and villanies nourished and maintained; and yet commonly we see it to fall and take end by seditions and cuill warres: so that if we looke into all tyrannies which have bene destroyed and ouerthrown, we shall find it most commonly to have happened of factions and cuill tumults. Yea euem the most cruell and turrill tyrants, who...
who by little and little put to death, now some, and then others, to far themselves with the blood of their subiects, and to sake their owne unluckie life, which they lead in continual paine and languor, never escape the murthering hands of conspirators; who so much the more encreaseth, by how much more the tyrant putteth of his subiects to death; others which are with them allied, being always prest and ready to revenge the death of their so nie kinmen: and albeit that the tyrant put to death all their kinmen, friends, and allies, yet nevertheless they shall so flit and all the good subiects against themselues. And of the goods of the subiects for tyrants to enrich themselves, is to procure their own ruine and decay: for it is impossible that spleene should fill it selfe, or that the ouergrowing of corrupt proud flesh should fatten it selfe, but that the other members must drie, and so the whole body shortly after perih and consume also. And therefore the Florentines in my judgement had no reasonable cause, why secretly to maintain the factions of the Pisians, whomme they had before subdued: for that they for-saw not, them whomme they thought might so by their mutual broiles and contentions be weakened, & so the more easily endure the Florentines their lords, by liberty and the use of arms to grow more fierce and courageous, than if they had lived in peace and quiet, and with abundance of delights lost their force and strength: besides that, they therewith lost so much of their owne force, by the loss of so many good subiects, one of them by another ruined and overthrown.

Now if seditions and factions be dangerous vnto monarchies, then are they much more daungerous vnto Aristocracies and Popular estates: for that Monarches may maintain their majesty, and as neuters decide the quarrels of their subiects, or by ioyning themselfes to one of the parties, to bring the other vnto reason, or else altogether to oppresse them: whereas the people diuided in a popular estate, hath no soueraigne over them; no more than the lords diuided in Aristocracie have no man to command them: if it be not that the greater part of the people, or of the lords, be not of the faction, which so may command the rest. Now when I say faction, my meaning is not of an handful of people, or some small number of subiects, but even of a good part of them banded against an other, able to trouble the whole estate: but if they be but few in number, be that hath the soueraignty in hand, ought at the first to reprehende them; which he may doe either by commanding them to lay downe arms, or by referring the cause of their diisension and variance vnto indifferent judges: or if the matter bee such as may require his owne declaration and pleazure, then to doe the same with good advice, and the mature deliberation of his most wise magistriats and counsellours, not in any wise suspected to favour the one part more than the other: and this to the intent that the prince, or they which have the soueraignty, should not themselfes bee tlie envy or discontentment of them which should so be condemned. But if the faction be grown so farre, as that it cannot by way of justice, or by orderly inducements be appeased, it then behounse the soueraigne prince, or them that hold the soueraignty in an Aristocratie or popular estate, to vle their forces for the utter extinguisheing thereof, by the punishing of some few of the ring-leaders and chiefest men in the factions; that so the punishment may touch but some few, and yet the faire come vnto all of them. Neither ought the soueraigne prince to deferre the matter so long, vntill they bee growne so strong, as that they be not any more to be restituted: or that the leaders of them being for scare of punishment become desperat, shall seeke to ouerthrow the whole estate of the commonweale. For there still are, and always have bene good and valiant men, which for the welfare of their countrey do not to adventure their lives; although there be many, who to the contrary had rather their countrey should perish for them. Which kind of men (the very plagues of commonweales) are upon the sudden to bee opprest.
Oppressed, left happily the whole estate of the commonwealre were oft times by some one or other of them to bee indangered; yea, although such evil discord rise but for some private displeasure of theirs. But all this which we have yet said, is to be understood but of factions which concern not the estate; for if the faction be directly against the state, or the life of the fouraigne prince, there is then no question whether the prince should take a part, or shoule himselfe an open enemy unto such sedicies, which do profess themselves of all others the greatest enemy of their prince & commonwealre: for otherwise, if when the state and welfare of the commonwealre, or the prince his owne life is attempted, he shall sit still but as an idle beholder, he shall to invite and animate not the more desperate fort of men onely, but euene very cowardis to fecke after his life also. But yet a great difference there is to bee made in the manner of punishment of the offendors: for if the number of the conspirators against the state or his person be but few, he shall suffer the Magistrates to proceed against them by order of law, and as hee seeth cause himselfe to moderate the heauininess of the punishment: which the fewer the conspirators are, is so much the sooner to be inflicted, and before that more be disconcerted, to the end that by the punishment of some few, the good subjectis may still be kept within the compass of their allegiance and dutie, and those which were euill inclined, so terrifyed from their euill intended purpose. Neither yet it is too strait or strict enquiry to bee made to find out all the conspirators, least by force of torture and torment, such things bee haply wrung out, as were indeed better unknowne than knowne. And yet it is not to bee diffembled or winked at, if the partie guiltie bee once disconcerted to have conspired against the life of his fouraigne, or yet to have but bene willing so to have done. As it happened vnto a gentleman of Normandie, who confessing vnto a frier (his ghostly father) of a purpose that he had had to haue flaine Francis the first the French king, but yet not daring so to do, to have repented him now of his so wicked and detestable a purpose, was therefore of the frier so much as in him lay pardoned; who yet nevertheless forthwith revealed the same vnto the king, who causins the gentleman to bee apprehended, sent him vnto the parliament of Paris to be tried, where he was as a traitor condemned to death. Howbeit, that (in mine opinion) the king in his greater wisedome might have done better to have pardoned him, for that it had repented him of that his wicked purpose (which the law for the hainousnesse of the fact doe so severely punishe) & so was become the betrayer & accuser of himselfe before he was by any other accused. And may it be that he had bin better to have executed him without making of the king acquainted therewith, so to have disburdened him of the envy of such a judgment. So as did the emperor Augustus with Q. Gallus, who having not onely purposed, but even des separatly also attempted to haue flaine him; and being therefore by the Senate condemned of treason, was yet by the same emperor Augustus (differbling the matter as if he had thereof knowne nothing) pardoned, and so sent away vni- to his brother then governor in one of the provinces; but was yet nevertheless upon the way flaine, not without the secret commandement of Augustus himselfe, as many men supposed, ying therein the like subtility: a craft that had his vnkle Caesar before vied, in giving pardon to M. Marcellus at the request of the Senate; who yet was immediately after flaine, as one of Caesar his most mortall enemies. Yet more likely it is, neyther Caesar (who in a certaine naturall elevation exceeded almost all other princes) neyther Augustus (placed up so high a front of honour and majestie) to haue beene willing to haue defiled or flaine their so great honour & dignity with the secret murder of them whom they might most iustly have executed. Howbeit that some of the finer fort to the contrary excuse the matter, as by them done for the safty of their owne lives.
Torture for the finding out of conspirators ought to be most warily used.

Conspirators pretended to have oftentimes been right wisely dispersed, and not further enquired after.

The fourth booke

lues; and yet so by this means still to maintain the great opinion which they had before caused men to conceive of their dexterity and mercy. But if the conspirators be in number many, and that they be not all discovered, the wise prince ought to beware how he putteth to torture those that be condemned, albeit that he might even with a beak without danger kill them all: for that for one that should put to death, there would arise an hundred of their allies and friends, who it may be, have power enough, or at least wise and fair to will enough to revenge the death of them which were of their blood; and in cale all this were not so, yet ought the prince always to shun the note and blame of cruelty, as well of his subjects as of strangers: wherein Nero was greatly deceived, who having discovered the conspiracy against his person and estate, would needs by torture & torment know all them that were partakers therein: wherefore he found so great a number of them that were, what by right, and what by wrong accused, as that the conspirators indeed seeing themselves condemned, discharged their choler upon the tyrants most faithfull and loyal friends: all whom he caueth to be cruelly killing, which was afterwards the cause of the open and general rebellion of the captaynes and governours of the provinces against him. And for this cause Alexander the great having put to death Parmenio, Philotas, and the rest which had confessed his death, by a new decree or law abrogated the ancient law of the Macedonians, whereby free of them that were the nearest of kinne unto the conspirators were still to be put to death. But the best and fairest way to avoid the farther danger of a conspiracy already prevented, is for a prince to dissemble the matter, as if he knew not the conspirators, as Tacitus well said, Optimum remedii insidiae, est sibi non intelligatur. The best remedie of a conspiracie is not to seeme to understand thereof. So when Hannibal, general of the Carthaginians, had purposed to have slain all the senators, and chiefe men of the citie, under the colour of the marriage of his daughter; the Senat understanding of the matter, but dissembling the same, forthwith caused an edict or law to be published, concerning the charges to be made at feales: wherein the number of the grifts, &c. the charges of the least (which was not great) was most strictly appointed. By which decree of the Senat, the conspiracie intended, was without any runnit or bloodshed at all quietly suppressed. So in like manner Etocles capitaine of the Lacedemoneians, with a strong garrison of foulliers holding the island of Chio against the Athenienians, and understanding that the garrison foulliers secretly conspiring together, had determined to kill the inhabitants their friends and allies, in whose aid they were come, and so to take unto themselves the possession of the island, and that the signall of the conspirators was, for every one of them to carrie in their hands a cane, or reed; hee (I say) understanding of the matter, and accompanied with certaine of his most afflieted friends, &c. walking about the citie, flew the first that he met withall carrying of a reed, and so suddenly gave it out, That hee would kill all the rest that so carried reeds in their hands, and yet withall tooke order with the inhabitants of the island, that the foulliers were paid their pay; and so by the death of one only soullious the conspiracie was quenched before the fire could bee well kindled: and the occasion of the conspiracie so taken away, and all againe well quieted. Wherefore esteems good not to take care, not so much to take away seditions already grown, as to prevent them: For that a sedition once set on fire, is like a spake suddenly blowne, which with the rage of the people, which setteth all the citie on a light fire before it can be againe quenched. Wherein the princes commaunds are not to be expected, who commonly knowe least of such things as touch them neerest. Yea oftentimes it happeneth prunes well to vndestand the secrets, writings, doings, and sayings of other forrein princes, and yet perceive not the fire kindled at home in their own realmes,
realms, in their own palaces, yet even in their owne bed chambers. The conspiracy of Pelopidas, for the surprizing of the castle Cadmea, and the expulsing of the Lacedemonians out of Thebes, was knowne in Athens, before that any thing thereof was discovered in Thebes, as the event shewed. For why, but even a little before that Archias, the captain of the castle was together with the garrison foundiers therein flaine, he was by letters from the bishop of Athens warned to looke to himselfe: which letters because he would not at supper read, he vfed the common proverbs, *incrasfitum negator*, To morrow will serue for our businesse. Who knoweth not the emperour Charles the fift to have bene either partaker, or privie almost to all things that were any where done by other princes, yet did he not so much as once suspect the conspiracie which

B duke Maurice and Albertus marquesse of Brandeburg, his familiar and domesticall friends, had even fait by him contrived against him; yea and had also effectted the same before he could feele or perceiue the smoke thereof. But what need forren examples? The conspiracie of Ambrof, which set all France on fire, was diuulged in Germanie, England, and Italy, before it was once suspected of them against whom it was contrived in France: vnto whom the cardinali Grannellus is reported by his letters to have first discovered the fame, and yet there were about ten thousand persons which had therein a part. Whereby it is plain, such conspiracies as wherein the force and power of many is to be required, to have alwayes had most difficulty and dangerous events: for that they can neither by a few be effectted, neither yet by many be concealed. Yea oft times it chaunceth the conspirators most secret devises to bee even by women first revealed. As it happened to Philotas, who discovering the conspiracie against Alexander the Great vnto a courtian whom he loved, was together with his complices to his destruction by her bewrayed. So Fulvia understanding of Catelius his conspiracie by one of his fouldiers, revealed the same vnto the Consill Cicero. And in our time the secret devises of the Prior of Campania (generall of the French galleys) for the sudden surprizing and rifling of the citie of Venice by a fouldier revealed vnto a courtian, was forthwith by her discovered and made knowne vnto the Senat. Yet for all that an hard matter it is for a prince, he neuer to wife or subtilly, to preface himselfe from the danger of a resolute man that hath sworne his death: for that as the secret, & the execution thereof is but against one man only, so is it but in one man alone enclos

Ced, willing and resoled to sacrifice his life (how deare vnto him sucter) to have another mans, howbeit that he were better round with an armie. Such an one as Scenula is reported to have bene; who of the event gave first name vnto his house and familie, for that he of his owne accord had thrust his right hand into a burning fire, so to bee burnt of: for that he mistaking the man, had flaine the kingslieutenant in stead of the king himselfe. With no lefe boldnesse (or valour should I say) did a tenant of Lazard the Despot of Scuilia kill Amurath the king of the Turkes, in the middlest of his legions of men, so to revenge the death of his lord, and the dishonour done vnto the queene his wife. So Paufanias also in the sight of the whole armie clew Philip King of Macedon, Alexander the Great his father. And Peter Aloisius also duke of Placentie, was in his owne caste by two murdierers stabbett and flaine even in the sight of his guard. And he that flew the Domitian went to seeke him out even into his cabinet with his armes in a scathe: in such sort as did the first Egdon king of the Moabites. And if Cosmus Medicus duke of Florence (having ceized vpon the estates) had not alwaies gone armed, neither could his great guards, neither yet his strong castles have kept him from the hands of most desperat men, who oftentimes found meanes to enter even into his most close and secret places, to have slain him an hundred times, what death soever they should therefore have died. Yea amongst the rest of many

Princes often-times better to understand of the conspiracies against his princes; than of such as are against themselves at home contrived.
most desperat murtherers, there was one, who even in the councell chamber strucke him with his dagger, thinking so to have stabbed him (his guard standing round about him) not knowing him as then to have had a priuie coat upon him. And yet well he knew that his life lay thereon, and so indeed was presently cast headlong out at a window downe to the ground.

But toalas much as we haue before touched certaine means which may preterue a prince from falling into these daunger, and whereby to hinder the conspiracies which might be made against his person: Let vs now see how he ought to beware and behaue himselfe in conspiracies and factions, which are not directly against himselfe nor his estate, but amongst his great lords among themelues, or among the eflates, townes, or provinces subject unto him; all which he ought by all means to prevent, and not to neglect any thing how little focuer it be for the meeting therewith. For as the great storms and tempests are caused of most light and insensible exhalations and vapours: even so seditions and civill warrs the destruotions of cities and Commonweales, are most times begun for most small matters, and such as a man would not thinke that even they should worke such effect. In the raigne of Inftiman the emperour all the cities of the Greeke empire were diuided into factions, for the maintaining of the colours of Greene & Blew, which they according to their fancies tooke vnto them in their sports and luffs, one of them brauing and contending with another: which in the end tooke such force and went so farre, as that the judges and magiftrats of Conftantinople, going about to punish the seditious, were letted to doe by others of the fame faction who tooke part with them, and so tooke out of the hands of the officers and executioners such as were by them led to the place of execution, and so contented brake open the prisons also, and let loose all the prisoners, and in the fame rage burnt the temple of SaintSophia: and to avoid the punishment which they (having laid downe armes) were not to hope for, made choice of one Hippatius the captain and ring-leader of their faction, for emperour; Inftiman with his familie in the meane time lurking in a corner. Which tumult proceeded so farre, as that thirtie thousand men were in one day in that quarter flaine: and had not he the leader of the faction (and he eu'n the new chosen emperour) there beene killed, the emperour Inftiman had undoubtedly had much to do to have fauned his life; who yet at the beginning together with his other courtiers tooke great sport and pleasure therein. The like whereof happened at Syracusa also, where two of the magiftrats become rivals, and so falling out for their love, at the first gane occasion for other men to laugh at them, but at length so diuided the whole Commonweale into two such factions, which so banded the one the other, as that the most courageous of the nobilitie being flaine, the people taking vp armes and druing out them that were left of the nobilitie or better fort, tooke vpon it the foueraignty, and so changed the Aristocratie into a Democracy or Popular estate. Wherefore it behoeth a prince, before the fire of seditious and civill warrs by such sparkes be enflamed, to caft on cold water, or else quite to quench the same: that is to say, to proceed to the preventing thereof, either by sweet speeches and persuasions, or else by open force. So as did Alexander the Great, who seeing Ephefion and Craterrus his greatest friends, upon a mutuall emmation to be at discord and variance amongst themelues, and so to draw the rest of his valiant captains into parts, taking with them hee at the first with faire words, and gentle persuasions sought to make them friends together, but afterwards taking them apart, sharply rebuked them both, threatening withall to band himselfe against him which focuer of them should first by word or deed offend the other: by which sharp reprehenfion putting both in feare, made them friends together. And so our king Lewis, he who for his devotion towards God, for his loue
towards his neighbours, for his charitie towards particular men, and upright dealing towards all, is numbered amongst the Saints. unto his great praise vied the matter, as that all the time of his reign there was noer difference or contentions between any the princes, which he for his integritie and wilfulone himselfe in most friendly and peaceable manner quieted not. Yet of all things this is in a prince most to be taken heed of. That in ending the differences and quarrels of the nobilitie or princes, he terme not to be led or moued with the love or hatred of any of them, one more than another. Wherein Archidamus king of the Lacedemonians, wisely provided for himselfe, who seeing two great men his most deere friends at odds betwixt themselues, brought them both into the temple, and there demaunded of them whome they would make choyce of to be arbitrator of the difference betwixt them, who both answering, That they would make choyce of none other but of Archidamus himselfe: Sweare then unto me (said he) that you shall both abide mine award, and doe as I shall enioyne you: which they both doing, he straitly enioyed them both. Neuer to depart out of that same church, vntill they had reconciled themselues one of them vnto another, and so became tworne friends. Whereby he wisely without any offence or displeasure vnto himselfe(by giving of judgement betwixt them) made them friends, and so with thanks enjoyed the fruit of their friendship and good agreement, than which nothing ought to be more deere or more precious vnto a prince: for that no fortrefles are vnto princes more aflured, no castles stronger, than is the love and fidelitie of their subiects towards them. But here I speake of a good prince, and not of a tyrant which taketh pleasure to fee the great men still ruinated one of them by, another; neither aimeth at any other marke, but how to feth the great ones one of them vpon another. Howbeit, that it oftentimes falleth out, that the dogges falling vnto agreement among them selues, fall all vpon the wolfe: so as did the factions of the Colonneis and the Vrisins, who hauing discouered that pope Alexander the sixt, let them still at dissension and discord among themselues, so by their calamities and falses to encrease the strength and power of his baftard fonne Borgia; they fell to agreement among themselues, and so made head against him their common enemy.

Sometime also a tyrant seeinge the nobilitie in the State to flourishe with the strength and alliancie of friends, and the fauour of the people, and not to secke one of them another ruine, neither to have any equall adueritaires to oppose themselues against them; doth yet secretly afford fauour vnto some of the meaner or weaker fort, and so arme them against the richer and stronger, and by some notable and irreparable villanie by them committed against the other, bindeth them vnto him, in such fort, as that they can neuer be reconciled againe vnto the parties by them so offended. So as John Bentivlole the tyrant of Bononia is reported to haue done: who fearing the good agreement of them of the greater fort, easilie suffered the chiefest of the house and familie of the Mavrichots (then the richet and a man of greatest credit in all that countrie) to bee of his enemies slaine, to the end that hee might so bee dispatched of him, and supported of them of the contrarie faction: all reconciliation being by that so great an outrage brokem off, and all hope of mutual friendship vterly cut aunder: all which his tyrannicall flights and deceites, together with the fauour of the French king, yet helped him not, but that at length he was thruft out of his estate, and so by violence plucked headlong even out of the chiefest strengthe of his tyrant. But as the bond and obligation of a notable villanie is of all others the strongest, so is it also in every Commonweale most of all to be feared, for that thereby all the hope of amitie and concord is cut off towards them which haue received the injury. As it happened to the armie of Carthage, which for want of pay resoluing against the feigneute or state, under the conduct

A wife part of Archidamus in making of two great enemies ends.

The craft of tyrants in leeting other men together by the eares, sometime dan- gerous vnto themselves.
duct of two or three of their mutinous captains, seiz'd upon divers strong townes & places which they rish'd and ranstake: which captains and ringleaders fearing to bee by the soldiours at one time or other betrayed and deliucred, perfulued the rest of the chiefe principal men amongst them, to kill the ambafadours of the feigneury, and to hang vp Hafrubat the Generall with the rest of the Carthaginians which were fallen into their hands, to the end that hauing bound them by fuch cruelties, they should now have no hope at all to faue their lives by compofition. In which case there was no other meane for the Seigneurie to vfe, but euen plaine force, fo vterly to root them out which could not otherwife be healed as was afterwaards that armie of the Carthaginians, being by a long and cruel war at length defeated. For why, they had directly bandd themselves against the feigneury, in which case we haue saide the prince must of neceffitie become a partie, and shew himfelfe a moft sharpe enemie vnto the rebellions.

But if discord and contention be amongst the princes and great men themfelves, & that vnder the fame foueraigne prince, which yet he cannot either by his princely authoritie, neither by faire perufuation, nor hope of rewards, appeafe; he ought then to giue them arbitrators, men of great integritie and wydome, and fuch as they themfelves can like of. In which doing the foueraigne prince shall difcharge himfelfe of the heauinesse of the judgEMENT to be giuen, and of the hatred and displeasure of him or them that should be condemned. For if this manner of proceeding is and alwaies hath bene commendable for the ending of contentions yuen betwixt kings themfelves, by committting their differences vnto the arbitrement of princes; and that all nations vse this manner and fashion: with how much more reafon ought a wise prince (as of right he may) caufe his owne subiects to confedence thereunto, and especially them which are neceft to him in alliance or blood; to the end that their quarrels and contentions should neuer (if it were poffe) fo farre passe the bounds of reafon, as to come to bee try'd by the fword or force of armes.

But in ending fuch contentions, the prince aboue all things must beware that hee shew not himfelfe more affected vnto the one part than to the other: which hath bene the caufe of the ruine and overthrow of many princes and eftates. So Philip the first king of Macedon was not the goode, but for that he openly tauoured Antipater against Paffanias a meane gentleman, in denying of him juftice; which was the caufe that Paffanias discharg'd his cholet ev'n vpon the perfon of the king himfelfe. Neither for any other caufe did Henrie the fift, king of England, there vp that long and deadly cinill warr, wether with all England was in combustion eight and twentie yeares, and wherein were loft about fourecore princes of the royall blood (as Philip Comines reporteth) but for that the king tooke vp him to be captain of them of the faction of the house of Lancafter, againft them of the faction and house of Yorke: who at length hauing vanquished and ouercome their enemies, put to death the king himfelfe in pri

Dangerous for a prince not to shew himfelfe indifferent in the quarrels and contentions of his great subiects.

But
But some will haply say, That by this means the king shall know newes, and keepe the parties also in awe: whereunto I also well agree, that a young king might doe amongst his ladies and gentlewomen, to take pleasure & knowledge of news enough, but not amongst his princes and other his great lords. Now if any man shall further object and say, Princes to be oftentimes, yea and that against their will enforced to doe, and to take a part, when as he which thinketh himselfe wronged, upon an obstinate mind will not by any reason, persuasion, judgement, or arbitration, suffet him selfe to be ouetrulled or persuaded. In which case I say, that necessitate hath no law: and yet that the prince before hee may come to that point of extremitie, as to use his force, ought to prove all the means that he possibly may, for the composing of the matter in controversie, and making of those his great subiects friends: which if it may not be, then by force and strong hand to ouetrule that which he could not otherwise doe: For that it cannot be, that he which shall be so froward or presumptuous as not to hearken vnto reason, nor his friends persuasion, can haue many to take his part, or to stand fast by him in that his great and obstinate wilfulnesse.

Yet might some man say, That the occasion of the quarrell may be so secret, as that no proofe can thereof be made, neither any judgement gien, and yet that hee which hath so receiued the iniurie, demandeth thereof an amends: in which case the princes find themselves oftentimes much troubled, as when an iniurie or offence is vnto any man secretly offered or done, which he which did it denieth, and that the truth cannot therein be tried but onely by bare surmizes & conjectures; in this case what is amongst the common and vulgar sort to bee done? it is an easie thing to say, as that no man ought without most manifest witnesses to be condemned: but souldiours, and such as stand vpon their nobilitie, deeme their honour to be stain'd, and their reputation greatly impaired, except he haue satisfaction, who upon his oath affirmeth himselfe to have so bene by any man secretly wronged. For why, such men say, the subiects liues and goods to be all in the princes hand and power to be disposed of, but not their honour and reputation. In which case the people of the North haue for the tryall of the matter appointed combats; as is to be seene in the ancient laues of the Lombards, of the Salians, the Ripuaries, the English, the Burgundians, the Danes, the Almaines, and the Normans; who in their customes call the Combat, The law of appearance: which many for all that haue as a most beaftly thing rejected, as never receiued or practized by the Assyrians, the Egyptians, the Persians, the Greeks, or Latines, except in lawfull warre, one man against his enemie, and that by the good leaue of the Generall of the armie: or elles sometime one Generall encountering hand to hand with another, for the spairing of their subiects blood: so Cassius and Marcellus in battell hand to hand overcame their enemies kings: Or els one king against another king, as did Romulus with the king of the Latines, and Hunding king of the Saxons, with Roe king of Denmark. So also Charles king of Naples chalenged Peter king of Aragon vnto the combat, for the triall of their right vnto that kingdome, which they yet performed not.

Neither is this any meane matter, when as Corbis and Orsia contending for the principality before Scipio Africanus the Roman Generall, saide, That they would have none other judge, either of God or man, to decide their quarrell, but Mars onely. And yet for all that it is better to appoint combats amongst subiects, according to the ancient and lawfull manner of our ancestors, when the perfons are of like qualitie which so stand vpon their honour, and that there is some apparent conjecture of the wrong receiued (for why the anciuent laues never admitted combat in a plaine and evident matter, or wherein good proofe was to be had) for that to deny combat vnto noble personages standing vpon their honour, and at so great oddes as that they can by no other
other means be appealed, were but to nourish the sife of civil war even in the entrails of the Commonwealth, which after it is once kindled, enflames the whole body thereof. For that two inconveniences propounded, wise men have well taught vs, the greater ought still to be of vs declined. Ioine hereunto also, that to change a custom which hath for many worlds of yeares bene found necessarie, is not onely an hard matter, but with-
daungentous also. Rotaris king of the Lombards, had taken the law of Combats from amongst his subieéts, but yet at their instant requests was enforced to restore the same againe into the former force; protesting withall, That it was but inhumane and naught, (as is in the laws of the Lombards to be seene) but yet for all that necessarie to avoid greater inconveniences: For that the law of Combat being so taken away, mee good and innocent men were most cruelly and secretly slain and made away, than happily had bene, the danger and eternall infamie of such hidden treacherie beeing fill propounded to the offenders, to be tried by combat. So king Lewes the ninth, having the honour of God, and the welfare of his subieéts before his eyes, was the first that forbad combats in this realme; which edict was thus, Novis Defendons Batallies Par Tyvt En Nostre Domaine En Tovies Querelles, wefor-
bid Combats in all quarrels throughout our dominions. And for that this edict was euill kept, Philip the Faire, king Lewes his nephew, caused the like also to bee published, whereby he vitally forbad combats; who yet within two yeares after was at the instant request of his subieéts confrainyed to restore them againe, by reason of the secret murders and stabblings, yeu even of the most valiant men, who then were in euery place so slain. Philip of France, surnamed the Hardie, duke of Burgundie, did not altogether forbad combats in Holland, but yet commanded them not to bee at all suffered, without the lawfull appointment of the magisirats: whereas before they were there open and common without just cause eu'en to all sorts of men. But it was a thing most barbarous, that Fronto king of Denmark in aunient time appointed all caues and quar-
rels to bee decided by combat, as the Saxon historiographer faith. Howbeit that the Russians and Hungarians otherwise vie it not, but when there is no evident proofe of the matter brought in quellion. But in our remembrance the prince of Melphe, the king his lieutenant in Piemont, found no remedy or means better, for the restrayning of the secret murders and mutinies which were ordinarie amongst his souldiers, than combat to be for them appointed, by the leaue and authoritie of the Generall; with condition, That the vanquished should not be spared, but still bee slain by the victor, and his bodie throwne into the riuere: For which such combats hee appointed a pub-
like place betwixt two bridges, compassed round about with the riuere; so that the hope of flight or of aid taken away, and that they mutt either overcome their enemie, or there shamefully die; the souldiers afterwards began to beleue themselves more mo-
destly, and so live the more quietly together.

But now, when as to have the lie gien, what is to be thought.

Of the lie gien, which is to bee thought.

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out much grieue, with a great number of his nobilitie, had scene a matter ended by combat, by a perpetuall law forbad controversyes or quarrels to be afterwards so tried. And to the intent that no man, who had rashly receiued the lie, should incurre the note of infamie: Charles the ninth renewing the edict made by his father, for the forbidding of combats, joynd thereunto moteouer, That he would take vnto himselfe the honour and reputation of such as found themselves grieved, for that they might not have the combat for the lie offered them: and yet there was never in Fraunce so many murders scene, as when combats were so forbidden. For who should not bee well laughed at, which for the lie given him should appeale vnto the judges? And yet in the opinion of the nobilitie and martiall men, he shal seeme to incurre the most heauie note of infamie, which shall not by force of armes repell such a reproach or disgrace offered him. Neither can the frowardness (should I say) or vanitie of so foolish an opinion causly be out of mens minds removed.

But whereas we before said, that the combat is for the avoiding of greater inconveniences to be borne withall, my meaning is not, that it should be by law allowed, but onely in case of necessitie granted, and that by the princes expresse letters, after the hearing of the patties, and for the auoyding of murders and seditions, which might otherwise enue. Whereby that inconvenience shall be auoyded, which otherwise without combat could not be provided for, that kinmen, neighbours, and friends, should for one mans wrong in a fort be enforced to take vp armes, and so enteartaine another mans quarrell: as oftentimes it chaunceth the force and furie of wicked men, to fall vpon the heads of good and worthy subjectes. But that is in the heating of the matter especially to be respected, that combat be not granted for the triall of any but of capittall causes, and thole also whereof no manifeste proofe is to be had or found out: following therein also the aunnient lawes, which will, That the vanquished should bee declared infamous, and so disgraced of all his estates and honours, condemned to some shamefull death, if he will not better die of the hand of the victor. Which sentenie of punishment, and feate of infamie, might stay many as well from entereing into combats, as also from leading of a quarrellous and wicked life: For Philip the Faire hauing forbidden combats, thought it not good otherwise to restore them againe vnto the nobilitie, but vpon the cause before nowe vnto the magistrats, as it was by the old decre of the Senat provided. As by another decre of the same Senat giuen in the controvertie betwixt the counties of Foix and Armagnae, it was said, That combats might not take place, when question was of ciuill right and law, which is yet the custome of them of Berne. And by the lawes of Naples also, it was ordained, That combats should not take place but in case of treason, and of cauall murder: whereas before it was lawfull in any offence whatsoever to chalenge the combat of the aduertarie, theft onely except: which yet I see by the custome of them of later time, not to have beene without good caufe lawfull. Howbeit that by the lawes of Spaine no such caufe of combat is allowed. And thus much concerning priuat and particular quarrels, with the meanes to appeale the fame.

But if quarrels and contentions arisse betwixt whole families, or betwixt whole corporations and colleges of the same citie or Commonweale, and vpon such like cause as doe betwixt priuat men: combats in that case are not to have place, but the partes so at oddes are by way of justicce to be kept in good peace; or otherwys by force & sharp punishment to be inflicted vpon the offenders to be kept in awe; yet for all that in such forts, as that justice should still have place even in armes in the execution doing; as it was in Rome, at such time as by a decre of the Senat it was appointed and let downe, That foure hundred innocent slaves should be all put to death; with which vn-

Combs not to be admitted for the quarrels and contentions betwixt families.
usfull manner of execution the common people all intaged was about to have taken vp armes, if the emperor Nero had not for the keeping of them in, dispersed the souldiours of his guard into every quarter of the citie, fo to keepe all quiet, vntill that the execution was. Whereof Justinian the emperor having euin in like case failed, fell into the great and daungerous sedition (whereof we before spake) which vpon the sudden fer all Constantinople almost vpon a light fire. As not long ago the two most famous cities of Paris and Antwerp, were in great tumults and uproates, at such time as the people faued from execution certaine persons for their religion condemned to die: whereof the resolt of the Low countries against the king begun. Neither is this any new matter, but knowne to have happened in the glory of the Roman Commonwealth: when as at such time as the Conful had commanded one Volero a factious fellow to have the bastenaio given him, (as the manner of punishing of such offenders was) the people by force rooke him out of the hands of justice, even as hee was to have bene strippd, and made him Tribune to defend the popular libertie against the Senat and the Nobilitie, with whom the people were still at warre, if they had no enemies abroad. For which cause the Senat and Magistrats chiefe care, was to find out forren enemies to oppose against the people: or if they wanted such, by all meanes to forge new enemies and warres, as knowing them otherwise neuer to cease from seditions & ciuill broyles. For so soone as that the Carthaginians had made peace with the Romans, after the first Punique warres, they forthwith entred into a great daungerous ciuill warre at home among themselues: which still happened vnto them at Rome, if they were neuer so little a while without warres. We fee also, that they neuer shut vp the temple of Janus, which was the signe of an vniuerse vntill peace, but twice in seven hundred yeares space. And if we mark the histories well, wee shall find nothing to have bene more daungerons and hurtfull vnto a valiant and warlike people, than peace: For that men accustomed to warres, and still trained vp in armes, seek for nothing els but dissentions and broyles, neither have any thing more than to be rest and quiet. And that is it for which the histories report Ca. Marius to have bene the best genetall of his time in the warres abroad, but the worst and most troublesome man alioe at home and in time of peace: for that he well knew not what peace & quietnesse meant. Yet whether it be better in a Commonwealth to traine the people vp in peace or warre wee will hereafter declare.

Now we have in some sort touched certaine meanes for the preuenting of seditions and part-takings: but as it is much more easie to stay the enemie from entering, than to drive him out after he is once entred; so is it more easie also to preuent seditions and tumults, than to appease the same: and yet that more hardly also in a Popular estatte or Commonwealth, than in any other. For why, the prince in a Monarchy, and the lords in an Aristocraticall still are, and ought to be, as soueraigne judges and arbitrators of the subiects: and so oft times of their absolute power and authoritie appease and quiet all their differences: whereas in the Popular government the soueraignty lieth in the people themselues, which are so divided into factions, who in no other acknowledge the magistrats, but as men subiect vnto their command and power. Wherefore in such Commonwealths such seditions and factions are with the greatest care and diligence that possible is, to be at the first prevented: but if they bee once rifen before they were well forseene, then it behoueth the most wise and vertuous men in the estate to take the matter in hand: who by their great wisdome and kind speeches may againe appease the turbulent motions of headstrong and giddie common people. For as they which are sick of a phrensie, which causeth them to skip and daunce without ceasing, cannot be cured, except the cunning musician tune his instrument vnto their mad man-
ner and fashion, to draw them unto his owne, and so to fall by little and little, until that they be so againe made more quiet and tractable: even so ought also the wise magistrate seeing the people in a rage, at the first to accommodate and frame himselfe unto their disordered appetite, that so he may afterwards by little and little induce them to hearten unto reason: and so by yeelding at first unto the temper, at length put into the desired haunt. For to seeke by force to stay the rage of an angry and incensed multitude, is no other thing than as if a man should by maine strength seeke to stay the force and course of an headie fireame, most violently falling from the high and steepercorcks.

And as for them which goe about by force of armes and strong hand to stay the angrie peoples rage and fure, if they bee not verie strong and well auffured of the victorie, they put the estate into great peril and danger: for if the subiect become victor, no doubt but that hee will at his pleasure preferre lawes unto the vanquished. And admit that the prince himselfe be not vanquished, yet so it is, that if he attaine not unto the full of his desigines, he shall in so doing make himselfe contemptible, give occasion unto his other subiects to rebell, for strangers to invade him, and for all men to contemne him. Which is yet more to bee feared in popular estates, and was most manifestly knowne in the seditions which happened in Rome, wherein they which would needs proceed by force, and openly refist the desires of the people (vp in furie) marrd all: whereas to the contrarie, they which fought by faire means to win them, still brought them to reason, and so upheld the state of the citie, otherwise readie to haue fallen. 

Appius Claudius seeing the people of Rome to demand to have had the obligations and bonds for money lent, canceled, (wherein the richer fort and visilters had a notable intereite) was of opinion not to have any thing of the due debt remitted. And at another time the people being revolted from the nobilitie, hee the same man would have had them most rigorously entreated, without any regard to have been had of them at all; for that the people other wise would swell with pride, and become insupportable: howbeit, Servilius at the first time, and Memmius Agrippa at the second, withstood him, and so carried away the matter from him. Which Agrippa shewed in deed, and by a most excellent fable of mans bodie and the parts thereof (which hee so liuely set before every mans eyes) that he causd the armes to fall out of the hands of both parties, and so sweetly againe reconcilcd the people into the nobilitie: wherby he together with the welfare of the Commonweale, and all mens love, gained also vnto himselfe immortal fame and glorie. And if so be that wild beasts will never by strokes be tamed, but by the kind handling of him that tamest them: even so the people once moved or enraged, as a beast with many heads, and of all other the wildest and fiercest, is never by force, but by good and kind vfage and entreatie to be gained. Wherefore in such time of common vproce and tumult, something is to be granted vnto the people: and if the sedition be raised for famine or for death of viuelts, some present distribution is to be made, and relief given vnto the poorest fort, who are not with words to bee appeased. For that as Cato the Cenfor, speaking of the people of Rome, sayd, The hungry bellie hath no cares. Neither in that case must the magistrates spare faire words or promises, yea more than is ever to be performed. For that the matter standing, both Plato and Xenophon give leave vnto the magistrates to lie, as physicians to children and their sicke patients. So the wise Pericles, to draw the people of Athens vnto reason, fed them with feafts, with plaies, with comedies, with songs and dances; and in time of death caused some distribution of course or money to be made amongst them: and having by these means tamed this beast with many heads, one while by the eyes, another while by the cares, and sometimes by the bellie, bee then

The hasty belly hath no cares.

The wisdome of Pericles to draw the common people of Athens to understand rea-

The bellie
then caus'd wholesome edicts and laws to bee publisht, declaring vnto them the grave and wise reasons thereof: which the people in mutiny, or an hunred, would never have hearkened vnto.

Yet whereas we have saied, that the people is to be flatter'd, and to have something granted vnto it: yea sometimes even things unreasonable; especially in popular and Aristocraticke estates, that is to be understood in time of extremitez, when as it is already vp in sedition: and not for that one ought still to follow the appetite and passion of the infatiable people, and without reason: But even to the contrary, it is so to bee governed, as that it be not too hard curst, neither yet left with the reigts at too much libertie. For as it is a right slipperie high standing place to servce the appetite and pleasure of the vnsteadye people, so is it yet much more daungerous alfo, openly to oppose a mans self against it: so as did Appius, Coriolanus, Metellus, Catulo the younger, Photeon, and Hermiodorus, who whilest they would have all things of the people by strong hand, and rather brake than bow, they did either vterly vndoo themselues together with the Commonweale, or at least would bring it into most great peril and danger. True it is, that for the prince or magistrates thus to temper majestie with clemency towards an vnrely and headstrong people, without judgement and reason, is a most hard and difficult matter: yet is there nothing more necessarie, especially in Popular governments, than not too much to flatter, neither yet to deal too roughly with the people. But as the Sunne goeth rising and setting with the other stars and planets, daily carried about with the most swift motion of the superfine celestiall spheres, and yet for all that falsely not to performe his owne naturall course by retiring backe by little and little; and that by how much the higher he is mounted up from the Horizon, the leffer hee temeth for to bee: Even so ought the wise governour to doe, following in part the affectiones and desires of the troubled people, so much the more easily afterwards to attaine vnto the full of his designs. And albeit that a prince had the power by force to represse and reforme a mutinous and rebellious people, yet ought he not so to doe, if otherwise he may appease them. For what Phyfitian is there so indifferent, as to vse fections, and cauterings, or burnings, if the disease might otherwise be cured? And so what prince is there so euill advised, as by way of force and fact to proceed against his people, if with a kind word (speaking hee may appease all?) But especially in a Popular estate, wherein it becometh the wise magistrats, by all faire means to appease and quiet the passions of a troubled people, in laying plaines before their eyes the euill successse which may ensue of their so euill and disordered proceedings. We read therof many examples, but yet none more famous than that of Paeanitus Calinus of Capua, who being accounted a great fauourer of the comminallie, and an vter enemie vnto the nobilitie of that citie, yet vnderstanding of a purpose that the people had vp on the sudden to kill all the Senators of the citie, which so cruel a murder he greatly detested, but yet seeing the common people so resolutely set downe vpon the matter, as that they were not to be remoued, he himselfe made show also, as if he had as well as any of the rest liked of that the peoples will and purpose, yet withall gave the Senators to vnderstand of the great daunger they were in, and of the purpose he had for the safegard of their lives, willing them to bee of good cheere, and to feare nothing. And so afterwards the Tribune or chiefe leader of the mutinous people, hating that vp all the Senators into a strong place, as men appointed for the slaughter; but indeed so to preserue them from the present furie, hee then with a metrie and chearfull countenance comming forth vnto the angry people, spake vnto them thus, That which you men of Capua have oftentimes wisb'd for, That it might once be in your power to be revenged.
A newed of the most wicked and abominable Senat: you now have the same put into your hands, not by your own consent, but by assaulting and breaking open their houses one by one, which they keep and defend with strong companies and guards of their servants and friends, but even at your pleasure, and without danger. Receive them all but up in the court, where I will give you power to pronounce sentence of every one of their lives. But before all things it behoveth you so to satisfy your anger, as yet to defer your own health and welfare better than the satisfying of your rage and wrath. For a Senat you will not altogether bee without: for that you must needs either have a king, which is a thing to be abhorred, or else a Senat, the only Council of a free citie. Wherefore two things refi for you to doe, the one that you take out of the way the old Senat; and the other, that you chuse a new. And this laid, hee sat downe, and to the Senatours names beeing all put into a pot, hee commanded the first name that was drawn out to bee read, and him so named, to bee brought out of the court. Is it your pleasure then (said hee) that this man shall first dye? Whereunto all the people cried aloud, That it was well said of him, and well done. Well, I see then (said Paciusus) what his doom is: let him bee cast out; and now for him an euill and wicked man, make you choyce of a good and upright Senator to bee put into his place. Whereupon they all at the first were silent, for lacke of a better to make choyce of: but as some one more impudent than the rest had named one, presently a greater criе was heard than before; some crying out, That they knew him not; other some explaining as fast against him as a naughty base fellow, of some beggery trade or other, and so vnworthy of the place: The like futer there was, when choyce was to bee made of the second, and third Senat, the base artificers and trades-men still nominating some one, and some another: in such sort, as that they now began to fall out amongst themselves, about the choyce, none of them being willing to yeeld or give place to other, which whilest they did in euerry Senator which was named, there was no leffe trouble and future amongst themselves, than was before betwixt them and the Senatours. Whereupon they were better contented that the old Senatours should now still hold their places, than to suffer one of them to bee preferred before another. Wherein the council of the Tribune was right wise, and cunningly by him put in execution: who after hee had by his wife dissimulation somewhat appeale the mad peoples rage, hee as it were with his finger pointed out, and layed open even upon euery mans eye, the great hurt and inconuenience that was to ensue, by putting the Senatours to death: as that not onely such a shamefull murder should beuer bee accounted most cruel and inhumane; but that also, by the doing thereof the Commooneale should bee without counsell, as a bodie without a soule; and the fire of sedition raised also amongst the people, about the preferment, and them that were to bee preferred.

B. But if the people once enraged be already vp in armes, it is a most hard and dangerous matter to appeale them; in so much as that not long agoe there was one that set fire on his owne house (left the Commooneale should with the flames of sedition even then have perished) so to turne the citizens then together by the eares to leave the fray, and to come to helpe to quench the fire; for scarce left all should have beene burnt. Then if any man there bee in vertue and valour exceeding the rest, who will with good speeche take vppon him to persuade the people unto peace and concord, hee only, or else none is the man that may appeale the peoples frantike furie and rage. Which thing Virgil most excellently expressed in these few verses following;
And as a sudden tumult rais'd amidt a people great,
When as the bale and rafcall fort are in the greatest heat,
And firebrands now and ftones do fhe, fuch weapons as there lye,
Then if some good grage worthy fire they fortune to efpie,
They silent with attentiue ear and fizing to his lore:
He with good words their minds doth rule, and calmes the whole vprote.

Such we faid Pericles to have bene in Athens, Mencenius Agrippa in Rome, and
not long agoe Peter Loredan in Venice, who at fuch time as the mariners and fca-fa-
ring men banded themfelves againft the refl of the citizens, and in fuch fort maffacred one another, as that neither duke, neither the Senat, nor other magiftrat could come
nie, but that they were by force and violence of the furious people rejefted: this plaine
gentleman Peter Loredan (I fay) a priuat citizen, and bearing no office at all, showing
but himselfe in the middeft of these combats, and holding but vp his hand on his, cauf-
ed the weapons to fall out of every mans hand, for the reuerence they all bate vnto the
vertue of fo graue a perfonage; and fo as it were in a moment appealeed all that ciuill
discord, Whereby it was to be feene, vertue to be of greater power and maietie than
armes, than lawes, yea than all the magiftrats together.

There is aue in the reuetend fear of religion a great power for the ftying of the
tumultuous people. For at fuch time as the Florentines were fallen out into fuch a fur-
rie among themfelves, as that the citie fwoone with the blood and slaughters of the citi-
sen: and that they could by no meannes be parted, Francis Soderin the bishop attired in
his bishoppike attire, and attended vpon with a company of priefts, and a croffe carried
before him, came into the middeft of the furious citizens, fo bandying it one against
another: at the fight and prouence of whom, they all for the reuetend fear of religi-
on vpon the sudden laid down their weapons, and fo without more ado, got them-
selves home every man vnto his owne houfe. So alfo Iadius the Iewe high Prieft,
in his Pontificalibus met Alexander the Great comming towards Hierufalem with
his victorious armie, with whom port and maietie Alexander terrifyed, worhipped the
High Prieft, and was fo farre from ransackking either of the country or holy citie,
as that he gafe it great privileges, with whatfouer the High prieft els requestted. With
like wifedome pope Urfan is reported to haue turn'd Attila king of the Hungarians
from the fiege of Aquila.

But sometime fuch is the deadly hatred of citizens amongst themfelves, as that they
need of the helpe of their friends and allies, yea and fometimes even of meerre ftrangers
to let them agreed. In which cafe an other good old man of Florence feeing the citi-
sen without pity to kill and maffacre one another, and on all fides to burne one ano-
thers houfe, went to request the Luquois their neighbours and friends, to interpole
themfelves for the appeafing of these fo deadly broyles, as had well neuer ruinat
the whole eflate: Wherewith the Luquois moued, came in great numbers, by whose
good trauell and mediation all those slaughters and broyles were well stayed and qui-
ted: a thing both commendable and profitable, not to them only which are fo let a-
agreed,
agree, but even to them also which were the workers therein, as reaping therby great honour, together with the love of them whom they so made friends. Yea oftentimes it happeneth, that the citizens devoted into factions, weary at length of their murders and tumults, seek to but to find an occasion for them to fall to agreement; yet being of opinion it to touch them in honour, that should first seek for peace, therefore continue their bloody quarrels vntil that they have utterly ruined one another, if some third man interpose not himself betwixt them for the making of them friends: which thing oftener happeneth in popular or Aristocratike commonweales, than in a monarchical: wherein the subiects are by the power and authority of one only prince still to be set at one, & reconciled amongst themselves, together with the commonweale. Howbeit, that sometime it happeneth the foueraigne prince to make himselfe a party, in stead of holding the place of a soueraigne Judge: in which doing for all that he shall be no more but the head of one party, and so undoubtedly put himselfe in danger of his life, and that especially when much dangerous seditions and factions be not grounded vpon matters directly touching his estate, but otherwise, as it hath happened almoft in all Europe within this fifty yeares, in the wrakes made for matters of religion: for we have seen the kingdome of Sweden, of Scotland, of Denmark, of England, the Cantons of the Swiflers, yea and the Germaine empire also, to have changed their religion, the estate of every of these monarchies and commonweales yet standing entire and whole; howbeit that the truth is, that it was not done, but with great violence, and much bloodshed in many places.

But religion by common consent once received and setled, is not againe to be called into question and dispute, that for all the wayes and entrances vnto faction and faction may be stopped, and the asuriances of unity and peace strengthened; for that all things called into disputation, are so also but as things probable called in doubt: and what can come neeter to impuity then by probable arguments to call in doubt the lawes of God, which are by their nature immutable and eternall: and such as of the truth whereof every man ought to be most certainly refoluded and affurrd. Besides that, nothing is so firme and stable, nothing so manifest and cleare (except it rest vpon most playne and vndoubtfull demonstrations) which may not by disputation and force of arguments be obscured or made doubtfull; and especially where that which is called into question, or dispute, reflect not so much vpon demonstration or reason, as vpon the assurance of faith and beleefe only: which they which beleve by demonstrations and publishing of bookes to performe, they are not onely mad with reason, but weaken alfo the foundations and grounds of all forts of religion.

There is a moft antient law of Licenius extant, which the Florentines (of all others the sharpest disputers) establisshed in their popular effate, viz. Re de legibus separatis apagis deuertere literat, That it might not be lawfull to dispute or make question lawes once receuued and allowed. For why he of others the wit, well understood, lawes disputed and refonned vpon to bee still doubted of; which doubting brought with it an opinion of the iniquity thereof; whereof must needs follow the contempt both of the lawes and magistrates, and so consequenter the ruine and destruction of the whole commonweale. But if Philosopheres and Mathematicians cannot abide to have the principles of their sciences refonned of, what great folly, or rather madneffe is it to dispute not onely primtly, but even openly also of religion alreadie approved. Howbeit that Anaxagoras maintained the know to be blacke, and Pomponius the Quar- taine feuer to bee a very good and wholesome thing; and Carneades having on day highly commended injustice, the very next day preferred injustice before it, and that it was (without all comparison) better to be a vertue knaue than a vextuous honaffe man: Z z iiij which
which they all so persuasively did, as that they drew a great number of men to bee indeed of their opinions. Although Aristotle said them which made question, whether snow were white or not, to want fience: but them which doubted whether there were a God or not, not to be with arguments refuted, but by the lawes punished: howbeit that he himselfe by needesarie demonstration proued there to be one everlafting God, and that there could be no more gods but he. Wherefore, all the kings and princes both of Affricke and of the East, doe most straitly forbid all men to dispute of their religion. Which like strict prohibition is also let downe by the lawes and decrees of Spaine. So also the king of Moscouie feeing his people, who had received the rites and ceremonies of the Greekes, divided into diveres fects and factiones, by reason of the divers preachings and disputations of the misflers: hee therefore forbid them vpon paine of death any more to preach or dispute of religion; and withall gaue a booke vnto the bishop and parish priests, wherein was contained what hee would have every man persuaded of, and to beleue, concerning matters of faith and religion, which he commanded them vpon all feastuall dayes to reade and publifh vnto the people: with a capitall paine therunto annexed, if by any mans expofition any thing were at all therunto either added or diminished. And Moses, when hee had most curiously written all those things which he had learned and receyued from Almighty God, and declared the fame vnto the people: yet in one chapter of the law (the people yet wandering vp and downe in the desert) he commanded the priests and Levitcs aloude and distinctly to reade the law, yea, and that dayly also, that to it might bee vnderflood and knowne vnto the people of every age and fexe: and so in another chapter forbade any thing to be vnto the lawes of God either added or detracted. Yet fayth hee not, that they should dispute thereof: but even to the contrarie, the Hebrewes instructed the prophets from the father to the fonne: they teaching the law of God in feuen Colleges, which then were in mount Sion, never yet suffeted men to enter into disputasion thereof, as we read in Optatus Milevius. For why, disputasion was invented but for things probable and doubtfull: and not for things religious and necessarie, and such as every man is bounde to beleue: which by disputasion are alwaies made doubtfull. Wherefore seing that disputations of religion bring not only the doubt and overthrow of religions, but even the tissue and destruction of Commonweales alfo: it behoøueth them to be by most strait lawes forbydden: which after long ciuill war was by the estates and princes of the Germaine empire provided for, and a decree made, that the princes should with mutuall content defend both the Romane and Saxon religion: whereunto that was also joyned, That no man should vpon paine of death dispute of the religions. Which feuerle punishments, after that the Germaine magistrates had inflicted vpon divers, all Germany was afterwards at good quiet & rest: no man daring more to dispute of matters of religion. Moreover, seeinge that not onely all wise law-givers and Philosophers, but euen the very Atheifts themselues alfo (as namely Polybius himselfe an Atheift) are of accord, That there is nothing which doth more vphold and mainaine the estates and Commonweals than religion: and that it is the principal foundation of the power and strengte of monarchies and Seignories: as alfo for the execution of justice, for the obedience of the fubjefts, the reverence of the magistrats, for the fcare of doing euill, and for the mutuall love and amitie of every one towards othen, it is by most strait and feuerle lawes to be provided: that so faced a thing as is religion be not by childifh and sophistical disputations, (and especially by such as are publickely had) made contemptible, or by probable arguments made doubtfull, and so at length quite taken out of the minds, both of the healets & of the disputors together. Neither are they to be heard which thinke themselues to be able with more fubtil
reasons to persuade all things: for that as Papianius most wisely said, *Summa ratio est quæ pro religionis facit*, it is of all the greatest reason, which tendeth to the main- 
nance of Religion.

I will not here in so great variety of people so much differing among themselves in religion, take upon me to determine which of them is the best (howbeit that there can be but one such, one truth, and one divine law, by the mouth of God published) but if the prince well attuned of the truth of his religion, would draw his subjects thereunto, diuided into sects and factions, hee must not therein (in mine opinion) use force: (For that the minds of men the more they are forced, the more froward and stubborn they are and the greater punishment that shall be inflicted vpon them, the leffe good is to be done: the nature of man being commonly such as may oft (selfe bee led to like of any thing, but never enforced so to doe) but rather it heaueth the prince so per- 
-suaded of the truth of his religion, without fainting or difsembling to professe and fol- 
low the fame, still devoutly fearing the almighty God: by which means he shall both 
turne the will and minds of his subjects vnto the admiration and imitation of himselfe, 
and at length so plucke vp even the vertic roots of all sects and opinions: In which doing 
he shall not onely avoid commotions, troubles, and ciuil wares, but lead alfo 
his striving subjects vnto the port of health. Whereof as there are many ex- 
amples, so is there none more fit for this our purpose, than that of theodosius the elder, 
who at the beginning of his raigne found all the provinces of the empire full of Arri- 
ans, whose strength and power was so groome and encreased vnder three or foure Ar- 
rrian emperous their fauourorts, as that their doctrine was not onely by eight counsellors 
confirmed, which were at divers times assembl'd at Tyre, at Sardis, at Sirme, at Mil- 
lan, Seleucia, Nice, Tarfas, and especially at Ariminum (where fix hundred bishops 
were of their opinion: and but three of name which held the contrarie) but that they 
also punished other their aduentaries of opinion contrarie vnto themselves, with con- 
stitutions, procriptions, and other moft grievous punishments. Yet would not this 
good emperour now come vnto the empire, either force or punish the Arrians, al- 
though that hee deadly hated them, but graunted vnto them both the Arrians (I say) 
and the Catholikes, their churches, and suffered them in euerie towne to haue two bish- 
ops, of either religion one: and albeit that hee at the importunat suit and instance of 
the Catholike bishops, commaund'd certaine edicts to bee published against the Arri- 
ans, yet was hee well contenied to haue the fame holden in suspence, and not put in- 
to execution; as his letters vnto Ambrose in these words declare, *Trade Arrianis Be- 
silicam, mei namique sunt omnis a turis*, Giue (faith hee) vnto the Arrians a church: for 
that all are in my power. Which thing Rotaris also king of the Lombards by his law 
permitted. And yet nevertheless this emperour living according to his religion, and in- 
fueting his children & kinmen in the fame, wonderfully diminished thearian sect in 
Europe: howbeit that they have euer since continued, and so yet do, both in Asia and 
Afrike, vnder the law of Mahometes grounded vpon the fame foundation. The great 
emperour of the Turkes doth with as great devotion as any prince in the world hon- 
our and observe the religion by him receiv'd from his anceftrous, and yet dete- 
steth hee not the strange religions of others; but to the contrarie permitteth euery 
man to live according to his conscience: yea and that more is, neere vnto his pallace at 
Pera, sufereth foure douets religions, *viz.* That of the Ieues, that of the Christi- 
ans, that of the Grecians, and that of the Mahometanes: and besides that, sendeth 
almes vnto the Calogers or religious Monkes, dwelling vpon the mountaine Athos 
(being Christians) to pray for him: as did Augustus to the Ieues, to whom he ordinarily 
Sent
fent his almes and perpetuall sacrificies to Hierusalem, which hee comanded to bee thare dayly made for the health of himselfe, and of the Commonweale. For why the people of antiquite time were perswaded, as were the Turks, All sorts of religions which proceed from a pture mind, to be acceptable vnto the gods. And albeit that the Romans easlie admitted not strange religions into their Commonweales (as in the warres against them of Vcios the Ediles had in charge, Ne qui nisi Romani dy, nee quo alio modo quam patrio Coloniar, That no gods should be worshipped but the Roman gods, neither after any other manner than after the manner of the country) yet for all that did they easily suffer euery man priuate within the citie to vfe his owne manner and fashion, and his owne religion: yea the Romans themselves receiued into the citie the sacrificies of Isis and of Erosulapius, and suffered the Pantheon to be dedicated to all the gods. Only the Iewes of all people detested strange ceremonies: whereby they pro\u00fected the hatred of all people against them. For at such time as Antiochus the Noble besieged Hierusalem, the Iewes tooke truce with him for eight daies, wherein they might keepe holy the Feast of their deliuerss out of Egypt, dedicated vnto the honoure of the immortall God: Whereunto Antiochus (as Plutarch wrieth) willingly condefcended; and yet not so contented, with great reioicing brought alfo bulles and rammes for the furnishing of the sacrificies even vnto the gates of the citie. Howbeit that afterwards the time of the truce expired, he tooke the citie and sackt it. But as he was about therein to haue sacrificied after the manner of the Greekes, the Priests & Leuites cuttng and banning, forsooke the Temple. For which cause Antiochus enforced them, as contemners of the gods, to receive the Greeke ceremonies and sacrificies, yea and caused hoggges alio to be killed in the temple, and the Iewes to bee enforced to eat of them, tormenting such as refused so to do with all kind of tormentes and tortures, which in that citie wrought the change both of the religion and state. But Ptolomeus Lagus (as Agatharchides wrieth) and after him Pompeius, after long siege hauing taken Hierusalem (the same day that the Iewes had before taken truce with Antiochus) yet both of them kept their hands from sacrilege: which Crassius did not, neither Placius: whome yet Cicerone denieth to have taken any gold belonging vnto the temple; in which oration, as seruiced for his purpose, hee said, The gods of the Iewes to have deliuetered their seruants from the bondage of the Romans. So that the Iewes detesting the gods of other nations, causd all other people and nations most grieuously to hate and contenmne them. For at such time as Quadratus being President of Iudea, a common fouildour had in contemp showed his tayle vnto the Iewes, as they were sacrificing in the temple, such an vpote and tumult enfued thereof, as that twentie thousand of the Iewes were there flaine. At which time the Iewes by a decree of the Senat, were druen alio out of Rome: where Tiberius causd such as would not remove thence, either to chaunge their religion, or to become slaves; but this was done in Rome onely. For the fame Tiberius forbade Pilat, who had determined to haue placed certain shielis and ecutcheons in the temple of the Iewes, to place the same, or to alter any thing of their religion. But Alexander Severus the emperour in his priuate sacrificies worshipped Abraham, Orpheus, Hercules, and Christ. But when the Christians as well as the Iewes, had begun to deteit those thistie thousand gods which Pindarus now in his time worshipped, and so began to bee a contempt of the gods in the minds of men, the princes and magistrats began likewife with most grieuous punishments to persecute them, except they would forswere Christ and the Christian religion, the Iewes (bearing themselves vpon the antiquitie of their religion) being become their accusers and enforcers against them, leaft they should seeme partakers of the fame impetue with them. And thus as the multitude of religion and sects was innumerable, some dete...
A. detesting the rites and ceremonies of others: so thereof proceeded also the divers and manifold changes of Commonweales. And albeit that tyrants had before exercised incredible cruelties upon their subjects, yet neuer thought they it lawfull for them to rule over mens minds before the time of this Antiochus, whome wee but even now spoke of. Which was the cause that Theodoricus king of the Gothes (though fouling the Artians) would not yet enforce the conscience of his subjects, nor have them tormented for their religion; least vnder the pretence of impiecie hee should have seen to have taken the spoyle of their goods, or bind their minds, which could by no threats or commandes be constrained or bound. For so he writing vnto the Senat at Rome, ...Of A. Commonweale.

B. dat inuitus, Religion (faith he) we cannot command, for that no man is compelled against his will to beleue as we read in Cassiodore: Which reason of all others seemeth vnto me most effectuall, for the taking away of such punishments, as are vnder the colour of religion to be inflicted upon the subjects. Wicked and straunge rites & ceremonies, and such other as the greater part of the subjects of greatest power detest, I think it good and profitable to have them kept out of the Commonwealth. For the preservation of the subjects love amongst them selues, which is especially nourished & maintained by their consent and agreement in matters of religion: yet if the same religion be liked of by the opinion of neighbour nations, and of many of the subjects, then ought it not onely with punishments not to be restrained, but also so much as may be profused, that it may not without sedition bee publiquely profesed, yet that no man be forbidden the privie exercice of such his religion. For otherwise it shall come to passe, that they which are defultive of the exercize of their religion, and withall despised of the religion of the others, shall become altogether Atheists (as wee daily see) and so after that they have once lost the feare of God, tread also vnder foot both the laws and magistrats, and so more themselves to all kinds of impieties and villanies, such as is impossible by mens lawes to be redexted. Howbeit what letteth vs to follow the counsell of the most holy prophets, of whom * the one pensusad his countrimen led away into captivity into Chaldea, That at such time as they should bee enforced to fall downe before the idols, yet that they should with a pure mind always worship the euer living God, & the * other admitted the request or excuse of Naaman the king of Syria, his servant, but newly instructed in the true religion and servitue of God, if he were present with the king his maistre, sacreficing vnto a straung god, so that he kept his mind pure and cleane from idolatry. For they are much deceived, which think Commonweales to be better kept in order by mens commands and lawes, than by the feare of God his judgements. For as the greatest tyranny is nothing fo miserable as an Anarchie, when as there is neither prince nor magistrat, none that obelith, neither yet any that commandeth, but that all men liue as they list at libertie in all loofenes of life, without feare of punishment. So the greatest superstition that is, is not by much anything so detestable as Atheisme. And truly they (in mine opinion) offend much, which think that the same punishment is to bee appointed for them that make many gods, and them that would have none at all: or that the infinitie of gods admitted, the almightie and euerliving God is thereby taken away. For that superstition how great soever it be, doth yet hold men in feare and awe, both of the laws and of the magistrats; as also in mutuell duties and offices one of them towards another: whereas meer Atheisme doth utterly root out of mens minds all the feare of doing euill. Wherefore two inconueniences propounded, Superstition (I say) and Atheisme, we must still decline the greater: yet when we may not publiquely vse the true religion, which still continues in the worshipping of one almightie and euerlasting God: leaft by contemning...
of the religion which is publikely receiv'd, we should seeme to allure or stirre the subiects vnto impiety or sedition, it is better to come vnto the publike service, so that the mind still rest in the honour and reverence of one almightie and ever living God.

But now, whereas some men matuell how it came to passe, that in the time of Theodotion considering the diuersitie of sects and of religions that then were, they could so stand without civill wares, being then at the leaft an hundred diuers sorts of them according to the account of Tertullian and Epiphanius: whereas the cause was, the multitude and varietie of such different opinions, which so still held one of them in counterpoise with another. Now in matters of sedition and tumult, nothing is more dangerous, than to issue the subiects diuided into two opinions or factions only, whether it be before matters of estate, or of religion, or for the laws and customes, or other matters whatsoeuer that the subiects are so diuided. For that but one thing can by nature be contrary vnto another thing: and moe things than one to be contrary vnto one, is a thing not to be imagined. So that where there be more than two sects or forts, there must needs be some in the meane betwixt the two contrarie extremes, which may set them agreed, which otherwife of themselues would never fall to agreement. And therefore Solon by law provided, That in civill seditions and troubles, every man should of necessitie take either the one or other part, and that it should not bee lawfull for any man to stand as neuter: which vnto many seemed a thing unreasonable, considering that the greatest prudence and commendation of a good subiect is, to bee a quiet civill man, deversious and doing the best that he can to live in peace. Besides that, by this means the confidence of an honest man is forced, to take either the one or other part, when as haply he thinketh both naught, and that they are both in the wrong. And that more is, it may so happen, that in such seditions he will follow that part which hee judgeth the better, he must beare arms even against his father, against his brethren, and friends, which are in armes in the other side: which were the way so to compell men to commit unnaturall murders, and to kill even them whom we ought to defend, &c to deprive them of life, by whom we our selues live. In briefe, the law of God forbidde him that knoweth the truth, to follow the common opinion of them which are out of the way: whereunto Solons law seemeth to repugne, in forcing a man to take either the one part or the other, although that they be both naught. Howbeit that a man might fay vnto the contrarie, this Solons law to be most profitable and necessarie also vnto Popular and Aristocratie eftates, wherein is no foneraigne, which standing as neuter, may determine and decide the differences of them which shall bee at discord and variance. For men well know, that the moft craftie men in time of civill wares, withdraw themselues so much as possibly they can out of the preffe, if they be not well assured of the victorie of the part that they themselues take (if it be not so, that they see the daunger such, as that the publike fire is like to take hold and burne euery their own priuate houses) yea oftentimes the more subtile and deceitfull fort set the rest at disputation and debate, that to may themselues the better fish in troubled water, and make a bridge for themselues to passe over, to seize upon other mens goods and honors: imitating them in the pries of Mars, whome the auncients called πυγαμοι, or Fire-bearers, who having orderly performed their solemn expections, cast fire brands betwixt both armes standing readie ranged, and so thrarded them vp to battel: but yet retir'd themselues in fafetie out of the medleye and daunger. Now if the law of Solon might take place, these fire makers durst not low debate and discord among the citizens, seeing that they must themselues then run into the fame danger with others. And as for other honest men which love peace, and like neither of the one nor other faction, if they must needs be constrained to take a part, they will then enforce themselues by all means to prevent seditions,
A seditions, and in what they may to withstand them: or if they cannot be foreseene, yet to do what they may to appease them. For why, the great vertue and authority of good subjects is of great force to keepe the rash and mad vulgar people in some order: and to persuade them being despieted against,\(^{2}^\) who would ever be at odds and variance, if they were not by the good counsell of the wiser sort better persuaded. By which reasons Salons law feemeth to be vnto cities and Commonweales profitable. Besides that, if in the leagues and societys of princes among their selues, it be good and profitable for them all, some one of them to be of greater power than the rest, or at leastwise to joynie himselfe with them that bee of greatest power: how much more true and profitable is it in ciuill warres still to take the one or the other part: where hee which standeth as neuter, as he is of no man protected, so lieth he open to the common spoyle of all men. For so Theramenes, who all the time of the Peloponnesian war, and the troubles of the Athenians, had kept himselfe quiet, and stood still looking on, but as an idle beholder, without taking part either with the one or with the other, was himselfe at the last forsaken of all, and so left vnto the mercie of the tyrants, who made him a miserable spectacle vnto all men, and in the end most cruelly put him to death. Hee therefore which will stand as neuter, whether it be in ciuill warres, or in warres amongst strangers, ought at the least to doe his endevour to set the rest agreed: or if hee shall see the quarrels, warres, and turndez of others, to tend to the profit of the better sort, or the assurance of his estate, his wealth or person(as it sometimes happeneth that tyrants and wicked subiects or citizens agree not but for to ruinat the good) yet ought he which so standeth as neuter, to shew himselfe in appearance desirous and forward to set them agreed: which many men have done even then when they most nourished and maintained such quarrells in the most secret manner they could: \(^{3}^\) thing which God (as Sa. lomon faith) abhorreth: if it be not in cafe (as I haue said) that the concord and agreement of the cuill, tend to the inevitable ruine and decay of the good. For as for one good vertue, there are many vices one of them quite contrarie vnto another; and that for one good man, there be ten which are nothing worth: so God hath also appointed, That the cuill and wicked men should even one of them by another be brought to ruine and destruction: \(^{4}^\) I will revenge me (faith God, speaking by the mouth of the prophet Jereme) of mine enemies, by mine enemies. I haue said, that good princes and good subiects ought to dissemble the good and pleasure, they take in the discord and contention of other the wicked princes or citizens; for that there is nothing which grieueth a man more, than to see others in all securitie, to take pleasure and reioyce in his ruine and decay.

Thus haue we seene certaine means for the appeasing of tumults and seditions amongst many. For which there might yet some more particulars bee also reheard: as to take away the vs of belles from rebellious or foydious citizens: so as wee read to haue bene done in the rebellions at Montpelier, and at Bourdeaux, which were yet afterward vnto them againe not without a great fine restored: howbeit that the greater part of the inhabitants of Bourdeaux most instantly required, That they might not be so restored, having felt the commoditie that came thereby. But whether well or cuill, I leave it to the resolution of every man of sound judgement. The great emperour of the Turkes, with the other princes of the East, have taken strait order, That this invention of belles, first deuised in Italie, should not into any of their dominions or territories be receiued: whereby they have well avoided one of the greatest occasions of ciuill tumults and broyles. The noyse and backward ringing of the belles(as when houses be on fire) being not onely proper vnto straunge accidents, and to put the mutinous people into armes, but also to trouble even the quiet spirits of peaceable men.
and to thrust foole headlong into fury: as did he, who the more to flurre vp the people rung the Tocaine, together with the great bell at Bourdeaux, and was therefore himselfe hanged in the belrope, as he had well deterued.

Anothez and the most vtual way to preuent sedition, is to take away the subjectt arms: howbeit that the princes of ITaly, &c of the East cannot endure that they should at all haue armes: as doe the people of the North and of the West: no more then they did in auncient time in Greece and in Asia. For so Aristotle speaking of the Barbarians, counteth it for a strange thing, that a man should in a quiet and peaceable citie wear a sword or a dagger in time of peace: which by our lawes, as also by the manners and customes of the Germaines and Englishmen is not onely lawfull; but by the lawes and decrees of the Swiffers euene necesarily commaundd: the cause of an infinite number of murders, bee which weareth a sword, a dagger, or a pistoll, being more fierce and insolent to offer vnto others injury, as also to commit murder if any injuriue be offered him: whereas if he were disarmed, he should doe neither the one nor the other: neither should yet incure the infamy and disgrace which followeth them, who when they are wronged, dare not to draw their weapons. The Turkes herein go yet farther, not onely in puniting with all feruency the seditious and mutinous people, but also by forbidding them to beare armes, yet euene in time of warre, except it bee when they are to giue battell: whereas otherwise if the enemy be not pie, they lay their armes vp in their tents, or in their carriages: and yet they are accounted the best foldiours of the world: which if they doe in the field, and in time of warre, what is it to be thought them to doe in their towns, and in time of peace?

Amongst many the lawdable manners and customes of the policy of Paris, there is one a very good one, and well put in execution, which is, That no carman or porter shall weare a sword, dagger, knife, or any other offspring weapon, and that for the murders by them committed in their ordinarie quarrels which they still had one of them against another: which if it might take place upon all persons: also a thousand murders and stabbings are committed, which should never have happened, neither the seditions and broyles rayfed, which haue vpon this occasion bene in many places kindled. For it is not the part of a wife polititian, neither of a good gouernour, to expect vntill the murder be committed, or that the sedition be rayled, before he forbid the bearing of armes, but as a good plution preuenteth diseases: and if chaunce be that the partie be sodainly attainted with any violent grieue, he first aswageth the present paine, and that done applyeth convenient remedies vnto the caules of the disease: even so the wife prince ought (so much as in him lyeth) to preuent sedition, as also when they are happened to appease them at what charge soever: and then afterward to looke into the cause of the diseases farthest off from the effects, and so therunto to apply remedies convenient.

Now we have before spoken of the causes which work the change of estates and commonweales, of which selue same causes proceed also seditions and civill waures, as of the denyall of justice, of the oppression of the common people, of the inequall distribution of punishments, and of rewards; of the exceesure riches of some few in number, and extreme pouertie of the greater sort; of the too great idlenesse of the subjectts, or of the impunite of offenders: and it may be that this last point is the eft of greatest conquence or importance, and yet the leaft of all regarded. Which as I haue before touched, so must I also oftimes repeat the same, for that the princes and magistrates which desire to be accounted mercifull, do oftimes turne vpon their owne heads the same punishment that the offenders desired. And that is it for which the wife Hebrew hath so oftimes aduised vs, Not to become sureti for another man: not for that he forbid-
A forbiddeth a charitable dealing one of vs towards another (as many have thought) but rather to give all men to understand, That they which become forerie for wicked men, and to find means to deliver them from deserved punishment, shall bear the pain of the offenders guilt therefore. As was said to king Achab, who had suaded the life of Benadam the king of Syria, whom he should have put to death, God causeth it to be told unto him by his prophet, That he was become forerie for another man, and that it should surely cost him his life therefore. Which being but spoken in particular unto this one king, extendeth yet in general unto all princes and Commonweals, who have no more certaine cause of their ruine and decay, than the want of the due execution of justice. To punish the rebellious, is also one of the means to prevent and meet with rebellions yet to come, which it is to be done we have before baid, when as were reason'd of punishments to be upon corporations and collegdes inflicted; which is to take place when some one corporation, or the least part of the subjectts have ered or offended; but not if all the people in general, or the greatest part of them be in fault: For albeit that the physitian or surgon sometimes for the pretentation of the whole body, cuts off a mans leg or arme, yest must he not therefore cut off the head, or any other of the principal members, if they shall chance to be infected: but then follow the wise counsellor of the great Physitian Hippocrates, who vnto despeart diseases forbiddeth vs to apply any remedy at all. But besides the caues of seditions & rebellions, which we have before spoke of, there is yet another, which dependeth of the immoderate liberte of speech gien unto orators, who direct & guide the peoples hearts & minds according to their owne pleasure. For there is nothing that hath more force ouer the minds of men, than hath eloquence: So that our ancers have not without cause puttraied Hercules Celsique not as a yong & strong man with a great club in his hand, but as a reverend bauld old man, drawing after him a great number of people enchained, & hanging by the ears with chaines, which all fluxed out of his mouth; to shew, that the armies and power of kings and monarchs are not so strong as the vehementie and force of an eloquent man, who encourageth & inflameth the most cowardly & faint hearted to vanquish even the most valiant, who striketh armes out of the hands of the most courageous, who turneth rage into mildnesse, & barbarisme into civility, who changeth whole Commonweals, and sporteth with the people at his pleasure. Which I say not for the praye of eloquence, but to shew the force & power thereof, which is oftener employed to cuill, than to good. For seeing that this is nothing els but a disguising of the truth, and an art to make that seeme good, which is indeed naught, & that right which is wrong, and to make a great matter of nothing, as of an Emot an Elephant (that is to say, an art to lie cunningly) wee need not doubt, but that for one which veth this art well, sith he veth the same cuill, & that amongst 50 Orators it is hard to find an honest man. For that to secke after the plaine & bare truth, were a thing altogether contrarie unto their profession, seeing that the best rule that Cicero giveth vnder the prfession of Marcus Antonius the Orator, is to say nothing against himself; or rather as Aristotele faith, So well to disguife matters, as that the deceit thereof cannot not be difcouerted: or to speake more plainly, to cover all things with lies and disimulation. So that if we will but well looke into all them which had the name to have bene the most noble and famous Orators, we shall find them to have bene still the flirres vp of the people to sedition, to have oftentimes changed the laws, the customs, the religions, and Commonweals, yea & some others of them to have utterly ruined the same, in which doing they have also almost all of them ended their dayes by violent death. Which it is not needfull here to prose by the Orators of Athens, or of Rome, but euen by those of our age, who have so well behireled themselves, as that ynder the colour of religion they have trou-

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bled all the empires both of Africa & of the West: yeas, and many of them so wrested the scepters even out of the kings hands. As it happened vnto the king of Marocco, descended (as is supposed) from the house of Joseph, from whom a preacher vnder the vail of religion tooke both the crowne and scepter: & albeit that he was commonly called the \textit{Afie Knight}, yet preached he so well, as that he assembled an armie of sixscore thousand men to take his part. In like fort he which was first called the Sophi, intruded the kingdome of Persia, and in short time drave out the children of Vfum Caffan the lawfull king, vnder the same coulour of religion. As also not long agoe \textit{John of Leiden} (who of a boyster became a preacher) ceised vpon Munfter the Metropolitall citie of Welfphalia, and there taking vpon him the state of a king, was hardly after three yeares siege by the imperiall armie thence removed. And by the late same means \textit{Hierome Suanarola} a preacher, incided by \textit{Antonic Soderin}, vpon the contention which happened among the inhabitants at Florence, about the estate, so much prevailed with his persuasions vnto the people, as that hee translated the souerainitie from the nobilitie vnto the people, and chaunged the Aristocratic into a Democratic or Popular estate. No other wise than had before Ephialtes, by the setting on of Pericles by his feditious orations, dravene vnto the people the souerainitie of that state, taken from the Senat of the Arcopagi, and so made the Athenian estate of all others the moft Popular. And to be briefe, we have seene all Germany in armes, and an hundred thousand men flaine in lesse than in a yeare space, after that the mutinous preachers had shirred vp the people against the nobilitie. How often hath the speeches of preachers bene heard, tending by all means to have incited the princes and people to kill, massacre, & burne their subiects: as did in antient time Nefiorius, preaching before the emperor at Constantinople in this fort, \textit{Give me emperour, the earth void of heretics, and I will give thee heaven: destroy with me the heretiques, and I will with thee subdue the power of the Perians: for which he was called the Firemaker.} For had the emperour giuen credence vnto him, he had so put to death the greatest part, and almost all his subiects, and \textit{Nefiorius} himselfe first of all. Wherefore a knife is not more daungerous in the hand of a mad man, than eloquence in the mouth of a mutinous Orator. And yet nevertheless it is a meane for them which will well vie it, to reduce the people from barbarisme to humanitie, to reforme disordered manners, to correct the laws, to chastife tyrants, to caft out vices, to maintaine vertue. And as men cherrish the Aspis, Vipers, and Serpents, by certaine words; even so the Orators (as Plato faith) by the sweetness of their eloquent persuasions, cherrme euem the moft favage and cruel people. Neither is there any other greater or better means for the appealing of seditions & tumults, and to keepe the subiects in the obedience of their princes, than to have a wife and vertuous preacher, by whom they may bend and bow the hearts of the moft stubborne rebels, especially in a Popular estate, wherein the ignorant people beareth the sway, and cannot possibly be kept in order but by the eloquent Orators: which for this cause have alwayes helden the chief degree of honour & power in such Popular estates, cauing the honourable charges & commissions, gifts and rewards, to be still giuen to whom they saw good: for that in briefe both peace & war, arms and laws, wholly depended on the pleasure of the Orators. And so to the contrary, there is nothing more to be dreaded in a tyrant, than the Orator which hath the bent of the peoples bow, and is in credit & estimation with them, especially if he hate the tyrant, or his Tyrannical government. But toal much as the rules by vs alreadie set downe, ought to bee applied vnto the nature of Commonweals, and that the Commonweals, laws & customs, are likewise to bee fitted vnto the nature & disposition of every nation: Let vs now also speake of the nature of all people, as of a thing most necessary for the good government of Estates and Commonweals.
Itherto we have treated of that which concerns the generall Estate of Commonweales: Let us now shew what may be particular to some, through the diuersitie of peoples humors, to the end that we may accommodat the publike weale to the nature of the place; and the ordinances of man to the laws of nature, wherof many have had small regard: but striving to make nature obedient to their edicts, have oftentimes troubled, yea ruined great estates. And yet those which have written of a Commonweale, have not treated of this question. For even as we see a great variety in all sorts of beasts, and in every kind some notable alteration for the diuersitie of regions; in like sort we may say, that there is in a manner as great difference in the nature and disposition of men, as there is of countries: yea in the same climats the people of the East are found to differ much from them of the West: And in the same latitude and difference from the Equator, the people of the North differ from them of the South: And which is more, in the same climat,latitude, and longitude, and vnder the same degree, we find a difference betwixt a hilly country and the plaines: so ar in the same city; the diuersitie of hills and vallies forceth a diuersitie of humors and dispositions: And townes seated vppon vneuen places, are more subiect to seditions and chaunces, than those that are built vppon an equall and plaine ground. The citie of Rome, which hath feuen hills, was never long without sedition. And Plutarch (having not duly examined the cause) doth wonder why there were three factions in Athens of diuers humors: those of the high citie, which they called Aitn, demanded a Popular State; those of the base towne required Oligarchia, or the governement of few; and the inhabitants of the Port Pitice, desired an Aristocraticall State, that is, a mixt governement of the nobilitie and the people: whereof we will soone shew you a naturall cause. And if Theophrastus find it strange that the people of Greece be so different in manners and dispositions, who would not admire to see such contrarie humors in one and the same citie? we cannot impute it to
the mixture of people which have come thither from all parts, seeing that Plutarch speaketh of Solon's time, when as the Athenians were so little mingled with any other nations, as they held for certaine, that they were instated out of the land of Attica, wherein the Orator Aristides doth glorifie. In like sort we say the Swifhers (having their original out of Sweden) to be verie different in manners, nature, and government: for although they be more strictly allied than ever any nations were, yet the five small cantons of the mountains, and the Grifons, are hold more fierce and more warlike, and do gouerne wholly popularly: the rest are more tractable, and are gouered by an Aristocratic, being more enclined theareunto, than to a Popular estate. It is needfull to have a speciall care to the nature and inclination of the people, if we will change an estate as it happened in Florence, about an hundred years since, when as the Commonweale by succession of time was almost chaunged into Aristocratic, the citizens being so encreased, as they were forced thile to enlarge the compacte of their walles. For the prevention whereof the Senat was assembled, and the matter propounded: whereas the Senator Cafius did show by louely reasons, That an Aristocraticall estate was without all comparison the most sure, and farre better than a Popular government; guing for an example the state of Venice, flourishing under the command of few genteel men: but Antonie Soderinus maintained a Popular estate, and preuailed, saying, That the nature of the Venetians was proportionable to an Aristocratic, & the Florentines to a Popular estate. We will soone shew if his grounds were true. We read also, that the Ephesians, Milesians, and the Siracussians were almost of the Florentines humor: for they could not endure any but a Popular estate, nor allow any one to exceed his companions, banishing even those that surmounted in estate: and yet the Athenians, Ephesians, and Milesians, were much more mild and tractable; so were they much nerer the East: and contrariwise the Siracussians, Florentines, and Cathagynians, were much more fierce and rebellious, being more Westward. The people of the East have much more ostentation and many words, in the judgement of all amouont writer, and even of the ambaftaout of the Rhodiors, excepting the fault of his maifters, upon their natural inclination, making mention alfo of the natural vices of other people, Gentes alike (inquit) iraundes, alie audaces, quaedam timitides: in vinum a venerem promisses alia sunt. Atheniensium populans fana efi celerem & supra vives audacem ad conandum, Lacedemoniorum cum pulchrorum: non negauerim & totam Asia regionem inaniore parere ingenius, & nostrorum tenebriorem fermonem esse, Some nations (said he) are cholericke, others bold: some fearfull, others prone to wine and women: the poele of Athens are fald to be fudden, and exceeding bold to attempt any thing; the Lacedemonians are slow and deliberat: I will not denie, but that all the region of Asia brings forth vaine wits, and ours great talkers. The people of Athens (said Plutarch) were cholericke and pitifull, taking plenurie in flatteries, and enduring eafily a focce: but thofe of Carthage were cruel and revengeful, humble to their superiors, and imperious to their subiects, faint hearted in adversitie, and nofient in proffertie. The people of Rome contrarie were they that were patient in their loffe, confident in their victoires, moderate in their passions, hating flatterers, and taking delight in grave and feuere men: so as the elder Catlo demanding the Censorship of the people, said, That they had need of a feuer Censor, threatening to punifh vice with feueritie: yet the people defired rather to chufe him that threaten'd them, being but of a meane calling, than the greatest noble men that flatter'd them: The like they did to L. Torquatus, whom the people did chufe Censor without his prouide: vnderstanding of his election, he told the people, That his dispifon was fuch, as he could not tolerat their vices, neither could the people endure his commandements; and therefore if they were wife, they should
A make another choysel yet was he choyn againe by the people. That which I say may be easilly discerned by the difference of the Athenian and Roman Orators: for there did more respect the maiestie of the people, than thofe of Athens, who abused the people with such insolencie, as one of them having assembled the people for matters of state, after that he had made them to attend him long, in the end he came into the pleasant place, with a garland of roses, laying vnto them, That he had resolved that day to feall his friends, and so departed: whereas the people laughed. Another time Alcibades speaking to the people, lett flie a quale out of his boleome, and the people ran after it, and brought it to him againe. If he had done this in Carthage (faith Plutarch) before the people, they would have stoned him; the Romans would not have suffered it unpunished; for that a citizen of Rome was deplighted of his Bugrefhip, for that hee had yawned too lowd before a Cenfor, as Valerius Maximus doth testifie.

Therefore a wise gouernour of any Commonwealth must know their humours, before he attempt any thing in the alteration of the state and lawes. For one of the greatest, and it may be the chiefest foundation of a Commonwealth, is to accomodat the estate to the humor of the citizens; and the lawes and ordinances to the nature of the place, persons, and time. For although Balbus faith, That reason and natural equitie is not restrained not limited to a certaine place: that is to bee understood, when as the reason is vndertaken, and not whereas a particular reason of places and persons receives a private consideration. For which cause wee must vray the estate of the Commonwealth to the diuerstie of places; like vnto a good Architect, which doth fit his building according to the fluffe he finds vpon the place: So shoulde a wise Politician doe, who may not chuse what people he will. As Iocrates said in the prayses of Bucephales king of Egypt, whom he esteemeth very much, for that hee could chuse a countrey and a people the fittest in all the world to gouerne. Let vs first speake of the nature of the people of the North and South, and then of the East, and West, and the difference betweene the mountaineers & thofe that live in valleys, or in moorish places, or that are subject to violent winds: then will we shew how much discipline may change the nature and disposition of men, rejecting the opinions of Polybius, and Galen, who held, That the countrey and nature of the place did rule necessarily in the manners of men. And the better to understand the infinit variety which may be betwixt the people of the North and South, we will divide all the nations that inhabit the earth, of this side the Equator, into three parts: the first shall be of thittie degrees on this side the Equator, which we will attribute to the burning Regions, and people of the South: & the thittie degrees next, to thofe that inhabit the temperat regions, vnto the fiftieth degree towards the Pole, and from thence vnto the Pole shall bee the thittie degrees of the nations of the North, and the regions that be exceeding cold. The like division may be made of regions beyond the Equator, towards the Antarctike Pole: then wee will divide the thittie degrees of the burning regions into the moitie, the fiftene fift being more moderate, betwixt the Equator and the Tropicke; the other fiftene more burning, under the Tropicke: and by the same meanes we will take the fiftene degrees following of the temperat region, which stretheth vnto the 45 degree, which hold more of the South, and the other fiftene vnto the fiftieth degree, the which are more dittermed in cold, and incline more to the North: and in the fiftene following, vnto the 75 degree, although that men bee much afflicted with cold, yet are there many nations and Commonwealthes. But as for the other fiftene adjoyning to the Pole, wee must make no account of them; for that there are few men, which live in such like vnto brute beasts (as marchants do report, and histories have certifie) I have given the reason of these divisions in a particular booke of the Method of Histo-
ties, and therefore need less to enter any farther into it. These points being concluded, it shall be more easy to judge of the nature and disposition of the people. For it is not sufficient to say, that the people of the North have force, with bignesse & beauty of their bodies, and little wit: and contrariwise, that the Southern nations are weak, little, black, and have great wits: for that experience doth teach us, that those people which live in the extremities of the North, are little, lean, and tamed with cold; the which Hippocrates doth confesse, the which we must reconcile with the rest, in letting the limits as I have said. And the saying of Hippocrates shall bee under stood of those nations that inhabit beyond the 70 degree towards the Poles. We will also allow of the opinion of Hippocrates, and after him of Aristotle, who have written, That the people of the North have a flaxen and fine hair. And yet Galen faith, That they have the hair red: the which we must understand of those that are about the 60 degree, whereof there are many in England, whose the inhabitants say are Issued from the Danes and Swedes, who invaded England; noting them by their red hair. But from the Baltic sea into the 45 degree, and on this side, the people have commonly flaxen hairs. And in old times, when as nations were not so mingled as since they have bene, they did know a Northern man by his flaxen hair and his green eyes; as Plutarch, Tacitus, Insuetal, and in our times the Barc of Herberstein have obferved: and as I have discoursed in my booke of the Method of Histories, and shewed that Amiot in his translation of Plutarch, upon the towne of Marius, teares them red and cheef nut eyes: whereas he should have called them green eyes: the which is verie apparent. But those which are about the 60 degree, have in a manner all eyes like unto Owles, and the colour of the water lookes white in their eyes: they have a weake sight by day, and see better in the darke, like unto night Owles, which they call Nicetarotes. Of this I was affured of the ambassador Pruni, a Lituanian, and of Holfer Commiffarie of the warres, borne at Olholome in Sweden, who is haired like a Cow, and eyed like an Owle: which colour, force, and bignesse, comes (as Aristotle faith) of the interiour heat: as the inhabitants of Affrike have blacke eyes, for the little heat they have in their interiour parts, being exhaled by the heat and drought of the sunne: whereas the cold doth keepe it in the heat in the Northern regions, if it be not so vehement as it doth in a maner queench it, for which cause those that inhabit beyond the 75 degree are weake, little, and tamed with extreme cold, the which is so vehement, as many die; as the merchants report. And even the baron of Heberstein writes, That the little freezeeth sometimes before it faileth to the ground, the which may seeme incredible. But it is most certaine that the Baltic sea freezeeth in such sort, as whole armies passe from the maine land to the isles; although the heat in sometimes is so violent, as it burnes not onely the fruits of the earth, but also the houses and villages, as the same author writes that it hath happened in Moscouie, in the year 1524. The which also chance in Polonia, in the yeare 1552, as Thomas Cromer writes. And the like chance in England, in the yeare 1556, as I have seene by letters from M. de Nouailles ambassador in England for the French king: in the which he doth assure, That the heat had bene so vehement, as the flame kindled by the sunne, burnt the fruits and villages throughout a whole country. The which Aristotle doth affirm, in his Problemes, That the heat is more violent in cold countries than in heat: but that is to bee understood in watry places. And whereas there is some mountaine which doubleth the heat by truberation; as it happened in the towne of Naim in Gascoine, the which was wholly burnt with the heat of the sunne at noon, in the yeare 1540: and the towne of Montcornet neere verso Laon, the which was burnt in the moneth of May in the yeare 1574, after a strange manner, the fire flying through the streets, and through places farre diuant.
plant from the houfes where it first began: for the situation thereof is waterish, as I have said; and the grossenesse of the vapour retaines the heat, the which the maiitlers of hoat houfes know full well; who to spare wood, caft water into their houfes. The Northerne parts then being full of waters, lakes, and fountaines, the vapors which are drawne vp into the ayre, receive and retaine the heat more violently: as in the Southerne parts it is more vehement upon the earth. For euen as the heat is more violent in mettall than in wood, and in great wood than in small bruth: so the sun hath more effect upon the earth than in the ayre; and in a vaporous ayre in moist regions, than in a dry country, whereas the ayre is substail, and without any fencible bodies: which may be the caufe that God hath made the Southerne countries more raine, and leffe waterish: and those places which are moist in the Southerne parts, lie commonly towards the North, and are covered with mountaines towards the South, as Aquaine (which is so called for the aboundance of waters) hath the Pyrenean hilles. Barbarie hath mount Atlas, which is wonderfully high, out of which the springs and riuers rife all towards the North (as we read in Leo of Affrike) also the sun cafting his beams perpendicularly upon the country, would make that inhabitable, the which is one of the moft fruitfull and best peopled countries in the world. And euen as in winter the places vnder ground, and the inward parts of creatures, retaine the heat which doth evaporat in summer: even so it fates with people that inhabit the Northerne parts, which have the inward heat more vehement than thofe of the Southerne regions: which heat caufeth the forces and natural powers to be greater in the one than in the other:

and which also doth caufe the one to eat more, and to digeft better than the other, for the coolenesse of the region which keeps in the natural heat. So as those armies which come from the Southerne parts into the North, are more violent and lustie; as it was seen in the armie of Hanni-bat pafting into Italy, and the armie of Moores and Arabians, which have come into Europe: and of feuen thoufand Spaniards which pafted into Germanie, vnder the emperour Charles the fift: and of f Ottie thoufand Gafoines, which went to succour the king of Sweden, who obtained goodly victories. And contrary wise the armies that come out of the North, grow weake and languifh, the more they goe towards the South, yea euen in fommer; as it appeared in the Cimbrians, of whomc Plutarch wittneseth. That they were all molten with sweate, and languifhed with heat which they felt in Prouence, the which would foonne have confummed them all, although they had not bene vanquifhed by the Romans: as it happened to the French before Naples, & to the Lanquenets which pafted into Italie, vnder the command of Charles of Bourbon and of George Fromberg, of the which after they had fackt Rome, there died feven thoufand without any blow, before the yeare was expired, as Guichardone writes. This doth also plainly appeare in the troupes of catell which goe out of the North into the South, they loofe their fannesse, and their milke, and fall away: the which Plume hath noted: and the marchants find it true by daily experience. And euen as the Spaniard doubles his appetite and forces, comming out of Spaine into France: euen so the French loofe their appetites and languifh, going into Spaine: and if he will eat and drink as he doth in France, he is in danger not to continue it long. And euen the nations of the Northerne regions fall a languishing and faining of the heart, when as the Southerne w inds blow: the fame reafon doth teach vs, why that men and beasts, yea and birds which moft sudenly feele this alteration, grow fat in winter, and leane in fommer. If Leo of Affrike, and Francis of Aluares, (who have written the histories of Affrike and Ethiopia) had well obferved this reafon, which is naturall, they had not fo highly commended the abfence of those people, for they cannot haue any appetite, the interiour heat wanting in them. Neither must we blame the

Why the sume is hotter on the earth than in the ayre.

Why places in the South are moist subtife to waters.

Why the armie of the North languifh when they goe towards the South.

Why the people of the South be abstinent.
the people of the North, for that they are more hungry, and devote more than they of the South; considering the inward heat and great necessity of the men. The same effects are found in the Antiquity regions: for we read in the Histories of the Indies, That Magellan found neere unto the strait which he called by his own name Giants Patagones; so great and mightie, that eight Spaniards armed were troubled to hold one; but otherwise very simple. The people of the North get it by force, and they of the South by policy; so they of the middlet participat of the one and the other, and are more fit for warre, by the judgment of Vegetius and Vitruvius: and therefore they have erected great empires, the which have flourished in arms and lawses. And the wifedome of God hath so well distributed his graces, as he hath never joined force with excellency of wit, neither in men nor beasts: for there is nothing more cruell than injustice armed with power. The people therefore of the middle regions have more force than they of the South, & leffe policy; and more wit than they of the North, & leffe forces: and are more fit to command and govern Commonweales, and more just in their actions.

And if we look into the histories of all nations, we shall find, That even as great armies and mightie powers have come out of the North; even so the hidden knowledge of Philosophie, the Mathematikes, and other contemplative sciences, are come out of the South: and the politike sciences, lawses, and the studie thereof, the grace of well speaking and discharging, have had their beginning in the middle regions; and all great empires have bene there established; as the empire of the Assyrians, Medes, Persians, Parthians, Grecians, Romans, Celtes. And although that the Arabians & Moors had for a time eftcd upon the empire of Persia, Syria, Egypt, and Barbarie, & brought a good part of Spain under subjection, yet could they not subdue Greece nor Italy. And whereas they would have subievted France, they were vanquished, and their arme of 300 thousand men (which they had brought) defeated. In like sort the Romans have stretched forth their power over all the nations of the South and East, but they prevailed little against them of the North and West; & although they were conquerors over all other people, yet they imploied all their forces, & did somewhat to do to make resistance against the Northern nations, who neither had walled townes, forresses, nor castles; as Tacitus saith, speaking of the Germans. And although that Trajan had made an admirable bridge upon the river of Danow, and vanquished Decia, king of Daciens; yet the emperor Adrian his successor, caused it to be broken down, fearing lest the people of the North (having such a passage open) should enter into the heart of the Roman empire; as they did after that the emperor Constantine had dischargd the Roman legions, which guardcd the river of Rhine and Danow: For soone after the Almans, then the Gothes, Ostrogothes, Vandals, Frans, Bourguignons, Herulcs, Huns, Hongres, Lombards; and in succession of time, Normans, Tartars, Turkes, and other nations of Scitlia, invadcd the Princes which the Romans had held. And although the English haue had great victories over the French and conquered the country which lieth South to them, yet for these nine hundred yeres they could never expell the Scottish men out of the illand; and yet it is well knowne how much more populous France is than England, and England than Scotland. We may observe the like in the Turkes, a Northern nation, who hath extended the great necessity of their empire to the goodliest regions of Asia, Africa, and Europe, having in a manner subdued all the illands of the Mediterranean sea; yet have they beene defeated by the Tartarians, & are much trouled to make head against the Moscoutes. We read, that God did threaten his people by the oracles of his prophets with the nations of the North, foretelling that warre murder, and the ruine of Commonweales should come from thence. For although that men be much diminished in numbers, force, proportion...
A portion, vigour, and age, in respect of the ancients (a complaint of most writers by the historie of Plutarch) do hardly upon the face of the earth shall you now find a cite comparable to Capua (containing thirteene miles in circuit) much lesse machable to the famous Babylon, which though it were situated fourie square in a level soil, yet could a good foot man hardly truell round about it in three dayes: but this notwithstanding in multitude of people, in strength of bodies, and large proportion of members, the Northerne provinces do at this day fare excelle the Southerne. In regard whereas of that militarie discipline of the Romans, which privileged soulious at fittie yeres from future service, was not allowable amongst the Lacedemonians; who being nothing inferiour to the Romans, either for strength of bodie, or warlike experience, yet freed their people from the service thereof, at fortie: the reason being, for that they were so much the more vaile to hold out the longest as the Romans, by how much the one nation approached more neere to the South than the other. So bring a Scithian from his native habitation to the South, and you shall find him presently to droop, and fall away with sweat and faintnesse. And therefore the pirates of the Mediterranean finding by experience, that the English and Dutch captains are vnfit for paines taking in those hoile countries, in their markets prize them at a verie low rate. For the people of the North are inwardly hoy, enjoying a moist dry aie, and therefore more thrifique, than the Southerne, who inwardly are cold, according to the proportion of the South, a climaet moist by nature. Wherfore the Grecians deriving, ἡδυν, ἡπία ταύστανίδος, that when the winds blow from the South, we expect showers; but when from the North, faire weather and clear skies. For which reason the people of the North are and haue alwayes bene great drinkers, witness the Greeke proverb, To drinke like a Scythian, the which Tacitus hath not forgotten, speaking of the manners of the Germans, Diem non temque (inquit) continuare potando nulli probat, staer apere inter vinolento risce piebant, They held it no disgrace (faith he) to sit all day and night drinking: so as oftentimes there fell out iarres among these drunkards. The which is not the fault of the men, but of the region: For such as truell from the South to the North, will eat and drinke no lesse than they are home bred. But Tacitus was deceived, in saying, That the Germans did drinke more and eat lesse, by reason of the coldnesse and barrentolest of the countrey. But contrariwise seeing that thirst is nothing else but an appetite of cold and moisture, and that hunger is an appetite of drought and heat; and that the people of the North haue the intieter heat much more in comparison than those of the South, they must of necessitie drinke more. In like sort the people of the Northerne regions have their skins softer, more hairie, and subiect to sweat than the people of the South; which have the skin hard, little hairie and cutled, and the skin withitered with drinewe, enduring heat easlie without sweating: but they cannot well beare with cold, nor wet; as appeared in the Spaniards, which died of cold in great numbers upon the high mountains of Peruana. And no wonder, for men bred and brought vp in hoile regions, in colder places inwardly waxe chill, whose bodies if any extraodinaire or sudden alteration of wether attache (an accident often happening in those Sootherly quarters, especialy vp on the tops of those high hills) it must needs follow, that their natural heat, both inward and outward, do utterly forsake them: the contrarie whereof betideth the Scythian, who by nature being inwardly hoare, by cold becommeth fo much the more able and couragious, by how much the cold forseth the outward heat into the heart, the true heat and center of lively heat. Yea the report, how subiect the Southerne people through want of inward heat are to loofeneffe and the bloody fixe, almost paliseth credite, albeit most true: Wheres as on the contrarie the countries situated North.
Northwards, abounding with rivers and lakes, do enure men's bodies to foggies & cold moistures; and that in such able manner, that Sceythis do oftentimes defeat their enemies by their amphibious hidden in deep water; testified by Herodianus, who writeth, That the Germans infested the Romans with their mislike weapons, themselves standing safe in the midst of the waters. Which secret of nature Galen not well understanding, leemeth to wondre at, especially for bathing their new borne infants in cold running rivers; a custome vied in like manner by the Ausonij,

Natos adflumina primium,
Deferimus, saeque gelu duramus et undis:

Our new-borned babes at first to springs we bring,
T'endure cold storms their bodies so ensuring.

The ground of which German custome Iulianus surnamed the Apostata writeth to be, that this people held an opinion, That the true borne children would flote upon the waters, but the base and bastard would sink to the bottom. And even as the people of the North doe languishe soone with heat, so are they soone weared and tyred with labour in the Southern parts, or in a hoatt season. The which was first knowne at the battell of Plombin, whereas the Celtes being inuironed with two armies of the Romans, fought valiantly: but after they had spent their first furie, they were soone vanquisht. Polybius faith: That to vanquisht the Celtes, you must but ward their blows for a space, and yet they were held invincible. Cefar holds the same opinion of the Gaules, That in the beginning of a battell they were more than men, but in the end lesse than women. The which is more natural to the Germans, and other people of the North (as Tacitus faith) who had knowne them by long experience: For the Gaules, especially those of Languedouchi, hold the middle region betwixt the cold and extreme heat, although the quality of the Western region makes the country more cold. And those which are in the midst are impatient of cold or heat: the which Cefar doth witness of the Gaules, who suffer cold more easily than the Spaniards, and heat than the Germans. And even as the people of the middle regions hold of the two extremes in humor, so doe they agree with the one and the other in manners and complexions: and as God by his admirable wisdom doth vvere all things by conuenient means to their extremities. In like sort we see that hee hath observeth the same order betwixt the nations of the North and South, which can never concurre together for the contrariety of manners and humors that is betwixt them. The which is a thing verie considerable, when there is any question to treat a peace, or to make a league betwixt two nations so contrarie, or to lead them both forth to the warre together; you must place that nation betwixt them that doth participat of both their natures, and that have their affections more moderat. As Galen faith, That the Germans and Arabians have not that commendable ciuitatie which is in them that are borne in Asia the lesse, the which is not onely betwixt the Pole and the Equator, but also betwixt the East Indies and Fraunce the westward: A country for this verite so highly commended by Tully, that he dothent not to affirme, That therein not onely rested the mirror of ciuitatie, but that from thence it hath bin derived to all forraine nations. But I am not of their opinions, who draw their arguments of ciuitatie and barbarisme from the effects of heat and cold, finding every day by common experience, that the Southerne people go beyond al other nations in quicknes of wit, whereas barbarisme and rude behauiour proceed from ignorat and want of education, a leffen long ago verified by Herodotus, who for good wits and ciuitall behauiour commendeth the Egiptians.
A Egyptians before all other people of what nation soever. And after him Cæsar (in his Commentaries of the civil wars) gave them the like privilege, saying, That the Alexandrians did so artificially counterfeit the Roman engines of warre, as it seemed the Romans were but their apes; he wist these words, Ipsi homines ingeniosissimi subtilissimi; The men themselves were very witty and politicke: And yet Egypt is partly vnder the Tropique, whereas the heat is more violent than under the Equator, by the judgement of Ptolæonius and the Spaniards. The Romans held the like opinion of the people of Affrike, whom they called Perus, who had often deceived the Romans, and ouerthrown their forces by policie. So Colonnae teares them Gentem attilia- mum, A most subtill nation: But yet they had not such excellent wits as the Egyptians, neither are they so near the South. Without any further search we have the profe
ter of in this realm, where the difference is apparent in regard of the English, who com-
plained to Philip of Comines with admiration, for that the French lost most commonly in their wars against them, and won still in their treaties. We may write the like of the Spaniards, who never made treaty for the hundred yeares with the French, but they had the advantage: the which were long to repeat in particular. I will only produce the treaty of Cambreis, made in the yeare 1559. It cannot bee denied but the forces of France were great and sufficient to withstand a mightie enemy, yet the Spaniard got more by this treaty, without striking stroke, than they had done before in fortie yeares, neuer hoping (as they confessed afterwards) to draw Sauoy not Piedmont out of the hands of the French: For although the duke of Sauoy, a vertuous and a generous prince, defiered much, as well for the equitie of his cause, as for the alliance of the house of France, yet he expected not to haue an issue of his affaires: the which was cunningly handled by the Spaniard, which reaped both thanks, and the greatest fruits of this treaty, having so much diminished the state of France (which stretched even vnto the gates of Milan) and set the duke of Sauoy as it were a barre betwixt Italia and France, to shut vp the passage that the French might pretend no more in Italia. It cannot be denied, that such as had the charge to caputacite for the French, did not shew so great discretion, faith, and loyalty, as they might: but I understand from one of good credit, that it was resoluted in the counsell of Spain, that they should prolong the treatie all they could; for that the nature of the French was so sudden and active, as they would easily yeeld to that which was demanded, being rized with many journies, and the ordinarie tediousnesse of the Spaniard, the which was not forgotten in this treaty. It was also observed, That in all the fittings and assemblies made by the deputies, alwaies the French were first come, and although they had set all their people to watch, that they might sometimes enter the faire; yet were they still deceiued by the subtilitie of the Spaniards, and impatience of the French, who seemed by this means to sue for peace. This fault is not to bee imputed to them that had the charge to treat a peace, but vnto nature, which is haddly vanquished. For we read the like of the ambas-
fadors of France, conferring with the ambassadours of the emperour, of Venice, Spaine, and Ferrare, before Francis Sforza duke of Milan. Our manner ( faith Philip de Comines) is not to speake treatably, as they doe: for wee speake sometimes two or three together, so as the Duke said, Ho, one to one. Whereby we may judge as in any other obseruations, That the nature of the Spaniard (being much more miridio-
nall than we) is colder, more melancholie, more elated, more contemplative, and by consequencence more ingenious than the French: who by nature cannot sit to contem-
plat, being cholericke and full of spleene, the which makes him more active and prompt, yea so sudden, as he feemes vnto the Spaniard to run, when hee goes but his ordinarie pace: for which cause both the Spaniard and the Italian desire to haue French men to

B b b
The Spaniard heavy & florid

The disposition of the four complexions.

The people of the North not subtil,

for their diligence and quickness in all their actions: so as yercely there go infinit numbers into Spaine: as I haue seene being at Narbone, especially out of Auvergne and Limosin, to build, plant, till their lands, and doe all manuall workes, which the Spaniard cannot doe, but would rather die for hunger, he is so slothfull and haemie in all his actions: When as N.Strozbe Prior of Capoua, attempted to surprize Valencia in Spaine, by means of the French gallys, whereof he was then Admiral: the prattifie being discovered, the Viceroy fought to expell all the French out of Valencia, which were found to be ten thousand: for whose loyalty the Spaniards food bound, rather than they should depart: which thewes how greatly that country is pepoleed with French. And without doubt those which are bred of the mixture of these two nations, are more accomplisht than either of them: For in the Spaniard wee defiere more viuacite and cheerefullnesse, and to have the actions and passions of the French more moderat: and it seemes the Italian doth participat of the one and the other, Italie being in the most temperat situation that can be, betwixt the Pole and the Equator, and in the middest of Asia, Afrike, and Europ, bending a little towards the East & South. And even as they which live at the extremeties of the Poles, are Flegmatike, and at the South melancholike; even so they which are thristte degrees on this side the Pole, are more fanguine; and they which approach nearer unto the middest, more fanguine and cholericke; and then drawing towards the South, more fanguine and melancholike: so their complexion is more blacke and yellow. blacke being the colour of melancholy, and yellow of choler Galen confesseth. That flegme makes men heauie and dull; blood cheerefull and strong; choler, actiue and nimble; and melancholy, confirmant and grave: and according to the mixture of these foure humors, more or lesse, so many varieties there be, which Theodore Duce of the house of Lascare emprour of Conftantineople hath laboured to comprehend in 92 kinds, not onely for the foure humors, but also for the three parts of the foule, Reason, Anger, & Appetite (or Desire): but for that his opinions are not grounded vpon the proofe of any example, nor vpon necessarie reason; and for that he makes no division of the parts of the world, neither of moist places, hilly not windie, from those that are drye, plaine, and temperat: neither for that he hath not denied those people which have bene brought vp in ciuill discipline, from the rude and barbarous, in this varietye of soules and humors which he hath supposed, wee will follow that discipline which seemeth most agreeing to reason and nature, & hath bene confirmed by many examples. Ancient histories do agree. That the people of the North are not malitious nor craftie, as the nations of the South be. And Tacitus speaking of the Germans, faith, It is a nation that is neither subtil nor craftie, discovering their letters as it were in jest, and then they goe easily from their promises. The like judgement we find of the Scythians in Herodotus, Insinis, Strabo, Plutarch, and Vegetus, & therefore ancient princes as well as at this day, had no other guards for their persons than Scythians, Thracians, Germans, Swiflers, and Circassians. And even the Seigneurie of Rhague or of Gennes, have no other guards but Germans and Swiflers. And which is more, the kings of Affrike beyond mount Atlas, have none other guard but fouldeiers of Europe; who although they be Mahometans, yet had they rather truft in Christians that have abjured their faith, than in those of the country, the which was first put in prattifie by the great Manfor emprour of Assrike and of Spaine; and heretofore the king of Tunis had 1500 light hostemen of Christians renigados, and his guard of Turkish and Christian slaves, as Leo of Affrike faith: knowing well that the people of the North have more force than subtiltie, and having receivd entertainment of any prince, they always remaine faithfull for the guard of his perfon, and to revenge his injuries (although he be a tyrant) never aspiring to his estate. And therefore
Of a Commonweale.

A Chereas captain of the guard to the emperor Caligula, having slain the emperor, was presently murdered by the guard, which were Germans, who could not (as Josephus writeth) forbear revenge. In like sort the antients have observed a barbarous cruelty in the people of the North: for even Thucydides feys to Olorus king of Thrace, tearmes the Thracians a most cruel nation: and Tacitus speaking of the Germans, They doe not (faith he) put the guiltie to death after order of law, but by cruelty, as enemies. I will let passe the antient, and content my selfe with late examples. We have none more notable than that of George captain of the rebels in Hungarie, beinge taken by them of Transilvania, they caueld his foulidours and companions to fast three dayes, and then gave them to eat their captain halfe roaste, and his bowels boyled. I omit the straunge cruelties of Dracula duke of Transilvania, and of Otton Trucce, who caufed the murtherer of his lieutenant to be roaste with a low fire, during the commons warre: and of late Grombach a German, was condemned to have his heart pulled out being alie, and to have his face beaten therewithall, by Augustus duke of Saxonia in the castle of Goth. We find also, that the breaking vpon the wheele was inuented in Germany, and the impaling or setting men vpon stakes alie, in Tarratia. Neither is it lefle cruel in Tarratia, to force them that are condemned, to breake their owne neckes, or els to whip and torment them: Which makes men to thinke, that the cruelties of the king of Moscouie published and printed, are verie likely. For the lefle reaon and judgement men haue, the more they approach to the nature of brute beasts, who can no more yeeld to reason and gouerne their passions than brute beasts. And contrariwise, the people of the South are cruel and revengeful, by reaon of melancholie, which doth inflame the passions of the soule with an exceeding violence, the which is not easly lupprefled. Polybius speaking of the warres of the Spedians, and Carthaginians, people of Afrique, he faith, That there was never seene nor heard of any warre, where there was more treacherie and crueltie: and yet they are but toyes in respect of the horrible treacheries mentioned by Leo of Afrique (and in our age) betwixt Muleas and his owne children. And even the king of Tenefme being solicited by Joseph king of Marocco to submit himselfe vnder his obedience, which his grandfather had rejected, he flew his ambassadours; wherewith the king of Marocco being inflamed, put a million of people to the sword in the realme of Tenefme, leaving him neither towne, caftle, house, beast, nor tree. And speaking of Homar Efinus a minifter to Mahomet, seeking to make him selfe king, after that he had forced the fort of Yngiafen, he was not content to put all to the sword, but he cut & tare the children out of their mothers wombs. And the same author writes, That ifaak king of Tombut in Afrique, having taken the king of Gagao, he caueld him prouedly to bee put to death, and his children to be gelt to feue him as flaes, doinge the like vnto all the kings he takes. We read of the like cruelties or greater at the W of Indies, newly discovered: for the Brasilians are not contented to eat the flesh of their enemies, but will bathe their children in their blood. But the crueltie is more remarkeable, when as they doe execute any one that is condemned by law; the which should be done without passion, and free from revenge. Yet we read of punishments that were vled in old time among the Perisians, which exceed all crueltie: and in Egypt at this day they fleue them alie which rob by the high way, then they fluffe the skin full of haie and fet it vpon an Asle, by his fide that is so fleued: Which cruelties the people that live betwixt both these extremities can neither see nor heare without horror: and therefore it seemes, that for this cause the Romans suffered them that were condemned, to die of hunger, and the Greeks gaue them hemlocke (which is a sweet poison) to drinke: and those of Chio did temper it with water, and the Athenians with wine, to take away the bittenesse thereof, as Theo-
præstus faith. We may therefore note the difference of cruelty betwixt the people of the North and South: for that the first are transported with a brutish violence, like beasts without reason: and the other (like unto foxes) employ all their wits to glut themselves with revenge: and even as the body cannot be purged of melancholy but with great difficulty, so the passions and perturbations of the mind, which grow by a settled melancholy, are not easily pacified. So as they which are possest with this humor, are more subject unto frenzie than any others, if they find not wherewithall to satisfy their affections. And therefore there are more mad men in the Southerne regions, than towards the North. Leo of Affrike doth write, That in the kingdoms of Fez and Marocco there are great numbers: And even in Grenado (which is more Southernly) there are many hospitals for mad men only. The variety of mad men shews the natural humour of the people: for although there bee more offoles and mad men in all places and of all sorts, yet those of the Southerne parts have many terrible visions, they preach and speake many languages without learning them, and are sometimes possest with euill spirits, having leane bodies, more like vnto ghosts then those corpulent and sanguin men towards the North, which do nothing but dance, laugh and leape in their fooleries: and in Germanie it is called the disease of S.Ficitus, the which is cured by mutick: whether that the sweet harmonic thereof doth recall the reason which was distempered, or whether that mutick doth cure the infirmities of the bodie by the mind, as the philick doth cure the mind by the bodie, or that euill spirits which do sometimes torment mad men are expelled with this divine harmonic, delighting in nothing but in discords: as we reade that the euill spirit hearing the sound of a harp fled, and left Saul in rest, which seemes to have beene the cause why Eleazer when he would prophesie before the kings of Juda and Samaria, he caused one to play of an Instrument. And when as Saul was encountered by the holie troupe of the Prophets playing vpon instruments of mutick, presently the spirit of God fell vpon him. Oftentimes euill spirits doe apply themselues to the humor of mad men: for cholletike men strike in their furie, which happens not in those that are of a sanguin complexion, and much leffe in them that be fegmatike, which have a Lethargie, the which is a dull and sleeping furie. And for that the melancholike man is the wiler, if he chance to fall mad, his furie is the more incurable, for that a melancholike humor suffers not it felle to be gourned as the rest: those that be sanguin, although they be not so often furious, yet are they often mad, the which is never incident: to wise men, for Tully sayth, Furor in sapientem cadere potest, insania non potest, & furiofo curator datur, non insano, quia insanus dicitur, qui suis cupiditatis impere re nescit: Furie may well fall into a wise man, but not madness: a gouernor is given to a furious man, but not to a mad man, for he is called mad that cannot rule his owne desires. As touching that which we have saide, that the people of the South are commonly more grave, more discreet, and more moderate in all their actions: it is plainly feene not only in divers other nations, but also in this realme, which seemes to be the cause that those which haue made the customes, haue limited them to be of full age that liue towards the North at 25 years, and the others at 19 or 20 years, except it be in those countries which border vpon the sea, whereas the people (by reason of their traffike) are more politique. I cannot without the note of ingratitude to mine owne country forget the judgement which the ancients have given of the citie of Angiers, as it is to be feene in the letters patteats of king Charles the 5 called the wife, the which he granted for the priueledges of the Vniuerstie of the said citie: these words, Quod, inter regiones alias Regni nostrri, ciusus Andegauenies veluti fonts scientiarum irrigus, viros alti congets follet ab antiquo propagacione quasi naturalis providere: For that among other provinces of this
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this our realme, the citie of Angers like vnto a flowing spring of all sciences, is wont to send forth men of great knowledge and judgement, as it were by a naturall propagation. These letters are dated the first of August in the yeare 1373.

We have yet another notable difference betwixt the people of the South and of the North; for that there are more chaste and abstinence, and those of the South much given to lust: the which grows by reason of the spongyous melancholie, so as all Monsters do commonly come from Affrike, which Ptolomie fayth, to be under Scorpio and Venus, adding moreover, that all Affrike did worship Venus; and Titus Livius speaking of the Numidians (who were the most Southerly of all the Romans subject or allies), The Numidians (fayth he) were given to venery more than all the other Barbarians. Wee read also that the kings of Affrike and Persia had always great troupe of wives and concubines, the which is not to be imputed to their depraved customs, for that at the West Indies king Alazares had 400 wives: and the father of Attahilpa the last king of Peru, (who was defeated by Pizarre) had 200 wives, and fifty children; and the king of Giaio had 600 children: so many had Hierothemus king of the Parthians, who had also a great number of wives: and Surenus Generall of that armie of the Parthians which defeated Crassus, had ten thousand. The Scythians and Germans have enough of one wife: and Cæfar in his Commentaries fayth, that the Englishmen in his time had but one woman to ten or twelve men: and many men in the North parts knowing their owne insufficiencies, geld themselues in despight, cutting the vaines Parotides vnder the eares, as Hippocrates fayth: who seeking out the caufe of this disability, concludes, that is for the coldnes of the belly, and for that they are commonly on horseback: wherein he is deceived, for Aristotle holdeth, that agitation doth provoke: and as for want of heat, it is most certaine that those which dwell in cold countries abound with heate inwardly, as it appeares by the corpulency and strength of those Northen nations: and contrarywise thofe of the South are very cold. It is the nature of melancholie which abounds most in them of the South, the which being frothie, provokes to lust, as Aristotele writes in his Problemes, where he demands why melancholie men are most lecherous: the which is notorious in the Hare, the which is the most melancholie of all other creatures, and which only conceives being big with yong, as well the male as the female, as M.Varro, and other writers do witness, and experience hath taught us; so as we may say they are much deceiued which have so much extolled the pudicitie and chaste of the Scythians, Germans, and other Northen nations, as Cæfar writes in his Commentaries. Among the Germans (fayth he) it is a dishonest and villainous thing for a man to know a woman before the age of 25 years, which thing they conceale not: and Tacitus fayth, there are none but the Germans among the barbarous nations that content themselves with one wife: yea sometimes they live in perpetual chastitie, as the Emperour Henry 2. did, and Cæsar 1. king of Poland, and Ladiflaus king of Bohemia would never marry; the which was not for that they were chaste, but rather through a natural weakness: and Ibon 2. great Duke of Muscoule, did do abhorre women, as he did euuen found at the very sight of them, as the Baron of Herbeleit doth write, speaking of the Muscouites. They never saw their wives (fayth he) vntill the day of their marriage. The people of the North are so little subject to idolioufe, as Aleomer a German, and Bremius do write in commendation of their countrey, that men and women throughout all Germanie doth bathe together pel mei, yea and with strangers, without any touch of idolioufe, the which as Munster fayth, is not knowne in Germanie: whereas contrariwise thofe of the South are so passionate, as oftentimes they dye of that difeas. Being sent into England with an Embassage, I heard Membrado the Spanish Ambassadour say,
say, That it was a shamefull thing to see men & women sit together at holie sermons: to whome Doctor Dale Master of Requests answered pleasantrly, That it was a more shamefull thing for Spaniards to think of satisfiying of their lusts even in holie places, the which was far from Englishmen minds. We reade in the historic of the Indes that the king of Puna was so jealous, as he did cut of the privie parts, with the noes and arms of those Eunukes that attended of his women. The people that inhabit the middle regions hold a mediocritie in all this, but the most part of them allow but one lawfull wife, and although that Julius Cæsar did peruaide Heloïn Cynna to publish the law of Poligamie (or manie wives) to the end that Cefarion (whom he had by the Queene Cleopatra) might be legitimate, yet this lawe was rejected: and the same lawe being requited by Iblon Leiden a cobler, hauing made himselfe king of Munfter in Weïphalia, did more trouble their estate than all the other lawes and alterations which he made. But the Romaine Emperours made a general lawe to all nations without any difinition, noting him with infamie that had more than one wife: and since, that punishment of infamie hath beene made capitall within this realme. But the Roman lawe had been of no force in Affrike, for the inconvenience that happened; as it is incident to all those that fecke to apply the lawes of the people of the South to them of the North, making no difference of their dispositions, wherein many have beene much deceuied, and even Carden, who fayth, That man is wiser than all other creatures, for he is more hot and moyst; the which is quite contrarie to the truth, being most apparant that the wildest beasts are colder than any other, in the opinion of Arisotle. In like fort among militarie punishments, one was, to let the soildier bloud that had offended, for that those which abound in bloud had the pafions of the mind more violent and lefle obedient unto reason. Of all beasts the Elephant is held to be the wildest, of the Antients, for that their bloud is coldest; and the most melancholyke of all others, the which makes them leapers: and to this leprosie the people of the South are much subject, the which was called by the Antients Elephantiasis, a disafe vnknowne in Greece before Plutarch, or in Italie before Pompey, as Plinie writes. But he deceuued himselfe to fay, that it was proper to the Egyptians, for all the coast of Afrike abounds with them; and in Ethiopia it is so common, as the leapers are not sepa rated from the found. But Leprosie differs from Elephantiasis, the which is a great swelling in the thighs and legs, and leprosie is a canker or infection over the whole bodie. It may be this melancholie is the cause of long life, for all the Antients content, that the Elephant liues three and fourtie hundred yeares, and Rauens more, who have little bloud, and that very melancholie. Francis Aluarez reporteth, that he had seene Abuna Mare Bishop of Ethiopia who was 150 yeares old, and yet verie lustie, which was the greatest age that ever was found in the Cenfors registres at Rome. And we must not wonder if Homer fayth, that Memnon king of Ethiopia liued fute hundred yeares, for Xenophon long after writes, that in the same countrey there were men that liued fute hundred yeares: but those of the South have verie drye bodies, and are subject to the falling sicknes, quartaine agues, and the Kings euid. Hereby we may judge, that the people of the South are infected with great deseases of the bodie, and notorious vices of the minde: and contrarywise there are no people that have their bodies better disposed to liue long, and their minds apter for great vertues. So Titius Livius having much commended Hamhipa for his heriocall vertues; These great vertues (faied hee) were accompanied with as great vices, inhumane cruelty, treacherie, impietie, and contempt of all religion: for great thief spirits aresubject to greatest vertues and vices. Wherein the antient writers have bene deceived, commending so highly the vertue, integritie, and bountie of the Scythians, and other people of the
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the North, and condemning the vices of the South: For he de
fertes no praye for his bountie, that hath no wit, and that cannot be wick
ed, for that hee knoweth no eni; but he that knoweth enli, and how to put it in prafwife, and yet is an honest man. In like forf Machianel was ouerseene, saying, That the Spaniards, Italians, and Frenchmen, were the wickedest people in the world; shewing thereby, that he had never read any good book, not knowing the disposition and differences of nations, But wee shall looke more narrowly into the disposition of the people of the North, of the South, and of them that are betwixt both; we shall find that their natures are like vnto young men, old men, and them of middle age, and to the qualities which are attributed vnto them. In like forf cuerie one of thefe three in the government of the Commonweale

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with that which he hath most at command: The nations of the North, by force; those in the midlest, by equity and injustice; and the Southerne parts, by religion. The magiftrates (faith Tacitus) commands nothing in Germanie, but with the fword in his hand. And Caier writes in his Commentaries, That the Germans have no care of religion, and make account of anything but of warr and of hunting. And the Schy-thians (faith Solinus) did ficike a fword into the ground, the which they did worship, placizing the end of all their actions, laws, religions, and judgments, in their force and armes. We find that combats came first from the people of the North, as we have faid elswhere: all the laws of the Saliens, Franconis, English, Ripuaries, and other Northernne nations are full of them: And the law of Fronton king of Denmarke would hate all contouerfies decided by fingle combat: Which laws could never be abrogated, although that both popes and other princes have laboured much, not confidering that the natural disposition of them of the North, is quite contrary to them of the South. And at this preffent in Germany they make great account of the Reiflers law, the which is neither divine, humane, nor canonical; but the stronger commands the weaker: as Bremonis captaine of the Gaules faid vnto the treaforor Sulpiius. The middle nations are more reasonable and leefe strong, they have recourse vnto reafon, vnto judges, and vnto fuuits. It is most certaine, that laws and the manner of pleading are come from the people of the middle nations; as from Asia the leffe (whereas great Orators and Pleaders were in credit) from Greece, Italy, and Francon: whereby a certaine Poet (speaker) Gallia et Sicilios docuit facunda Britannus, Eloquent France hath taught the pleading Brittons: It is not at this day alone, that France hath beene full of suits and contentions, the which cannot be altered and taken away, vntilfe they change the nature and disposition of the people: and it is much better to decide all contouerfies by law, than by the fword; the one is fit for reafonable creatures, the other for brute beafts: and to conclude; all great Orators, Law-makers, Lawyers, Historianphets, Poets, Comedians, and others which draw vnto them the hearts of men with goodly difcoueries and sweet words, are in a manner all of the middle nations. We fee in the histories both of the Greeks and Latins, before they attempted the least warre, the matter was debated with many folemne orations, denominations, and protestations: the which the people of the North do not vfe, who perfinally fall to arms, and even as the one vfe force only like vnto Lions, so they of the middeft arms themselves with laws and reafons. In like forf the people of the South haue recourse vnto craft and subtiltie, like vnto Foxes; or vnto religion: for eloquent difcoueries agree not with the grosse wits of the Northernne people, and they are too base for them of the South, who allow not of any legall reafons or rhetorical suppositions, which hold truth and fal FWQ in fudence, but they require certaine demonstrations or divine o

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cles, which exceed any humane difcouere. So we fee that the people of the South, the Egyptians, Caldeans, and Arabians, have brought to light the hidden sciences both
The disposition of the people is greatly to be observed in the government.

natural and mathematicall, which torment the greatest wits, and force them to confess the truth: and all religions have in a manner taken their beginning from the people of the South, and from thence have been diffused over the whole earth: not that God hath any acceptance of places and persons, or that he doth not suffer his divine light to shine upon all men; but even as the Sunne is seen more easily in a clear and still water than in that which is troubled and filthy, so in my opinion the heavenly light doth shine far more brightly in pure and clean spirits, than in those which are polluted with base and earthly affections. And if it be so that the true purifying of the foule is by his heavenly light, and by the force of contemplation in the most perfect subject; without doubt they shall soonest attain unto it which have their soules ransomed up into heaven; the which we see happen unto melancholike men, which have their spirits fetled and given to contemplation, the which is called by the Hebrewes and Academiks a precious death, for that it draws the soule out of this earthly bodie into spiritual things. It is no meruaille then if the people of the South be better governed by religion, than by force or reason, the which is a point verie considerable to draw the people, when as neither force nor reason can preuaile: as we reade in the historical of the Indies, that Christopher Columbus when he could not draw the people of the W. Indies unto humanitie by any flattering or faile meanes, he shewed them the Moone the which they did worship, giving them to vnderstand that she should foone lose her light: three dayes after seeing the Moone eclipsed, they were so amazed, as they did what he commanded them. So the more we draw towards the South, the more devout we finde men, and the more firme and constant in their religion, as in Spaine, and more in Affrike: whereas Francis Aluarez, and Leo of Affrike do say, that religion is much more reuenerated and honoured there than in Europe, where among other obseruationes Leo notes, That in one citie of Fez there are seaven hundred temples, and the greatest is 1500 paces in compass, 31 gates, and within it 900 lamps, the yearly tenuence of which temple is 73000 ducates. But Aluarez reports far stranger things of the greatnes of temples, of the incredible safts and devotion of the people of Ethiopia, and that the greatest part of the nobilitie and the people make verie strict vows of religion. The greatest reason that hath so long maintained Ethipia in that goodlie, and flourishing estate, and that doth still hold the subiects in the obedience of their prince and gouernour, is the assured persuasion which they have (as Aluarez faith) That good and euill comes not vnto them by their friends or enemies, but by the will of God. As for suites, there are fewer than in any part of the world: and which is more strange, they keepe no records in writing of any decrees, judgements, testaments, or contracts, except the accounts of the receit and expences. Who so should seeke to governe those nations by the lawes and ordinances vised in Turkie, Greece, Italy, and other midle regions, he should ruine their estate. In like for he that should accustome the people of the North to the pleading of France and Italie, should finde himselfe much troubled, as it hapned to Mathias king of Hungarie, who sent for Judges out of Italy to reforme the juridiction of Hungarie, but in a short time the people were troubled with this canonical pleading, as the king was constrained (at the request of his Estates) to send back his Italian Judges into their coutrie. So Ferdinand king of Spaine sending Pedrarias Viceroy to the W. Indies, the which then were newly discovered, he did exprely forbid him to carrie any lawyer or aduocate with him, to the end he should not few any suits of suites and pleading where as there was not yet any. But who so should seeke to rute out all suites and proceedes in France and Italie, he should thrust the people into perpetuall seditions: for euem the Judges themselves being vnable to determine and end suits, for the dificultie and contrarietie of reasons
A reasons that are of either side, they oftentimes depute arbitrators, or else they prolong the fute of purpose to give the parties occasion to agree friendly, and to discharge their choller upon the Judges and advocates, else they would fall to armes, whereby it appears that the people of the middle region are more capable to govern a commonweale, as having more natural reason, the which is proper to humane actions, and as it were the touchstone to distinguish the difference betwixt good and evil, betwixt right and wrong, and betwixt honest and dishonest things. Wisedome is fit to command, and force to execute, the which is proper to the people of the North, but they of the South being lese capable of government, give themselues wholly to the contemplation of natural and divine sciences, and to discern truth from fallhood.

And even as the wisedome to know good and evil is greatest in the people of the midst, and the knowledge of truth and fallhood in the people of the South, even so thofe arts which confin in handie works, are greater in the people of the North then in any other, and therefore the Spaniards and the Italians admire so many and so divers kinds of works made with the hand, as are brought out of Germanie, Flanders, and England. And as there are three principal parts in the soule of man, that is to say, the imagination or common fencce, reason, and the intellectual part, even so in every well ordered Commonweale the Priests and Philosophers are employed in the search of divine and hidden sciences, being as it were the hart of the citie, the magistrates and officers to command, judge, and prouide for the government of the State, being as it were the reason of the citie: and the common people applie themselves to labour and mechanical arts, the which is conformable to common sence.

We may conclude the like of the vnyearfull Commonweale of this world, the which God hath so ordained by his admirable wisedome: As the people of the South are made and appointed for the search of hidden sciences, that they may instruct other nations: Those of the North for labour and manuell artes: and those of the middle betwixt the two extremes, to negociat, traffique, judge, plead, command, eftablifh Commonweales; and to make lawes and ordinances for other nations: whereunto those of the North are not so apt for want of wisedome: neither are the people of the South, be it that they be too much given to divine and natural contemplations; or for want of that alacrity and promptnesse, which is required in humane actions: be it that he cannot yeeld in his opinions, dissemble, nor endure the toyle which is necessarie for a man of state; or that he is tooone wary of publike affaires, or that hee is oftentimes expelled by ambitious courtiers: as it happened to the wise men of Persia, who were suddenly put from the government of the state, after the death of Cambyses: and to the Pythagorians in Italy. And it seems: this was figured by the fable of Jupiter, who expelled his father Saturne out of his kingdome: that is to say, an ambitious and politike courtier disposed of a Philosopher given to contemplation: For who so shall we obferue the nature of Planets, he shall find in my opinion: that the diuision of them doth agree with the three regions above mentioned, according unto their natural order, giving the highest Planet, which is Saturne, to the Southerne region, Jupiter to the middle, and Mars to the Septentrional parts, the Sunne remaining in the midst, as the spring of light equally common to them all. Then follows Venus, proper to the people of the South, then Mercurie to them of the middle regions: and last of all is the Moone for the North parts, which sheweth the natural inclination of the people of the North to warre and hunting, fit for Mars and Diana: and the people of the South to contemplation, besides their disposition to veneer. And the nations betwixt both the qualitie of Jupiter and Mercurie, fit for politike governmentes: the which hath a strange sympathy in mans bodie, which is the image of the vnyearfull world, and of a
in Method, bift.
cap. 5.

More women in the South than men.

The people of the East more courteous, and more ingenious than those of the \(W\)est.

Remarkable particularities of places.

well ordered Commonweale: for setting the right hand of man towards the North, going from the East into the \(W\)est, according unto the natural motion of the world, and the true constitution thereof: as I have shewed in another place: the right part which is the more strong and masculine, having the lyuer and the gall, which the Hebrewes attribute to the Moone and Mars, sheweth plainly the nature of the people of the North to be fanguin and warlike. The left side, which is the feminine part (so called by the Philosophers) and the weaker, having the spleene and the melanchelike humor, discoures the quality of the people of the South. Even so we find more women in the Southernne parts, and more men in the North: for else it were impossible that euerie man in the South countries should have so many wives.

And thus much as touching the general qualities of all people: for as for the particular, there are in all places and in all countries men of all humors, and subiect to that which I have said more or lesse. Moreover the particular situation of places, doth much alter the nature of the country. For although there is not any certaine place, whereas we may distinguishe the East from the West, as we may the South from the North: yet all auncients have held, That the people of the East are more mild, more courteous, more tractable, and more ingenious, than those of the West, and lesse warlike. Behold (faith Iulian the emperor) how the Persians and Syrians are mild and tractable. Who fees not the furie of the Celtes & Germans, & how jealous they are of libertie? the Romans are courteous and warlike, the Egyptians wittie and stubbl, and withall effeminat. The Spaniards have obserued, That the people of Sina (the which are farthest Eastward) are the most ingenious and courteous people in the world: and those of Brezil, which are farthest Westward, the most cruel and barbarous. To conclude, if we looke well into histories, we shall find, that the people of the West do participat much of the nature of the South; and the people of the East with them of the South in the same latitude. The natural bountie of the ayre, and of the Easterly winds, is the cause that men are more faire, and of a bigger proportion: and it is strangely, if the plague or any other infectious disease comes from the West into the East, or from the North into the South, it continues not: whereas if they begin in the East, or in any part of the South, they are long and very infectious: as it hath bene proved by experience in old times, and at this day the conjecture is inassible in the country of Languedoc, whereas the plague is ordinarie. I have noted many examples in another place, which I omit now for breuitie sake: yet the difference of manners and disposition of people, is much more notorious betwixt the North and the South, than betwixt the East and the West. But the greatest change in particular, is the difference of hillie places from vallies: and of vallies turned towards the North or towards the South, in the same climat or like latitude, yea in the same degree, which caueth a wonderful difference betwixt the one and the other: as it is plainly seene in mountaines which stretch from the West to the East: as the Appenin, which diuideth in a manner all Italy in two, mount Saint Adrian in Spaine, the mountaines of Auvergne in France, and the Pyrenees betwixt France and Spaine, mount Taurus in Asia, and Atlas in Aftrike, which runs from the Atlantike sea into the confines of Egypt: aboute five hundred leagues; mount Imaus, which diuides Tartarie from South Asia, the Alpes which begin in France, and continue into Thrace: and mount Calphat, which diuides Polonia from Hungarie; the which caueth them of Tuscanie to be of a contartie humor to them of Lombardie: and fare more ingenious: as also wee see them of Aрагon and Valence: and other people beyond the Pyrenese hilles, to bee of a different disposition to them of Gasconie and Languedoc, who hold much of the nature of the North; and the people on this side mount Atlas are fare flesse ingenious than the Numidians, and other
A other nations which are on the other side mount Atlas: for the one are very white, and the other exceeding blacke; the one subject to many infirmities, the other found, cheerefull, and of long life. We must not then maruell if the Florentines (who is towards the East and South, having the mountaines at his backe upon the North & West) be of more subtill spirit than the Venetians, and more aduised in his privat affaires: and yet the Florentines in their assemblies spoile all through the subtilitie of their wits: whereas the Venetians in their counsells refolue gravely, as we haue obserued for these two hundred yeres: for those that haue leaft wit, yield to reason, change their opinions, and referre themselues to men of better judgement: but so many great spirits being subtil and ambitious, are obstinat, and will hardly yeeld from their opinions: & for that euerie man holds himselfe able to command, they will haue a Popular estate, the which they cannot maintaine without quarrels and ciuill diffentions, by reason of a naturall obstinacie, proper to the people of the South, which are melancholike, and to those which for the particular situation of the place, doe participat of the nature of the South. And euyn as they which goe from Boulogne to Florence, or from Carcafonne to Valence, find a great alteration from cold to hot, in the same degree of latitude, by reason of the diuerfitie of the one vallie turning to the South, and the other to the North: in like sort shall they find a diuerfitie of spirits. And therefore Plato saith God thankes, That he was a Grecian, and not a Barbarian; an Athenian, & not a Theban; although there be not twentie leagues betwixt Thebes and Athens: but the situation of Athens was towards the South, inclining towards Pyrene, having a little mountaine behind it, and the ruer Aloup betwixt the two citie: so the one was gien to learning and knowledge, and the other to armes. And although they had one kind of popular government, yet was there no sedition in Thebes, whereas the Athenians had many quarrels and diffentions for the estate. In like sort the Cantons of the Swiflers haue maintaine their Popular estate wisely these two hundred yeres: the which the Florentines and the Geneuines could never (with the excellencie of their wits) doe ten yeares together, without some mutinies. For the people of the North, and those that live upon mountaines, being fierce and warlike, ruling in their force and strength, desire Popular estates, or at the least elective Monarchies: neither can they easily endure to be commanded imperiously. So all their kings are electue, whom they expell if they influnt or tyrannize: as I haue obserued of the kings of Sweden, Denmark, Norway, Poland, Bohemia, and Tartarie, which are electue.

That which I haue spoken of the nature of the Northernne countries, agrees with the mountaines, the which are sometimes more cold than the regions that are farre Northward: for in many places they haue snow and yce perpetually: and euyn the Equator and the mountaines of Peru are so high and cold, as many Spaniards died for cold, and lay long dead before they corrupted; as we read in the histories of the West Indies. Leo of Affrike hath no caufe to wonder, why the inhabitants of the high mountaines of Megeza in Affrike are white, tall, and strong: and those of the vallie are little, weake, and blacke: for generally both the men,beasts, and the trees of the mountaine, are of stronger constitution than the others. And old men upon mount Atlas of 100 yeres old, are vigorous, as Leo doth teltifie. This force and vigour doth caufe the mountaineers to love popular libertie, who cannot endure to be braued: as we have saied of the Swiflers and Grifons. And in like sort the inhabitants of the mountaines of Bugia, Fez, Marocco, and Arabia, live in all libertie, without any commander: not through the assurance of any places that are forrested by nature, but for that they are Savage and cannot be reclaimed. The which should sete for an aunswere vnto Piutarches demand, Why the inhabitants of the high towne of Athens required a Popular estate, & those

The cause of the diuerfitie of humours in Italy, A mountain caufeth a great difference of people that live in oppofite vallies. Why the people of the North have electue kingdoms.

Why those that live upon mountaine lose Popular flatts.
of the low towne the gouernment of few: considering the reason that I have giuen. He shoulde therefore wrong himselfe very much, that should seeke to chaunge the Populous estate of the Swiflers, Grifons, and other mountaineers, into a Monarchie: For although a Monarchie be fatter better of it selfe, yet is it not so fit for that subieckt.

We must therefore carefully observe what euery nation defires, and what they abhorre; and first you must draw them to a milder kind of life, before you propound a royaltie vnto them, the which is effected by quietnesse and ease, inuing them to the studies of sciences and musick. And for this cause Polibius faith, That the auiuent lawgiuers of Arcadia, had strictly bound the inhabitants of the mountaine of Arcadia, to learne musick, vpon great penalties: whereby to temper the naturall sauagness of that people. Titus Livius also speaking of the Etolians dwelling on mountaine, the most warlike and rebellious people of all Greece, he sayth, Proctoros Etoi quam pro ingenij Grecorum. The Etolians were more fierce than was agreeable to the humour of the Greeke: They troubled the Romans more (although they had but three towne) than all the rest of the Greeks. In like fort, the inhabitants of the mountaine of Genes defeated the Roman armies, and continued ware against them one hundred yeares, neither could they euer bring them in subjection vntill they had transported them from the mountaine into the vallies, after which time they became good & quiet subiecks; as we read in Titus Livius. We must not then martell, if by the Swiflers lawes euetic man is bound to weare a sword, and to have his houfe furnished with offentuice and defensive armes: which other people forbade for the most part. And contrariwise the inhabitants of vallies are commonly effeminat and delicat: and euue the naturall fertilitie of the vallies, giue the inhabitants thereof occasion to giue themselves with pleasure.

As for the inhabitants vpon the Sea coasts, and of great townes of traﬃque, all writers have obserued, That they are more subtil, politike, and cunning than those that lie farre from the sea and traﬃque. Therefore Cæsar speaking of the inhabitants of Tourney, These men (faith he) for that they are farre from the ports of the sea, are not soft & effeminat with the marchandise and delights of strangers. And to that end Tully saith, That the inhabitants of the riuere of Genes, were called decreiuers and cozeners; & thofe of the mountaines, rude and vncivil: for that these were not accustomed to traﬃque, to sell and to deceive. Wherefore Ioseph speaking of the inhabitants of Jerusalem & Spartas, faith, That they were remote from the sea, & lesse corrupted than others. For which cause Plato forbids them to build his Commonweale neere vnto the sea, laying, That such men are deceitfull and treacherous. And it semeth that the prophete which faith, That Ilanders are commonly deceitfull; should be applied to this that we haue spoken, for that they are more giuen to traﬃque, and by consequence to know the diueritie of men and their humors, wherein the policie of trading doth consist, to dissemble his words and countenance, to deceive, lie, and to confen the simple for gaine, the which is the end of many matchants. And to this end the Hebrews applie that text of Scripture, where it is said, Non eris mercator in populo tuo, There shall be no marchant among the people: which forme do interpret a deceiuer or couenier; but the Hebrew word signifies Marchant.

There is also a great variety for the difference of places subieckt to violent winds, which makes people to diuerse much in manners, although they be in the same latitude and climat. For we fee plainly, that those people are more grave and staid, when the ayre is calm and temperate, than those which liue in regions beaten with violent winds: as France, and especially Languedoc, high Germanie, Hungarie, Thrace, Circeasia, the countrey of Genes, Portugal, and Per sia, whereas men have more turbulent spirits, than
A than thofe of Italie, Natolia, Alsitria, and Egypt, whereas the calmneffe of the ayre
make men fatter more mild. We do alfo fee in moorth places another difference of
men, contrarie in humour to them of the mountaines. The barrenneffe and fruitful-
neffe of places doth in fome fraught chaunge the naturall inclination of the heavens:
And therefore Titus Linius faid, That men of a fat and fertill soil, are moft commonly effe-
minat and cowards; whereas contrarievile a barren countrie makes men temperat by
necesfitie, and by confefquence careful, vigilant, and induftrious: as the Athenians were,
whereas idleneffe was punithe capitaliy: Neither by Solons law were the children
bound to reluire the parents, if they had not taught them some means whereby to
get their living. So as the barrenneffe of the foyle doth not onely make men more
temperat, apt to labou[r, and of a more subtill spirit; but alfo it makes townes more popu-
lous: for an enemie affects not a barren countrie, and the inhabitants living in fafetie
doe multiple, and are forced to traffique or to labour. Such a one was the citie of
Athens, the moft populous of all Greece: and Nuremberg, which is feated in the moft
barren foyle that can be, yet is it one of the greatest cities of the empire, and full of
the beft artifans in the world: and fo are the cities of Limoges, Genes, and Gand. But thofe
that dwell in vallies become foft and flothfull through the richneffe of the foyle. And
as they that lie vpon the sea for their traffique, and thofe of barren countryes for their io-
brieties, are induftrious: in like fорт thofe which make the frontiers of two eftates bee-
ing enemies, are more fierce and warlike than the ref, for that they are continually in
warr, which makes men barbarous, mutinous, and cruel; as peace makes men quiet,
courteous, and tractable. And for this caufe the English heretofore were held fo mutu-
inous and vnruyl, as even their princes could not keep them in awe: yet fince that they
haue treated of peace and allegiance with France & Scotland, & that they have bene go-
urned by a mild and peacefull prince, they are grownne very ciuill and full of cour-
tefie. Whereas contrarievile the French, which did not yeeld to any nation in cour-
tefie and humanitie, are much chaunged in their dispoftitious, and are become fiette &
barbarous fince the ciuill warrers: as it chaunced (as Plutarch fayth) to the inhabitants
of Sicilie, who by reafon of their continual wars, were grownne like vnto brute beafts.

But he that would fee what force education, lawes, and cutfomes, haue to chaunge
nature, let him looke into the people of Germanie, who in the time of Tacitus the Pro-
confull, had neither lawes, religion, knowledge, nor any forme of a Commonwealth,
whereas now they feeme to exceed other nations in godly cities, and well peopled,
in armes, varietie of artes, and ciuill discipline: And the inhabitants of Bugia (which in old
time was Catharghe, the which in former times had contended with the Romans for
the emperie of the world, being the moft warlike people of all Afrique) by the continu-
ance of peace, and the praftize of mufike (wherewith they are much delighted) they are
become to effeminat and timorous, that Peter of Nauaure comming bither with four-
teen ships onely, the king with all the inhabitants flied, and without strikinge froke
abandoned the citie, whereas the Spaniards built goodly forts without any opposition.
Therfore Plato maintained, That there were two arts necessarie in all citie, Wreftling
and Musicke, the one being the nurce of the mind, the other of the bodie. If they ne-
glcct wreftling, the force of the bodie muft languifh; if the studie of Musicke, they will
become rude and barbarous: if both, then muft both bodie and mind grow dull with
idlenefs and floth: For commonly we fee thole whores minds are delights with the
sweet found of Musicke, to be verie mild and courteous. What should I speake of
the Romans, & of that famous citie, which had fo often triumphed over Europe, Afia,
and Africke, whileft that it flourifhied in armes and learning; which hath now loft the
beautie and vertues of their fathers, through floth, to the eternall infamie of their idle
prelates?
prelates. Whereby it appeares how much education prevailes: whereof Licurgus made triall, having bred vp two grayhounds of one litter, the one in hunting, the other to the portage pot, and then made triall of them before all the people of Lacedemon, bringing forth a quick hare, and pots of meat; so as the one followed the hare, and the other ran to the meat. It is most certaine that if lawes and customes be not well maintained and kept, the people will soone returne to their natural dispositions: and if they be transplanted into another countrey, they shall not be changed so soone, as plants which draw their nourishment from the earth: yet in the end, they shall be altered, as we may see of the Gothes, which did invade Spaine, and high Languedoc; and the auncient Gauls which did people Germanie, about the blacke fortess and Francford, with their Collonies. Cesar faith, That in his time (which was some fiue hundred yeres after their paffage) they had changed their manners and natural disposition with that of Germany.

But it is needfull to purge an error into the which many haue fallen, having taxed the French of lightneffe imitating therein Cesar, Tacitus, Trebellius, and Pollio. If they tarme a certainty alecratitie and promptneffe in all their actions, Lightneffe; the injurious pleafteth me, the which is common to all the people of the middle regions between the Pole and the Equator for men in like fort Titus Lanius doth call them of Asia, Greece, and Syria, Leuiusisma hominum genera, Light kind of men: the which the ambassadour of the Rhodians did freely confesse in the open Senat at Rome. And Cesar himself doth interpret that which he would say, acknowledging that the Gaules haue good wits, and prompt, and tractable. And Scaliger borne at Verona, writes, That there is not any nation of a quicker & more liuely spirit than the French; be it in armes or learning, be it in the trade of marchandifie, or in well speaking: but above all, their hearts are generous and loyal, keeping their faith more constantly than any nation. And Baptista Mantuanus, the most excellent Poet of his age, writes thus of the French,

Host saueic spirits haue the Gaules, their bodies passing white,
And of that white haue they their names; a crimson colour bright
Their womans faces garnisheth, wherewith a comely grace
Being mixt, Nature out of two sundrie colours one doth raise:
Frolike they are, of cheerefull heau, delight in rounds and ryme,
Prone unto Venus sports, to banqueting, and when they see their time
As prone unto Church service. They list not beare the yoke,
Hypocrifie they flie amaine, and what is faffly spoke:
Hating the fallen Saturnis, they give themselves to game,
To hunting, hawkings, hils and dailes theire towre they amaine.
I, they in warres delight them too, the barbed horse to ride,
Their brigants, their bow, and spear, to use it is their pride:
Whole nights abroad to sleepe on ground it is their chiefest joy,
And to be furred with summe, and yf, the account it nothing coy,
With dust to be opepered, to sweate under the weight of armes,
For countrey, kin, and eke for king, to undergoe all harms;
T'ea death it selfe to them is sweet.
Thus fare Mantuan.

The constancie of the French appeares plainlye by the religion which hath bene received and allowed by our predecessors, for the which we have contended these three-score yeres with such obstinacie, as no nation in the world hath endured such burnings, spoyllings, tortures, and ciuill warres, as we have caufed into our felues. Wherby Cefars texti-
A testimony appears to be very true, writing, That all the nations of the Gauls was much given to religion, which is far from lightnesse and inconstancie. But that fierie vigour, as \textit{Veronensis} saith, which we see in the french, and the wonderfull alacrity in doing of things proceeds from choller: from whence grow the violent motions of the mind, from whence come mutterings, when as from words they fall to blowes, and choller enclining vnto rafhnes breaks forth sudenly, the which if it be restrained within the bound of reason it doth greatly increase vildome the gourmelle of mans life, as \textit{Galen} saith, writing of a chollerlike humor, but if it be distempered, it turnes into rafhnes, which properly we call lightheartedness, but this inconstancie is much more proper and incident to the people of the North. We have saied (speaking in generall) that the people of the South are of a contrarie humour and disposition to them of the North: those are great and strong, they are little and weak: they of the north hot and moyst, the others cold and dry; the one hath a big voyce and Greene eyes, the other hath a weak voyce and black eyes; the one hath a flaxen haire and a faire skin, the other hath both haire and skin black; the one faereth cold, and the other heat; the one is joyfull and pleasant, the other sad; the one is fearfull and peaceable, the other is hardie and mutinous; the one is sociable, the other solitarie; the one is givien to drinke, the other sober: the one rude and grolle witted, the other aduised and cermemonious; the one is prodigall and greedy, the other is courteous and holds faft; the one is a fouldier, the other a philofopher; the one fit for armes and labour, the other for knowledge and reflex. It then the inhabitants of the South be willfull and obstinate, as \textit{Plutarch} saith, speaking of the Africanans, maintaining his resolutions very willfully, it is most certaine that the other is changeable, and having no constancie, those of the middle regions hold the virtue of the meane, betwixt willfulnes and lightnesse, not being changeable in their resolutions without reason, like vnto the people of the North, nor yet so fretted in their opinions, as they will not be altered without the ruine of an estate. \textit{Tacitus} writing of the Germains, faith, that they hold it no dishonor to denie their word. The Eafingothes and Westgoths being expelled by \textit{Attila}, they required some land to inhabit from the Emperor \textit{Valens}, swearing to imbrace the Chriftian religion, which having granted them, they treacherously feazed on \textit{Valens}, and butt him alieue, and the people of

B Gronland which are neere vnto the Pole, being of an inconstant humor, as \textit{Munster} faith, did earily imbrace the Chriftian religion, and then afterwards fell againe to their Idolatry. And as for the Muscovites, the Baron of Heberfein (faith in their history, that he hath not knowne any nation more disloyall, which will have all men to kepe their faith with them, and they with no man. This falsohood or treacherie comes from distrust, or from feare, and both the one and the other from want of spirit and wit: for a wife and confiderate man as those of the middle region be, is not distrustfull, for that he foreseeth what may happen, and with courage and constancie doth execute what he hath resolued, the which the people of the South do not so well, being fearefull, nor they of the North which want wit. And to make it manifest how distrustfull and insipitious the people of the North be, looke into the realme of Denmarke and Sweden, whereas the magistrates doe hide men in the Innes to heare what is spoken. The government of euery Civitie is of great force in the alteration of the peoples natures and dispositions: if they be opfessed with tyrannie and seruitude, they grow faimharted and deject; they which live in popular estates and enjoy their liberties, must of necessitie be more bold and warlike, whetein not only the nature of the heauen and regions in generall are to be confidered, but also the particularities of the regions. What may grow in the minds of men from the ayre, water, winds, hills and vallies, what from religion, laws, cuftomes, discipline, and from the state of euery commonweale, and

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not to obserue the climate alone: for we see in climates that be alike and of the same elevation fouré notable differences of people in colour, without speaking of other qualities, for that the West Indians are genericlly of a dusky colour like unto a roasted quince, vnless it be a handful of men that be black, whom the tempest carried from the coast of Affrike: and in Sindi of Spaine the men are white, at Cape Bonne Esperance black, at the river of Plate of a chestnut colour, all being in like latitude, and like climates, as we read in the histories of the Indies which the Spaniards have left in writing; the cause may be the change from one country to another, and that the Sunne in Capricorne is nearer vnto the earth by all the eccentrical latitude, the which are above fouré hundred thousand leagues. The transportation of Colonies works a great difference in men, but the nature of the heavens, winds, waters, and earth, are of more force. The Colonie of the Saxons which Charlemaine brought into Flanders, differed much from all the French, but by little and little they were so changed as they retaine nothing of the Saxon but the language, the which is much altered, pronouncing their aspiraciones more lightly, and interlacing the vowels with the consonants: as the Saxan when he calleth a horse Pferd, the Flemings say Perd, and so of many others. For although the people of the North, or that dwell vpon montaines, hauing a more inward heate, decler their words with greater vehemencie and more aspiracion than the people of the East or South, who interlace their vowels sweetly, and avoid aspiraciones all they can (and for the same reason women who are of a colder complextion than men, speake more sweetly) the which was verified in one tribe of the people of Israell, for those of the tribe of Ephraim which remained in the montaine and towards the North, which they called Gallaad, were not only more rough and audacious and bold than those that dwelt in the vales, of the same tribe, but did also pronounce the consonants and aspiraciones which the others could not pronounce; so as being vanquished, and flying from the batallie, not able to distinguish the one from the other being of one nation, they watched them at the passage of Iordain, demanding of them how they called the passagé of foord, which was named Schibolaet, the which they pronounced Sibolet, which doth properly signifie an ear of corn, although that they be both oftentimes confounded, by which means there were 42,000 men slaine. It is most certaine that at that time the Hebrewes held the purenes of blood inviolable, and that it was but one tribe. That which I have said, That the nature of the place doth greatly change the nature and pronunciation of men; may be generally obserued, and especially in Gallocie in the country which is called Labdae, for that the people put L in stead of other consonants. We do also see the Polonians, which are more Eastward than Germanie, to pronounce much more sweetly, and the Geneuois being more Southerly than the Venetian thefe men pronounce Cabre, and the Geneuois say Crabe, whereby the Venetians distinguisht them that fled, having gotten a great victorie against the Geneuois, making them to pronounce Cabre, and killing all them that could not do it. The like did the inhabitants of Montpellier in a sedition which happened in the time of king Charles the fift, seeking to kill the strangers, they threw them beanes, which the strangers called Febues, and the inhabitants of the country called them Hautes; like vnto the Sabins, which did pronounce Fircus Fadus, for Fircus Hades, as Marcus Varro fayth. And thus much touching the natural inclination of people, the which notwithstanding carry no necessitie as I have saide, but are of great consequence for the settling of a Commonweale, lawes and customes, and to know in what manner to treat with the one and the other. Let vs now speake of other meanes to prevent the changes of Commonweales, which growth through abundance of riches.
Mong all the causes of seditions and changes of Commonweales there is none greater than the excessive wealth of some fewe subiects, and the extreme pouertie of the greatest part. All antient histories are full, whereas it appears that all they which have pretended any discontentment against the state, have always imbraced the first occasion to spoil the rich: yet these changes and mutenies were more ordinarie in old time than at this day, for the infinite number of fluxes which were thritie or fortie for one free man; and the greatest reward of their servitude, was to see themselues freed, although they reaped no other benefit but only libertie, which many bought with that which they had spared all their life time, or else with what they borrowed, binding themselues to restore it, besides the duties they did owe to them that did infranchize them: besides, they had many children, which happens most commonly to them that labour most, and live most contintosh, so as seeing themselves in libertie and oppret with pouer- tie, they were forced to borrow upon interest, to sell their children, or to satisfy their creditors with their fruities and labours; and the longer they lived, the more they were indebted, and the lesse able to pay: for the Hebrewes called vfurie a biting, which doth not only wast the debtor unto the bones, but doth also suck both blood and marrows, so as in the end the number of the poore being increased, and not able to induce this want, they did rise against the rich, and expelled them from their houses and townes, or else they lyncd on them at discretion. And therefore Plato called riches and pouer tie the two antient plagues of a Commonweale, not onely for the necessity that doth opprefle the hongtie, but also for the shame, the which is more insupportable to many than pouer tie it selfe: for the hounting whereof, some haue sought an equalitie, the which many have commended, teaming it the seed of peace, and loue betwixt subiects; and contrariwise unequalitie the spring of all diuisions, factions, hatred and partialities: for he that hath more than an other, and sees himselfe to have greater wealth, he will also be higher in honor, in delights, in pleasures, in diet and in apparell, hating no great regard of vertue: the poore on their part conceive an extreme hatred and jealouie, seeing themselves thus troden vnder foote, they thinke themselfes more worthy than the rich, and yet are oppret with pouer tie, hangre, miserie and reproch. And therefore many antient law-givers did equally divide the goods and lands among the subiects, as in our time Thomas Moore Chancellor of England in his Commonweale sayth, That the only way of safetie for an estate, is when as men live in common: the which cannot be whereas is any propriety. And Plato hauing charge to frame the Commonweale and new Colonie of the Thebans and Phociens, by the consent of the subiects which sent Ambassadors to him to that end, he departed, leaving it unfinishted, for that the rich would not impart any of their wealth unto the poore: the which Lysimachus did with the hazard of his life, for after that he had banished the use of gold and siluer, he made an equal distribution of the lands. And although that Solon could not do the like, yet his will was good, for that he made frustrate all bonds, and granted a generall abolition of debts. And after that the use of gold and siluer was allowed in Lacedemon after the victorie of Lysander, and that the testamentarie law was brought
in, the which was partly the cause of inequality of goods: King Agis seeking to bring in the antient equalitie, he caus'd all bonds and obligations to be brought into a public like place and there burnt them, saying, That he had neuer scene a goodlier fite: then he began to deuide his owne goods equally, but when he fought to distribute the lands, he was caft into prifon by the Ephores and there flaine. In like fort Agis the tyrant having taken the citie of Argos, published two Edicts, the one to free them of all debts, the other to deuide the lands equally: Duas factae (layth Titus Livius) nonquantibus ad plebem in optimes accedendum: Two firebrands for them that fought for innovations to kindle and incence the people against the better fort. And although the Romans have in that point seemed more juift than other nations, yet have they often granted a general recomption of debts sometimes for a fourth part, sometimes for a third, and sometimes for all; having no better means to pacifie the mutinies and seditions of the multitude, leaft it should happen vnto them as it did vnto the chief men among the Thuriens, who having gotten all the lands into their hands, the people seeing themselves opprrett with debt and vfurie, and without any means to satisfy, they fell upon the rich and expell'd them from their goods and houses. These reasons may be held goodly in shew, when as in truth there is nothing more pernicious and dangerous to Commonwealthes, than equalitie of goods, the which have no firmer support and foundation than faith, without the which neither justice, nor publicke societie can stand, neither can there be any faith, if there be not a due observation of conventions and lawfull promises. If then bonds be broken, contracts dissuilled, and debts abolished, what can there be expected but the utter subuerion of an estate? for there can be no trust one in another. Moreover such general abolitions do most commonly hurt the poore, and ruin many, for the poore widows, orphelines, and meaner fort having nothing but some little rent, are vndone when this abolition of debts comes; whereas the vfurers prevent it, and oftentimes gaine by it: as it happened when as Solon and Agis did publish an abolition of debts, for the vfurers (having some intelligence thereof) borrowed money of all men, to defraud their creditors. Besides, the hope of these abolitions do incourage the predigall to borrow at what rate soever, and when their credit is crackt, to joyn with the poore which are discontented and desparate, and to stir vp seditions: whereas if the hope of these abolitions were not, every one would fecke to gouerne his estate wisely, and to live in peace. If it be vnut for the creditor to loste his goods, and the debtor to gaine that which is not his, how much more vnut is it to take land from the lawfull owners to enrich other men with their spoyle: for they that fecke to be freed from their debts, pretend the oppreffion of vfurie, and the barren nature of slaver, the which cannot be in lawfull successions, so as we may rightly say, that such a division of another mans goods, is a meere robbetie under a shew of equalitie, and the ruine not onely of a Commonwealth, but of all humane societie. To say, That equalitie is the nuture of friendship; is but to abuse the ignorant: for it is most certaine, that there is neuer greater hatred, nor more captall quarrels, than betwixt equalis: and the calonifie betwixt equalis, is the spring and fountain of troubles, seditions, and ciuill warres. Whereas contrariwise the poore and the weake yeld and obey willingly the great, rich, and mightie, for the helpe and profit which they expext: which was one of the reasons which movd Hippodamus the lawgier of the Milesians, to ordaine, That the poore should matte with the rich, not onely to avoid inequality, but also to make their friendship the more firme. And whatsoever they say of Solon, it appeares sufficiently by the institution of his Commonwealth, that he made foure degrees of citizens according to their reuenues, and as many degrees of state and honours: the rich had five hundred measures of corne, wine, or yole,
in rent; the next three hundred, others two hundred, and those which had leffe might bear no office of honour. And even Plato hath made three estates in his second Commonweale, one richer than another, ordaining, That every one of the five thousand & forty citizens, should leave one of his children sole heir. And as for that which forges did, who would have equalitie perpetually oblered in succession, diuding the lands by the poule; it was impossible, for that he might see before his eyes, or soon after, this equalitie quite alterd, some having twelve or thirteen children, others one or two, or none at all: the which would be more ridiculous in those countries whereas pluralitie of wives is tolerater, as in Asia, and in a manner throughouut all Affrike, and at the new found lands, whereas it falles out oftentimes, that one man hath fifte children. Some have sought to prevent this inconvenience, as Hippodamus law-maker to the Milefians, who would not allow about ten thousand citizens, the which Aristote did like well of, but by that means they must banish the onerplus, or else execute the cruel law of Plato approved by Aristote, who having limited the number of his citizens to five thousand and forty, ordained, that they should cause the rest to miliaer as soon as they were conceived, and those that were borne lame or crooked should be call off; the which cannot be spoken without great impiety, that the goodliest creature which God hath made, should not only be made away after it is borne, but also be destroyed in the mothers womb. Whereunto Thomas Moore Chancellor of England seemes to agree, who would not have leffe than ten, or more than 16 children in one familie: as if he might command nature. And although that Phidon law-giver to the Corinthians did seeme to forsee it more wifely, forbidding expressly to build any more in Corinth (as they made a defence not to build in the suburbs of Paris, by the kings Edict in the yeare 1558, & yet the subjette multiplying they must either erect a new Colonie, or banish them ininitiourly. But in my opinion they erre much which doubt ofscarce the multitude of children and citizens, when as no cities are more rich nor more famous in arts and disciplines than those which abound most with citizens. It is indeed leffe to feare, that by reason of so great a multitude of citizens there will be deuisions, for that there is nothing that doth keepe a citie more free from mutinies and factiones than the multitude of citizens, for that there are many which be as a meane betwixt the rich and the poore, the good and the wicked, the wise and the simple, and artificers and noblemen, which may recourece these extremes when they disagree: and there is nothing more dangerous than to have the subjette divided into two factions without a meane, the which doth usuall fall out in cities where there are but fewe citizens. Laying aside therefore this opinion of equalitie in a Commonweale already framed, ranthing and taking away another mans goods, whereas they should preserve to every man his owne, according to the law of nature; and receiuing also them that would limit the number of the citizens, we will maintaine that this deuision of portions ought not to be allowed but in the framing of a new Commonweale in a conquerd country: the which deuision should be made by families, and not by the poule, referring alwaies some prerogature for one of the familie, and some right for the elder in euerie house, according to the law of God; who doth shew vs with his finger what course to take, for hauing chosen the tribe of Leui to give him the right of the elder above the other twelve, he gave them no lands but only houses in cities, appointing them the tenth of euery tribe (which was twelue tenths) without any labour, the which was twip as much as at the least, as any tribe had, all things deducted. And among the Leuites the right of the elder was refered to the houle of Aaron, which had the tenth of the Leuites, and all the oblations and first fruits: and euery privat house he assigned twip as much of the goods and lands vs the elder as to any other of the heires.
heires, excluding the daughters whole from the succession, but for want of males in the same degree, whereby we may judge that the law of God hath directly rejected all equalitie, giving to one more than to another: and yet he hath kept among the twelve tribes, except that of Levi, an equall diviuion of inheritances; and among the yongers an equall division of the succession, except the right of the elder, the which was not of two third parts, nor of foure fice parts, nor of all; but of the halfe, to the end that such inequality should not be the cause of the great wealth of some few subiects, and the extreme pouerie of an infinit number: which is the occasion of mutthers among brethren, of diviufions in families, and of mutinies and ciuill wars among subiects. And to the end the diviufions thus made may remaine indifferent, there must not be any prohibition of alienation, either in a mans life, or by testament; as it is vfed in some places, if we will obtine the law of God, which ordains, That all succesiions fold, shall returne the fiftieth yeare to the house, familie, or tribe, from the which it was sod: whereby the poore that are afflicted, and forced to sell to supply their necessities, shall haue means to sell the fruits and renews of their lands to the fiftieth yeare, the which shall returne afterwards to them or to their heires: ill husbands shall be forced to live in penurie, and the courteousnesse of the rich shall be preuented.

Abolition of debts permittious.

As for abolition of debts, it was a thing of a daungerous consequence, as it is said, not so much for the loffe of the creditor (the which is of no great moment, when the quæstion is of the publike state) as for that it opens a way for the breach of faith in lawfull conuictions, and gives occasions to mutines to trouble the state, hoping still to haue abolition of debts, or at the least an abatement of interets which haue bene long due, reducing them to the fute and twentieth penie: the which hath bene obserued in Venice. We see by the law of God, that debts are not cut off, but it gives the debtor reftoration for the feme yeare, and suspends the debt. But the true means to preuent vfurie to eafe the poore for ever, and to mainaine lawfull contracts, is to obserue the law of God, which hath defended all kinds of vfurie among the subiects: For the law were vniuist in regard of straungers; if it were lawfull for them to deliver out money vpon interet unto the subiects, from whom he should draw his whole estate, if the subiect might not vse the like prerogative vnto straungers. This law hath bene alwaies much esteemed of all lawgivers, and of the greatest Polititians, that is to say, of Solon, Lycurgus, Plato, Aristotle, and even the ten commissiioners deputed to reforme the customes of Rome, and to make choyce of the moft profitable lawes, would not allow above one in the hundred for interet; the which they called Vniarium, for that the vfurie of euerie moneth came but to an ounce, which was the twelfth part of the hundred crowne which had bene borrowed, and the vfurier which exacted any more, was condemned to restore foure fold; esteeming the vfurier (as Cato said) worse than a theefe, which was condemned but in the double. The same law was afterwaeds publisht anew at the request of the Tribune Duilius in the yeare of the foundation of Rome 395: and ten yeres after Torquatus and Plautus being Consuls, it was reduced to halfe an ounce in the moneth, and a halfe penie in the hundred; so as it did not equal the principal but in two hundred yeres. But the yeare following vfurie was quite forbidden by the law Genufia, for the dauly seditions which happened by the contempt of those lawes of vfurie: for what moderation soever you make of vfurie, if it bee any thing toleration it will foone encrease. And those which mainaine vnder a color of religion, That moderat vfurie or rents, after foure or ffive in the hundred, are honest and just, for that the debtor reapes more profit than the creditor, but the word of God, which doth expressly forbid it. For although some would take light interet for the good of the debtor, yet many would abuse it. For even
...as a hatchet at the first makes but a little uit, but in the end breaks all inunder: so the sufferance of unlawful full things, how small soever, grows in the end to all impunitie: as they which have forbidden viurie among Christians, and yet have allowed it for the church and hospitals; and some also have found it convenient for the Commonweale and the treasure: but there is nothing that gives the subject more occasion to break a law, than to defend a thing, and tollerat it with some exceptions. The which is an ordinary fault among princes and prelats, seeking to exempt and free themselues from those things which are forbidden to the subject: & who would find that bad in particular, which is publickly allowed? And for that all defences in matter of lawes are unprofitable without some punishment, the which are not regarded if they be not duly executed, therefore the law Genutia being ill executed, was by little and little neglected.

And therefore in England they have provided, that when as any edict was made, they presently appointed a Magistrat or Commonlifarie, to see the law obserued, who continued in that charge vntill the law were difanulled. But the courtoufness of vfurers did so exceed, as they lent after twentie foure in the hundred, vntill that the law Gabinia did moderate the greatest interest, at twelve in the hundred, vndele it were in vnturing at sea, whereas the creditor tooke vpon him the hazard: But this law was ill executed in the provinces, whereas they did take fortie eight in the hundred for a yeare. For the extreme necessities of him that borrowes, and the infatiable courtoufness of him that lends, will always find a thousand denises to defraud the law. The punishment of vfurie was very feuer in the Commonweale of the Candidats: and therefore hee that would borrow seemes as if he would take it violently from the creditor: so as if the debtor did not pay the interest, which they could not recover by law, he was accused as a theife and robber: the which was but a groffe flink, in regard of their fables they make at this day, the Notari putting in this cause, *And the rest in money.* It is true, that at the first councell of Nice, the bishops procured the emperour to forbid vfurie in money and fruits: the which in regard of fruits, were so much and halfe so much more: that is to say, fiftie for a hundred. But it was not obturued, especially for fruits, whereas he that borrowes in a time of death is glad to pay it againe and halfe as much more after harvest. Wherein it seemes there is great reaon, for hee that lends might have gained more if he had told it in a time of leare, as they do commonly. Besides there is nothing decreet than that which nourifieth, not any thing more necessarie. And therefore the emperour Infinium having rated vfurie for the country man at fourte in the hundred in money, he declared, They should pay but twelve in the hundred in fruits, and not fiftie in the hundred as had bene formerly vfed. Charles of Molins had no cause to seeke to correct the Greekke and Latine text of the law, against the truth of all copies, that hee might defend the edict of Iesue the twelfth, and the decrees of the court of parliament, which made equall the interest in fruits and money: but the difference is great betwixt the one and the other: for by Infiniums lawe, the poore laborer reaped great profit, being freed for thirtie bushells of cornne after harvest, for twelve which he had borrowed in a time of death: and yet by this correction which Molins giues, he should be freed for a third part of a bushell, the which is verie absurd; seeing that before Infiniums decree, it was lawfull to take fiftie in the hundred for fruits. It is faire better to relie upon the law of God, which doth absolutely forbid vfurie: and the creditors good deedes shall be more meritorious and more honouerable to lend without profit, than to receive of the poore laborer, in the qualitie of vfurie, a handfull of cornne, for so great and necessarie a good tunne. Therefore *Exhemias* (after the peoples returne from captiuitie) did forbid them to take any more vfurie, as they had done before taking twelve in the hundred, as well in money as in fruits: and according to this example...
ple the decree of Nice was made: but after that Calixtus the 3, & Martin the 5, popes, had given way to rents & annuities, the which were little before that time in use; the interest hath grown so high, as the usuries limited by Infinian, & partly practised by the Cantons of the Swisser, is farre more easie and more supportable, although the laws of France and Venice do not allow any man to demand above five yeares arrears past: For this sufferance of interest, without interest hath grown to be a law, whereby the usurers doe suck the blood of the poore with all impunitie, especially in sea towns, where there is a common boutte or banke; as at Genes, where there are some worth foure or five hundred thousand duketers, others above a million, as Adam Centenier, &c. they say that Thomas Marin hath twice as much. So as the merchant for the sweenes of gaine giues over his traffique, the artificer scorns his shop, the labourer leaes his labour, the shepeherd his flocks, and the noble man selis his land of inheritance, to make fortie or fortie pounds a yeare rent in annuities, in stead of ten pounds a yeare in fee simple land. Then afterwards when as the rents fail, and the money is spent, as they know which know not any other good meanes to live, giue themselves to theeuing, or to tir vp editions and civill warrs, that they might robbe secretely: the which is the more to be feared when as one of the eftates of the Commonwealth, and the lease in force and number, hath in a manner as much wealth as all the rest; as it hath beene seene heretofore in the state of the Church: whereas the hundred part of the subiects in the Westerne Commonwealths, making the third estate, had the tythes of what nature focuer, and against the lawes of the primitive Church (as the Popes themselfes confesse) and haue feized vpon testamentarie legacies, as well mouables as immouables, Dutchies Counties, Baronies, Lordships, Castles, houes both within and without Townes, rents of all forts, and bonds made freely; and yet they tooke successions of all sides: they fold, exchanged, purcahsed, and impioied the reuenues of their benefices for other acquisitions; and all without taxe, subisdie, or any charge, even in those places whereas the taxes are personall. So as it was necessarie to entoyne the Cleargie to put away such land as had bene left vnto the church within a certaine time, vpon paune of confiscation: as by a law made in England by king Edward the first, which did forbid all church men to purcahs any land; as it appeareth in Magna Carta: the which hath bene since renewed by the emperour Charles the first in Flanders, vpon paune of confiscation: the which seemes to haue bene forbidden in old time. For we find that earles of Flanders had bene heirs vnto priets: which custome was abolishe by pope Vrbin the first. For the same reason the parliament at Paris did prohibe the Chartrens and Celaselines of Paris, to purcahs any more, against the opinion of the abbat of Palerne. Yet these defences were grounded vpon the chapter, Nuper de decimis. And at Venice it hath bene enacted, and church men were commanded to disposse themselves of all lands, prohibiting to leave any legacie to a Cleargie man, not to make a will by the mouth or writing of a cleargie man. And by a law made at the request of the states of Orients, the twentieth article, all cleargie men are forbidden to receave a testament or last will, in the which any thing is giuen him (the which is verie ill executed) for the abuses that were committed. Not a hundred yeares since within this realme, they would not haue laid any dead bodie in holy burial, if hee had not bequeathed some legacie vnto the church; so as they tooke out a commision from the officiall directed to the first priet of the place, who taking a view of his goods that had died intestat, bequeathed what he pleased vnto the church in his name that was dead: the which was reproued by two decrees of the parlement of Paris, one in the yeare 1388, and the other in the yeare 1401. I have also a declaration drawne out of the Treasure of France, by the which the twentie barrons of Normandy named in the act, dated in the yeare 1202, declare
A declare vnto Philip Augus tus, That the goods of him that dies without making a will, belonged vnto him, having laine three dayes sicke before his death: and by the confirmation of the privilegs of Rochell, granted by Richard king of England and earle of Poi ton, it is said, That the goods of the Rochelios should not be confiscat, although they died intestate which was also common in Spaine, until the ordinance made by Ferdinand in the yere 1391, bearing these words, Que no feñauen quintos da los que mueren sin fazer testamento deixando hijos o parientes dentro del quarto grado que pueden heredar las bienes, &c. The fist shall not be leued of thofe which die intestat, so as they have any children, or kinsfolke within the fourth degree fit to succeed. It is no wonder then if the clergy were rich, seeing that enemie man was forced to make a willing to leave the church a legacie, vnder rigorous paines being also straitly defended for many yeares, not to alienat nor rent out the goods of the church, vpon paine of nullitie.

By the commandement of Charles the ninth a new way was made of all the reuenues of the church within this realme, the which was found to amount to twelve hundred and thirtie thousand pounds startling a yere rent, not comprehending the ordinat and extraordinary alms. But Allemon president of the accounts at Patis, made an estimat, That of twelve parts of all the reuenues of France, the Clergie enjoyed feuen. And by the regiftrers of the chamber of accounts it appeares, that in this realme there are twelve Archbifhopricks, 104 Bifhopricks, 540 Abbaies, and 27400 parishes or cures (taking euery townce for a cure, and the leaft village for one where there is a parith) besides Priories and byeggling friers. Their reuenues had been far greater if Pope John the 22. had not difannulled the decree of Pope Nicholas, who had allowed all beggling friers to enjoy the frutes of lands, and the Pope should have the proprietie, the which was a grosse cunning to frustrate the vowes of pouertie, for that the proprie is fruitifie and in vaine, as the law faith, if the vsufruct were perpetuall, as bodies and colloles be. I do not speake of the well employing of their goods, but I say that this great inequality (it may be) hath ministrat occasion of troubles and seditions against the Clergie, throughout all Europe, when as in shew they made a callout of religion: for if this occasion had not been, they had found out some other, as they did in time of our predecessors against the Templers and the Jewes; or else they would have required a new delution of lands, as Philip the Roman Tribune did for the people pretending that there were but two thousand men in Rome which posseffed all, although they were numbred in all to be above three hundred thousand; and those few did to increase in wealth, as Marcus Crassus by a declaration of the Centors, was esteemed to be worth five millions of crownes: and fiftie yeares after Lentulus the high Prieft was found to be worth ten millions of crownes. The Romaines laboured to prevent these inconueniences, publishing many lawes touching the delution of lands: among the which the law Quintia and Apuleia, would have the conquested lands devided among the people, the which if they had bin well executed, those seditions had bin prevented which so troubled the Commonweale: but the mischief was, that the conquested lands were farmed out by favour to privat men, with a pretence of benefit to the Commonweale, vpon condition to pay the tenth of graine, and the fist of frutes, and some rent for the pastures: yet this rent and other dutys were not paid, for that great men held them in other mens names: for which cause Sextus Titius the Tribune presented a request vnto the people, to the end that the receivers of the reuenues might leue the arretages that were due, the which was granted, but being not well executed, it was a meane to present other requests vnto the people, that the lands and reuennes of the Commonweale which privates men held without paying any thing, might be devided among the people: the which did greatly amaze the rich, and caused them to suborne Thoarius the Tribune.
Tribune vnder hand, That by his intercefsion vnto the people the lands should remain still in their possessions, and the arrettages should be paid vnto the receivers of the revenues: which law they cau’d afterwafts to be abrogated, when as the magistrates themselues held the lands, of the which they could not be dispossed, nor forced to pay without great disurbance to the state. In the end the law Sempronia was published by force, at the reques of Tiberius Gracchus, the which differed from the law Licinia, by the which all men were forbidden (of what estate or quality soever) to hold above five hundred acres of the Commonweales land, a hundred kine, and five hundred sheepe and goates, and to forfeit the ouerplus: but the law Sempronia spake of nothing but of the publike lands, ordaining that euer yeare there should be three Commissioners appointed by the people to distribute vnto the poore the surplusage of five hundred acres that should be found in any one familie: but the Tribune was slaine the last day of the publication, in a sedition moued by the Nobles: yet Cains Gracchus his brother being Tribune of the people ten yeares after, cau’d it to be put in execution, but he was slaine alfo in the pursuite thereof, after whose death the Senate to pacifie the people cau’d it to be executed againist many. And to the end those lands shou’d not remaine waife, the poore wanting cattell and meanes to till it, it was ordain’d that according vnto the law Sempronia of Tiberius Gracchus, the treasure of king Attalus (who had made the people of Rome his heire) should be distributed among the poore, to whom they had given part of the lands: by which meanes many of the poore were provided for. And to take away occasio of future seditions, they lent away part of the poorer part into Colonies, to whom they did distribut e countries conqueted from the enemie. But there was one article in the law of C. Gracchus which was molt necessarie, and yet it was abrogated, Prohibiting the poore to fell or make away those lands that were assigned vnto them: for the rich seeing that the poore had no meanes to entertaine those lands, redeemed them.

There was also another cauSe of this inequality of goods, which was by the liber- tie that euerie one had to dispose freely of his goods, and to whom he pleased, by the law of the twelve Tables. All other people, except the Athenians (where Solon first published this law) had not free libertie to dispose of their lands. And Licinius having deuided the lands of the inhabitants of the citie into feuen thousand parts (some fay more, others fay leefe) and the lands of the countrey into twelve thousand equall parts, he did not suffer any one to dispose thereof; but contrariwise, to the end that in pro- ceffe of time the feuen thousand parts of inheritance might not be fold, or diminished into many members, it was decreed, That the elder of the house, or the next of kin should succeed to the whole inheritance; and, that he could not haue but one part of the feuen thousand; and he must be alfo a Spartaine borne. Others were excluded from the succession, as Plutarch faith, speaking of king Agesilaus, who in the beginning was bred vp straightly as a younger brother, for that he was issued of a younger house. This for a time did entertaine the 7000 families in equalitie, vntill that one of the Ephores being incensed against his eldeffe sonne, presneted a request vnto the Seigneurie, the which passed for a law, by the which euerie man had libertie to dispose of his goods by will. These testamentarie lawes being receiv’d in Greece, and afterwards publish’d in Rome, and insert’t in the twelve tables, were the cause of great alterations. But the people of the East and West might not dispose of lands by testament: a custome which is yet obseru’d in some parts of France, Germanie, and other nations of the North. And therefore Tacitus writes, that the Germanes had no vie of Testa- ments, the which many have vnadvisedly attributed to ignorance and barbarisme. And even in Polonia it is expressly forbidden by the lawes of the two Signisonds, ac-
A cording unto the antient custome, to dispose of lands by testament. The Oxiles and the Phytale had a strikster custome, forbidding them to pawn any lands. And by the custome of Amiens and other custome of the Lowcountries of Flanders, no Nobleman might sell away their feigneuries vntill they had solemnly sworne pouer ticke: the which is also strictly obserued in Spaine. We haue also saide before, that the law of God did expressly defend all alienation of lands, either in a mans life or by testament, reserving the right of the elder in every familie, without any difference of noble or villain, according to Licurgus law in his deuision of 7000 parts in Lacedemon: and those of Caux in Normandie, as well the Gentlemen as others, do much better preserve the dignity and beautie of their antient houes and families, the which by this meanes are not dismembred, and all the estate of the Commonweale in general: the which is the more stoute, and stable being grounded vpon good houes and families, and as great and immouable pilers, the which could not support the burthen of a great building, if they were weake, although they were many. And it seemes that the greatnes of France, Spaine, and England is supported by great and noble families, and by corporations and Colleges, the which being dismembred into pieces, will be the ruine of the State. But this opinion is more probable than necessarie, vntlese it be in an Aristocraticall estate: for it is most certeine that in a Monachie there is nothing more to be feared than great men, and corporations, especially in a tyrannicall: As for a popular estate which requires equality in all things, how can it endure so great an inequality in families, whereas some should haue all, and others die of hunger: seeing that all the felicitie which have hauen: in Rome and in Greece have been grounded vpon this point. There remains an Aristocraticke where as the noble and great men are vnequal with the common people, and in this case the right of the elder may maine-taine the estate, as in the feigneurie of Sparta, whereas the feuen thousand parts equally diuided vnto the elder of every familie, maintained the State: and as for the yonger brethren, vertue advanced them to offices and honors according to their merits: and commonly they proued the most famous, hauing (as Plutarch saide) nothing to aduance them but their vertues. It was the antient custome of the Gaules: and without doubt our Nobilitie would be much more esteemed, if the prohibition of selling of their feigneuries were dule executed, according to the lawes and ordinances of this realme, and of the Empire, where it is better obserued. The like defences were made in Polonia, by the laws of Albert, & Sigismund Augustus kings in the yere 1495 & 1538, & by an edict made by Peter duke of Briutaine, forbidding the common people to purchase the feigneuries of noble men, vpon paine of confiscation. And although that Lewis the 12 diuuailed those defences in the yere 1505, yet king Francis the first renewed the Edict in the yere 1535 under the same paine of confiscation. The meanes to vnite the nobilitie and the common people more strikster together, is to marrie the yonger children of noble houes being poore (in an Aristocraticall estate) with the Plebeians that are rich, as they did in Rome after the law Canuleia: the which is praeticd at this day by the Venetians, and almost in every Commonweale, whereas the nobilitie hath any pretogatue ouer the common people: the which is the surest way to maine-taine the nobilitie in wealth, honour, and dignitie. And yet it is necessarie to moderate the dowries of women in what estate soever, lest that meane houes be not beggered to enrich the nobles: wherein the antient lawgivers have been much troubled to observe this equallitie, and to provide that ancient houes and families myght not be dismembred and ruined by the daughters. The law of God would not allow the daughters to succede if there were any brethren: and although there were not any, yet the daughters that were heires were commanded to marrie the next kinman of that familie: to the end. D d d

In some places noble men may not fall away their feigneuries.
faith the law, that the inheritance may not be drawne from the house by the daugh-
ters. This law was obserued in Greece, where as the next kinman married the heire,
neither might the daughter marrie with any other. In Persia and Armenia the daugh-
ter had nothing of the house but the moveables: a custome which is yet obserued in all
the East, and almost throughout all Affrike, although that Ismaim the Empourer, or
rather Theodora his wife, hauing always favored her owne sexe, reformed that cu-
stome of Armenia, termeing it barbarous, not regarding the intention of the antient
lawgivers. Hippodamus lawgiver to the Mielesians, would not frustrate the daughters of
to succession, but he ordained that the rich should marrie with the poore, wherein he
did obferue the equalitie of goods, and entertained love betwixt the couples, and be-
twixt the poore and the rich. It is most certaine that if the daughters be made equall
with the fones in the right of succession, families shall be fone difmembred: for com-
monly there are more women than men, be it in Commonweales in generall, or in
private families: the which was first vertified at Athens, where as the pluralitie of wo-
men gaue name vnto the citie: and within these twentie yeares at Venice, (whether
comes a world of strangers) there was found vpon a furloue two thousand women
more than men: whether it be that they are not subject to the dangers of warre and
trauel, or that nature is apter to produce those things that are lesse perfect. And there-
fore Aristotle faid in his Politikes, That of five parts of inheritance the women of
Sparta held three, the which cameby the permisstion of the testamentaries law: and for
this cause (faith he) they commanded absolutely ouer their husbands, whom they called
Ladies. But to prevent this inconuenience at Rome, Volusius Sextus the Tribunbe, by the
perusation of Cathe the Centfor, presented a request vnto the people, the which paucly
for a law, whereby it was enacted, That the females should not succeed so long as there
were any male carryyng the name, in what degree of confanguinitie fouer he were; and
that they might not have given them by testament above the fourth part of the
goods; nor more than the leaft of the Tellators heires. This law retained the antient
families in their dignities, and the goods in some equalitie, keeping women in some fott
in awe: yet they found a means to defraud it, by legacies and feoments made in trust
by the people, with request to reforde the successions or legacies vnto the women which
could not recover them by orde of law nor by petition, before Augustus time; who
following the permittious counsell of Trebatius, took occasion to abrogate the law,
demanding a dispensation of the law Voconis of the Senat, for his wife Luise: so as
this law being troden under foot, the Roman citizens began to be flauers vnto their
wifes, who were their mistresses both in name and effect. Then might you have seen
women weating two rich successions at their ears, as Sencca faith, and the daughter of
a Proconsul who did weare at one time in apparell and ieuels the value of three mil-
ions of crownes, the inegalitie of goods being then at the hightest, after which time
the Roman empire declined full vntill it was wholely ruined. By the antient custome
of Marcellis it was not lawfull to giue aboue a hundred crownes in marriage with a
daughter, and fiue crownes in appatell. And by the Statutes at Venice it is forbidden
to giue aboue 1600 ducats to a noble mans daughter: and if a Gentleman of Venice
marrie a citizens daughter, he may not take above two thousand ducats; not the fe-
male succeed so long as there is any male of the familie: but in truth this law is as ill
obserued as that of king Charles the 9, which forbids to giue vnto a daughter in mar-
triage above a thousand pounds staring, and yet the ordinaunce of king Charles the 8
doeth giue no more vnto the daughterst of the house of France. And although that Eli-
abeth of France, daughter to Philip the faire were married vnto the king of England,
yet had the but twelve hundred pounds staring to her dowrie. Some one will say vn-

The inequallitie
of goods grows, for that the
daughters being
heires are marrie-
ted to the rich.

The law of suc-
cession at Rome,
defrauded.

A commendable
law at Venice.

The law of
France for the
marriage of
daughters.
to me, that it was very much, considering the scarce tee of gold and silver in those daises: but the difference also is very great between a thousand pounds, and four hundred thousand crownes. It is true that she was the goodliest Princess of her age, and of the greatest house that was at that day. And if we will seek higher, we shall find in the law of God that the marriage of a daughter at the most was taxed but at five sildes, which make fewer pounds staring of our money, in which penalty he was condemned that had seduced a virgin, whom also he was forced by the law to bring home, if the father of the maiden so pleased: which makes me beleue that the antient custome of the Persians is likely, for that the Commissioners deputed yearly to marrie the maids gave the honestest and fairest to them that offered most, and with that money they married them that were lesse esteemed (that none might be unprovided for) with this caution to them that married the deformed, Neuer to put away their wives, but in restoring of their dowries: by the which they provided for the marriage of maids, the modell of wives, the dignity of husbands, and the publike honestie whereon wife lawgivers should have a speciall care, as Plato had. For to take from the daughters all means to prefer themselves according to their qualities, were to give occasion of a greater inconuenience. And it seemes that the customs of Aniou and of Mainie haue given them a third part in successions, of gentlemen in fee simple, the which is left to the yonger males but for terme of life: to the end the daughters should not be unprovided for, having not means to advance themselves like vnto the males: for the reformation of which custome they haue heretofore made great complaints: the which might as well be done, as in the custome of Moudidor, and in that of Venedosme, (an antient dependance of the countrie of Aniou, before that it was erected to a Countie or a Duchie) where as a yonger brother of the house of Aniou, having taken his elder brother prisoner, made him to change the custome of Aniou in regard of the Chaftelaine of Venedosme, the which he had but for terme of life. And although that in Bri-tanie by the decree of Cont Geoffre in the yeare 1181 the eldest in gentlemens houses caried away all the succession, and maintaine the yonger at his owne pleasure yet to prevent infinit inconueniences, Arthur the first duke of Brittanie enacted, That the yonger children should have a third part of the succession for terme of life, as it is observed in the countrie of Caux, by a decree of the Parliament at Rouen, the daughters portions being deducted. I haue hitherto treated of subiects only, but we must also take heed leaft that strangers set footing within the realme, and purchase the goods of the natural subiect: and preventing all idle vagabonds which deigne themselves like Egyptians, when in truth they are very theenes, whom all Magistrates and Governors are commanded to expell out of the realme by a law made at the slasses of Or-lead ase, as it was in like manner decreed in Spaine by Ferdinand in the yeare 1492 in these words, *Quæ los Egipcios con seniores salgan del Reyno dentro setenta dias*: That all the Egyptians with their women shall depart out of the realme within threescore daises. This swarme of caterpillars do multiply in the Pyrenees, the Alps, the moun-taines of Arabias, and other hillie and barren places, and then come downe like wafps to cate the honeie from the bees. Thus in my opinion I haue let downe briefly the fittest means to prevent the extreme pouerte of the greatest part of the subiects, and the excessive wealth of a small number, leaving to discoure hereafter, If the lands appointed for the serture of the warre may be disembled or sold. Let vs now see if the goods of men condemned should be left vnto their heires.


His Chapter depends upon the former, for one of the causes which brings the subjects to extreme poverty, is to take the goods of the condemned from their lawful heirs, and especially from children, if they have no other support nor hope, but in the succession of their parents; and the more children they have, the greater their poverty shall be, to whom the succession of their fathers belongs by the law of nature, and who by the law of God should not suffer for their fathers offenses. By which confiscations not only the laws of God and nature seem to be violated, but the children (who haply have bene bred up in delights) are often times reduced to such poverty and misery, as they are thrust into despair, and attempt any villainy, either to be revenged, or to fly from want which doth oppress them. For we may not hope, that they which have bene bred vp as maisters, will serve as slaves: and if they have not in former times learned any thing, they will not now begin, when as they have no means. Besides the shame they have either to beg, or to suffer the reproach of infamy, doth force them to banish themselves, and to Ioyne with theeues & robbers: so as for one sometimes there goe forth two or three worse than hee that had lost both life and goods: so as the punishment which susteeth not only for a revenge of the offence, but also to diminish the number of the wicked, and for the safety of the good, produceth quite contrarie effects. These reasons briefly run over, and amplified by some examples, seeme necessarie to shew, that the law of **Infinian the emperor**, received and practised in many countries, is most just and profitable: whereby it was enacted, That the goods of them that were condemned should be left unto their heirs, unless it were in case of high treason. Contatttwise some may say, that this is a new law, and contrarie to all the ancient laws and ordinances of the wisest princes & lawgivers, who would have the goods of any one condemned, adjudged unto the publick, without some especiall cause to move them to the contrarie: bee it for reparation of faults, which oft times is pecuniarie, and is to be paid to the Commonweale interefed, for else there should bee no means to punish by fines, which is an ordinarie kind of punishment: be it for the quality of the crimes, and of those that have robbed the Commonweale, which must be satisfied out of his goods that hath offended: or to terrifie the wicked, which commit all the villainies in the world to enrich their children, and many times they care not to loose their lives, yea to damne themselves, so as their children may be herites of their robberies and thefts. It is needless to prove this by examples, the which are infinit: I will only produce one of **Caesius Licinins**, who being accused and condemned of many thefts and extortions, and seeing Cicero (who was then president) putting on his purple robe, to pronounce the sentence of confiscation and banishment, he sent one to tell Cicero that he was dead during the processe; & before the condemnation, claoing himselfe in view of the judges with a table napkin, to the end he might save his goods for his children: Then Cicero (Fault Valerius) would not pronounce the sentence. It was in the power of the accused to save his life in abandoning of his goods, according unto the conclusions of his accusers: as Verres and many others in like case did: for by the law Sempronia they might not condemn a bourgeoisie of Rome to death, nor whip them by the law Portia. And although that Plutarch, and Cicero himselfe writes to his friend Atticus, That hee had condemned **Licin-**
A. *Minis,* it is to be understood by the advice and opinion of all the judges, not that he had pronounced the sentence, for those laws were not yet made against them which killed themselves before sentence. And a hundred and fifty years after, if any one being accused and guiltie of any crime, had killed himself through dispute or griefe, he was buried and his testament was of force, in the time of cruel Tiberius, *pretium fistiandas* (faith Tactus) that is to say, Murthers in their persons had that advantage over others. But whether that he were condemned after his death, or that he died of griefe, it appeares plainly that many make no difficulty to damne themselves to enrich their children. And it may be there is nothing that doth more restrain the wicked from offending, than the fear of confiscation, whereby their children should be left beggers.

B. Therefore the law faith, That the Commonweale hath a great interest, that the children of them that are condemned, should be poore and needie. Neither can we say, that the law of God or nature is therein broken, nor is the sone punished for the father, for that the fathers goods are not the childrens: and there is no succession of him whose goods are unjustly taken away before he is dead.

And if any one fears that want will drive the children to dispute, and to all kinds of wickednesse: much more reason hath he to feare, that wicked children will abuse their fathers goods, to the ruine of good men and of the Commonweale: And therefore the law excludes the fones of him that is condemned for high treason, from all successions direct and collateral, and leaves unto the daughters (who have leffe power to revenge) a fourth part of their mothers goods. But there is a greater inconveniency if the goods of the condemned be left unto their heirs, then shall the accusers and informers have no rewards, and wickednesse shall remaine unpunished.

These be the inconveniences on either part, but to resolve of that which is most sic, is most necessarie that the true debts being either publie or privat, and the charges of informations, should be deducted out of the goods of the condemned, if they haue wherewithall: else there should be no punishment of the wicked. Yet this clause ought not to be annexed unto the sentence, and hath bene reproued by many decrees of the court of parliament, to the end that the judges may know, that they ought to do justice although the condemned hath not any thing. In like sort it is necessarie that fines & amercements should be levied out of their goods that are condemned in any summe of money, provided always, that it be taken out of their mouable goods, or out of that which they have purchased, and not out of those lands which come by succession, the which must be left unto the heire. And in capital crimes, that the mouables & lands purchased, should be forfeited and fold to them that would give most, for the charges of the proceffe, and the reward of informers: and the rest to be employed to publique & charitable uses, the succession remaining to the lawful heires: in so doing you shall prevent the extreme poueritie of the children, the courteousnesse of slanderers, the tyrannie of bad princes, the euation of the wicked, and the impunitie of offences. For to forfeit those lands which are tayed unto the house, were no reason, seeing it is not lawfull to alienat them by testament, nor in many places to dispose thereof in their life time: by the which should follow a great inequallitie of goods. And for this reason the goods and lands purchasde must be fold, and not applied unto the church or publike treaute, lest that in the end all privat mens estates should come to the publike, or to the church: for that it is not lawfull to alienat those goods which are vnitcd to the renewnes of the Commonweale, or to the church. Moreover informers and accusers must bee rewarded, and not with the possessions of the condemned (which would animat them to accuse good men wrongfully) but with some pece of mony: For the desire to have the house or inheritance of another man, the which they could not obtaine for money, would
be a great occasion of false accusers to ruine the innocent. Yet must informers haue some reward, else the wicked shall continue their villanies with all impunitie. And as a good huntsman will never faile to reward his dogges with the intrainls of the beast, to make them the more lively; so a wise law-giuer must reward them which seize vppon the weasles and lions of the Commonweales. And for that there is nothing (after the honour due vnto God) of greater consequence than the punishment of offences, wee must seek all means possible to attaine vnto it. But the difficulty is not small, to take the confiscaions from the publicke, to employ them as I have said, and especially in a Moarchy. Yet there are many reasons, the which a wise and vertuous prince will more efleeme for his reputation, than all the goods in the world gotten by confiscaions. For if the publicke reuenues be great, or the charges and impositions laid vpon the subiects sufficient, the confiscaions ought not to be adjudged vnto the treasurie, if the Commonweale be poore, much lesse may you enrich it with confiscaions. In doing you shall open a gate for false accusers to make merchandize of the blood of the poore subiects, and for princes to become tyrants. So we see that the height of all tyranny hath bene in procriptions and confiscaions of the subiects goods. By this means Tiberius the emperour made the way to a most cruel butcheries, leaving to the value of fixtie or seuen millions of crownes gotten the most part by confiscaions. And after him his nephews Caligula and Nero, polluted their hands with the blood of the best and moit vertuous men in all the empire, and all for their goods. It is well knowne that Nero had no colour to put to death his mother Seneca, but for his wealth. Neither shall there be at any time false accusers wanting, knowing they shall never bee called in question for their scandals, being supported by the prince, who reaps part of the profit. Pliny the younger speaking of those times, Wee haue (faith hee) seene the judgements of informers, like vnto theues and robbers, for there was no testament, nor any mans estate aflisted. And therefore by the lawes the kings procurator is enioyned to name the informer, least the accusation in the end should prove slanderous: the which is necellaryly obseru'd in Spaine, before that the kings procurator is admitted to accuse any man, by an edict of Ferdinand, made in the yere 1492, in these terms, Que ningun ffeal pueda accusar a confeso per done particular fin dar primeramente delator, That no fickle or publicke officer may accuse any privet person before the Councell, but hee shall first guie in the accusers name. If confiscaions have bene always odious in euerie Commonwealke, much more daungerous be they in a Monarchy than in a Popular or Arithocraticall estate, where false accusers are not so easilie received.

If any one will obiect, That we need not to feare these inconueniences in a Royall estate, hauing to doe with good princes: I answer, that this right of confiscaion is one of the greatest means that ever was invented, to make a good prince a tyrant, especially if the prince be poore. For he that hath no pretext to put his subiects to death; if he hopes to haue his goods thereby, he will neuer want crime, accusers, nor flatterers. And oftimes the wives of princes kindle this fire, & inflame their husbands to al crueltie, to enjoy the goods of them that are condemned. Ahab king of Samaria could not get Naboths vineyard, neither for price nor prayer, but queene Jezebel suborned two false witneses, to condemne the innocent as guiltie of treason both against God and man. And Fanstine did still importune the emperour Marcus Aurelius her husband, to put to death the poore innocent children of Audius Cofitus, beinge condemned for treason, whose goods the emperour left vnto his children: as the kings of Persia were wont to doe, even in cases of high treason, and hath bene often practised in this realm. And by the lawes of Polonia, confiscaion hath no place but in the highest degree of treason: and oftimes it is given vnto the kinsfolkes. But it is a hard matter to recover the
the goods which are once forfeited, be it by right or wrong; for they hold it for a rule, that amercements once adjudged to the crown and received, are never restored, although the judgment were false. The which is the more to be feared, for that the goods of them that are condemned for treason, are forfeited to the prince, and not to the lords of the sey, who cannot pretend anything if another man's subject be condemned for treason, as they may doe in all other crimes. And although we may number as many good and vertuous kings in this realme, as ever were in any Monarchie vpon this earth, yet wee shall see that the teueneeves haue bene more augmented by confiscations and forced giftes, then by any thing else. Was there ever prince in the world in vertue, piety, and integritie, like unto our king Saint Lewes? and yet by the means aforesaid, having caused Peter of Dreux to be condemned, he did confiscat, and then vnto his crown the earldome of Dreux: as he did also vnto Thibaut king of Nauarre and earle of Champagne, who was in the like daunger, if he had not resigned Bray, Fortone, and Montruel: and Raymond earle of Tholouse, the country of Languedoc. The countries of Guienne, Aniou, Maine, Touraine, and Anuergne, are come vnto the crown by confiscations in the time of Philip Angylus. The dutche of Alencon, and the earldome of Petch, are also come by confiscations. In like case, Perigord, Ponthieu, la Marche, Angoulene, l'Isle in Fourdaigne, the marquises of Saluties, and all the goods of Charles of Bourbon, with many other priuat Seignuries, have bene forfeited for high treason, according to the custome of other Commonweales, and the antient laws. But the custome of Scotland in cases of treasons is more cruel, whereas all the goods of him that is condemned accesse vnto the exchequer, without any regard of wife, children, nor creditors.

If any man will say, That the king freeing himselfe of these lands which hold not immediately of him, according to the edict of Philip the Faire, and giuing the most part of them which hold directly of him, vnto such as shall defteue well, the which he may do before they be incorporet vnto the crowne: hee shall not appropiat vnto the publicke all the goods of privat men, else he might doe in time. And to prevent this inconvenience, the king cannot recovert those lands which hold directly of him, offering the price to them that bought them, for so he might by purchase get all his subjets lands.

I doe therefore thinke this more convenient, than to adudge the confiscations vnto the people; as they did in Rome by the law Cornelia, which Sulla the Dictator did publish, after that he had enriched his friends and partizans with the spoyle of his enemies. But there is as small reason to giue them to the flatterers of princes, and to the horse leacles of the court, as it is vnsual in all governed Monarchies, which opens a gap vnto false accusers, giuing vnto the unworthy the rewards of the well deservinge. Who doth not remember (although I giue to remember) the blood of innocent citizens shed for gaine under a colour of religion, to glut these horseleales of the court? Therefore to avoide these inconveniences of either part as much as may be, I see no better meanes than that which I have saide, That deducting the charges of the suit, his just debts being publick or private, and the rewards of the accusers; the surplusage of his inheritance should be left vnto the heirs, and that which was purchased to charitable vses: provided alwaies that that which is giuen to the informers, or to the colleges in charitie, shall be only in money and not in lands; for the reasons that I have foremerly giuen. As for charitable works, there neuer wants meanes to employ it, either in divine things, or in publicke works, or else about the sickle or the poore. In old time at Rome amercements were adjudged to the treasury of Churches, to be employed in sacrifices, and therefore they called amercements Sacramenta, as Sextus Pompeius faith: for which cause Titius Romulius refused the peoples bountie, which had decreed that

Informers must be rewarded with money, and not with lands.
they should restore vnto him the fine in the which he had bene condemned, saying, That things confecrated vnto God shou'd not be taken from him. The like was also obtained in Greece for the tenth of the goods that were confiscate, the which were adjudged vnto the Church, as we may see in the sentence gien against Archiptoleme, Antipheus and his conforts in Athence in the forme that followeth. The 16 day of Prystance, Demonicus Dalopere being Register, and Phileostratus Captaine, at the pursuite of Andron touching Archiptolemus, Onomachus, and Antipho, whom the Captaine hath accused that they went to Lacedemon to the prejudice of the Commonweale, and that they departed from the Camp in one of the enemies ships, the Senat hath decreed, That they should be apprehended, and that the Captaine with ten Senators named by the Senat, should determine of them, to the end they might be punished, that the Thesmophetes should call them the next day, and bring them before the Judges, and that the Captaine or any other might accuse them, to the end that judgement being given, execution might follow, according to the lawes made against traitors. And vnder the decree the sentence is set downe in this fort, Archiptolemus and Antipho were condemned and delivered into the hands of eleven executioners of justice, their goods forfeited, and the tenth refered vnto the goddesse Minerva, and their houses razed; afterwards they did adudge all vnto the publike treafor, and yet the law did allow the Judges to dispose in their sentence as they should thinke the cause defreated for publike or charitable vies, as we have a commendable custome in this realme. That which I have saide of successions should principallie take place, when as there is any question of lands holden in fee, for the pretogate and qualitie of the fee, affected to the ancient families for the seruice of the Commonweal. Wherin the Germans have well provided, for in all confiscations the next of kin are preferred before the publike treafurie when there is any question of land in fees, whereby flatterers have no means to accuse wrongfully, nor Princes to put good men to death for their fees; which seemes to have beene the reason that by the lawes of God the amercement was confecrated vnto God, and giuen to the high Priets, if he that had offended were not in preuence, or had no heires. And for that this Chapter concernes rewards and punishments, order requires that we discourse of the one and the other.

**CHAP. IIII.**

Of reward and punishment.

This is needfull to treat here briefly of rewards and punishments, for he that would discourse thereof at large should make a great volume, for that these two points concern all Commonweales, so as if punishments and rewards be well and wisely distributed, the Commonweal shall be alwaies happie and florish, and contrariwise if the good be not rewarded and the bad punished according to their defects, there is no hope that a Commonweal can long continue. There is not any thing that hath bred greater troubles, seditions, civil wars, and ruines of Commonweales than the contempt of good men, and the liberry which is giuen to the wicked to offend with all impunity. It is not so necessarie to discourse of punishments as of rewards, for that all lawes and bookes of lawyers are full of them, but I find not any one that hath written of rewards: either for that good men are so rare, and wicked men abound; or for that it seemes more profitable for a Commonweale to restrained the wicked with the fear of punishment, than to encouraage the good to venue with rewards. But for that punishments are odious of them selves,
A felves, and rewards favourablc, therefore wife Princes have accustomed to referre punishments vnto the Magistratc, and to referre rewards vnto themfclves, to get the loue of the subiects, and to fill their hatred: for which cause Lawyers and Magistrates have treated amply of punishments, but fewe have made any mention of rewards. And although the word merit is taken in the beft fence, as Seneca faith, Altius inuria quam merita descendunt, Injuries make a deeper impresion than merits, yet we will vfe it indifferentely and according vnto the vulgar phrase. Every reward is either honorable, or profitable, or both together, else it is no reward, speaking popularly and politckely, seeing we are in the middeft of a Commonweale, and not in the schooles of the Academikes and Stoikes, which hold nothing to be profitable that is not honest; nor honorable which is not profitable: the which is a goddly paradoxe, and yet contrarie to the rules of policie, which doe neuer balance profit with the counterpoife of honour: for the more profit rewards have in them, the leffe honourable are they, and always the profit doth diminish the beautie and dignitie of the honour. And euem those are most esteemed and honoured, wherein they employ their goods to maintaine the honour. So as when we speake of rewards, we vnderstand triumphes, fituates, honourable charges, estates, and offices, which are therefore called honors: for that many times the priuate eftates of famous men are wasted thereby: the rest haue more profit than honour in them, as benefices, militarie gifts, immunities of all or some charges; as offices, imposts, wardship, exemptions from the warre; and from ordinarie judges, letters of eftate, of freedome, of legitimation, of faires, of gentrie, of knighthood, and such like. But if the office be hurtfull, and without honour, it is no longer a reward, but a charge or burthen. Neither may wee confound a reward and a benefit; for a reward is giuen vpon good defert, and a benefit vpon speciall favour. And as Commonweals be diuers, fo the distribution of honours and rewards is verie diuers in a Monarchy, and in the other two eftates. In a Popular eftate rewards are more honourable than profitable: for the common people hunt only after profit, caring little for honour, the which they doe willingly glie to them that are ambitious. But in a Monarchie the prince is more zealous of honour than of profit, especially if he be a tyrant, who taketh nothing more disdainfully, than to see his subiects honoured and respected; fearing leaft the sweet intifying bait of honour, should make him alprie and attempt against his eftate: or els for that a tyrant cannot endure the light of vertue: as we read of the emperor Caligula, who was jealous and envious of the honor that was done to God himselfe: and the emperor Domitian, who was the moft base and cowardly tyrant that euerm was, yet could hee not endure that any honour should be done vnto them that had best defended, but hee put them to death. Sometimes princes in stead of recompecting of worthy men, they put them to death, banifie them, or condemne them to perpetuall prifon, for the faficie of their eftates. So did Alexander the Great to Parmeno his confable, Insolian to Bellarius, Edward the fouth to the earle of Warwick; and infinit others, who for the reward of their proseele haue bene blaine, poisoned, or ill intreated by their princes. And for this cause, as Tacitus writes, the Germans did attribut all the honour of their goddly expelis vnto their princes, to free themselues from enemie which follows vertue. And therefore we neuer fee Monarches, & much leffe tyrants, to graunt triumphes and honourable entries vnto his subiects, what victorie saue they have gotten of the enemie. But contrariewise a diuerse captaine, in stead of a triumph at his returne from victorie, humbling him selfe before his prince, he faith, Sir, ye victorie is my glorie, although the prince were not present: for hee that commandes deferves the honour of the victorie, euem in a Popular eftate: as it was adjudged betwixt the Consull Lactatius and Valerius his lieutenant, vpon a controuersie they had for the triumph, the which Valerius
Valerius pretended to be due unto him, for that the Confall was absent the day of the battell. So we may say, that the honour of the victorie is always due unto the prince, although he be absent the day of the battell: as Charles the first, king of France was, who gave his armes vnto one of his gentlemen, and retired himselfe out of the sight, fearing to fall into his enemies hands: And for this cause he was called wise, remembering how prejudicial his fathers captiuitie was vnto France. The like we may lay of Popular eftates, that the generals victories belonging vnto the people vnder whose ensigns they have fought, but the honor of the triumph is given vnto the Generall; the which is not observed in a Monarchy. Which is the chiefest, and it may be the onely occasion, why in Popular eftates well governed, there are more vertuous men than in a Monarchy: For that honor which is the onely reward of vertue is taken away, or at the least much restrained from them that deserve it in a Monarchy, and is granted in a lawfull Popular eftate, even in matters of armes. For as a generous and noble minded man doth more esteem honour than all the treasure of the world; so without doubt he will willingly sacrifice his life and goods for the glorie he expects: and the greater the honours be, the more men there will be of merit and fame. And therefore the Commonweale of Rome hath had more great Captaines, wise Senators, eloquent Orators, and learned Lawyers, than any other Commonweale, either Barbarians, Greeks, or Latines: For he that had put to rout a legion of the enemies, it was at his choice to demand the triumph, or at the least some honourable charge; one of the which could not bee denied him. As for the triumph, which was the highest point of honour a Roman citizen could aspire vnto, there were no people vnder heauen where it was solemnised with more state and pompe than at Rome: For when he triumphed, he made his entry more honourable than a king could doe in his realme, dragging the captiue kings & commanders in chains after his chariot, hee sitting on high attired with a purple robe wrought with gold, and a crowne of baies, accompanied with his victorious armie, being brake with the spoiles of their enemies, with a sound of trumpets and clarions, ruffling the hearts of all men, partly with incredible joy, and partly with amazement & admiration: and in this manner the Generall went vp to the Capitoll to doe sacrificce. Above all (faith Polybius) that which did most inflame the youth to aspire to honour, were the triumphall statues or images lively drawn of his parents and predecessors, to accompany him to the Capitoll. And after he had done the solemn sacrificce, hee was conducted home by the greatest noble men and captains. And those which died were publiquely prayed before the people, according vnto the merits of their forepaffed lines. And not onely the men, but also the women, as we read in Titus Livius, Matronis honor additus, ut corum recta vivorum folemni laudato effet. There was honour given vnto matrons, that there might bee a solemn commendation of them as men. I know there are preachers which will say, That this desire of honour is vaine, which enflame good man should flie; but I hold that there is nothing more necessary for youth (as Theophrastus said) the which doth enflame them with an honest ambition; who when as they see themselfes commended, then doe vertues spring and take deeper root in them. And Thomas Aquinas faith, That a prince must bee nourished with the desire of true glory, to giue him the taste of vertue. We haue no reason then to maruell, if never any Commonweale did bring forth such famous men, and so many, as Rome did: For the honours which were graunted in other Commonweals, came not neere vnto them which were graunted in Rome. It was a great reward of honour at Athens, and in the Olympike games, to be crowned with a crowne of gold in the open theatre before all the people, and commended by an Orator; or to obtaine a statue of brafe, or to be entertained of the publike charge, or to be the first, or of the first
A first rank in places of honors, for himselfe & his house; the which Demochares required of the people for Demosthenes, after that he had made a repetition of his prayses, wherein there was no lesse profit than honour. But the Romans (to give them to understand that they must not esteeme honour by profit) had no crown in greater estimation, than that of grasse or greenne corne, the which they held more precious than all the crownes of gold of other nations. Neither was it ever given to any, but to Q. Fabricius Maximus, tunamed Consul, with this title, Patrie senator, To the prefecture of his countrey. Wherein the wifdomde of the auntient Romans is greatly to be commended, having thereby banished coutousflife and the desire of gaineful rewards; and planted the laue of vertue in the subiects hearts, with the price of honour. And whereas other princes are greatly troubled to find money, to emipte their cofferes, to sell their reuuenues, to oppycle their subiects, to forfeit some, and to spoile others, to recompence their flaves and flatterers (although that vertue cannot bee valued by any price) the Romans gave nothing but honour, for that the captains rencpted nothing leffe than profit: and even a privat Romanould iour refueld a chaine of gold of Labienus lieutenant to Caesar, for that he had hazarded his life courageously against the enemie, saying, That he would not the reward of the coutous, but of the vertuous; the which is honour, that we must have always before our eyes. But vertue must not follow, but goe before honour : as it was decreed by the auntient high Priests at Rome, when as Confull Marcus Marcellus had built a temple to Honour and Vertue; to the end the vowes and facultices of the one should not be confounded with the other, they refolved to make a wall to divide the temple in two, but yet so, as they must passe thorow the temple of Vertue, to enter into that of Honour. And to speake truely, the auntient Romans onely did understand the merits of vertue, and the true points of honour. For although the Senator Agrippa left not wherewithall to defray his funeall, nor the Confull Fabricius nor the Dictator Cincinnatus wherewithall to feed their families, yet the one was drawne from the plough to the Dictatorship, and the other refused halfe the kingdomes of Pyrrhus, to maintaine his reputation and honour. The Commonweale was never so furnisshed with worthy men, as in those daies, neither were honours and dignities better distributed than in that age. But when as this precious re- ward of vertue was impatied to the vicious and vnworthy, it grew contemptible, so as every one scorned it, and held it dishonourable: as it happened of the gold rings which all the gentlemen of Rome negleeted, seeing Flavus a libertine to Appius and a popul- lar man, created Edile,or chief ouerseft of the victuals; the which they were not accustomed to give to any but gentlemen, although he had deferred well of the people. And the which is most to be feared, good men will abandon the place wholly to the wicked, for that they will have no communication not fellowship with them: as Cato the younger did, who being chosen by lot with divers other judges to judge Gabinius, and seeing that they pretended to absolue him, being corrupted with gifts, hee retir’d himselfe before the people, and brake the tables that were offered into him. So did the chaff women in this realme, who caft away their girdles of gold, the which none might weare that had stained their honours, who notwithstanding did weare girdles, & then they said, Quo bonae renommee valoit meux que ceinture dorce. That a good name was better than a golden girdle. For alwaies vertuous men have impatiently endur’d to bee equalled with the wicked in the reward of honour. Have wee not seen that the onely means that king Charles the second found to make a number of vn- worthy men, who had gotten the order of knights of the Starre, by women or favour, to leave it, he decreed, That the archets of the watch at Paris, should weare a star upon their cassockes, which was the matke of Saint Owen: whereupon all the knights of this

The Romans esteemed honour more than profit.

A worthy saying of a foolidiour.

The vertues re- fuse honours when they are giuen to the vn- worthly.

The natural or- der of honour and vertue.
this disorder left the stage. As in like case the people of Athens disannulled the law of Ostraclism, by the which the best men were banished their country for three yeares, when as Hyperboulæ one of the worst and wickedest men of Athens had beene condemned by that law.

It is a daungerous and very pernicious thing in every Commonweale, to grant honours and rewards without any difference, or to sell them for money; although that they which thinke to win honour in buying their offices, abuse themselves as much as those which thought to fly with the golden wings of Euripides, making that which should be the lightest of all others, of the heaviest mettall; for then the precious treasure of honour turnes to difhonour; and honour being once lost, then do they exceed in all vice and wickednesse: the which shall neuer happen if the distribution of rewards and punishments be ordered by a harmoniacall justice, as wee will shew in the end of this worke.

If a Consull be allowed a triumph, it is reason that captains and lieutenants should have the estates and offices, the hostmen the crowns and horses, and the privit soldiors also should have part of the arms & spoils. And in the bestowing of offices they must also have a respect vnto the qualitie of persons: to Gentlemen the offices of Consull, and Gouernments; to the Plebeians the Tribunes places, and other meane offices fit for their qualities and merits; and if the vertue of a meane man or of a privite fouldier be so great that he exceed all others, it is reason that he have his part in the greatest dignities, as it was decreed by the law Camuleia, to appeale the seditions betwixt the nobilitie of Rome and the people: but he that would make a Consull, a knight of the Order, or a master of the horse, of a base fellow that had never carried arms, without doubt he should blench the dignitie of rewards, and put the whole estate in danger of ruine. In old time there was more difficulty to create a simple Knight, than is now to make a Generall: they must have defeted well, and prepare themselves for it with great tolemitie. And even Kings children and Princes of the blood were not admitted to be Knights but with great ceremonies: as we may reade of Saint Lewis, when he made his sonne Philip the 3. Knight, who afterwards created Philip the faire Knight in the yeare 1284 and he his three children in the presence of all his Princes: and which is more, king Francis the first after the battaile of Marignan causd himeselfe to be dubbed knight by Captaine Bayard, taking his sword from him. But since that cowards and housefoules caried away this price of honor, true knights neuer esteemed it so as Charles the sixt at the siege of Bourges made above five hundred knights banerets, & many other knights, which had not power to raife a banner, as Montflelet saide. In like sort that militarie girdle which the Roman Emperours did yse to give as a reward of honor to them that had defeted well of the Commonweale; as the collar of the order, the which they took away in reproch, as Inlean the Emperour did from Jouman and other christlian Captaines; and the honor of a Patrician, the which the Emperours of the East did esteeme as the highest point of honor and fauour: in the beginning it was not given but vnto the greateste Princes and noble men. As we read that the Emperour Anastasius sent the order of a Patrician to king Cluni in the citie of Tours, but after that it was imparted to men of base condition and vnworthy of that honor, it grew contemptible, so as Princes have bin of necessitie glad to forge newe honors, new prizes, and new rewards. As Edward the third king of England made the order of Saint George, or of the Garter: and soone after the 6 of January 1351 king Iohnam did institue the order of the Starre in the Castell of Saint Owen: and long after that Philip the second duke of Bourgogne erected the order of the golden Fleece: and 40 yeares after him Lewis the 11 king of France made the order of Saint Michael; as also after him the dukes of Sauoy haue instituted the order of the Anonciado, and other Princes haue done
A done the like, to honor with the title of Knighthood those that deserved well, whose services they cannot otherwise reward. By the first article of the golden Fleece, the which was instituted the tenth of January 1429 no man might be Knight of that order, unless he were a Gentleman of name and arms, and without reproach; by the second, he might not carry any other order of what Prince soever, but with the priuie & consent of the chiefe of the order: the seventeenth article wils, That all personall quarrels and dissentions of Knights among themselves shall be decided by Judges of the order, the which is a bodie and Colledge, with a Chancellor, Treasurer, King at arms, Register, a privat Scale of the order, and soueraigne jurisdiction, without appeale or ciuill request. Lewis the 11 imitating the example of Philip Duke of Bourgogne, who had entertained him in the time of his disgrace with his father, instituting the order of Saint Michell into a Colledge, the first day of August in the yeare 1469 he set downe those articles whereof I have made mention, and all other articles specified in the institution of the Fleece: and besides in the 37 article it is said, That when any assemblie shall be made, the life and conversation of every Knight shall be examined one after another, during which examination they shall depart out of the Chapter, and be called againe to heare the admonitions and censures of the Chancellor of the order: and in the 38 article it is said, That an examination and censure shall be made of the soueraigne and head of the order, which is the King, as of the rest to be punished and corrected, according to the advice of the brethren of the order, if he hath committed any thing against the honor, estate, and due of Knighthood, or against the statutes of the order: and in the 42 article it is declared, That any Knights place being voyd, the Chapter shall proceed to a new election, and the Soueraignes voice shall stand but for two: and both he and all the Knights of the order shall be bound to take a solemne oath at their entrie into the Chapter, to chufe the worsted that they know, without respect to hatred, friendship, favour, bloud, or any other occasion, which might diuert them from the right: which oath shall be made in the Soueraignes hands from the first unto the last; and in the last article there is an expresso clause, That neither the King nor his successors, not the chapter of the order may not derogate from the articles of the institution. Behold briefly the institution of the order and Colledge of honor, the goodliest and the most royall that ever was in any Commonweale, to draw, yea to force mens minds into vertue. It may be some one will say, that the first institution of 31 Knights in the order of the golden Fleece, of 36 in the order of France, and of 24 in the order of the Garter instituted at Windsor, cuts off the way to vertue, for that it is expresely defended in the last article of the ordinances of Lewis the 11. not to increase that number, although the Soueraigne Prince and the whole Chapter were so resolved; but in my opinion it is one of the chiefest articles which ought to haue bene duliae obserued: to avoid the inconveniences which we have seen by the infinite number of the order of Saint Michell, for the number is sufficient to receiue them that shall defetue that honor: and the fewer there are, the more it will be desired of all men: as at a prize, the which is the more greedily desired, for that every man hopes for it, and fewe carrie it. And in this number soueraigne Princes are not comprehended, to whom they present the order only for honor, for that they cannot be tyed to the lawes of the order, and retaine the rights and prerogatives of soueraignty. And although the number were small, yet were there but foureene Knights at the first institution of the order, the which are named in the ordinance: and in the time of King Francis the first the number was never full. So it is most certaine, that there is nothing that doth more blemish the greatnes of the honor, than to impart it to so many. And for this cause many seeing the final account was held of the order, procured to haue their Seigneuries erected into Earldomes, Marquises,
and Duchies, which number hath so increased in a short time, as the multitude hath bred contempt of, as Charles the ninth enacted by an edict. That after that time all Duchies, Marquisats and Counties should be united unto the Crown, if the Dukes, Marquises and Earles dyed without heires males issued of their bodies, although the said Seigneuries had not in former times belonged unto the Crown: the which is a verie necceffarie Edict to refraine the infaftable ambition of such as had not defeated these titles of honor, whereof the Prince should be jealous. And generally in all gifts, rewards, and titles of honor it is expedient (for the greater grace of the benefic) that he only which holds the Soueraignty should bestow it on him that hath defeated; who will thinke himfelfe much more honored, when his Prince hath given him his reward, seen him, heard him, and graced him. Also the Prince above all things must be jealous that the thanks of his bountie may remaine, banishing from his court those fellers of smoke, or punishing them as Alexander Severus did, who caused one to be tyed vnto a post, as Spartan faith, and smothered him with smoke, causing it to be proclaimed by the trumpet. So perish all such as fell smoke. He was vaunted by the Emperor, who as soone as he knew the name of any one whom the Emperor meant to grace either with honor or office, he went vnto him, promising him his favour, the which he sold at a high rate, and like a horseleech of the Court he sucked the blood of the subjectts to the dishonor of his Prince, who should hold nothing more deere than the thanks of his gifts and bountie; else if he indure that his household servants satale away the favours of his subjectts, it is to be feared that in the end they will make themselves masters, as Ahbrolon did, who shewing himselfe affable and courteous to all the subjectts, abusing the charges of honor, offices, and benefices, giveth them under the fauour of the King his father to whom he pleased; he stole from him (faith the scripture) his subjectts hearts, and expelled him from his roayl throne. We read also of Otho, who having received 2500 crownes for a dispensation which the Emperor Galba gaue at his request, he gave them among the Captaines of the guards, the which was a chiefe meanes for him to vfurp the State, after that he had caufed Galba to be blaine. This gift was like vnto the Eagle which the Emperor Iulian carried in his Standard, the which pulled off owne feathers, whereof they made arrows to shoot at her. For the same occasion the last kings vffed from Meronse and Charlemaigne were expelled from their estats by the Maiots of the pallice, who gaue all offices and benefices to whom they pleased without the kings pruittie or consent; and therefore Loup Abbot of Ferrieres did write vnto Charles the 3 king of France, advising him to haue a special care that his flatterers and courtiers did not satale from him the thanks of his liberalitie. Some will say, that it is impossible for a Prince to refuie his mother, brethren, children, and friends: I muft confesse it is a hard matter to avoid it, yet I haue seen a King who being importuned by his brother for another, saide vnto him in the presence of the fitor, Brother, at this time I will do nothing for your sake, but for the lote of this man who hath defeated well, to whom he graciously granted what his brother had demanded. But if the Prince will wholic yeld himfelfe to the appetite of his followers, we may well fay that he is but a cipher which gues all power vnto others, & refere no thing to himfelfe: he muft therefore know which be good and vertuous men, and that haue well defeated. And leaft the Prince should be forced to denie many importunate beggers, he muft make choice of wise and faithfull masters of requests, to receave every mans petition, who may dispute such as demand any thing that is vniut or against the good of the State, or at the leaft they muft acquaint the Prince therewith that he may not be surprized in his answer: By this means importunate beggers shall be kept backe by good men, neither shall they have any cause to bee discontented with the Prince,
Princel who they will thinke understand not thereof, or else he will satisfy them with pertinent reasons, wherein the Emperor Titus is greatly commended, for that he never sent away any man discontented, whether he granted or refused what he demanded, and therefore they called him, The delight of mankind. Moreover an impudent beggar knowing that his petition shall be viewed, read and examined by a wise Chancellor, or an understanding matter of requests will not presume to purile a thing that is vain; for Princes never want flatterers and impudent beggars, which have no other end but to drink the bloud, eate the bonnes, & suck the marrow both of Prince and subject: and those which have best defended of the Commonweale, are commonly most kept back, not only for that their honor forbids them to flatter, and to beg the reward of vertue, which should be offered unto them; but also for the charges and expences of the purifue, and many times without all hope. And if their petitions be once rejected, they will not make a second attempt, no more then Callistatidus a Lacedemonian Captaine (one of the most virtuous of his age) who was mockt of the Courtiers of young Cyrus, for that he had not the patience to court it long; and contrastwise Lysander a flattering Couuiner, if ever any were, obtained whatsoever he demanded. A modest and bashfull man is amazed in this caufe, where as the impudent prenail, knowing well the humor of Princes, who alwaies love them to whom they have done most good, and the most part hate them to whom they are most bound: and to say the truth, the nature of a benefit is such, as it doth no leffe bind him that giues, than him that receivs it: and contrastwily thanks and the acknowledging of a benefit is troublesome to an ingratefull person, and reuenge is sweet, whereof Tacitus giues the reason, saying, Promores advindictam sumus qudm ad gratiam, quia gratia oneri, nitio in questiu habetur. We are more prone to reuenge then to giue thanks, for thanks is held a burthen, and reuenge a gaine. And although that many Princes neither pay, nor giue any thing but words, yet the leaft promise that is made vnto them they hold as a firme bond. There is yet another point which hinders and cuts off the rewards of good men, which is, that if a wise Prince bestowes any office, prinuledge, or gift to whom soever, before he can enjoy it, he must giue the one halfe in rewards: and oftentimes their promises are fold for deere, as they care away little or nothing at all, the which is an incurable disease but by sure and rigorous punishments, for the which they must of necessity prouide, seeing that punishments and rewards are the two firmeft supports of a Commonweale. The best means to puetcut is for the Prince to cause the gift to be brought and delivered, and if it were possible to be present thereat himselfe, specially if it be to a man of worth: for the gift comming in this sort from the Princes own hand, hath more efficacie and grace, then a hundred times as much given him by an other repiningly, or curtalled for the most part. The like ceruice is to be made of praiue or commendations, which the Prince deliuers with his owne mouth to him that hath deferted it, which hath more effect then all the wealth that he can giue him: and a reproch or blame is as a stabile vnto generous minds to force them to do well. But it is impossible euer to see a just distribution of punishments and rewards, so long as Princes shal set to sale dignities, honors, offices, and benefices, the which is the most dangerous and pernicious plague in a Commonweale. All nations have prouided for it by good and wholesome lawes; and even in this realme the ordinance of S. Lewis notes them with infamie that have vied the fauour of any man to procure them offices of iustice, the which was reasonablie well executed vntill the raigne of king Francis the first, and in England it is yet rigorously obserued, as I have vnderstood by M. Randall the English Ambassador; the which was also strictly decreed by an edict of Ferdinand, great Grandfather by the mothers side to Philip, made in the yeare 1492 where as the
forme of choosing of offices of Justice is let downe: Que no se puedan venden, ny trocar.

officios de Alcalâ, su Alquiler, slado, su regimiento, su yeysantes quatra, su piel executoria, su juraderia. It is not needfull to let downe the inconueniences & miseries that a Commonweale is subject vnto by the sale of offices, the labour were infinite being so well knowne to all men. But it is more difficult in a popular State to pettiflde them that this traffike is good, then where the richest men hold the Soneraignetie. It is the only means to exclude the poorest one from offices, who in a popular estate will have their parts without paying any money, and yet hardly shall they observe these prohibitions, when as the common people shall reap some benefit by choosing of ambitious men. As for a Monarch, pouertie sometimes forceth him to breake good lawes to supplie his wants, but after they have once made a breach, it is impossible to reperite it. It was forbidden by the law Petilia to go to fayers and assemblies, to sue for the peoples faavour & vcoys. By the law Papitna no man might weare a white gowne. The law Calphurnia declared him incapable for euer to bear any office that had been condemned of ambition, vniuerse he had accused and convicted an other, and he that had accused his competitor to be condemned of ambition, he obtained his office; afterwards punishment was made greater by the law Tullia, published at the request of Cicero, whereby it was decreed that a Senator condemned of ambition should be baniished for ten years, but it was not obfuered by the rich, who sent their broakers into the assemblie of the States with great fortunes of money to corrupt the people, so as Caesar fearing to have one joyned with him in the Consulship that might crosse his designs, he offered his friend Lucius as much money as was needfull to purchase the peoples vcoys: whereof the Senat being aduerstified, they appointed a great somme of money for his competitor Marcus Bibulus to buy the peoples suffraiges, as Suetonius doth testify. This was upon the declining of the popular estate, the which was ouerthrown by these meanes; for undoubtedly they which made sale of estates, offices, and benefices, they fell the most facted thing in the world which is Justice, they fell the Commonweale, they fell the blood of the subjects, they fell the lawes, and taking away all the rewards of honor, vertue, learning, pietie, and religion, they open the gates to theftes, corruption, couetousnes, injustice, arrogante, impietie, and to be short, to all vice and villainie. Neither must the Prince excuse himselfe by his pouertie, for there is no available excuse, or that hath any colour to secke the ruine of an estate, vnder a pretence of pouertie. And it is a ridiculous thing for a Prince to pretend pouertie, seeing he hath so many meanes to prevent it if he please. We reade that the Empire of Rome was never more poore and indebted then vnder the Empour Heliogabalus that monfter of naure, and yet Alexander Severus his successor, one of the wilest and most vertuous Prince that euer was would never induce the sale of offices, laying in the open Senat, Non patiar mercatores potestatem, I will not induce these merchants, or buyers of dignities; and yet this good Empour did to abate the taxes and imposts, as he that paid one and thirtie crownes vnder Heliogabalus, paid but one crowne vnder Alexander, refoluting, if he had liued, to take but the third part of it, but he raigned but foureteene yeares after that he had freed his predecessors debts, and defeated the Parthians and the people of the north, leaning to his successor an Empire flouishing in armes and lawes. But his court was wisely ordet, excesse Prodigalities were cut off, rewards were equallie distributed, & the theautes of the publicke treaure were severely punished. He was called Severus, by reason of his pouertie. He hated flatterers as a plague to all Princes, neither durt the hustleches of the court come neere him. He was very wife in all things, but especially in the discoverturing of mens humors, and of a great judgement in decerning of euyt mans merits; being reverent with a seuerel kind of
A of maistle. We hau e shewed before, that the softnes or simplicitie of a Prince is dangerous to an estate. After that the great king Francis the first became (through his old age) austere and not so accessible, the flatterers and hushhleeches of the court came not near him, so as the treasure was so well husbanded, as after his death they found fourteen hundred thousand crownes in ready money, besides the quarter of March which was ready to be receuied: and his reallne full of learned men, great Captaines, good Architects, and all forts of handicrafts, and the frontites of his estate extending even unto the gates of Milan, being afflueted by a firme peace with all Princes. And although that he had beene encountered with great and mightie enemies, and had beene taken prisoner and paiied his ransom, yet did he build Cities, Townes, Castles, and stately Pallasies; but the facilite and too great bountie of his successor Henry the second brought the estate indebted within little more than twelve yeares after, fourte millions three hundred fortie eight thousand three hundred ninetie three pounds eighteene fillings starting (as I learned out of the accouts) and the countries of Savoy and Piedmont, with all that which they had conquered in thirtie yeares before, lost, and the rest much ingaged. I omit to speake how much France was faile from her anient dignitie and beautie, how worthie men were kept from their degrees, vertuous men troden under foote, and the learned condemened; and all these miseries came vpon the reallne, for that he did prodigallie giue dignities, offices, benefices, and the treasure to the vnworthie, and suffered the wicked with all impunitie. That Prince then that will enjoy a happy estate let him refer the punishment of offences to the Magistrate, as it is expedient, and referre rewards vnto himselfe, giuing by little and little according to euerie ones merit, that the thanks may be the more durable; and command punishments to be done as an instant, to the end they may be the lesse grieuous to them that suffer them, and the feare deeper grauent in the harts of others, terrifying them from their wicked and dissorded liues. These lawes of punishments and rewards being dulie obserued in a Commonwealth, vertue shall be alwaies honorablie rewarded, the wicked shall be banished, publick debts shall be paiied, and the State shall flourishe with all abundance. But for those the frauds of courtiers are so many, and such infinite deues to rob the treasurie, so as the wicke Princes may be circumuented, a law was made by Philip of Valois, and verified in the court of Parliament, and chamber of accompts, whereby it was enacted, That all gifts giuen by the king shoule be void, if his letters patents did not containe whatsoever had been giuen to him or to any of his predecessors in former times by the Princes bountie: which law although it were most profitable, yet was it abrogated two yeares after by their means that were interested, finding how much it did prejudice them, so as it was enacted that it should be sufficient to haue the derogatory annexed to their patents, as I haue feene in the auntenent regifteres of the court: but that also was taken away, left any remembrance of benefits shoule hinder the Princes bountie.

There was another law made by Charles the 8, whereby all gifts above ten pounds staring should be enrolled: but since they haue vied so much fraud, as one in this realm was not ashamed to brasse in a great assembly, That he had gotten (besides his offices) five thousand pounds staring a yeare of good rent, and yet there was not any one gift made vnto him to be found in all the regifteres of the chamber, although it were apparent that he had nothing but from the king. We must not therefore wonder at great debts, seeing the treasurie is exhausted after so strange a manner, as hee that hath most received, makes a shew to haue had nothing. For to giue so much to one man, although he defende well, doth not onely wafe the treasurie of the Commonweale, but also stirre vp the discontented to seditions and rebellions. And one of the best means to preserve
an estate in her greatness, is to bestow gifts and rewards on many, to continue enetie one in his dutie, and that they may balance one another. Also an aduanced prince must giue sparingly to the importunate, and offer to them that beg not, so as they bee of good delect for some can never aske, nor yet take it when it is offerred them. As Antigonus king of Asia said, That he had two friends, whereof the one could never be satisfied, & the other could never be forced to take any thing. To such men Dionysius the elder, lord of Siracusa, behaued himselfe wisely. For to vs (said Aristippus) which demand much he giues little, and to Plato who crave nothing, he giues too much. This was a safe kind of giuing, retaining both the money and the thankes. Yet princes have many other means to grace and reward a servant, than with mony, the which is lese esteemd by men of honour, than a good looke, an alliance, a marriage, or a gracious remembrance. And sometimes the gift is such, as it brings more profit to him that giues it, than to him that receivs it. Charles the first, emperour, being come into Spaine, to require the well deservings of the duke of Calabria (who had refused the crowne and kingdome of Spaine, which was offerred to him by the estates) being then a prisioner, he freed him out of prision, and married him to one of the richest princes that was then living, widow to king Ferdinand: with the which deed the people receiued great content, the duke great honour, wealth, and libertie, and the emperour the loue of the duke, the loue of the people, and the affurance of his estate, without any charge: And moreover by this meanes he kept the widow from marrying with any fotten prince; giuing to the duke a wife that was aged and barren, to the end that the dukes line (which made a pretence to the realme of Naples) should be extinct with him.

It is a principal point which a prince ought to respet, That his bountie and rewards be giuen with a chearfull heart: for some are so unpleasing, as they never giue any thing without reproch, the which taketh away the grace of the gift, especially if the gift be in stead of a reward or remembrance. But they do much worse, which giue one & the same office, or one confiscation to many, without adsettising either the one or the other: the which is no benefit, but an inuiety. This is to cast the golden apple among subiects to rule them. And ofetimes we see them consumed with saits, and murder one another with the sword: whereby the prince shall not onely loose the fruits of his bountie, but the loue of his subiects, and recep the thankes eternall hatred. The which is a groffe error in matters of state, and yet vitall among princes; not so mucch through forgetfulness of that which is past, but ofter purpose, being falsely instruccted from their youth. That they must be liberall and refute no man, thereby to win the hearts of all men: and yet the end is quite contrary to that which they have propounded, giuing one thing to many. And to refute no man, is not to be liberall nor wife, but prodigall and insenset. I would not onely have the prince liberall, but bountifull, so as he prove not prodigall: for from a prodigall he will grow to be an exactor, and of an exactor a tyrant: and after that he hath giuen his owne, he must of force pull from others to giue. The laws of liberallitie command, That he should obseueth well to whom he giues, what he giues, at what time, in what place, and to what end, and his owne abilitie that giues. But a soueraigne prince must withall rememember, that rewards must goe before gifts, and that he must first remembre them that have well deserved, before he giue to such as have nothing defeceted; and about all, let him meathe his bountie according to his abilitie.

The Romans to releue the pouertie of Horatius Coclus (who alone had withstood the enemies arme, and fauad the citye from lacke, and the citizens from ruine) they gaue him an acre of land, or little more; the which was much at that time, havin but two leagues compass about the citie. But Alexander the Great gave kingdoms and empires, and thousands of talents; if he had done otherwise it had beene against his maie-
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the and greatnesse. *Alphonse* the fist, king of Castile, gave the kingdom of Portugal to *Henrie* of Boulogne of the house of Loraine, from whom are issued the kings of Portugal for these five hundred and fifteen yeares: it was for a reward of his vertue marrying him to his dead daughter. But yet was he blamed to have given away so goodly an estate, his owne not being at that time much greater. In like sort wee may say, that the custome of the antient Romans was commendable, to nourish upon the publike charge three children borne at one birth, for a reward of the memorial victorie obtained by the three *Horatij* against the *Curatij*. But *Soloni* law, which would have their children which had beene slaine in the warres for their country, maintained by the publike, could not continue, although it were practised throughout all Greece, as we read in *Aristotles*, and it did quite wafte and confume their treasure.

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If any one suppose, that the bountie and greatnesse of a prince shall not appeare, if he giue to none but to such as shall deserve; I will yeeld unto him. I know that bountie & magnificence is well beholding a great prince: neither muft wee thinke it strange if the prince advance one of a poore and base condition to honour and wealth, so as there be vertue and merit in him: els if the prince shall raise an unworthy person above good men, or equal him in ranke with great personages, in doing good to the one hee shall wrong all the teete. That worthy saying of *Chilo* is extant, one demanding of him what God did, He calleth downe the proud (anunswered he) from above, and taileth the poore and dejecteth to the highest degree of honour. A good prince should imitate God, advancing the poore and vertuous to honours and riches. But when as the college of Cardinals did admonish Pope *Julius* the third, having created *P. M. du Mont* Cardinal, being a young boy whom he loved, saying, That it was a great dishonour to blemishe so honourable an order with so base a man, having neither vertue in him, nor learning, neither nobilitie nor goodnes, nor any markes which might merit (as they said) to approack to such a degree: But the pope (who was vertie pleasant) turning unto the cardinals, What vertue (faith he) what nobilitie, what learning, what honor, did you finde in me, to make me pope? It is most certaine, that a viciouss and unworthy prince, will alwayes have his friends and followers of his owne humor: as it appeares by the emperour *Helogabalus*, who gave the greatest offices, and enriched the most detestable villaines in all the empire: where with his subiects and guard being incensed, they flew that monster of mankind, with his mother, and threw them into the common prunes. But without any further search, we have scene the proofe before our eyes, how diddaineſully he hath taken to see the due rewards of good subiects, and vertuous men, given to the vicious, to frauders, and to the vnworthy, the which hath put the goodſſift realme of Europe in combustion. For wee finde, that the gifts in the yeare 1572 amounted to 270000 pounds flarting: and the yeare following to 204400 pounds: and in the yeare 1574 there was giuen 54700 pounds: and in the fix moneths following they gave 95500 pounds flarting, besides pensions which were not lesse than twenty thousand pounds flarting: and the greatest part of all this treasure grew by the sale of offices, & by confiscations, which was the causse of all our miseries: and yet by the law of Fraunce, England, and Spaine, such buyers shoule be held infamous: which laws shoule be reuined, and that commendable custome which was praeticd under *Seuerus* maintauned, who cauſed his name to be fet vp in all publike places, whom hee meant to preferre to any governement, giuing leave to all men to accuſee him, yet with the paine of death to him that did it falsely, saying, That it was great shame to be leſſe carefull of the life and conuersation of a governour, than the Christians were of the qualities of their bishoſps and minifters, whom they examined with all rigour before they were admitted. The which is much more expedient than the manner of exami-
nation which the Venetians, Genouois, Luquois, and Florentines, do vie, after that the officer hath left his charge. For a bad and corrupt magistrat grown rich with theis, will not sticke to corrupt a judge, to save both his life and his goods corruptly gotten. It is better therefore to prevent a difafe, than to labour to cure it, and better late than never, that the feare of this theft might keepe officers within the bounds of their dutie. But yet Solons law was farre better, by the which the life of the officer was examin'd both before his admittance to the office, and after he had left it: as we read in the pleadings of Demophilenes. Having then examined the life and manners of such as aspire to dignities, offices, benefices, knighthoods, exemptions, immunities, gifts and rewards. If their lives be polluted and wicked, they are not onely to be reieeted, but also to bee punished. And rewards are to be distributed to good men, according to euere mans merit: and by an harmoniousall proportion you must give the purse to the most loyall, armes to the most valiant, justice to the most iust, the centre to the most vpright, labour to the strongest, the governement to the wisest, the priesthood to the de nouest: yet having respect to the nobilitie, riches, age, and power of euerie one, and to the quantitie of the charges and offices. For it were a ridiculous thing to sele a judge that were a warrior, a prelat couragious, and a foulidour with a conscience. We have treated of Rewards, Triumphes, and Honours, which are for the most part given unto men of warre: Let vs now see if it be fit to exercise the subieft in armes.

**CHAP. V.**

**Whether it bee more convenient to trayne up the subiects in armes, and to fortifie their townes or not.**

It is one of the highest questions of State, and it may be of the greatest difficultie to resolue, for the inconueniencies that may rise on either part, the which I will treat of as briefly as I may, letting down what I hold most convenient, leaving notwithstanding the resolution to the wise polititians. To follow the opinion of Aristotele simply, and to maintaine that a citie ought to be well fortifie, well situated for the fending forth of an armie, and of hard access for the enemies; were not to decide the difficulties which might be objected, whether it should have place in a Monarchie, as well as in a Popular elate, or in a tyrannie as in a monarchie; seeing that we have shewed before that Commonweals contrie one vnto another, or at the least very different, must be govern'd by contrarie or very different maximes. Besides, for the well training the subieft vp in armes, there is nothing more contrie than to fortifie their townes, for that the fortification of them make the inhabitaunts effeminat and cowardly; as Cleomenes king of Lacedemomia doth wittes, who seeing the strong fortifications of a towne, hecryed out, O goodly retreate for women. And for this cause Licurges the lawgiver would never allow the city of Sparta to be fortifie, fearing least the subieft relying on the strength of their walls should grow fainthearted, knowing well that there was no such fortresse as of men, who will alwaies fight for their goods, liues, and honores, for their wines, children, and countrey, so long as they have no hope in flight, or of any retreat to save themselues. These two things then are contrie, to hate warlike citizens, and fortifie cities: for valiant and warlike men have no need of castles, and those which dwell in strong places desire no warre. So we see the Tartarians in Scythia, and the Ethiopians and Arabians in Affrike, which are held to bee most warlike: and yet they have no forts but tents, and some villages without wall or ditch. And even the great Negus o
A Prefe-Ian, which is the greatest lord in all Afrike, having (as they say) fifty kings under him that doe him homage, hath no forts nor castles, but his tents, but that fort only which is built upon the top of the mountaine Anga, whereas all the princes of the blood are kept with a sure guard, least they should draw the subiects from the obedience of their prince by feditious factions. Yet there is no prince under heaven more renowned and respected of his subiects, nor more doubted of his enemies, than in Tartaria, and Ethiopia. Forts are held frutile and of small consequence in the opinion of the greatest captains, who hold him that is maister of the field, to be maister of all the towns. It is well knowne, that after the battell of Arbella in Chaldea, whereas Darius the last king of Persia was defeated, that there was neither citie nor fort in all the whole Persian empire, that held out one day against Alexander the Great.

But there is a more necessarie reason against the fortifying of places, it is to bee feared, that an enemie entring the stronger, and taking those strong places, hee will hold them, and by that means the whole country; whereas otherwise having once poysoned it, he shall be forced to leave it. For this reason John Maria de la Rouere, duke of Vrbin, raised all the forts of his countrey, and retired himselfe to Venice, finding his forces too weak to encounter the enemie; affuring him that the duke of Valentinois comming with all the power of the church could not hold it, being hated to the death, and the duke of Vrbin beloved and respected of his subiects; as it proved true, for pope Alexander being dead, the duke of Vrbin was received with great joy of his subiects, and all other princes that were feudatorys to the church, were either taken or flaine in their places of strength. And for the same cause the Genevois, after the battaile of Pauia, being resolute from the king of Fraunce, besieged their fort called the Lantener, and then rased it. As also the Milanois did the castle Iof, the which was built before the Sforces were lords of Milan, to the end that forteine princes should bring them no more in subiection by meanes of their fort. So the auntient Sracufians did Acradina, and the Romans the cities of Corinth, Carthage, and Numance, the which they had never rased, if the fort of Actocorinth and other places, strong by nature and cafe to be fortified, had not forced them vnto it, leaft the inhabitans should make vs of them, as Philip the younger, king of Macedonie had done, who called the cities of Corinth, Chalcede, and Demetrias, the shackles and fetters of Greece. Which forts Titus Flaminius rased to the ground, to free them from the servitude of the Macedonians, and to take away all fear of tyrants. The which is another strong reason to take all occasion from princes to tyrannize over their subiects, as those doe which affirme themselves by Citadels, which the people called Tyrants nests; and tyrants teemed them a scoure for villaines, in contempt and scorn of the poore subiects: as Griflerus lieutenant to the emperour in Switzerland did, who built a fort in the vallie of Vri, and calling it Zwing Vri, that is to say, the yoake of Vri, which was the first occasion that mov'd the Cantons of the Swifferes to revolt, as we read in their histories. And Salomon was the first...
first that made a Citadel in Jerusalem, beginning even then to intreat his subjectes ill, exaiting new tributes of them, giving occasion to his successor to continue them, and for the ten tribes to revolt, and to chuse themselves a king: for commonly Citadel(s) breed a jealousie and distrust betwixt the prince and his subjectes, the which is the nurce of all hatred, feare, and rebellion. And euery as castles and Citadel(s) give bad princes occasion to affright their subjectes, so townes well walled and fortified, do oftentimes cause subjectes to rebell against their princes and lords; as I have shewed elsewhere. And therefore the kings of England never suffer their subjectes to fortifie their houses, the which is more strictly obserued in Moesovie, to avoid the rebellion of subjectes, who are easiely moved thereunto, trusting in their walles. And the inhabitants of Tulle in the realm of Thunis, related so much in the strengthe of their city, was, as commonly they flew their gouernours, not able to endure any command: so as the king of Thunis going thicker with a mightie armie, he demaunded of them, Who lived? they answered him, The red wall: but having forced the towne, he razed it, and put all the inhabitants to the sword: as Hannibal did at Sagunto, Sylla at Athens, the emperor Scenius at Bizantium, Dacobert at Poitiers, Xabucedonofor and Verfasian to the citie of Jerusalem, all which were revolted for the truelt they had in their forts, eating euery their children through the tedioufnesse of siege, and in the end have bene razed, and the inhabitants rooted out: the which would have easily compounded, if the confidence of their strong places had not abused them. For commonly we fee, that weake townes and ill fortified, doe soone compound and fend away the enemies, for some piece of money, without any infamie or dishonour: as it hath bene seene by the citie of Paris, the which was never taken since that Caesar forced it, the which had bene long since razed, if it had bene fortified, having bene so often threatned by the enemies: but still they have preffed themselves by treaties and compositions, the which they had not done being well fortified, either for feare of reproach and dishonour which follow them, which treat with an enemy, when they may refist: or for the obstinacie of the inhabitants, or the heads of a faction, who had rather die, than yield unto an enemy, having no hope to escape, & seeing their houses on fire, they strive in ruining it, to quench it with the blood of their fellow citizens. But there be no cities so strong, that can long resist the canon, and much leffe famine. For if the besieged be few in number, they shall be soone wearie and tired: if there be many, they shall be the sooner starved.

If then forts and Citadel(s) make a bad prince to tyrannize, an enemy to ciue vppon the country, subjectes to be cowards towards an enemy, rebels to their prince, and fiercious among themselfes: we cannot say they be profitable, or necessarie; but contrariwise hurtfull and pernicious to a Commonweale.

As for the other question, Whether we should traine the subjectes vp in armes, and seeke warre rather than peace: it seemes we should not call that in doubt: for we must esteeme that Commonweale most happy, where the king is obedience to the lawes of God and nature, the magistrats vnto the king, privet men to the Magistrats, the children to the parents, the subiects to the matteres, & the subiects united together in love, and all joyntly with their prince to enjoy the sweetnesse of peace and true tranquilitie of mind. But warre is contrarie to this which I have saide, and souldiours are fierce enemies to this kind of life. It is impossible for a Commonweale to flourishe in religion, justice, charitie, integritie of life, and in all the liberal sciences and mechanike attes, if the citizens enjoy not a firme and an asfured peace. And who is more necessarie to a peaceable man, than a furious souldier? to a mild countrey man, than a bloody warrior? to a philospher, than a captaine? to the wife, than fools? For the greatest delight that souldiours take, is to fortage and spoyle the country, rob the peasante, burne villages,
villages, besiege, batter, force and sack towns; massacre good and bad, young and old; all ages, and all sexes; force virgins, wash themselves in the blood of the murdered, prophane holy things, rape temples, blaspheme the name of God, and tread underfoot all divine and humane laws. These are the fruits of war, pleasing and delightful to all fouldiers, but abominable to all good men, & detestable before God. What need examples in so manifest a matter: who can think of them without horror? or hear them spoken of without sighing? Who knows not the wounds of the husbandman; who sees not their miseries; who hears not their complaints? Every man's field, cattell, and corn, wherewith we live and draw our breath, are in the power of soldiers, that is (as many do interpret it) of robbers. If it be so, I see no reason why we should instruct citizens in this cruel and execrable kind of life, or arm them, but to repulse violence in time of extreme necessity. For those which take small occasions to make war, are like vnest flies, which cannot hold themselves upon a smooth polished glass, but vppon rough places. And those which seek war to enrich themselves with their neighbours spoyle, shall be in continual torment, leading a miserable life: for desire hath no bounds, although in how they seeme to be contented with the desire of a kingdom: even like vnto a flaepe, who desires onely to be freed of his bands; being vnbound, he affects his libertie; and being free, he demands to bee made a citizen; after that he desires to be a magistrate; and being come to highest place of magistrate, he affects to be a king; and being a king, he will bee an absolute and sole monarch; and in the end he will be worshipped as a God. How much more happy then is a prince, or a small Commonweale (although there be nothing little where there is content) enjoying an affured rest, and a peace without enemies, without warre, and without enemie. For the bounds of a well ordered Commonweale are not limited by the tworld as Aegyptus boasted, but by justice, as Pompey said to the king of the Parthians, when as he would have the riuere of Euphrates to distinguish the bounds of the Roman and Parthian empires.

This haue I briefly objected against the fortifying of cities, & militarie discipline: but many things may be said on the contrarie part. That townes without walls lie open to the spoyle of theeees and robbers, and the lines and liberties of the citizens, to the mercie of their enemies. Moreover a town without walls seemes to be a bait to intice any one that would invade it, who else would have no desire; and leefe power, if it were well fortified: like vnto men that trauell vnarmed, they encourage theeues to kill them, to have their spoyle. For it is manifest, that the sack of cities is a bait for soulediours, and he will willingly be an enemy to them that are weak, that durft not look of them being armed. Besides, the first, and in a manner the only occasion to gather men together into one societie and communallie, was for the tuition of every one in particular, and of all in generall, and of their wives, children, goods, and possessions, the which cannot in safety without walls. For, to say, that men will make a wall against the enemy, that may well be when as they must fight: but those which must make defence, are not commonly the fourth part of the inhabitants, for that there are always more women than men, besides children, old men, sick men and impotent, who can have no recourse but vnto walls.

It is a ridiculous thing to say, That men without walls will be more valiant: if that were true, what need we any offensive armes to affront the enemy, may rather it should be necessarie to command every man to fight naked, as Ifadas did, being one of the goodliest and most valiant gentlemen of Sparta, who seeing Epaminondas with an armie of Thebans fighting with the Lacedemonians, and laboring to enter into their citie, he stript himselfe naked, and with a pertussian in one hand, and a sword in the other,
ther, he chargeth the enemy desperately, whereas he did valiant exploits: for the which the seigemeant gave him a crowne, but he was condemned in a fine, having so rashly abandoned his life unto the enemy, being unarmed. In like sort should the Senat of Sparta have been condemned in a great fine, for that they had abandoned the people and so great a city to the mercy of their enemies, having no walls, the which without doubt had then fallen into the Thebans power if they had not been fortified with ditches and rampars. If a rampart did then availe for the safetie of the citizens, who doubts but walls will be more profitable? and if walls make the citizens cowards, mutinous, and rebels, why did they not fill up the ditches of Lacedemon? But the event doth shew which of the two is most profitable, for Cleomines king of Sparta having loft the bataille of Selatia, having no place of retreat was forced to flie into Egypt, abandoning his estate and country to the enemy, who presently entred into the citie of Sparta without any resullance. And if walls make men cowards, Lysander having taken Athens, would not have razed the walls, the which Themistocles and Pericles had caus'd to be build for the defence of that citie, the which was afterwards the most flourishing of all the East. To say that the enemy shall not be able to hold a countrie if there be no walled townees, I yeald unto it: but who shall keepe hime from the spoile of cities, from burning of houfes, from mutthering of men, rauiishing of women, and leading children into captiuity, according to the antiquet warres, that is, of the stronger: all histories are full of these calamities. There is also, as small reason to thinke that weake townees and without walls will compound with the enemy, and not flie out; where as contrariwise an enemy that shall fee the entrie caifie, will never allow of any reasonable composition, which otherwise he would do, finding a dificultie to besiege and to force a town well fortified. Moreouer he sees not but a small fort doth oftentimes stay a great and mightie armie, whereof we have too many examples: and many times thowe which do besiege are besieged with cold, hunger, and diseasles, and for one they kill within, there are a hundred slaine without. Constantinople did induce the Turks siege eight yeares, vntill they were relieved by Timbran emperor of the Tartars, who defeated Bajazet king of the Turks with all his armie. Even so the king of Fez induced a siege seven yeares in the towne of Fannara against the king of Marocco, whose armie in the end was confum'd with the plague in the yeare 1412. And the towne of Mecca in Affrike held out also seven yeares, whereas the enemies died for the most part, and were forced to depart with shame and losse. And in our age the citie of Metz (although it were nothing so well fortified as it is at this day) did long refit the armie of the emperour Charles the fit, and was a buckeler unto all France, which had been in great danger if the emperour had not found this towne well fortified, from whence he was forced to depart, being both himselfe and his armie besieged with hunger, cold, & many diseasles. The citie of Tyre held out great Alexander seven moneths, during which time the king of Persia had good means to leaue forces, and to provide for his estate. And if walls made men fainthearted and cowards, why did the Romans fortifie their citie, being the most valiant people that euer were? And it was available for them to have good walls, when as Marcus Coriolanus, the Tarquins, Hannibal, and others did besiege them, and burnt even unto their gates. And euene when as the Gauls had forced and whole burnt the citie, their estate had beene verry ruind if they had not retir'd into the Capitell. The like had happened vnto the Pope and Cardinals after that the armie of Charles of Bourbon had fackt Rome, if they had not fled into the castell S. Ange, where they were besieged as long as the antiquet Romans were in the Capitell. And euery man knowes that countries without forts are prettily conqueoted vpon the first bataille that is woon within the countrie, as we reade of England, which
which the Saxons conquered from the ancient Britains, who were expell'd, and their enemies took the possession. After the Saxons the Danes entred, who were lords of it for the most part; then William the Conqueror by the means of one only victorie became absolute lord, and took the possession thereof. And during the quarrels between the houses of Lancaster and York, the realm was lost and reconquer'd thrice in fixe moneths: as if Henry the first, Edward the fourth, and the earle of Warwike had plaid at base; and although that Edward in the end enjoyed the realm, yet soon after his death his brother Richard Duke of Gloucester (hauling made himselfe king by the murder of his nephues) was defeated and thall'd by the earle of Richmond, who had bin banished into France, from whence he brought to me small aye which king Lewis the 11. had given him. The which happens not in fortified countries where there is any retreat for which cause the Romans did never camp but they call vp a trench about the atonie of 25 foot broad, and most commonlie with palisadoes; neither did they euer give bataille but they left a garrison within their camp, to make good the retreat if their enemies were the stronger; the which hath releas'd them in great losses, as Paulus Feniulius did wildly discouer into the armie before that he gave bataille into the king of Macedon, saying, "Major nostris castra muniant portum, ad annes caue, exercitus descebat esse,..." the Romans were well able to defend it, and afterwards to reconquer it. The other earle of Warwike, who was vndertaken by the king of France, the two aye we are left, was thought to be of such a strength, that he might welle be able to bring the king of France to battle; but the earle of Warwike was so weak, and was so foolishly vanquish'd, that he could not long resist, nor vanquish him which is much more stronger. These reasons shall serve to prove that it is necessarie to fortifie towns. We will in like maner hold, that the citizens must be instruced in martiall discipline, for that seeing by the lawes of God and nature we may defend our lives from violence, and our goods from spoyle, we must then conclude, That it is needfull to accustom the subiects to armes not only defensively, but also ofency, to protect the good, and offend the wicked. I call all those theues and wicked which make warre vnjustly, and take away an other mans goods wrongfully, and even as we ought to punish and take vengeance on subiects that bee theues and robbers, so must we of strangers what royal title soever they carrie, this is grounded upon the law of God and nature. Neither is it true that Tully writ, That no warre was just but for the recovery of ones owne; on that was denounced before into the enemy for the proclaiming of warre makes it not just, but the cause must be necessarie: there can be none then more just than to defend the lives of innocents. There are other private considerationes besides these: for the best nicanes to maintaine an estate, and to prevent it from rebellions, seditions, and ciuill warres, and to entreate them in loue, is to have an enemy against whom they may oppose themselves. This appeares by the example of all Commonweales, and namely of the Romans, who must could find a more safe and surer remedie against ciuill warres, than to affront the subiects with an enemy; for being on a time at warre among themselves, the enemy entered the towne, and seiz'd upon the Capitol, but suddenly they were reconquer'd, and expelled him; a while after the Venientes seeing them returne to ciuill warres, they began to wafe and spoyle the Roman territories, but the Romans were soone agreed, discharging
their choller vpon them, so as they never ceafted vntill they had razed their cite, and
made the inhabitants subiect. And about the same time the princes and people of
Tuscanie hauing conceived against the Roman state, fought to nourish seditions and
diuision among them, saying, That their power was inincible, and would alwayes
grow, if it were not made weake by ciuill warres, the which is the only poyson to make
Empires and States mortall, which else would be immortall. In like cafe the people of
Spaine being teuouled from the emperour Charles the fit, forcing in a manner the duke
of Calabria to accept of the Crowne, being thus in armes vnto against an other, king
Francis the fitth sent an armie which recouered Fontarabie and the kingdom of Na-
warre, but sodenly this ciuill warre was pacified among the Spanyards, who with one
common content fell vpon the french, and recouered that from them which they had
conquered, else the state of Spaine had been in great danger, as many have supposed, if
the french had temporized a while. And without any further search, we have a presi-
dent of this realtime, the which was in great hazard in the yeare 1562, if the english ha-
d not fet footing into France, hauing seazed vpon Newhauen, but presently the ciuill
warres ceafted, and the subiects agreed to fall vpon their common enemie, which the
english perceiving, they haue since resolued to let the french fight and ruine one an-
other, and afterwards to invade the realtime without any difficulty or resistanc. But I
will returne to foraine examples, (and I would to God we had no domesticall presi-
dents) to shew that it is a hard thing and almost impossible, to maintaine subiects in
peace and loue, if they be not in war against some enemie. It is apparant in all the hi-
stories of the Romans, who after they had vanquished their enemies, presently fell to
mutiny, for which cause the Senat entertained warre, and deuiled enemies when they
had none, to keepe them from ciuill warres, the which they continued vntill they had
extended their frontiers vnto the lands of Orcades, to the Atlantike sea, to the turrets of
Danubius and Euphrates, and to the deserts of Arabia; and hauing no more enemies to
make head against them, they murthered one an other most cruelly, and so much the
more, for that they were growne mightie, and had few enemies, as in the ciuill warre
betwixt Cæsar and Pompey for rule, whereof Cicero speaking said, Bellum pum ac nece-
sfarium visum est, ciuebus tamen existibile, nisi Pompeius victor, calamitatem etiam si vic-
cerit: It teemes, said he, to be a godly and necessarie warre, yet fatall vnto the citizens
vntlefte that Pompey winne, and lamentable if he do winne: But it was more cruel betwixt
Augustus and Marc Anthony: for which cause the emperour Augustus had chang-
'ed the popular estate into a Monarkie, was not so ill aduised as to discharge the fortie
legions, but he teneth them into provinces, & vpon the frontiers of barbarous nations, to
entertaine them in martiall discipline, and to prevent all occasions of ciuill warres at
Rome. But the emperour Constantine the great (following the counsell of some Bi-
shops and miniters vnaequainted with matters of state) discharged the legions, which
made them forget the antient martiall discipline, and opened a gate to barbarous na-
tions, who invaded the Roman empire of all sides, whereby it appeares that lawes, ju-
lice, religion, subiects, and the whole estate next vnder God, is in the protection of
armes, as under a strong shield. There is yet an other reason of great moment, to shew
that it is necessarie to entertaine martiall discipline, and to make warre, for that there is
no cite so holy, nor so well goberned that hath not in it many theues, murtherers,
idle persons, vagabonds, mutines, adulturers, and diceplayer, which leade a wicked life,
and corrupt the simplicitie of good subiects; neither can lawes, magistrates, nor any
punishment keepe them in awe. And even it is commonlie said that gibets are set vp
but for beggers, for that statutes and ordinances in many places are like vnto spiders
webs; as Anarchis said vnto Solon, for that none but weake flies are taken in them, and
great
great beasts breake easily through them. There is no better meanes then to purge the Commonweale of this infectious filth, then to send them to the warre, the which is as it were a purging medicine to expell corrupted humors out of the vnierfall bodie of the state. This was the principall occasion which moved Charles the wise king of France to send succours to willinglie vnto the baflard of Castile vnder the conduct of Bertrand of Guescin Constable, the which purged France of an infinite number of theues: Even so did Lewis the 11 to the Earle of Richmond; and both the one and the other not only purged France of idle persons, but also returned with honor to have fed two kings in their effairs, from the which they were expelled. Moreover, the militarie discipline of the Romans which should be common to all nations, made a coward valiant, an intemperat man modest, a flothfull man active, a prodigall man frugall, and a licentious man continent: neither is it sufficient for a captain or souldier to know how to fight, but there are many other excellent arts which be companions to this vertue, that is to say labor in busines, resolution in dangers, temperance in desires, industry in action, speed in execution, and counsell in providing, these are necessarie for the arte of warre. The subject then being instructed in militarie discipline, is not infected with lust, licentiousnes, impietie and sloth, but being wicked and impious, they imure themselves to all kinds of vertue if they learne the precepts of the Roman militarie discipline and arte of commanding. Besides, there is nothing that contains the people within the dutie of honor and vertue more then the feare of a warlike enemie. The people of Rome (faith Polibius) were never more vertuous, nor the subjects more obedient vnto the magistrates, nor the magistrates vnto the lawes, then when as Pyrrhus at one time, and Hannibal at an other were at the gates of Rome; but after that Perseus and Antiochus were vanquished, hauing no enemie left whom they might feare, then vices began to take root, and the people fell into superfluities and delights, with corrupted all good manners, and blemished the beautie of their ancient vertue. O how wisely did Scipio oppose himselfe in open Senat, that the citie of Carthage should not be razed, forsetting they either should have ciuill warres, or that the vertue of the Romans would foone decay, hauing no enemy to contend withall, for even as moderate libertie pufhes men vp, and makes them proane to all vices, so feare retaines them in their duties: and we must not doubt but the great polititian and governour of all the world as he hath given to every thing his contratie, so hath he suffred warres and hater among nations to punishe one by an other, and to keepe them all in feare, which is the only comptroller of vertue, as Samuell in an oration which he made vnto the people saiied, That God had fitted them vp enemies, to keepe them in awe, try them, and punishe them. And that I may conclude brieuely, if there be no respect had of so many commodities, yet let vs haue a care of the health and necessitie of the Commonweale, lest it grow want and desolate through the spoiles and insolentie of the enemie, for when as the enemies forces are neere, although there be no inuation, yet the flocks are foraken, the village is abandoned, and all traffike ceafleth; and often times the whole yeares fruits are lost at the tumor of any danger, or the terror of warre. Who will then doubt but the subjects should be trained vp in armes, in the which there is not only much glorie and profit, but also the health of the citizens, the help of their neighbors, the fortunes of the subjects, and the securitie of them all. By these reasons it appereth, that they are much abused which thinke that the only end of warre is peace. And if it were so, what better meanes were there to haue peace in despight of the enemie, then to let him know that you have meanes to make warre? Neuer wise Prince nor good Captaine made a peace viaturned, and as Manlius Capitolinus said, Offendite modo bellum, pacent habitis, uidant vos paratos ad vict, sus ipsi remittent: Shew them warre.
warre said he, and you shall have peace, let them see you readie for force, and they will do you right. These reasons are partly true and partly probable, and may of either side daize the eyes of the seelest sighted if they looke not neereely vnto them. To the end we may resolve something, let vs distinguishe of Commonweales. I hold then that in a popular estate it is necessarie to traine the subiects vp in armes, to avoid the abowenamed inconveniences, vnto the which a popular estate is by nature subiect; and if the people be warlike and mutinous by nature, as the nations of the North be, being trained vp to armes and martiall discipline, it shall be expedient to affront them often with their enemies, and not to admit any peace but vpon good termes, as a dangerous thing to a warlike nation. And a peace being concluded, you must notwithstanding entertain your fouldiers vpon the frontiers, as the emperor Augustus did, although he had changed the popular estate into a Monarchie; or else send them to Princes that are in league, to be enterained in the art of warre; as the Swifher have wisely done, being a people bred in the mountains apt to warre, and hardly maintaine in peace, enjoying a popular libertie; and by this means they have alwayes had fouldiers nourished and entertained at another mans cost, besides their publike and priuat pensions (which have been great, as I haue formerly shewed) and the assurance of their estate, by means of alliances contracted with fo mightie a king. And as for forts, it is not needfull in a popular estate to haue their townes too well fortified (except it be the chiefe citie, which is the fiate of the popular estate) and much lesse any Cittels or Citadels, least some one threfh on with an ambitious defire of rule surprife them, and change the popular estate into a Monarchie: as Demis the tyrant did, hauing surprised Acradina the fort of Siracusa by fraud. Or else the enemie may take them & forfiue them, as the Lacedemonians did, hauing razed the walls of Athens, they left a garrifon in the Castell: and doing the like vnto the popular estate of Thebes, they tooke their fort called Cadmee, leaving a garrifon in it. For there is no meanes to subiect a people, or to change a Democracy into a Monarchie but by Cittadels, so did the tyrants in old time: and in our age Cojine de Medici duke of Florence had made two Cittadels in Florence, with a garrifon of strangers, hauing found by experience that it was impossible to change the popular estate into a Monarchie, and to assure his life among the people: and therefore the Cantons of Vt, Vonderfeld, Glaris, and Appenzell, which are alll popular, have no walls, like vnto the rest which are governed Aristocratically. We will gue the fame censure of Aristocratia in regard of forteffes, as of a popular estate, the which is so much more to be feared, for that it is more easie for one of the commanders to win the common people to his will, and to incenc them against the chiefe men. But as for royall Monarchies, if their bounds and limits be large, it is not expedient for the Prince to build Cittadels, not places of strength, but upon the frontiers, to the end the people may be without fatee of tyrantizing; and yet hauing fortified the frontiers of his estate with places impregnable, the subiects will still think it is against the enemie, and the Prince at neede may vie them against all enemies, both strangers and subiects in cafe they rebel: the which nature hath taught vs, which hath armed the head and the extremities of all beasts, leaving the middeft, the bowels, and the other parts vnaimed. But the Monarke is ill advised that doth inuiron a towne with mightie walls, if he doth not withall build a good Cittadell, for that nothing doth more animate the subiects to revolt, the which they would not so easilly attempt, seeing before their eyes Cittadels well fortified. It is also necessarie as well in a Monarchie as in an Aristocritie, that the gouernor of the towne depend not of the capitaine of the Cittadell, nor the capitaine of the gouernor, neither that the capitaine of the Cittadell be a Prince, or a great man: the which is well observed in Turkie, according to the rule.
A rule of the antient Sultans of Egypt, as also our kings do, but the Venetians more strictlie then all others, for that they are forced to fortifie their townes, to defend the subjects against their enemies, and fearing the rebellion of their subjects, who have no share in the government, they have strong Cittadels in their townes, whither they do every yeare send new Captaines besides the Potestates or Govenours, leaft that he should hold the Cittadell as his inheritance. And those of Rhagoule (which haue but one citie and a small territorie) are forced to change their Captaine every day, who is brought into the fort with his face couered. In like fort the Athenians changed the Captaine of their fortresse every day, which was one of the nine Archontes, for the diuultie they had that one of the subjects should make himselfe lord. For the preventing whereof, it shall be needfull to remoue Cittadels from the capittal townes in a popular estate, or an Aristocracall estate, as the Venetians haue done wisely at Venice, to take all occasion from the duke, and to free the gentlemen from suspition of any alteration in the state. It was wisely provided in England, Turkie, Muscouie, and in a manner by all the kings of the East and of Africa, that no subject should fortifie his house in the country, for if the maitet of a privatee castel be a great man, he will soone take an occasion to reuolt, if he be poore, to rob; and for this cause the imperitall townes of Germany haue oftimes razed gentlemen's castells, that rebels and theeues might have no retreat, the which the Switseres haue done throughout all their countrey, having expelled the antient lords. But this were a dangerous thing in an antient Monarchie to ruine private mens castells which are of strength, but well they may prohibit their subjects not to build any more without licence from the Soueraigne, who may not easilie grant it, for that it is sufficient to have a house able to defend him from theeues, and thus much for fortifications. But the question is not small, if in Aristrocratia, the better fort only, which command, are to be trained vp in armes, or all the people, or else wholie to banishe the arte of warfare. If the common people do once become soouldiers, it is to be feared they will attempt to change the state; to have a part in the government, if they be not always employed against the enemies, as I haue shewed before by many examples; and if none but the better fort be armed, they shall be soone defeated, and will cause a necessarie change of their estate: but if they will quite banishe the arte of warre out of their Commonwealth, they shall remaine a skorne and pray to all their neighbors, if they be not strieke allied unto the strongest, or else if they haue not townes that be inaccessible and forts impregnable, as the Venetians, who fearing the aboue named inconueniences, have banishe the arte of warre out of their Commonwealth, as Cardinall Contareus faith: the which is rather to be attributed to sloth, then to any let or positve law, for that within these two hundred yeares they were very warlike, and obtained great victories of the Genoites, but pleasing themselves with the continual fruits of peace and eafe, they haue neglected the practicall of armes, impoying strangers in their warres: neither can they indure any gentleman of the feigniterie to be a commander, but if they know any Venetian gentleman that aspires to the warres, and that follows the courts of other Princes, by and by they call him home, desiring rather to have an Almain a Bargamaco, or a stranger for their general, if they make warre by land, than one of their owne lords, and an armie of strangers rather than of subjects: but withall they send a Promtador or Commissarie, by whose counsel the General is governed. And although there be many inconueniences, to have a Commissarie command a Generall, a citisen strangers: one that understands nothing in matters of warre, them that are bred vp in armes: yet by this means they avoid many other daungerous which are not lefle: the which we haue seen fall out in their Commonwealth, whereas they vled none but their owne subjects and forces.
I

Why the Venetians involve strangers in their wars.

The captivity of Venice most unhappy.

The Venetians desire peace with their foes.

A generous prince demands neither peace nor war.

over the ele.

ut reproved by his subjects for demanding of a peace.

Charles the eleventh demands a peace safely of the duke of Bourgogne.

histories are full of conspiracies, seditions & civil wars, which they had in the midst of their city. The Carthaginians, being not yet well instructed in the art of war, were wont to send for Lacedemonian captains, which should lead a Carthaginian army under a General of Carthage; yet would they never have both General and armie strangers, lest their Commonweal should fall into the power of strangers. If warre be not to be undertaken, but for the repelling of injuries, and to enjoy peace; and that it beiseith to make a Commonweal happy to keepe their owne, to have their places neere unto their enemies well manned and fortified, and to enjoy the fruits of a desired peace; without doubt the Seigneurie of Venice may justly tearme a felie happy, which had not only the feast of their empire by nature and are inexpugnable, but also have their townes and fortresses upon the continent so well fortified; as they neither need to fear the invasions of their enemies, nor the rebellions of their subjects eating little for any new conquests, or to extend their bounds. We see the Venetians do flee from all occasions of warre, as from the plague, and they never enter into it but by constraint, and seeke for peace at what price soever, even with the loss of their reueneues; as we may see in the treatise which they made with pope Julius the second, and the emperor Maximilian, and the king of Naples, in the yeare 1508, their ambassadours being humbled at their feet, yielding to all which they demanded. As they did in like manner to Sultan Selim in the yeare 1570, abandoning the holy league to purchase his peace, after they had lost a goody kingdom. And even as beafts which haue no offensive armes, as harts that haue no gall, as Stagges and Doe seeke to safe themselves from the hounds and hawke, by flight; so are not to be blamed, that Commonweal to bee less effectued, which syes for peace, hauing no meanes to resist: the which would be difhonorable in a warlike nation, or for a conquering prince, who cannot demand a peace of his enemie without blushing. There was nothing that did so long protract the conclusion of a peace betwixt king Henrie the second, and the emperour Charles the first, as a certaine rumor spread abroad, That the emperour demanded a peace: which was to get the highest point of honour, which a generous prince may desire, ye if he were entered into anothers country. As the same emperour did in the yeare 1543, hauing thrust all the forces of the empire, and his owne, into this realme, with those of the king of England on another side, who had already diuided the realme betwixt them (as Stedan faith) if the pope had not forced the emperour to make a peace: which the king would neither demand, nor accept, but with reasonable conditions. Although that Lewis the eleventh demanded it of Edward the fourth, king of England, as soone as he was entred into Picatdie, and bought it dearly, eating little that the earle of Lude and other his favourites called him cowardly king. But his father Charles the eleventh did a stranger thing; for to obtaine a peace of the duke of Bourgonghe, his vassall and natural subject; he sent the confable of France, the chauncellor, a marshall of France, and many other great petfonages, to treat a peace with him, who in open assembly, and in the name of the king their maister, cawed pardon of the duke, for the death of John duke of Bourgonghe, confessing openly, That the king had done ill, being young, indistinct, and ill councelled; intreating the duke, that he would forget his discontent: the duke said, That he did pardon the king for the honour of God, and compasion of the people of France; and to obey the councell of the pope and other christian princes that had intreated him. A flawe could not behaue himselfe more humbly and abeantly vnto his maister, than the king did vnto his subiect, to restore the realme to his first beaute, and to expell the English, as he did soone after. The Romans would rather haue lost their estate, than once to have dreamt of it: For wee cannot find that at any time during seuen hundred yeares, that they had warres with all nations, that they
A they ever daunted peace but of the Gauls, who held them besieged in the Capitol, after they had burnt their citie: and of Cariolamus: But contrariwise being vanquished by the power of king Perseus, they would never accept of any peace of the victor, unless he would submit himself and his kingdom into their mercy, although he offered to pay them tribute. And when as king Pyrrhus (after that hee had obtained two notable victories, and was maister almost of all Italie) sent his ambassadour to Rome, to treat a peace upon reasonable conditions: they were answered: That the Romans would not treat of any peace, except that Pyrrhus did first depart out of Italie: and that they did contend with him for their honours and dignities, not for their liues and fortunes. The king receiving this answer, said, That the Romans could not live in quiet, neither conquerors, nor conquered. This was the answer of a valiant people, who knew their owne forces to be able to make head against an enemy: the which would be very much unbecitting a weake prince, who must (like vnto a wife pilot) strike fails, & yield vnto the tempest, that he may recover a safe port, & not to make necessitie subject to ambition: as the Vauoid of Tranfluniaria did, who said openly, That he had rather bee slaine vnto the Turke, than allied vnto Ferdinand, and so afterwards it fell out. Wee have an example of the great Knez of Moscouie, who seeing the Procope of Tartatia entred into his country with eighteene legions, knowing well that he was unable to make resitance, he went to meet him unarmed, and humbering himselfe before him, he fauad his people and his estate from an inevitable ruin, yet holding his countrey by yealding hommage to the Procope. But being at this day equall or greater in forces, & freed from the eftitude of the Tartar, all princes would forsorne him, if he should demand a peace, especially hauing receiued an injurie. For that prince that beares an injurie, will soone endure to have a law prescribed him: and if he once sufter his enemie to give him a law, he shall soone be reduced into flauerie. But howsoever, a mightie prince (if he be wise and valiant) will never fecke for war not peace; if necessitie (which is not subject to the lawes of honour nor force) doth not constraine him, neither will he euer give bataille, if there be not more apparant profit in the victorie, than of losse: if the enemies should vanquish: as the emperour Augustus said, who for this reason never gaue bataille but upon necessitie. But it is not vnfitting a poore prince, or a small seigneurie, or for him that makes no profession of armes, to demand peace in his losse. As pope Iulio the third, who daumed peace of king Henrie the second, calling him before God, to judge of the wrong which hee had done him: The king grunted him a peace, and said, That he would appeare before God; but hee doubted the pope would not shew himselfe. Wherewith the pope, who was of a pleasant disposition (seeing the letters which were signd by the king in the camp lying at Metz, in the yeare 1552) was very glad, although in shew he seemed to bee grieued; saying, That it was not the king that had inditted those letters, but the capital enemie of the churche. And as the greatnesse of courage and magnanimitie is the light of all other vertues, and which doth advance princes to the highest point of honour; so is it the onely vertue which doth moost daunt an enemie, although he be mightie and warlike and oftimes gives the victorie without blows: as Furius Camillus hauing sent home the children of the Falifques, whom their Schoolemaister had brought into his camp, he conquered their citie without striking stroke. And Fabrius hauing sent vnto king Pyrrhus the Phyfitian which offered to poison him, refusing halfe his kingdomes and his Treasure (although he were one of the poorest gentlemen in Rome) and causing their ransomes to be paid, whom Pyrrhus had freely let at libertie, beeing loath the Romans should be bound in any respect vnto fo great a king. Or as Scipio who hauing conquered a good part of Spaine with little paine, sent backe a ladie of his.

B The Romans never demansed a peace of any buttwise.

C The Romans of an unlaunted resolution.

D Whcre with a prince should guie bataille.

E A flaw of courage doth many times daunt an enemie.
gular beautie vnto her husband, prince of the Celtiberians, imitating the example of Cyrus. These vertuous acts tooke from their enemies all courage, to make any more warre against so valiant and magnanimous a people, who could neither bee vanquished by honour, nor vanquished by treacherie: the which was more apparant after the battle of Cannes, Hannibal having appointed eight thousand Roman prisoners to be releas’d for an hundred crowns a piece one with another, hoping that the Romans who had lost so many men, would willingly pay their ransoms: but the Senat decreed, That no one should be redeemed at any rate, giving all to understand, That either they must vanquish, or be slaves to the enemy: Wherewith Hannibal was so amased, and daunted, as he dispaired euer to vanquish the Romans. And contrariwise the Romans did allure their eflate, which was much shaken and abandoned of all friends and allies. For the Senat did well imagin, that Hannibal having sucked so much blood of the Romans, he would also exhaust their treasure, in drawing from them eight hundred thousand crownes, and restoring vnto them the vertue of the greater part of all the Roman armie; making euer one to resolve either to vanquish or die, having lost all hope of libertie, whereby they became feasale full and inuincible. And even as they never faught in their losses, so were they never proud nor arrogant in their victories. For when as Antiochus the Great having lovt a goodly armie, sent his ambassadours to both the Scipioes, offering to accept of what conditions the Romans pleased: Whereunto Scipio the African made an answer worthy of a great and vertuous prince, That the Romans lost no part of their courage when they were vanquished, nor of their modestie, when they did vanquish, demanding no harder conditions after their victorie than before. But the advantage which the Romans had, was, that they made warre in their enemies country, having magazines of souldiers in Italy, to supply their armies if they were defeated: or if they conquered those countries where they made warre, they might add them to their empire, & plant them with their owne colonies. A wise prince will never attend an enemy in his owne country, if he may slop his entrice, unless he hath another army ready, or a snare receiued in some places of strength, else he hazards his whole estate upon a victorie; as Antiochus, Perseus, Iuba, and Ptolome the last king of Egypt did against the Romans: Darius against Alexander, and oftentimes the French against the English. And for this cause Lewis the grosse vnderstanding that the emperor Henry came with a mightie power to make warre in France (the king having receu’d Pope Gelasius into his protection, and suffered him to excommunicate the emperor) he gathered together an armie of two hundred thousand men, as Sygurrus abbat of Saint Denis in France hath left in writing, and went as farre as the Rhin upon the territories of the empire, which was the onely cause that made the emperor to lay aside armes, and to accept of what peace it pleased the king. In like sort Philip Augustus deserv’d that the emperor Otho the second, the king of England, with the potentats of the Low countries, came into his realme with a mightie armie, he fortify’d his places, marched out of his frontiers, and defeated them in battle. And if king France the first, when he left his armie before Pania, and himselfe taken prisoner, had receu’d such an ouerthrow in the hart of France, this realme had bene in great daunger; but changing in Italie, the conquerors contented themselves with the victorie; and the subjectes in the mean time had leasure to rally their forces, and to fortifie their frontiers.

Many hold opinion, That a loueraigne prince should not hazard his peron on a day of battle, especially if the enemy be entred into the hart of his realme: It is true, if he be a coward and base minded: but hauing the reputation of a valiant and generous prince, he doubles the courage and force of his armie, and so much the more if he be beloved of his armie, and his presence works a wonderfull effect, when he is seen of them.

The presence of the prince is of great consequence to vanquish an enemy.
them all, and cutic one scence of him, for oftentimes shame retaines a flying armie, seeing the presence of their king, and fearing lest he should fall into some daunger, Virget ennum (vit ait Maro) prefentia Turni. The presence of Turnus (as Maro faith) doth urge them to fight. As it happened to Cefar before Therouenne; and in Spaine, fighting for his life against Pompeis children, where the bataille had bene loft if he had not bene present. And many beleue that the victories which Edward the fourth got in nine batailles, was, for that he did alwaies fight on foot. How many princes and great men do willingly follow the kings perfon, which else would not match vnder any others command. For when as Eumenes was very sicke his armie refused to fight, unless he were brought into the campe in a litter; such confidence they had in his presence. Yet would I not that a foueraigne prince or a Generall, should do the office of a privat soldiour, putting his life rashly in daunger; as it is said of Pelopides, Marcellus, Gaston de Foix, duke of Nemours, and many others, whole death hath drawne after it the hazard of the state.

I will not here treat of the art of warre, which many have handled, but onely that which concerns the state. I conclude then, that a prince having well manned and fortified his frontiers, if he doubts that the enemie will enter into his countrey, let him prepare him, and put the warre as farre from him as he may: and if he be entred, not to hazard his estate and perfon rashly vpon the event of a bataille, especially if hee have to deal with a warlike people, who commonly get the victory being brought to dispaire, knowing well, that there is no means for them to escape death in an others countrey, if they be vanquished, having neither fort, retreat, nor any succour. Amongst many we have a lamentable example of our king John, who chose rather to hazard his life, his nobilitie, and his whole estate, in a doubtfull bataille at Poitiers, then to grant a peace unto the prince of Wales, and the English armie, who demanded only to depart with their liues; there did ten thousand delparat men defeat an armie of fortie five thousand French, and led away the king captiue. Gaston of Foix committed the like error, having defeated the enemie at Rauenne, seeking to puttie a squadron of Spaniards that fled, he lost his life, and left all that hee had conquered in Italie in prey to the enemie.

What should I speake of ancient examples, the histories are full of them: but there is none more famous than that of Cefar, whose armie was in dispaire though famine & want, being environed both by sea and land with the enemies towns and legions, and had soone perished for hunger; if they had not vanquished, yet would Pompey needs give that battell of Pharsalia, having twice as many men as Cefar. In fo great a dispaire of things, the Generall of the Volcues did incourage his armie with a bref speech, after this maner, Amen armatis obstant virtute pares, sed neceffitate superiores estis. Armed men stand against armed men, equal in vertue, but in necessity you exceed them. And another captaine of the Samnites said, fuitum est bellum quisque necessarium, & pia arma quisus nulla nisi in armis relinquatur: pes, That war is just to whom it is necessarie, and those armes religious to them that have no hope but in armes. And therefore Fabius Maximus (the last of that familie) endured all the scornes and disgraces of his enemies, rather than he would commit the fortune of the Commonweale to a doubtfull battell: and in the end he reaped the honor, To haue preestuie his countrey. Whereas Han- nibal having hazarded a bataille against Scipio, who went to besiege Carthage, to draw the enemie out of Italie, loft both his armie and the estate. It is no good conquence to say, that the Romans fought three batailles with Pyrrhus, and as many with Hannibal, in the heart of Italie, for that they had magazins of men of warre, as well out of their owne countries, as from their allies: the which they could not want, for that by the laws cueteric one was forced to carry armes at seuentene yeares of age, and were not freed from

How a prince or Generall should carry himselfe in a bataille.

It is dangerous to fight with a delparat armie.

Necesitate of an invincibell force.

No prince should fight a bataille, but constricted.
from them vntill fiftie fие: neither was it lawful for any man to demand an office or benefice, that had not carried armes ten yeares. And at one time there were two thousand citizens excluded from the Bourgeoiship, for that they had bene foute yeares together absent from the warres, except they which had bene dispersed withall upon some just cause (as Titus Livius faith) to the which discipline they were at the first constrained by the incursions of their bordering neighbours, being jealous of their greeft: But having afterwards brought all the people of Itallie vnder their subjection, or treated alliances with them, and finding that a people gULE to armes, could not live idly in peace without civill warres, they found it expedient for the good of the Commonweale, to feck out new enemies, making warre sometimes to revenge the wrongs done vnto their confederats: and sometimes defending them against their enemies, granting triumphes, honourable estates, and great rewards to valiant captains. The which was wisely ordained by the Senate, as an healthfull remedie against civill warres; the which Belin the Tribune of the people did object vnto the Fathers, That warre was lowne vpon warre, that the people might never be at quiet: and therefore there was no distinction betwixt military charges and offices of justice: So as one and the same citizen, might be a valiant Captain, a wife Senator, a good Judge, and a great Orator: as it is said of Cato the Censor, who was well skilled in tillage, as it appeareth by his bookes, yet was he so skilful to leave his armes to goe to the plough; or to leave the plough to plead, sometimes to be a Judge, to sacrifice, or to play the Orator before the people or Senate. And Caesar was high Priest, and in Tullies opinion a most excellent Orator, and the best captain of his age. There were many not only in Italy, but also in Greece, that excelled in the art of warre and policie. We read in Julius Pollux, That the Athenians were bound to goe to warre at fourteen yeares, and continued vntill threecore. Therefore Aristides, Pericles, Phocion, Leonidas, Demetrius the Thalian, Alcibiades, Themistocles, and infinite other Grecians, were like vnto the auncient Romans, and did excell in the art of warre and policie. But the wisest politicians did seperat the art of warre from other vocations. In the Commonweale of Creet euerie man was not allowed to carriage armes, but certaine speciall persons: not in old France, whereas the hosfemen had this charge, and the Druides were exempt. In Egypt none but the Calafires were men of warre: the which Lieurgus did allow. And therefore Plato diuided the citizens into three orders, Keepers, Men at armes, and Labourers: imitating the Egyptians, who made three seuerall kinds of estates. By little and little the Athenians made a distinction of Armes, Policie, and Justice; and so did the Romans. And truely in this short course of our life, there are few that doe excell in politike arts, but in both not any. It seemes that Augustus did first take from Senators, Proconsuls, and Gouernours of Provinces, the power to weare armes: so as in succession of time they called offices without armes dignities; as wee read in Casiodorus, Quamuis inquit, omnia dignitatum officia manu secladantur armata. & civilibus vestibus indui videantur qui nullius inam peractum operiari: mens dignitas tamoribus eratur, quando bellicus velbus etiam pacatis accingitur: arma ista inuis sunt, non furoris. Although (faith bee) that all offices of dignifie bee excluded from armed hands, and that they seeme to bee attired with civill garments, that are taught to labour in the difficulties of the Commonweale: yet the dignifie seemes to be pluckt from terrours, the which is guilt with a warlike sword, even in the quietest times: these be the armes of Justice, not of war. And consequently all nations by degrees, haue separated foudoiours from feollers and men of justice, beeing a difficult thing to excell in one art, but impossible in all; nor worthy to exercise many victories. Moreover it was a thing almost impossible, to traine all the subiects of a Commonweale
A weale vp to armes, and to maintaine then in the obedience of the laws and magistrates. This was haply the cause which made king Francis the first, to cast the seven legions of foot, which he had erect ed within this realme, in the yeare 1534, euer legi on containing six thousand foot. And although that his fonne Henry did renew them twenty years after, yet was he forced to alter his opinion, seeing the Commonweale troubled, and mutinies gowme in many places, by meanes of those legions. And yet in the opinion of strangers, and of those that have industriously examined the goodly ordinances that were made to that end, there was never any thing better instituted for the art of warre, the which is as necessarie in this realme, as in any part of the world. being enim tiona with warlike and mightie nations, which make a common prattice to spoyle; like to a country of conquest. Yea if they had entertained but foure legions of foot, besides the troopes of horfe, for the defence of the realme, and placed them as it were in garrison upon the frontiers, they had proued wisely for the saefie of the Commonweale. France is not the twentieth part of the Roman empire, for the guard whereof of Augustus Cæsar laid, That foure legions did suffice; being but fute thousand men in a legi on. The foure legions of foot and troopes of horfe, paied in time of peace, according to the ordinance of king Francis the first, would not have cost three hundred and fette thousand pounds staring, and yet is it halfe as much more as the legions had in Augustus his time: and the whole pay of the men at armes of France, in the yeare 1560, came but to 235300 pounds staring, as well the old bands, as the men at armes.  

And Augustus entertained foure legions of horfe, and foot, besides his and the citie guards, and two namees for the defence of both seas, keeping the emprise safe from for ren and ciuill warrs, and all for twelve hundred thousand pounds staring a yeare, with an excellent description of all orders: the which other princes shoulde propound unto themselves, to imitate as Orosius, Dion, Tranquillus; &c other writers have described it in their monuments: and yet was it not lawfull for the Roman fouldiours (notwithstanding their small entertainment) to rob and spoyle: as we see at this day. This was the means to maintaine martiall discipline, to defend the rights of citizens, and allies, and to repell the enemy: Elie if you be prett with warr, you shall be forced not only to abandon your neighbours, but also your country: or else in this extremitie you must vie untrained fouldiours, who become cattaines before they were ever fouldiours: or else forced with necessitie you must beg and buy follen succours at a deere rate. I doe not thinke that follen succours are to bee reected, as many suppose: for there is no great empire can be augmented, without the succours of confederates, neither can they long reft the violence of an enemy: but I allow of those succours which come from allies, that are united together in an offfensive and defensive league, as the Cautions of the Suisse be: or at the leat in a defensive league, as they bee with the house of France. For by this means they are not onely the more strengthe ned, but they also take from the enemy those succours which he might draw from them, and the occasion from all men to make warr against either of them, whereof he meant to be a professd enemy vnto them both. But I desire that the confederates should bee tied by a mutual bond, and altogether equal, to avoid the reproaches, quarrels, and inconveniences that grow of inequality. Those leagues and treaties bee vsequal, when as one is bound to pay the debts or affembles of their allies, although they did raife but one companie of fouldiours, and notwithstanding bee tied to pay them a continual pension, besides their entertainment in the time of warre, and succours of horfe and foot at need without pension or pay. Those treaties did our kings of France make with the Caunts of the Suisse, least other princes should draw them to their succours. It is also necessarie in an offensive and defensive league which is equal, that the
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The entertain ment of legions, very necessarie in a flare.

Augustus kept foure legions continually in pay.

It is good to have mightie friends and allies in an equal league.
conquests should be common (as it hath always been among the Cantons, when
they have made warre in common) and that whatsoever is conquered by the one,
should be private, wherein the ancients Italians were circumvented by the Romans in
their treaties; for the Romans having made an offensive and defensive league with
their neighbors the Italians, they had always for one Romaine legation two from their
allies readie paim, and the Generall of the armie was alwaies a Romaine; and yet their
allies had no pension not entertainement from the Romans, nor any part of their con-
quests which were made in common, nor in dignifies and offices, except some townes
of the Latins; which was the cause of the faction or confedertas warre in Italia against
the Romans, who were reduced to that extremitie, as they were forced to give the
right of a citizen, with part of their offices, and their voyces at elections, almost to all
their allies in Italie. The Athenians with the like fraude did circumvent their neigh-
bors and confedertas, from whom they did exact tributes contrarie to their treaties,
neither did they ever undertake any warre but one without the forces of their allies,
whereupon most of them fell off vnto the Lacedemonians when occasion was offe.

It may also be doubted whether it be fit to have many allies, or mercurial
foults of divers languages, for the dificultie there is to speake vnto them, and to encour-
age them by orations, a thing very necessarie in warre. But experience hath taught
vs, that divers nations and divers tongues are easie to govern and leade, as Anniball
did them, having an armie consisting of Carthaginians, Mauritanians, Numidians;
Spaniards, Italians, Gaules, and Greeks, and yet in fiftene yeares space he never had
mutiny in his camp, & obtained great victories; but if such an armie be once mutined,
there is no means to pacifie it: this is the opinion of Polibius, a captain of great expe-
rience, and Schoolemafter to Scipio Afriancus. That which we have spoken touching
the succours of allies, is not to be vnderstood that an estate should wholly relie vpon
them, but a well governed Commonweale must be supported by her owne forces,
and alwaies be stronger than the succours the hast from her allies: for he alwaies
commands the state that is mafter of the force, and will make himselfe an absolute lord
upon the leaft occasion, if he have any desire, the which heuer wants in ambitious
minds. And if allies and confedertas be to be leared in an others countrie when they
are the stronger, what assurance can we have of strange forces, which have no offen-
sive nor defensive league with vs? there is no doubt, but in danger they will be more
carefull of their owne lines than of an other mans, and will attribute vnto themselves
the profit and honor of the victorie, exhausting their treasuries, and growing foults
at their cost whom they劣e. How often have we seene the stranger being the stron-
ger, make himselfe absolute lord ouer them that called him? We have in our age the
example of Caradon, that famous pirat, called in by the inhabitants of Alger, to expell
the Spaniardes out of their forts; having vanquished them, he slew Selim their king with
all his familie, and made himselfe king thereof, leaving the state to Arien Barbarouffe
his brother. And Saladin a Tartar being called by the Caliph and the inhabitants of
Caire to expell the Chriftians out of Soria, after the victorie he flew the Caliph; and
made himselfe absolute lord, and leaft that they of the countrie should attempt any
thing against him, he alwaies employed Tartarians and Circassians (that were faules)
in the warre, and for his guard, forbidding all others to beare any armes: and by this
means he, and his successeurs injoyed that kingdome, vntill that Sultan Selim Empe-
or of the Turks made himselfe lord thereof. By the same means the Herculcs, Gothes,
and Lombarde became lords of Italy, the French of Gaule, the English Saxons of Brit-
taine, the Scotthiffmen of Scotland, having expelled the Britons and the Picts, who
had called them to their succours; and the Turkie of the empire of the East and the
realme
A realm of Hungary, being intertreated by the Emperours of Constantinople and the
states of Hungary. And the Emperour Charles the fist had reduced Germanie into the
form of a Proutince, and made it hereditary by the same fraude that the rest, when
as a part of Germanie vnder colour of religion called in the Spaniards and Italians,
for having subdued the princes of Saxony, he labored to subiect the rest vnder the spa-
nish empire, intending to make Philip his fonne king of Germanie, if Henry the second
had not freed them with the forces of France, who for this cause was called by the
Germaines in their printed bookes the protector of the Empire, and the defunt
of the Princes. The which the princes of Germanie having foreseen, did bind the
Emperour Charles the fist in the twelth article of his oath, that he should never bring an
armie of strangers into Germanie; but since the Emperours death the Electors did
sware never to choose a foreign prince Emperour; yet if the states of the country
cannot agree upon a fomentaigne prince, it is better to have a prince from a farre coun-
trie than a neighbour. And for this cause the Etolians made Antiochus king of Asia
their Generall for a yeare, the Tarentines king Pyrrhus, the Polonians Henry Duke of
Aniou; Leo king of Armenia one of the children of Andrew king of Hongatie, to
give him his daughter and his estate: else it is to be feared that a neighbour prince
chosen Generall but for a yeare, will make himselfe perpetuall, or if he be perpetuall,
will grow hereditary, taking from the subjectes their right of election; or if the estate be gi-
ten to one that is a king and to his heires, it is to be doubted he will make it a tributarie
province to free his owne countrey from taxes and impositions, which happie was
the cause why they did not choose the Emperours eldeft fonne king of Polonia, for it
is not to be expected that he will ever bear that affection to strangers that he doth vnto
his owne, but will easily abandon an others estate at need, to defend his owne. To
conclude, in my opinion a Commonweale well ordained, of what nature fouer,
should be fortified vpon the approches and frontieres, in the which forts there should
be good garrisons trained vp dayly to armes, having certaine lands appointed for souldi-
ers the which they should enjoy only for their lives, as in old time the fees and feudataries
were, and at this day the Timats and Timariots in Turkie, the which are giuen
unto souldiers like vnto benefices, vpon condition they should be readie with horse and
armes whensoever occasion of warre required: which lands neuer go vnto their heires,
but are bestowed by the princes free gift vpon the most valiant souldiers, with a clause
not to alienate them, that souldiers might not rob and steale as now they do with all
impunitie. And wntill that these lands in fee may be disposed according to their first in-
stitution, it shall be fit to erect some legions of foote and horse according to the statute
and greatness of every Commonweale, that they may be bred vp in martiall discipline
from their youth in garrisons vpon the frontieres in time of peace, as the ancient Romans
did, who knew not what it was to live at discretion, and much less to rob, spoil,
and murther, as they do at this day, but their camp was a schoole of honor, oblige-
ment, chastitie, justice, and all other vertues, in the which no man might
injure his owne, nor live any violence. And to the end this discipline may be obturated,
as they do at this day in the Turks armie, it is necessarie that good Cititizens and souldiers
be recompenced especially when they grow aged, with some exemptions, privileges,
impunities, and rewards, after the manner of the Romans. As although the third part
of the revenues be imployed about the entertainment of souldiers, it were not too
much: for thereby you should be assured of men at need to defend the state, especially if
it be enuied and envioned about with warlike nations, as those people be that are sit-
tuate in the temperate and fertile regions of France, Italy, Hongatie, Greece, Asia the
leffe, Soria, Egypt, Persia, and the lands lying in the Mediterranean sea: for the nations
lying
lying upon the extremities of hot and cold, as the Ethiopians, Numidians, Negros, Tartars, Gothers, Muscovites, Scoticiflmen, and Swedens, have no need of great forts, not to entertaine any legions in time of peace, hauing no enemies but such as they make themselvese; the people of the North being by nature too warlike, all hortmen, or for the moft part, and giuen to arms, without any need to traine them vp in it, vnleffe it be to discharge the countrie, or as I have said, for that they cannot be kept in peace. And to the end the state may not be brought in danger by any treacherous and faithlesse allies, or that strangers fuch not the bloud of the sibiets growing warlike at an others charge, being too diade to invade the eftate, let all offensive and defensive leagues and alliances be equall, receivinge as great succours at neede as they shall be bound to giue; and yet the succours of the confederaee mutt not be such as they may force or prescribe a law. Moreover, it must not be allowed for all other sibiets to carrie armes, leaft the laborer and handiecrafts man shoulde take a delight in theeuing and robbing, leauing the plough and shope, hauing no experience of armes, and when as they are to march against an enemie, they fortake their colouers and flee at the firft charge, putting a whole armie in disorder, especcially the handiecrafts man, and they that fit alwaies, being bred vp in the shadow, whom all antient and wise Captaines haue held vnfit for warre, whatsoeuer Sir Thomas More faith in his Commonweale. Seeing that wee haue discourfed of men of warre, of forts and of sibiets that are drawne from them that are in league, let vs now speake of the suretie of treaties and leagues betwixt Princes and Commonweales.

**CHAP. VI.**

Of the suertie of alliances and treaties betwixt Princes and Commonweales, and of the laws of armes.

His treatie depends of the former, the which ought not to be omitted, seeing that neither lawyer nor politician hath ever handled it: and yet there is nothing in all affairs of state that doth more trouble Princes and Commonweales, then to assure the treaties which they make one with another, be it betwixt friends or enemies, with those that be neweets, or with sibiets. Some assure themselves upon their simple faith mutuallie giuen, others demand boftages, and many require some places of strength: some there are which rest not satisfied if they disarme nor the vanquished for the better assurance, but that which hath been held the strongest assurance, is, when it is confirmed by alliance and neetenes of bloud. And even as there is a difference betwixt friends and enemies, the conquerors and the conquered, those that are in power and the weak, the prince and the sibiets, so in like sort their treaties must dise, all their affurancets diuers. But this maxim holds generall and vn-doubt, that in all sorts of treaties there is no greater assurance then that the clauses and conditions inscriu'd in the treaties be fit and fortable for the parties, and agreeing with the object that is vusted of. There was never any thing more true then the advice of that Confult, which said in open Senat, Neminem populum diutinis ex conditione esse poepe, curis eum patiens. No people can continue long in that estate whereof they are wearie. The question was vouching the Priemates whom the Romans had vanquished, for that they had broken the league, they demanded of their Ambassadors what punishment they had decrveded? The paines,answer'd he, of such as should live in libertie. Then the Confult replie, If we pardon you, shall we be assured of a peace?
the Ambassador answered, *si bonam dederitis, & fidam & perpetuam, sin malam hand diuulturum!* If you give us a good peace, you shall have it kept faithfullie and perpetually: if a bad one, it shall be loose broken. The younger Senators found these answers too proud and haughty, but the wiler for fayd, That this people which contended only for their libertie defeteru to be made citizens of Rome, elles they would never be good subiects, not trauie friends: and according to this advice the decree of the Senate did passe in force of a priuilege, and was confirmed by the people; and yet had they yielded themselves to the mercie of the Romans, as all the other cities of the Latins their allies had done, who had conspired against the Romans. The assurance which the antient Romans tooke of those whom they would make subiect after they had vanquished them, was to cease upon all their places of strength, to put in garrisons, to receive hostages, and to diarme the vanquished. *Mos antem. inquit Litius, Romanis vetustius erat, cum quo nec seder eae aequi legibus juregervur amicitias, non prius Imperium in cum tangam pacatum visi, quam omnibus divinis humanique dedidisset, obsides accepta arma adempit, præsidia orbibus impasti fcrunt!* It was an ancient cuftome among the Romans towards those with whom they had not ioyned in league, not contracted friendship upon equal terms, never to gouerne them peaceably, vnill they had yielded vp all, delivered hostages, disarmed them, and put garrisons into their towns. For we may not thinke euer to keepe that people in subjection which hath always litten in libertie, if they be not disarmed. To take away part of their libertie is to incenfe them more, than if they were whole subiects: as Lewis the 12 did vnto the Genevois, who had put themselves vnder his protection when they were in danger, which being past, they renouled, and allied themselves vnto his enemies: against whom he went in perfon, besieged them, and forced them to yeeld; then he condemned them in two hundred thousand crownes, putting a strong garrison into their fort called the Lanterne; yet he sufferd them to live after their owne lawes and with their own magistrats, taking only from them the fump of their coin: It had been farre better either to haue made them good subiects, or to haue restored them to their perfect libertie: for king Lewis the 11 to whom they had giuen themselves, made anwerte, That he gaue them vnto the duell: refusing to receive a yearely pension for the protection of such disloyall allies, who had roouled from king Charles the 6, hauing received them into his protection to defend them against the Venetians. And the Earles of Sauoy received those of Bern into their protection, being opprest by the lords of Bourdorg: but the feare being past, they desired nothing more than to be freed from their protection, the which the Earl willinglie granted, chusing rather to haue faithfullie fellowes, than faithleffe allies. But king Francis the first in my opinion committed a greater error, who refused two hundred thousand crownes in his necessitie, the which the Genevois offerd him to be freed from his protection, giving him to understand that vpon the first occasion they would revolt, as they did after the battle of Pavia, and afterwards expell the garrison which remained in their fort, and razed it to the ground: he should either haue made them faithfull and free confederats, being tied together by an equall league; or els haue made them subiects, and so haue taken from them the government of their estate.

But some one will say, that it is a breach of faith to infringe the treaties, and to change the protection into a nonetaignetie. I anwerte, that it is and always shall be lawfull for the Patron to make himselfe absolute lord, if the client be disloyall. We read that Augustus made those people subiect which had abuited their libertie. And therefore king Charles the 9 (hauing discouered the secret practices of the Spaniards with the inhabitants of Thoul, Metz, and Verdun) was inforced somewhat to re-
fraine their liberties, for in all treaties of protection there is an express clause, That those which are in protection shall retain their estate and soueraignete: but there is no great assurance if the Protector holds his clients forts, for that he may make them subiect when he pleareth. Who knowes not that the cities of Constance, Vtrecht, Cambray, Vienna in Austria, and many others which have put themselves in the protection of the house of Austria, have now loft their liberties. The kingdom of Hongarie hath runne the fame fortune: for after the death of king Iohn, the estates of the country sent Ambassadours to the Turke to receive their young king and the realme into his protection, fearing least Ferdinand should make himselfe lord thereof, pretending the realme to belong vnto him by virtue of certaine treaties made betwixt the house of Austria, and the kings of Hongarie: but those treaties had no sure ground, for the realme being electuie, the king could not take this pretogatious from the people without their consent: and if the house of Austria lying to neere and being so famous for their glorious deeds, had made offer of any one of their princes to haue bin chosen, they had caried it without any difficultie; but the estates had rather make choice of Mathew Corwin for their king, than to loie the right of election: and although that the new king and the estates of the country did ratifie the former treaties with the house of Austria, yet were they not kept, for that they seemed to be made by force against all law and reason, wherefore they did chuse rather to put themselves vnder the Turks protection, who soone after made himselfe absolute lord, knowing well that Ferdinand would carry it, who notwithstanding had some part, but he was forced to agree with the Turke, paying yeerely a good summe of money, which the Emperour terms a Pension, & the Turke a Tribute, wanting that the Emperor is his Tributarie. But there is a great difference betwixt a pensionat and a tributarie, for tribute is paid by the subject, or by him who to enjoy his libertie paies that which is promisvd vnto him which hath forced him the tawino. A pension is voluntarily given by him that is in protection, or by him that is equall in a treatie of alliance to haue peace, and to withhold the pension from ioyning with his enemies, or to haue succours when he shall require them; as in the treatises of equall league betwixt the kings of France, and the Cantons of the Swiffers, vpon that condition that our kings might at their pleasures leaue an armie of Swiffers for the defence of this realme, and should likewise help them against the incursions of their enemies: and for that it was needfull to make many leuyes of Swiffers for the guard of this crowne: fearing also least the enemies thereof should draw them from the facietie of the French, our kings have willingly granted a thousand crownes yeatly pension to every Canton, notwithstanding that king Francis the first, three yeares before the treatie, had gotten of the Swiffers at Marignan one of the goodlyest victories that ever Prince obtayned. And although we haue sayd, That protection rightlie was that, when as one takes the defence of an other freely without any reward, for that the mightie are bound to defend the weake against the injuries of their enemies: yet for the allowance of treaties and protections, they vse to receive a pension from him that puts himselfe into protection, to the end that the Protector being bound not onely by his oath, but also in receiuing a pension, should bee more readie to succour his adherent a need. This was held by the Antients, against the honor and maiestie of the Empire: but since that, they haue confounded benefit with profit, they haue begun to make merchandile of protection; whereof Salvin of Marsilles doth greatlie complayne, laying, That the weake putting themselfes in the protection of the mightie, give all they have to be protected. It is well knowne that they of Luques, Paflia, Sienna, and manie others, pay great pensions to be protected: And oftentimes a pension is payed to
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And as it happened after the battle of Pavia, all the potentates of Italy turned their vows to the Spaniard, and to free themselves from invasion, they put themselves into their protection. Amongst others the Lusquois payed unto the Emperor Charles the fift, tenne thousand ducates; the Siennois fiftene thousand, and the duke of Ferrare fiftene thousand, which he paid to the Viceroy of Naples, under colour of lending, without hope of restitution, being in the protection of the French. But it is shamefull and dishonourable, to take into protection, to receive a pension, and to abandon the client in his great need. Not long since Sigismund Augustus, king of Poland, had taken the protection of the inhabitants of Lifland, against the king of Moscouia: but having made a league with the Moscouites, he is not only said to have abandoned his clients, but to have betrayed them into their enemie. But if he that is in protection as a fouveraine, and in subiection as a vassall and subject, demands aid of his protector, he hath double reason to defend him, especially if they attempt any thing against his honour and person: as it happened in the yeare 1563, in the Moneth of March, when as the Inquisition at Rome sent out a Citation against the queene of Nauarre, to appeare personally at Rome within fix moneths, and not by any procurator, vpon paine of confiscation of all her goods, estates; and feignuries. King Charles the ninth tooke her into his protection, laying, That she was necessity allied vnto him in blood, that she was a widow, and tied to the house of France, a vassall and subject vnto the king; and that by treaties of popes, and generall counsels she might not be drawne out of the realm for what cause soever; seeing that pope Clement the feventh sent two cardinals into England, to haue king Henry the eight, touching the divorce betwixt him and Katherine of Spaine. And for that the Citation and threat made vnto such a princesse, touche his honour and the estates, the king of France did auertifie all his neighbour princes and allies, by his ambasfadors, giving the popes legat to understand, That his maifter should not take it ill, if hee did punish those that were the caufe of this enterprise: as Lewis the younge did in the like cafe to Thibaud earle of Champagne, who had caused the earle of Vermandois to be confuted by the pope: intreating the pope moreover, to reuoke his sentences given as well by himselfe, as by his deputies: else he should not hold it strange if hee viled the meanes which had bene accustomed in like cafes.

But it falls out of, that thofe which are receiued into protection, after the daunger is past, make ware against their protector: We have many examples, and without further search, in our memorie we have seen many princes of Germany cast themselues into the protection of king Henry the second, to be freed from the captuitive and flauery which did threaten them: the king received them into protection, and in stead of taking any pension, he gave them two hundred thousand crownes towards their wars, and leueth an armie of three-score thousand men at his owne charge for the libertie of the empire. And although by the 34 article of the treatie of Protection, it was concluded, That the confedart princes should suffer the king to fetize vpon the imperiall townes, speaking French, yet the emperouer was no sooner chafed away, & the empire restored to her former beautie, by meanes of the French, but the chiefe of the confedars and adherents, fortooke the kings protection: and which is more, tooke armes againft their protector. And at an imperiall diet, held in the yere 1565, it was decreed, To send an ambassage into France, to demand thofe three imperiall townes which are in the protection of France, Thoul, Verdun, and Metz, although that Verdun hath for thofe hundred and fixtie yeares bene in the protection of France, payinge three pound starling yearly for a yearely pension. But this imperiall decree tooke no effect.

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and the king was aduertified by letters of the first of December 1559, from a pensioner of his, That the estates of the empire would be well pleased, to have the king hold those townes of the empire, doing homage for them: which shewed, that he held not those townes but upon good and just considerations. And for that the protector cannot be inuaded by him that is in protection, being always the weaker: those which put themselves into protection, have need of greater securitie than the protectors, least vndet a colour of patrognage they loose their liberties.

Some one may object, That it is an abford thing to demand securitie of the protector, seeing that the client puts himselfe in his protection: and by an auntient decree of the court of parliament, the vassal demanding securitie against his lord, was refected. But the deceit and treacherie of man hath so farre extended, as the wiseft have held it necessary to siccor the vassall against the violence of his patron, whom the soueraigne prince shall take into his safegard, if there be just cause: with greater reason the client is to seek all the securitie that may be from the protector. The first assurance depends vpon reasonable conditions annexed vnto the treaty: the second of the letters of protection, which the protector must deliver vnto the clients, to testifie, That all the rights of soueraignty and maieftie remaine absolute vnto the client: and this is to be done in Monarchies, at the coming of a new prince: for the protection is dissolved by the death of the client, as well as of the patron: neither is the succession tied vnto the protection. And therefore the inhabitants of Mects, after the death of Henry the second, demanded to have new letters of protection from Charles his sonne: not for that they should be more safe from their enemies, but to shew that they were not in subjection, which is generall in all treaties made betwixt princes, and it hath beene always obscurd, to renew leagues and alliances, which else should be dissolved by death. So Perseus king of Macedon, after the death of his father, sent an ambaßadge to the Senat of Rome, to renew the league they had with his father, and to the end he might be called king by the Senat. But when as the Senat offered to renew the same conditions of the league which they had with Philip his father, Perseus refused them, saying, That the treaty made with his father, did nothing concern him: and if they would contract a new league, they must first agree vpon the conditions. So Henry the feuenth, king of England having receiued the duke of Suffolke from the Archduke Philip, father vnto the emperour Charles the fift, vpon condition, That he should not put him to death, he kept his faith: but he being dead, his sonne Henry the eighte caused his head to bee cut off, saying, That he was not tied vnto the treaty which his father had made.

But for that protections are more dangerous for the adherents or clients, than all other treaties, it is needfull to have greater securitie: for oft times wee see, that for want of securitie the protection is changed into a feigneurie. And sometimes he thinke himselfe well affered, that makes the wolfe the keeper of his flocke. And therefore protections must be limited to a certaine time, especially in Popular and Arisllocrattical estates, which never die. And therefore the inhabitants of Geneua hauing put themselves in the protection of them of Berne, would not have the protection continue above thirtie yeares, the which did expire in the yeare 1558, and then the Geneuois made an equall league with the Bernois, the which was not without great difficulty, being almost brought into subjection, by the practices of some citizens that were executed. Since the first impression of these books, a Printer of Geneua put them suddenly to the preffe, making an aduertisement in the beginning, wherein hee doth countroll some places: but hee deferes to be punished by the Seigneurie: First, for that hee hath attempted against another mans worke, who hath spoken as honourably of Geneua, as of any Commonweale whatsoever. Secondly, for that he hath infringed the ordi-

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mances of the Seigneurie of Geneua, published the fift of June, 1559: whereby it is expressly defended, To make any insinuatie against such authors as are set forth. For if the author deferued any reproachfull words from the Printer, he should not have printed them, and much lefse let them to tale. But as for his reprehensions all men of judgement haue eftemned them as they desiere. And heretofore this good Printer hath bene aunswered, who maintaines, That it is lawfull for the subie& to kill his prince, kindling by this means the fires of sedition and rebellion in all places. And whereas hee faith, That Geneua hath not bene in the protection of Berne, the author refers himselfe vnto the treaty that was made in the yeare 1536. But the fault growes, for that they knew not what protection was, which our antient treaties call *Auctoritas*, and in Latine *Advocatio*. The like may be laid of Rouille, and of Mulhous, which are allied with the Cantons of the Swiflers, but it is an alliance of protection. As in like case the abbatt and towne of Saint Gall, which are also allied, but yet in the protection of Zurich, Lucerne, Swits, and Glatis, as I have scene by the treaties which the abbatt of Orbe,(hauling remained long ambasadour in Swifletland) imparted vnto me from the first vnto the laft: those of Valadoft, were in like daunger to them of Geneua, for the Valoisians would haue made them subie& vnder a colour of protection, in the yeare 1559, if the king of Fraunce bad not defended them. And even as the vaffall is freed from the sealtie and homage which he oweth vnto his lord, if hee bee ill intreated by him, as it was adjudged by the court of parliament, for the lady of Rais against the duke of Britaine: in like fort the client is exempt from the power of the protector, if hee doth infringe and breake the lawes of protection. But the chiefeft caution and affurance, is, when as the protector is not ceied of the places of strength, not hath not any garrisons in his clients townes. There is nothing more true, than what was spoken by Brutus the Tribune of the people, vnto the nobilitie of Rome, That there was one only affurance for the weake against the mighty, which was, That if the mighty would, they could not hurt them: for that ambitious men that haue power ouer another, never want will. And therefore it was wisely prooued by the Scotts, when as they came into the protection of the English, made in the yeare 1559, That the queen of England, who tooke their protection, should guse hostages, the which should be changed every six moneths: and that she should not build any forts in Scotland, but with the consent of the Scottishe men. Wherein the Athenians did erre, who hauing put themselves first into the protection of Antipater, then of Cafander, of Ptolomy, and in the end of Demeatrus the Befieget, they suffered their protectors to feize upon their forts, and to put in garrisons, who presently, made themselves foctaigene lords. The which Demeatrheneas had well and wisely forseene, when as one commended vnto him the mildneffe and courtesie of Antipater: hee aunswered, Wee desire no lord and maister, how mild and gratious soouer: and him did Antipater pursue euyn into Italye, and flue him. But the Athenians were circumjected by the same fraud as they had done their associats: For the Persians being expelled out of Greece, all the cities of Greece made an equall league, for the defence of their estates and libertie, concluding, That they should have one common treasurie in Apoleas temple, with which all the associats should yearely bring their money, that an account might be given of the receipts and expences by a common consent. Euerie citie sent embassadores for the swearing of their league: Aristides surnamed the Iuft, came for the Athenians, who after solemn sacrifice, did cast peeces of burning yron into the sea, calling heaven and earth, and all their gods, to witnesse, and sayeing, As this fire is quenched in the water, so let them suddenly perish, that shall breake their faith. But the Athenians seeing the common treasurie great, fortified their citie ports, & passages therewith, and made pro-
The cities of Greece submitted under colour of alliance.

The cause of the social warre.

The Fifth Booke

The union of naue, ships, & gallys well armed. And then finding themselves the stronger, they changed the equal league into protection, & protection into subjection. So as the appellations of all the confederat cities came vnto Athens; as we read in Xenophon, & all charges and impositions were taxed by the Athenians, who had freed themselves from all imposts: the which chance for that the Athenians trained their confederats vp in arms, at their confederats costs. And so did the Lacedemonians to all their confederats, whom vnder colour of an equal league, they impertiously forced to obey: for that for the most part they were all mechanicke people. And contrariwise in Lacedemon there was not any Spartan that was an Artifian, being against Licurges his lawes: so as the city of Sparta was farre more mightie, and held in a manner all their other allies in subjection; as we read in Plutarch. We see that the Latines fell almost into the like difficulty, after that they had made an equal league with the Romans, against whom they tooke armes: for that the Romans commadned them impertiously as their subjicets: whereof Setim captaine of the Latines complained, saying, Sub ebrae fideis equi servitatem potissimum. We are (faith he) slaves vnto the Romans, vnder colour of an equal league. And a little after, Consilia populi Romani et Latini, repromunque non ambiguum imperantibus militibus Romanis daturn, absenient imperare sibi, quorum auxilio egerunt: Latinos pro sua libertate potius quam pro alio imperio armis laturos, The Latines having held a councell, and given a plaine answere to the Romans which commadned the fouldious, they wilfull them to forbeare to command them whose aid they needed: the Latines would rather take armes for their owne libertie, than for another rule and empire. We read, that Licortas captaine generall of the Acheans, vfed the like complaints to Appius the Conful, after that the Acheans had treaeted an equal league with the Romans, Saedis Romanorum cum Acheis specie guidem eguint esse: re precariam libertatem, etud Romanos etiam imperium esse, The league which the Romans haue with the Acheans, in thw it is equal, but in effect it is an intreated libertie, and with the Romans it is emperie or absolute command, For the same cause the Samnites made warre against the Romans, renouncing their league; for that vnder a colour of societie, they would command absolutely over them. And for the same reaon the cities of Italie allied vnto the Romans by an equal league, resolved from their alliance for that the Romans drew from them an infinit succour of men and money, fo that in all their warres they had two of their allies for one Roman, and by that means conquered the greatest empire that euer was, and yet their associats had no part of the conquest, but some pillage, after that the Romans had taken what they pleased: which was the caufe of the confederats warre in Italie, the which had no end, vntill that the allies were made citizens of Rome, to haue part of honours and offices. And yet what equal league souer of the Romans made, they were still the stronger, & held their allies as it were in subjection. How impertiously the Romans behaued themselves towards their confederats, the speech of the Conful Appius vnto the Generall of the Acheans, contending for the libertie of the Lacedemonians, is a sufficient testimonie, saying, Dum liceret voluntate sua facere gratiam inuent, ne max infiniti & coae quiescet, Whileft they might do it of their owne free will, they should defire thanks; elle they should be soone forced thereunto against their wills. And in the treatie made with the Etolians (to whom they would not graunt any peace, vnselie they submitted themselves wholly vnto their mercie) there are these words, Imperium maiestatemque populi Romanorum gens Aetolorum conferuntis fine dolo malo; hortic estDem habeto quos populus Romanus armaque in eos ferit: & bellum partem gerite, obdissis arbitrio Consulis, 40, & talenta quinquaginta datis, You Etolians shall maintaine the empire and maiestie of the people of Rome, without any fraud or guile, their enemies shall be yours, you shall carry arms, and
A and make warre against them with the people of Rome: you shall give fortie hostages at the Confuls discretion, and five talents. They left them the free government of the state, but with such conditions, as they were little better than subjects, remaining in subiection of men and money, and taken the best amongst them for hostages. These words of the league, Maieflatem Romanorum conferente, Maintain the majestie of the Romans, shewes, that the league betweent the Romans and the Aetolians was unequal, and that the one did respect the majestie of the other with all honour. And although the Romans gaine lawes vnto the Aetolians, yet they did enjoy their estate and sovereignty: as they did in all Greece, which they freed from the power of the kings of Macedon. And after that they had vanquished and taken Perfectus king of Macedon, they freed all the people, and discharged them of the majestie of their imposts, suffering them to governe their owne estates: and for their better assurance, they commanded vpon paine of death, That all Gouernours, Captaine, Lieutenants, Presidents, Councellours of estate, Gentlemen in ordinarie, and even the kings Pages and footmen (qui fuerint regibus humiliter alij superfere imperare conferunt, which had beene accustomed to serve their kings humbly, and to command others imperiously) to depart out of Macedon, and to passe into Italy. And not content therewith, they divided Macedon into foure provinces, forbidding vpon paine of death, That the one should have no acceffe, communication, trafficke, commerce, nor alliance of marriage, with another: and moreover, that the majestie of those charges which were paid to the king, shoule be carried yearly into the treasurie of Rome. And so the people of Macedonie received a law from the victor, and remained tributaries, yet they enjoyed the government of their estates. The Confulls made thse the like politic, having subiection of the estate of Achaia, they raised Corinth, and abolish'd the societys & communalities of Greece; yet he suffered the free people to enjoy their laws and magistrates, easing them of part of their tributes: the which was a subtile meane to draw vnto the amitie of the Romans all the people which had bene held in flauish subjection, and to make tyrants to tremble, or at the least to force one and all of them to governe their subjects, in such wise, as did not disturb the liberty of the people, and ruine of tyrants. Whereby they reaped the greatest honour that men might in this world, To be iust and wise.

It is also a double wrong which the lord receives from his subiect, haung put himself in the protection of another, and from him that hath receiv'd him, if hee hold not of him by feallie and homage, or hath some living in the protector's country. And for that Charles of Lorraine Bishop of Metz, put himselfe into the protection of the empire, and obtained a safe guard for him and his, of all that which he held in the country of Melsin, in the yeare 1565, the king of France his lieutenant opposed himselfe to the publication of this safeguard: whereby he (having recourse vnto the empire) brought in question his obedience due vnto his prince, the protection of Metz, & his kings right. And yet many princes receive all that hee seeke, without discretion, the which is the cause of many inconveniences, if the protection be not iust. It is a dangerous thing to undertake the protection of another prince, but it is more dangerous to undergoe it without a just cause, being the chief subiect of all wars, & the ruine of cities and kingdoms, when as subjicets fall from the obedience of their naturall prince, to obey another. And generally all treaties of alliance made with a prince or warlike people, draw after them a subjection and necessitie to take armes always for his succour, and to run the same fortune: as the Romans confedartes, who by their treaties were bound to furnish men and money for their succours, and all the profit and honour of the conquests came vnto the Romans. They make no such treaties at this day, yet the victor prescribes a law.
Neutralitie is sometimes profitable.

How a prince maintains his greatnesse.

Neutralitie is many times dangerous.

Neutralitie is oftentimes the soile of princes.

unto the vanquished. And therefore many have bene of opinion, That it was expedient for a prince to be a Neuter, and not to meddle with any other princes warres: the chief reason is, That the losse is common, but the fruit of the victorie is his only whole quartell they maintaine; besides, he must declare himselfe an enemy to those princes which have not wronged him: but he that shall stand indifferent, is oftentimes a means to reconcile enemies: and maintaining himselfe in the love of them all, hee shall reap thanks and honour of sucetie side. And if all princes be in league one against another, who shall mediate a peace? Moreover it seems there is no better meanes to maintaine the greatnesse of an estate, than to see the neighbor princes ruin one another. For the greatnes of a prince (to speake properly) is nothing els but the ruine & fall of his neighbords: & his strength is no other thing, but the weaknesse of another. And therefore Flamininus said vnto the Confidt Attilus, intending to ruine the citie of the Aetolians, That it was not so expedient to weaken the Aetolians, as to oppose against the greatnesse of young Philip king of Macedon. These reasons may helpe them that defend neutralitie: but it seemes they are subiect to greater inconveniences. Firit in matter of state it is a maxime, That he must either be the stronger, or of the stronger faction (and this rule doth not admit many exceptions, be it in the selle same Commonwale, or among frudtie princes ) els hee must always remaine a prey at the victors discretion: as the Roman ambafladour said vnto the Acheans, whose Antiochus king of Persia pettiued, That they would remaine neuters betwixt him and the Romans. And it seemes, that who soeuer will maintaine himselfe, must of necessity bee a friend or an enemie.

Whereof we have an example in L annes the eleventh, king of France, against whom they made warre of all sides, lo long as he continued a newter: but after that he had allied the Swiflets more strictly among theselues, & the citie ofStrausbourg with them, and that he had entred into that league, never any enemies durft affault him, (as Philip de Commines faith:) for neutralitie, Neque amicos parat,que immicios solit. It neither purchaseth friends, nor takes away enemies; as an auntient captain of the Sammites said. And the like conclusion was made among the estates of the Aetolians, by Aristotle their General, saying, Romanos aut socios habeor operari, aut hostes, media via nulla est, We must hate the Romans either confederats or enemies, there is no meane. We have infinte examples in al histories: Ferdinand king of Aragon found no better meanes to pull the kingdome of Nauarre from Peter of Albreth, than in pettiuing him to bee a neuter betwixt him and the king of France, that hee might bee abandoned at need. And the inhabitants of Iabes remaining neuers, and not ingaging themselves in the warre which the people of Israel made against the tribe of Benjamin, they were all slaine, and their towns rased. As also the Thebans fell into great daunger, being neuters, when as king Xerxes came into Greece. As in the like caufe the towne of Lays in Soria, was surpris'd, spoiled, sack'd, and burnt, by a small troupe of the tribe of Dan: for that (as the historie faith) they were not in league with any foueraigne prince or state. And without any further search, the Florintines after they had left the alliance of the house of France, refusing to enter into league with the pope, the emperor, the king of England, and the king of Spaine, against the king of France, they souene felt the fruits of their neutralitie.

But it were an vnuit thing, will some one say, to joyn in league against France, with whom they had been so strictly conioyned: I confess it, so should they not have left it at need as they did; for the league is not only broken if thou beeft an enemie to my associates, or if thou oynest with my enemies, but also ifsoe fete thou doest abando thy associates, being bound by the league to succour them; as a Roman Ambafladour said, Sti socios meas pro hostibus habeas, aut cum hostibus tec coniungas. It thou taket my
my associates for thine enemies, or joynest with mine enemies. Yet some may say, that neutrality may well be granted with the content of other princes, which seemeth to be the best support without any fear of the victors. The estates of Lorraine, Bourgogne and Savoy have maintained themselves in a free peace, so long as they had an alliance of tranquility, but after that the Duke of Savoy had once united himself to the Spanish faction, he was expelled his country by the French. But there is a great difference to be a neutral without the friendship either of the one or the other, and a neutral allied to both parties, and these are farre more affluently, than if they were enemies to both fractions; for they are free from the victors invasion, and if there be any treatie of peace betwixt both parties, they are comprehended of either side. And if neutrality be commendable in that manner, as I have said, it is farre more commendable in a Prince that doth exceed all others in power and dignity, that he may have the honor to be the vmpire and moderator; as it happens always, that quartels betwixt Princes are decided by friends that stand indifferent, and especially by those which exceed the rest in power and greatness, as heretofore many Popes which knew well how to maintain their rank, and reconcile Christian Princes, have reaped honor, thanks, and assurance for their persons and estates, and whose which have followed either the one or the other partie, have drawn after them the ruine of other Princes. It was thought very strange in Spaine that Pope Alexander the 6 a natural Spaniard, should enter into league with Lewis the 12, king of France against the Spanyards; and when as the Spanyards had the better in Italy, he told the French Ambassador that he would remaine a neutral, and be a common fathere to both parties, but it was too late now to make a shew to quench that fire which he himselfe had kindled. As in the like case the Duke of Alba Viceroy of Naples being aduertised of a request made by the Procurator of the chamber of Rome against the Emperor, touching the confiscation and division of the realme of Naples to the revenues of S. Peter, he did write unto Pope Theatin, who had entered into league with the house of France, that he should remaine as neutral for the dignitie which he had about all other Christian Princes, but the truce being broken, the armie in field, and their ensignes displayed, the end was miserable, for the Pope renounced the league, leaving the French in their greatest neede, and it was concluded by a treatie which he made with the Spanyard that he should continue neutral. Neuer was the hatred of any Prince so pernicious vnto his enemy, as the fauour of Theatin was then vnto the French, without which they had not bin reduced to such extremity, as in one day to lose all they had conquered in thritte yeares. It is more strange, for that the memory is more fresh of the like errors committed by pope Clement the 7, favoring one of these princes against the advice of Lewis Cano the Ambassador, who aduertised him by letters written out of France, that the greatness anduer of his estate was to shew himselfe a neutral: so soone after he see himselfe prifoner to the imperials and the citie of Rome fackt after a strange manner, and both himselfe and his Cardinals ranfomed at the victors discretion. I enter not into the worthines of the fact, neither is it in question to know who deuoured most fauour, but only, that hee which alone may be judge and moderator of honor, should never make himselfe a partie, although he were assured that he should incure no danger, much more when his estate is in question, and that he can have no security but hazard by the victorie. There are others who to win fauour of all sides forbids their subiects by publike proclamations to give ayde or succour to the enemies of their associates, and yet under-hand they suffer them to passe, yea sometimes they send them, to did the Aetolians, saith Titus Livius, Qui iminentem adheris suis foenis, publica tantum autforitate dempta, militarie sinunt, & contraria sepe acies in viris, pars Eolica auxilis habet. Which
suffer there your young men underhand to goe to warre against their owne confedrates, and oftentimes troopes of Eotolians are seene in either armie. Such allies are more dangerous than enemies. But it may be some one will say that it is dangerous to suffer a Prince so to increaile in power as he may give law unto the rest, and invade their estates when he pleaseth. It is true, and there is no greater occasion then that, to induce a neuter to seake by all means to hinder him; for the suerte of Princes and Commonweales confitts in the equall counterpeeze of power. So when as the Romans made warre against king Persiens, some fauored the king, others supported the Romans, Tertia pars (said Titus Lullius) optima eadem & prudentissima, si optique optio dominii potioris daretur, sub Romanis quam sub Rege esse malebat: si liberum inde arbitrium neutram partem volebat altera oppriffa fieri potentiorum: its inter utrisque conditionem civilitatum optimam fore, protegentem semper altero inopem ab alterius inuriis, & illbatis utrisque partis viribus paret effer: A third part, faith Titus Lullius being the best and the wifest, if they were to make choice of their lord, had rather subject themselves vnsto the Romans than vnder the king, but if they might have their free will, they would have neither of them superior, with the ruine of the other, so as betwixt both the cities should be secure, the one always protecting the weake from the injuries of the other, and they both should remaine equall, their forces being not impaired: So as the wifest have held opinion, that there was nothing better for the suerte of estates, then to haue the power of great Princes as equall as might be: yet those which were of this opinion, when as the Romans and Macedonians were in warre, remained neutrals, although they were tied to thepower of the Romans, and to the king of Macedon, and it succeeded well for them: for there is a difference in withing the parties to be equall, and in making himselfe a partifan. It is therefore commendable for the greatest and mightieft Princes to remaine neutrals, although it be not so concluded betwixt other Princes, as I haue said before. And this is necessarie for the common good of all Princes and States, which cannot be reconciled but by their common allies, or by them that are neutrals. But those that be neutrals do many times kindle the fier in stead of quenching it; the which may be excusable, if the preservation of their estate depends vpon the warre which they entertaine betwixt others; but it can hardly be concealed, and the matter once discouered, the parties most commonly agree to fall vpon their common enemie, as it happened to the Venetians, who were alwayes wont to fow diuision among their neighbours, and to fife in a troubled water. Lewis the twelth discouering it, he allied himselfe with all the other Princes, and then they all jointly made a league against the Venetians, who were reduced to that extremitie, as they yeelded Creme, Brefle, Bergame, Cremona, and Gitiradadde, being members of the Duchie of Milan, vnto the french king, and to the Pope Fauence, Rinni, Rauenne, and Ceruie, being of the patrimonie of S. Peter: to the Empire Padoua, Vencentia, and Vero na: to the Emperour the places of Friuli and Treuisan, being the inheritance of the house of Austria: to Ferdinand the ports and places ingaged by the kings of Naples to the sigeuirie of Venice, and to call home their magistrates from the imperialis townes, and out of all the countreie which they held vpon the firme land. Whereas before the warre the Pope would haue beene contented with some one place, but this rooke not effect, for Dominike Treuwar Procurator of S. Marko layed the Senat, saying, That the Venetians were alwayes accustomed to take townes and castells, but having once taken them, it were absurd to restore them. It is therefore more safe for him that rema ines a neuter to meditate a peace, than to nourish warre, and in so doing to purchase honor and the love of others with the assurance of his owne estate, as the Athenians procured a peace betwixt the Rhodians and Demetrius the besieger, to the great con-
A tent of both parties, who were tyred with warre, and yet were loth to demaund a peace one of another: by which means the Athenians did reape great honor and pro-
fit to their estate. The which is so much the more necessarie, if he which is a neuter be allied to them that are in warre, and hath occasion to draw succors from his allies, as our kings have alwayes done betwixt the Catholike and Protestant Swifters, and betwixt the Grifons and the Swifters, as well for the lawes of friendship, as fearing that in the meantime he should want the aid of his confederats: And sometimes those which are wearied with the warre, stirre vp a third partie being a neuter, for the desire they have of peace, and the shame they have to seeke it: as the Florentines not able to subdue the Pifans, by reafon of the Venetian succors, who defired nothing more than to retire themselves, they did procure the duke of Ferrare vnderhand to mediate an agreement. It is the greatest point of honor, that a Prince can attaine vnto, to be chosen judge and umpier of other princes quarrel, as in old time the Romans were, for the great opinion which was held of their vertue & integritie: & since, this prerogative hath been giuen vnto the Popes among other Christian Princes, who oftentimes have been chosen judges and arbitrators of all their controversie: as in the treatise betwixt king Charles the 5, and Charles king of Navarre, made in the yeare 1565; and betwixt Philip Augustus and Richard king of England: If the Pope were not a partie, as Innocent the 4 was against the Emperor Frederick the 2, then the Emperor made choice of the Parliament of Paris for arbitrator, which was the Senat of Peeres and Princes, and the Counsell of France. And Pope Clement the 7 making a league with the kings of France and England against the Emperor in the yeare 1528, he caused it to be inserted in the treaty. That if it were needfull to conclude a peace with the Emperor, he should have the honor to be arbitrator. Paule the 3 did the like betwixt the king of France and the Emperor in the treaties of Marcielles and Soiflons. One of the most necessarie things for the assurance of treaties of peace and alliance, is to name some great and mightier Prince to be judge and umpier in cafe of contravention, that they may have recourse vnto him to mediate an agreement betwixt them; who being equal, cannot with their honors refuse warre, nor demand peace. But to the end that other Princes be not driven to that exigent, it shall be necessarie for them all to ioyne together in league, to kepe downe the power of any one that might bring the weaker into subjection: or else if they be in league, to send Ambassadors to mediate a peace before the victorie, as the Athenians, the Rhodians, the king of Egypt, and the feigne-
rice of Chio did, betwixt Philip the yong, king of Macedon, and the Aetolians, fearing the greatness of the king of Macedon, as we reade in Titus Livius. And for this cause after the taking of king Francis the first before Pauiia, the Pope, the Venetians, the Flo-
rentines, the Duke of Ferrare, and other Potenates of Italie, made a league with the king of England for the deliuerie of the king of France; not for that the afflicted fortune of the French did move them vnto pirc (as it is usual to kings, to whom the name of maiestie seemes holie) but for fear of the imperially Eagle, which hauing covered a great part of Europe with her wings, might giue and tear in funder those petty princes with their talents: and yet they themselfes had not many yeares before ioyned in league with the Emperor against king Francis after the battle of Marignan, and re-
flored Francis Sforza to the Duche of Milan, hauing found by experience how danger-
ous the neighbourhood of a mightie Prince was, for if he be just and vpright, his suc-
ceffor will not resembel him, for which cause Methideates king of Pontus being the Roman empyre to reach vp to heauen, he enred into league with the kings of Parthia, Armenia, and Egypt, and with many cities of Greece against the Romans, who had seazed vpon the greatest part of Europe vnder coulor of iustice, cauing in one day Hh h fortie
fortie five thousand Roman citizens to be slaine throughout all Asia, by a secret conspiracy; but it was then too late to make a league against a power which was invincible. Therefore at this day if great Princes conclude a peace, all others seek to be comprehended therein, as well to assure their estates, as to hold those great princes in an equal counterpeize, least that the one by his greatnesse oppression the rest: as in the treaty of peace made at Cambray in the yeare 1559, all estates and Christian Princes were comprehended by the king of France, or the Catholike king, or by them both together, and any others that the two kings should name within five moneths. But they must be named particularly, and not in generall teeames by the names of allies or neutrers, for if there be not a speciall expreßion, they may notly pretend ignorance; for that affairs of state are sometimes managed so secretlie and so fodenly, as a league is made before the enterprize can be discoured, notwithstanding all the diligence of Ambassadors to learne out the conditions of the treaty: as it happened in the treaty of Cambray made in October 1508, whereas the Pope, the Emperour, the Empire, the king of France, the king of Arragon and Naples, the king of Castill, the Dukes of Lorraine, Ferrare, and Mantoue, entered into league against the seigneurie of Venice, the which was concluded before the Venetians had any notice thereof, although they had ambassadors in a manner with all these Princes: and without doubt if they had had any intelligence thereof, they might easilie have prevented it; seeing that after the conclusion thereof, and the warre begun, they found meanes to withdraw the Pope, and to make him a mortall enemie to the French, which was the only meanes to preserve their estate from inevitable ruine. The like happened vnto the protestant Princes, against whom the treatie of Soifions was made in September in the yeare 1544, betwixt the king of France and the Emperour, where by the first article it was agreed, that the two princes should ioyne their forces together to make warre against them, the which they could never beleue, vntil they had seen the preparations made against them. They might easilie have prevented the storne which fell vpon them: for that the Emperour had no great defier to make warre against them, and the king leffe, who did secretly faving them: so as in giving the Emperour some suuccors, or sending an ambassador vnto him, they had been comprehended in the treatie; for they had no enemie but the Pope, who was then a neuer betwixt the Emperour and the King. Sometimes the league is fo strong, and the hatred fo great, as it is a hard matter to hinder it, and much more to break it, being concluded. King Francis the first was well advertised of the league made betwixt the Pope, the Emperour, the king of England, the Venetians, the Dukes of Milan and Mantoue, the Commonweals of Genes, Florence, Luques, and Sienna, all confedirates against his estate; yet could he not prevent it, but in quitting the duchie of Milan. Those which had concluded a peace and perpetual amity with him, and those which were tied vnto him by a defensie league, brake their faith, and made open warre against him: the which was not held strange, for many make no esteeme of the breach of faith in matter of treaties betwixt princes, especiallie if they may reap any profit thereby: yea some are fo treacherous, as they swear most when as they intend most fraud, as Lysander was wont to say. That men must be circumsuenced and deceived with oaths, and children with toys; but he felt the grievous punishment of his disloyalty. Doubtlesse, perjurie is more detestable than atheisme, for that the atheist who beleues there is no God, is not so wicked and impious, as he that knowes there is a God which hath a care of humane things, yet vnder coulor of a false and counterfeit oath, is not ashamed to skorne and abuse his deitie: so as we may rightly say, That treacherie is always joyned with impietie and baflence of mind; for hee that willinglie fortweares himselfe to deceive another,
A. fhewes plainly that he sottes God, and feares his enemy. It were better never to call the immortall God, or him they hold to be a God, to be a witnes of their fraud, but only themselves; as Richard Earle of Poitiers fome to the king of England did, who giving only a confirmation of the privileges of Rochell, vfed thfe words, Telle meipso, My felfe being witnes. Seeing then that faith is the only foundation and support of justice whereon not only Commonweales, but all humane societie is grounded, it must remaine facred and inviolable in those things which are not vniust, especially betwixt princes: for seeing they are the warrants of faith and othes, what remedie shall the subiects have againft their power for the othes which they take among themselves, if they be the first which breake and violate their faith. I speake of ifft things, for it is a double inpietie to sweare to do a wicked act, and in this cafe he that breakes his oath is no treacher, but deferves reward. And in like cafe, if the Prince hath promised not to do a thing which is allowable by the law of nature and liue, he is not periured although he make breach thereof; neither are private men tyed by their oath, if they have promised to do more than is allowable by the Civill law. Those things which are by nature vniust and vlawfull no man may promise, neither may any man urge them if they be promised. But wise Princes ought not to sweare any thing vnto other Princes that is not allowable by the law of nature and nations, nor force any Prince that is weaker then themselues to sweare to unreasonable conditions.

And to take away all ambiguity of words, it shall be needfull to shew what is vniust, else he that is bound will take the word ifft in general to make use of it in some special cafe, as in the tractive made in the moneth of May, in the yeare 1412, betwixt Henry king of England and his children on the one part, and the Dukes of Berry, Orleans, and Bourbon, the Earles of Alancou and Armaigne, and the lord of Albret on the other part, who sweare to ferve the king of England with their bodies and goods in all his ifft quarrells when they should be required. There was no expresse rellution of their soueraigne, against whom the king of England meant to impoy them by vertue of this contract, the which he could not do. There is never any ifft caufe to take armes against ones prince or countrey, as an auntient orator laid, yet are not those princes free from the note of treachere, which infinge their faith in matters which they haue sworn to their prejudice, being forced thereunto by the yctor as some Doctors haue maintained, being as ill informed of the estate of Commonweales, as of auntient histories, and of the ground of true justice, discoursing of tractive made betwixt princes, as of contracts and convencions among privat men, the which is an opinion of most dangerous conquence, which error hath taken furce roote within thefe two or three hundred yeares, as there is no league (how firme soever) made betwixt princes, but it is broken, to as this opinion goes now for a grounded maxime, that the prince which is forced to make a league or peace to his hurt and prejudice, may go from it when occasion is offred. But it is strange that neither the firft lawgivers and lawyers, nor the Romans who were the patrones of justice, did never thinke of this shift and evasion. For it is manifeft, that most treaties of peace are made by force, either for feare of the yctor, or of him that is the stronger; and what feare is more ifft then of the losse of life? yet never any prince or lawgiver did refuse to performe that which he had promifed vnto the victor, as if it had been forced. Que enim vixerit, inquit Tullius, quis potest abhíri? What force can be vfed, fayth Tully, to a valiant and refolute man? It appeare in the Confull Marcus Atilius Regulus, who being taken prisoner by the Carthaginians and sent to Rome vpon his word, swearing that he would returne vnlesse he could procure some nonblemen that were captaines to be fet at libertie, from the which he dissuaded the Senat, yet did he not refuse to returne, although it were to an affisted

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death, nor yet the Consull Maximus to the Spanyards, when as he could not persuade the Senat to the conditions of peace. What grauer schoolemasters of the lawes of armes, what better interpreters of the Roman lawes can we desire, than the Roman Consuls? they went willingly vnto torments rather than they would treacherously break their faith. The Consull Pesthuminus and his companion with five hundred Captaines, Lieutenants and Gentlemen of the Roman armie, being surprized by the enemy in the straights of the Appenine hills, whereas they could neither aduance, retire, nor yet fight; being let at libertie vpon their words, and hauing disputed of the law of nations in open Senat, and before all the people, touching accords and treaties made in warre; they did never pretend force nor faute, but it was only said, that they could not treat of any conditions of peace with the enemy, without an effectual charge and commission from the people of Rome: whereupon the Consuls which had sworne the peace, and those which had giuen themselfes as hostages for the whole armie, yelded themselfes willinglie to the enemy, to dispose of their liues at their pleasure, and so they were deliuered vnto them by the Heralds.

In the treatie of Madrill, made the 14 of February 1526, it was said, That king Francis the first being come vnto the first towne of his realme, he should ratifie the articles which he had sworne in prifon, and cause them to be ratified by the Daulphin of France when as he came to age; and by the last article it was agreed, That if the king would not obserue the peace which he had sworne, he should returne prifoner into Spaine, giuing his two fones Francis and Henry for hostages. Being at libertie, all Princes offered themselfes, and ioyned with him in league against the Emperor Charles the fift, to pull downe his power whom they had raised vp to heauen. The king hauing assembled all his princes and noblemen in his court of Parliament to resolve what was to be done touching the treatie of Madrill: Selua the fift presidient, seekeing to proue that the king was not tyed vnto the treatie, he grounded himselfe vpon the authoritie of Cardinall Zabarella, who held, That whatsoeuer was done by force or faire, was not to be ratifie: confirming it by the example of Itho king of Cipres, who being taken prifoner by the Geneuois, gave his fonne for hostages, and yet kept not his promis. I wonder the President doth great a Senat did not blush not only to commend a man that was ignorant of the lawes of armes, but also to armes himselfe with such foolish arguments, yet this was the chiefest ground of the breach of the treatie of Madrill, adding thereunto, that the king could not giue away or renounce the saueraigntie of the Lowcountries, nor the duchie of Burgongne, without the express consent of the estates. This indeed was sufficient to breake the treatie, the rest were impertinent. But all these objections were never brought in question by the antients, they never required, That a prince being set at libertie out of his enemies power, should ratifie that which he had sworne being a prifoner: a ridiculous thing, that were to call the treatie in question, and leaue it to the discretion of him that was a prifoner, whether he shall obserue that which he hath sworne or not. Moreover the antients never regarded the breach of treaties, when as they take hostages: for that he is not tied to any lawes of the treatie, not to any other, neither is he forced to fauere; for hostages are giuen to be pledge for him that is captiue, and to suffer, if he shall make a breach of the conditions agreed vpon. And were not he simple, that having a good pledge, should claime of his debtor, that he hath broke promis with him: therefore the Consull Pesthuminus maintained before the people, That there was no contrauention in the treatie made betwixt him and the Samnites, seeing it was no treatie of peace, or league, but a simple promis, the which did bind them onely which had contented thereunto, Quis enim (inquit ille) obsidebus aut sponsoribus in sedere opus esse, praecipue res transtigiur?
A sur? Nomina Confulum Legatorum, Tribuorum militum extant: si ex fideere res acta est, preterquam duorum sociorum non extent. VVhat need (faith he) should there bee of hostages and forfeitures in a league or peace, if it be concluded by illtretatie? the names of the Consuls, Lieutenants, and Tribunes, which underook it, are extant: if it be ended by a league, there should be no names ioyned unto it, but of the two heralds. W hereby it appeareth, that king Francis the first, and the king of Cyprus, who left their children for hostages, were abounded of their promises by their enemies themselves, for that they had pledged, and did not truith in their prisoners oath. And by the law of arms a prisoner which hath his libertie gien him vpon his word, is bound to returne to prison again. And by a proclamation made by the Senat of Rome, all prisoners were enioynd vpon paine of death (the which were very many, being let goe vpöon their words by king Pyrrhus, to goe visit their friends) should returne at a certaine day, but no man gae any hostage. And if the prisoner be held in bonds, he may escape, neither is he bound to that tooke him, as king Francis the first laid vnto Granvelle the emperours ambafladour. For as a Roman Consull was wont to say, Vult quisque sibi credi, et habita sida ipsam obliquit fidem, Every man defineth to be beleued, & a truith repose, binds the faith it selfe.

If any one fay vnto me, That the king had sworn to returne, if the treatie tooke not effect: and that king John returned prisoner into England, for that he could not acclmith the conditions of the treatie, by which he had given a great part of the realme to the English, and promised three millions of crownes: I answer, that there was no fault in the king, for the estates opposed against the alienation of the revenues of the crowne: and as for his returne, neither he not king John were tied vnto it, seeing they had taken their children for hostages. And therefore king Francis seeing that the emperour would not remit the vniust conditions of the treatie, with the counsell and consent of his princes and Subjects hee proclaimed a new warre against him: wherewith the emperour being moued, said, That the king had caried himselfe basely, and that he had broken his oath, and that hee would willingly hazard his life with him in single combat, to make an end of so great a warre. The king being aduertised by his ambafladour, That the emperour had touched his honour and reputation; hee caueth all the princes to assemble in his court of parliament; and after that hee had called Perrenot Granvelle ambafladour for Spaine, he said vnto him, That Charles of Austria (having said vnto the heraud of France, That the king had broken his faith) had spoken falsely, and that as often as hee should say so, he did lie: and that hee should appoint a time and place for the combat, where he would meet him. The king of England finding in like sort that he was touched, vfed the like chalenge, and with the like solemnities. It was done like generous princes, to let all the world understaund, that there is nothing more foule and impious then the breach of faith, especially in princes. Neither was there euer prince so disloyall, that would maintaine it to be lawfull to breake their faith. But some have pretended that they have bene circumsuited in their treatyes, by the trauof their enemies: others, that they have etred in fact, or have bene seduced by cuill counsell: or that things were so changed, as the wise might not have foreseen them: or that it should be impossible to obtaine the treatyes without the incalculable lose, or apparent daunger of the whole state. In which cases they would pretend, That an oath doth not bind, the condition or the cauall of the oath being impossible or vniust. Some there be which maintaine, That the pope may dispence not onely with the oath of other princes, but also of himselfe: but they have bene contused by other Canonists. So pope Iulio the second finding no meanes to breake his faith with king Lewis the twelth, that he might flye from the treatie of Cambrey, he did not lay, that hee was not tied to

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his oath, but he tooke occasion to advance a factor in Rome to the bishoprike of Arles in Prouence, without the pruiciue of the king or his ambassadour, which did reside at Rome: wherewith the king being incensed (as the case defetued) he cause all the fruits which the benefactors of Rome had in France, to be seised on: then the pope hauing found what he fought for, declated himselfe an open enemie vnto the king. So Guichardin writes, That pope IuIius was wont to bragge, That all the treatises which hee made with the French, Spaniards, and Germans (all which he called barbarous) was but to abuse them, and to ruine one by another, that he might expell them all out of Italy. There are others which curse and condemne traytors, yet they loue the treaton, and hold the fruits thereof sweet: as it is wriuen of Philip king of Macedon: and the Lacedemonians condemned Phileides their captain, for that contrarie to the tenor of the treatie made with the Thebans, hee had seized vpon their castle called Cadmee, & yet they kept the place still, as Plutarck writes. Some which can find no iut cause nor colourable to falsifie their faith, and have any respect to their honour, they aske aduife and councell of lawyers: as the marquess of Pequiure, who aspiring to make himselfe king of Naples, caused many consultations to bee made vnder hand, to know if hee which were vaffall to the king of Naples, might (with his faith and honour faued) obey the pope, who was soueraigne lord of the realme of Naples, rather than the king who was but a feudatarie: having two strings to his bow, for he made his account, that if the warre were attempted by the duke of Milan with the popes consent, against Charles the fift, should succeed well, hee should then be king of Naples: but if hee should faile, then would he begge the dutchie of Milan, as a reward for his seruice, the duke being contented of rebellion. But this conspiracie being discovered, hee caused Maron the dukes chancellour to be apprehended and put into the caffe, and making of his processe, he suffeted him to escape, fearing he should speake too plainly, if he were ill intreated: and soone after he died of thought, knowing well that his treacherie and disloyaltie was discovered, and inexcusable, seeing that he betrayed both the emperour and the duke, and all the of those the league by the fame meanes: the which is the most detestable treacherie of all others. Yet do I not blame him, that to allure himselfe hath two strings to his bow, so as it be done with a respect to his faith and honour: as it is reported of Themistocles, who secretly aduertised the king of Persia, That vnlesse he departed suddenly out of Europe, the Greekes had resolued to breake the bridge which hee had made vpon the sea Hellepont, to paffe his armie out of Asia into Europe: defiring him to keepe it secret. This he did to allure himselfe of the favoure of the king of Persia, if he did vanquish, or to have the honour to have expelld him out of Greece, if hee marched away, as he did. But these subtil and devise being discouered by princes that are in league, do oftentimes cause good friends to become tworne enemies: as the Epirots, who agreed with the Acheans their confederaunts, to make warre against the Eiolians, and yet they did signifie by their ambassadour, That they would not take armes against them. Another time they plaid the like part with Antiochus, promising him al friend-ship, so as they might not be in disgrace with the Romans, Iadicebat (inquit Titus Livius) ut rex abhineisset Epiro, integra fibi effent omnia apud Romanos, & conciliata apud regem gratia, quod acceptur suiffent veniementem, That was done (faith Titus Livius) that if the king did forbear to enter into Epiro, they should continue in fauour with the Romans, and they should purchase grace with the king, that they would have reçeived him if he had come. But their councells being discouered, they procured to themselves a miserable fauetic with the flight of Perseus. The lawyers hold it for a maxime, That faith is not to be kept with them that have broken their faith. But they passe on further and say, That by a decree made at the councell of Constans, it was ordained, That no
A faith should be kept with the enemies of the faith: for that the Emperor Sigismund having given his faith to Lancelot, king of Bohemia, and a safe conduct to John Hus, and Lorenzo of Prague, would not suffer any to proceed against them: but to free him of that doubt, there were many Lawyers, Canonists, and Divines, especially Nicholai abbat of Palermo, and Lewis du Pont, named Romain, which concluded in this opinion, the which passed for a decree, and was confirmed by the Counsell. So, as John Hus and his companion were executed, although neither the Counsell nor the Emperor had any jurisdiction over them: neither was the king of Bohemia (their natural lord) of their opinion, to whom notwithstanding the Emperor had given his faith, but they regarded it not. Whereat we must not marvel, seeing that Bartol (the first lawyer of his age) maintains, That faith is not to be kept with private enemies, but with captains in chief. According to which decree the cardinal Saint Julian was sent Legat into Hungarian, to break the treaties of peace concluded with the Turk: against the which Humides father to Mathew Coram, king of Hungarian opposed himself vehemently, shewing that the peace was concluded with very reasonable and profitable conditions for the Christians, notwithstanding the Legat showed him this decree made by the Counsell, by the which they might not hold no faith with the enemies of the faith. The Hungarians building thereon, brake the peace. But the Emperor of the Turks, having notice of this decree, and of the breach of the peace, leantied a mightie armie, and hath neuer ceased since, both he and his successors, to increase in power, and to build that great Empire upon the ruine of Christendome; for even the Emperor Sigismund himselfe was chafed away with all the armie of Christians, and the Ambassadors which had carried this decree, was in his returne slaine by certaine theenes that were Christians, whereby it appeared that God was displeased with that decree, for if it be lawfull to breake ones faith with infidels, then is it not lawfull to give it; but contrariwise if it bee lawfull to capitulate with infidels, it is also necessarie to keepe promise with them. The Emperor Charles the first made a league of friendship by his Ambassadors Robert Inglis with the king of Persia, who was pursued by the Sangiac of Soria even unto the frontiers of Persia, and yet he had no other reproof to make against king Francis the first but that he had made a league with the Turk. It is well knowne that the kings of Poland, the Venetians, Geneuois, and Rhagonians have the like with them. And the same Emperor Charles the first gave his faith vnto Martin Luther (whom the Pope had curst as an enemy to the Church) to come to Imperiall diet at Wormes, in the yeare 1519, whereas Echius seeing that hee would not abjure his opinion, Alleged the decree of Constans, according to the tenor whereof hee vrged them to proceed against him, without any respect to the faith which the Emperor had given. But there was not any prince which did not abhorre this request of Echius, and detested his decree. And therefore the emperour to maintaine the publike faith, sent Martin Luther backe safe to his owne home, with certaine troupes of horse. I know not how it came in the fathers minds at the counsell of Constans, to take all faith from heretikes, when as the pope himself at his first infalling, doth take an oath of the Iewes, suffereth them to enjoy their religion with all libertie. Yea and many times the princes of Germanie and Italie do admit Iewes to be witnesse in their suits, theforme of the Iewes oath is set downe in the decrees of the Imperiall chamber, Lib. 1. the 86 chapter, where it is said, That they should swear to keep their faith with the Christians as loyally as their predecessors did with the Gifans that were Idolaters. So Iohannes commandure ouer the Israelites, having beene circumcunted by the Gabionites, beeing Pagans and Infidels, in a treatie which he had made with them, to swear them, and foure
townes which they had: and hauing afterwards discouer'd their fraud, beeing persuad
ed by the Captaynes of the Iraectites to breake the peace, he would not do it, saying,
That they had guen their faith, to the end faith the text, that the furie of God whom
they had calld to witnesse shoulde not fall vpon them. As for that which we saide, That
no faith is to be kept with them that haue broken their faith: it is but agreeable with the
law of nature, and all histories are full of them. And in our time Suman Bascha hauing
capitulate with hem of Tripoli in Barbarie, and sworne by his maiyters hand to furn
the knights of Rhodes to depart with their bagage after, that the town was yeeld
ed, notwithstanding his oath: he made all the inhabitors flaues, except two hundred
which he fet at libertie at the request of Aramont the french Ambassadour: and being
challenged of his oath, he answereed, That no faith was to be kept with them, for that
they had sworne at Rhodes neuer to carrier armes against the Turks, reproaching them
that they were worse than dogs, which haue neither God, faith, nor law, the which might
haue been refell'd by them of Tripoli, but that might ouetaken right, for that they
were not tyed to the oath taken by the knights of Rhodes; nor, if the Tripolitans had
formerly sworne, could he now take revenge thereof by this new accord. For former
petirie and treacherie may not be repeated nor revenged when as they haue once
concluded a peace and agreement together, elfe there shoulde neuer be any assurance of
peace, nor end of treacherie. But if one Prince hath broken his promife and decreed
an other, he hath no caufe to complain if he be required with the like: as the Romans
hauling vanquish'd the Epirots (who had broken their faith with them, and put garri
tons into their townes during the warres of Macedonie) presently after the taking of
Perseus, they made it to be giuen out that they would also fet the Epirots at libertie,
and withdraw their garrisons, injoyning ten men of the chiefe of every citie to bring all
the gold and silver, and then fodenly they gane a watchword to the garrisons to fack
and fpoyle the cities, the which was done, and in this fort they fpoiledd 70 cities. In the
punishment of this treacherie, the Romans behaued themselves more cruell than was
needfull, for that the revenge shoulde not extend but to them that had committed the
petirie; and this dissembling was against the amiant honor of the Romans. But if petirie
were couer'd by a new treatie, it were not lawfull to revenge it; yet there are some
to base and treachetous as when they sweare, they haue no thought but for to sweare
and breake their faith, as Charles Duke of Bourgongne gane a fayre gard to the Earle of
S.Paul Constable of France to tell him dithonorable to Lewis the 14 king of France.
But Antony Spinola Gouernor of the Ifle of Coftica for the Geneval, committted a
fouler act, adding crueltie to his petirie; for hauing called all the Princes of the ifland
together vnder colour of counsell, and invitinge them to a banquet, he commanded
them to be flaine, the historie is freth. And the banished men of Cynethc a citie of
Greece, being called home, and receiued by a new treatie made with them which had
expelled them, they sweate to forget all injuries past, and to live together in peace and
amitie: but in swearing (faith Polybias) they studied of nothing els, but how to betray
the citie, as they did, to be revenged of the injurie (which they had couer'd by a new ac
cord) expelling all their enemies. But God to revenge their diloyalty, suffered the Ar
cadians, to whom they had betrayed the citie, to kill all those which had put it into
their hands. Ofentimes princes and feigneuries forfake their leagues for feare, who
commonly doe follow the victors partie: as after the batalla of Pavia, all that were in
league with the king of France in Italie, forsooke him: and after the batalla of Can
nes, almost all the Romans assoziates in Italie left them: and even the Rhodians after
the taking of the king Perseus (with whom they were in league) they made a procla
mation, That no man vpon paine of death, should lay or doe any thing in favour of
him.
A  Fear may well excuse base minded men from giving aid, but not from petiuie: but what colour or excuse can he haue, that comes to capitulat with an intenc to deceive and circumvent? It is inexcuseable to men, and detectable before God. And yet the emperour Maximilian the first was wont to say, That he made no treaties with the French, but to abuse king Lewis the twelfth, and to bee trauenged of feventeene injuries which he had received from the French, although he could not specify one: for euer man knowes, that for these two hundred yeres, Europe neuer had prince more religious than Charles the eight, nor more upright and just than Lewis the twelfth, who raigned in the time of Maximilian. Yet the laft, who alone among all others, was called Father of the people, did shew how loyall he was both in deed and word, having treated a peace with Ferdinand king of Arragon, from whom he had received many wrongs and lossoes, yet when as Ferdinand was come into the port of Sauonne, the king of Francony entered into his galley, accompanied onely with two or three noble men, Ferdinand being amazed at his great assurance and bountie, went out of his gally, and lodged in the castle of Sauonne. It was in the power of the king of Francony to retaine him (as Charles of Bourgongne did in the like cafe to Lewis the eleueth at Peronne) but he was so free from any fo vild adisposition, as he omitted no pompe nor magnificence to give him all the content that might bee. The confidence of both kings is disallowed by treachetous men, who shew plainly how perficiously they would haue dealt: but to all good men it must needs seeme commendable, which detest that in others, which they themselves hold diphoneste. But if princes being in warre, haue made a truce, and concluded a patte, they mufs come vnarmed, least the one (being secretly armed) should by fraud muther his enemie, as Ipocrates the Athenien did lafon the tyrant: or as Mithridates, who slue the prince of Armenia his fitters sonne. Or if the one comes weakely accompanied and with small force, then mufs he take hostages from the other, or some places of strength, before he approach, as it is commonly vued. So did king Perseus, who being come with a great traine into the frontiers of his reigne, and would haue passed the river which diuided the two kingdoms. Q. M. Martius Philippus the Roman ambaffadour required hostages, if hee meant to passe with aboue three in his companie: Perseus gave the chiefe of his friends, but Martius gave not any, for that he had but three men with him. If there be queftion to gueve hostages for the deliuerie of some great prince that is a prizoner, it must be done with equall forces on either fide: and in deliueringe the hostages, to receiue the capitaine at the same infance: as they did when as king Francis the first came out of Spaine from prizon: else it were to be feared, that a disloyall prince would hold both prizoners and hostages: as Triphon the gouernour of Soria diid, hauing taken Jonathan by treacherie, he promised to fet him at libertie for three hundred thousand crownes, and his two fones hostage: hauing deliuered him the ransome and hostages, hee kept the money and flue the hostages with the prizoner: commaundinge the prizoner the king of Soria to bee cruelly mutthered. We must by all meanes haue these petilente kind of men, and not contract any league or friendship with them, vnlesse it be forced. Yea if they had contracted mariage, yet there is no assurance, if the prince be treacherous and disloyall: as Alphonfus king of Naples was, who slue Count James the duke of Milans ambaffadour. Such a one they saye was Caracalla emperour of Rome (who never flewed a good countenance, but to such as hee meant to muther) hauing made a peace with the Parthians, he demanded the kings daughter, which was granted him: so as hee went into Persia wil accompanied to matrie her, being all armeinge therir garments, who vpon a signe given, when as they thought of nothing but of good cheere, he caused all the noble men that were at the marriage to be slaine, and so fled away: being not ashamed.
ahamed to boast; That it was lawfull to vie his enemies in that fort. This murther was not so cruel, as the excuse was detestable and odious: but God did not let his dffloyal-
tie to be long unpunished, suffering one of his household servants to murther him as he 
was at the stole, and to enjoy the empire for his reward. They say, that Caesar Borgi-
as sonne to pope Alexander the fixt, was like vnto this monster, whom Machiavel 
doeth produce for the paragon of princes: he had learned of his father to poyson such as 
he invited to a banquet: it cannot be said, Which did exceed other in treachery: Ale-
xander the father neuer did that which he said, and Caesar his sonne neuer spake that 
which he did: and both of them did religiously hold, That faith was to be gien to all 
men, but to be kept with no man. Caesar gave his faith, and swore great oaths for the 
assurance of the peace which he had made with the princes that were in league against 
him: and hauing drawne them together vpon his faith, hee murthered them euery 
where, where his father laughing, said, That he had shewed them a Spanish tricke. But it 
was an extreame folly, for the princes to put their lives into the hands of the most dis-
loall and perfidious man living, and knowne for such a one: and even at such a time 
as he was but subiect to the pope, and had no power to give his faith to them he put to 
death, so as the pope might haue excused them as his subiects and vassals, without any 
note of treacherie. But the pope was poisonned with the same poison which hee had 
prepared for his friends and companions: and his sonne escaping the force of the poy-
son, was overreached with the fame fraud that he had circumvented his enemies. For 
when as Consulius Viceroy of Naples had gien him his faith (not being so skilfull in 
the law of armes and hetauldry, as he was to command in warre) Borgias came to 
Naples, which when as king Ferdinand understood, he commanded him to keepe Bor-
gias prisoner: the Viceroy shewed his charge, and Borgias did vrgie him with his oath 
and faith: but the Viceroy could not give his faith without the kings express com-
mission, much less release a subiect that is captive, when as the king forbids it. Neither 
should Borgias have entred rashly into his enemies countrie. We read that Albrece 
earle of Franconie committed the like errour to the Duke of Valentinus: for being 
bisieged by the emperour Lewis of Baviere, Obnon the Archbishop of Ments per-
suaded him to come vnto the emperour vpon his faith, swearing, That if hee were not 
reconciled to the emperour, he should returne safe with him vnto his castle. This good 
bishop being gone forth, made shew as if he had forgotten something in the castle, and 
returned backe with the earle. After that he had delievered the earle into the emperors 
handes, being vrged of his promife, he said, That he was returnt: like vnto the loudi-
dour in Polybias, who notwithstanding his shif te, was sent backe by the Senat of Rome, 
with his handes, and feet bound to the enemy. But although the Archduke could not 
give his faith vnto a rebell, without warrant from the emperour, yet for that hee had 
fraudulently drawne a man into danger, who was ignorant of the laws of armes (other-
wise than Consulius had done) he was not free from the foule crime of treachery: like 
vnto Pacher, who persused Hippias, that he should come forth of his castle to a pate, 
swearing, That he should returne safe: the captaine being come forth, the castle was eas-
ily taken: then did he bring Hippias backe late into the castle according to his promife, 
and there flue him. In like fort Saturnius the Tribune with his complices, hauing se-
ized vpon the capitoll by conspiracie and rebellion, comming forth vpon the Consuls 
faith and safegard, they were slaine, and their memorie condemned. The like chance 
happened in Luques in the yeare 1522, when as Vincent Poge and his companions had 
slaine the Gonfalonier in the palace, the magistrates gave them their faith and affluence, 
that they should not be called in question for the fact, so as they would depart the citie: 
for that they were then in armes, and the stronger: yet sone after they were purpofed and
Many but to and or him Not who a We fure the yet But the and and whereof

W E B

with lie£t raigne fubjett for the giue the king giuen,they
then^irisagainrttheirdignitietobreakeir.
their prince to fent,ThatContentAlignment
in his tharefcaped theeeues,although
Romans,three thousand flaues,
and defeated the Romans in three battaies: but after that he had bene vanquished by
Craffus,all that escaped were hanged. Whereby it appears, that it is diffonourable
for a prince or state, to treat with theeeues: but having once plighted their faith vnto
them, it is againft their dignitie to breake it. There is a rare example of the emperour
Augustus,who made a proclamation, That whoever could bring vnto him Croco-
tus,captaine of the theeeues in Spaine,should have 25000 crownes: whereof he being
adueritied,he went and presented himselfe to Augustus, and demanded the reward:
the which the emperour caused to be giuen vnto him, and withall pardoned him, to
gue an example to others, that they must keepe their faith, without any respect to
the partes merit.

There is great difference, whether faith be giuen to a theeeue, a friend, an enemie, or a
subjett: for a subjett which ought to maintaine the honour, estate, and life of his sou-
raigne prince, if he prove treacherous and disloyall vnto him, that he hath giuen him a proteftio, or if he come to capitulat with him, if the prince doth infringe his oath
with him, he hath not so great cause to complain as a theeeue, if the theeeue be not his subjett: as the legion of Bulgarian theeeues, which being come into France to dwell there, king Dagobert gave them his faith, finding it daungerous suddenly to breake such a
troupe of loole and desperat men: but foon after vpon a certaine day, a watchword being giuen,they were all flaine. But there is a great difference, whether a soueraigne prince doth capitulat with his friends or his enemies, & that those subjettiis which have
rebelled against his maiestie,be comprehended in the treatie: Many have made a que-
ftion,if the prince breake his faith with those rebels, and seeking revenge of them,
whether the enemy be thereby wronged, and if the assurance given, or the truce, be thereby broken? as it oftentimes falls out, the which doth most afflict princes: as Titus Livius faith of Philip king of Macedon, Vna rete Philipb maxime angebat, quod cum leges a Romanis usito imperonzur semidiem in Macedonos, qui in bello abs defecerant adempit erat. One thing tormented Philip, that having laws prescribed him by the Romans, he might not tyrannize over the Macedonians who had fallen from him during the wars. I hold that in this case the treaty is broken, and that the enemy or the prince which hath contracted securitie for an other prince subjectts, may take it for an injury, & seeketh his revenge, although the subjectts were guilty of treason in the highest degree. As the Barons of Naples, who went to Naples upon assurance given, and an oath taken by Ferdinand king of Naples, vnto the Pope, soueraine lord of Naples, the king of Spaine, the Venetians, and the Florentines, who were bound, and had all sworn to entertaine the treaty; yet they were imprisoned by Ferdinand king of Naples, who put them all to death, although he had received them under his fathers assurance and his owne. But there is no breach of the treaty if a privat person seeketh revenge of former wrongs of them that are comprehended in the treaty vnlesse he hath precisely promised that he shall not suffer any pursuit to be made against them for any thing that had been committed before the treaty; or that assurance was given them in generall tarmes to returne vnto their houses. For a generall clause in generall tarmes hath the same force that a speciall clause in a speciall case, which may not be fitteth from the places, times, petitions and cases, contained in the articles of the treaty or safeconduit: all which notwithstanding were neglected by pope Leo the tenth, who hauing giuen his faith and a passport vnto Paul BaulIon (who had expelled his nephew out of Perouze) when he came to Rome he was committed prisioner, and his processe made, not only for his rebellion, but for many other crimes, for which he was convicted and executed. The historie reporteth, that the pope had not only giuen his faith vnto him, but to all his friends in generall: true it is they were all his vaillants. He did the like vnto Alphonse Cardinall of Siene, being accused that he had attempted to poyson the Pope: to draw him into his shame he gave him his faith, and to the Ambassador of Spaine in the name of the Catholike king; yet he came no sooner to Rome but his processe was made: whereupon the ambassador of Spaine complained greatly, but the Pope (who wanted no lawyers) answerted him, That a safegard or protection how ample soever, is of no force, if the crime committed be not expressly faced downe: fo as presently after the Cardinall was strangled in prison. But the Spanish Ambassador could not stipulate a protection for any one without a commission from his master, as we have shewed before; the ignonome whereof hath oftentimes been a great plague and inuine to princes. Pope Clement the 7 circumvented the Florentines in our age with the like fraud, having promised the Spanish Ambassador to maintaine their estate free: but having seazed of the citie, he made it subject to Alexander his brothers bastard, who put the chief men to death, after the proscription of many, saying, That treason was always excepted: the which was a fritulous and idle excuse, seeing that he was never lord of Florence. Therefore in all treaties it is most safe to set downe particularly the number and quality of the judges, for the differences that may arise among the associates, so as the number be equall of either side; with authority to the arbitrators to chuse an umpire, if they cannot agree among themselves: as in the league made by the fourte first Cantons in the yeare 1481, where it was fayd in the fourth and fift Article, that in all controversies they should chuse an equal number to determine of them. And in the alliance betwixt the house of Auffria and the twelve Cantons, the Bishops of Bohemia and Constance are named: but in the treaty betwixt the king of France and the Swissers,
Swissers, in the yeare 1516, in the 17 Article it is said, that in matters of contouerse, every one should chuse two arbitors: and if they could not agree, the plaintiff should chuse a sitt out of the Valesians or from Coire to be umpier, who might not alter any thing of their opinions, but chuse the one of them. It was more convenient that the sitt had been choyn by the soure which could not agree, for that the Swissers were always demanders, and named whom they pleased, fo as the king had always the worser caufe.

There is an othere point which doth commonly deceive Princes, which is, to treate with Ambassadors, deuices, or Lieutenants, without an especiall commision; for notwithstanding any promit which he shall make to have it ratified by his maister, yet is there no assistance, for that the Prince which promiteth stands bound for his part, and the other remains at libertie to accept or reject the conditions of the tretie; and haplyc in the meane time there falls out some accident which breeds an alteration: as it happened betwixt the Samnites and the Numantines, and (without any farther search) to Lewis the 12, who treate a peace with the Archduke Philip passing through France in the yeare 1503, by vertue of an ample Comission which he had from his father in law, promising moreover to cause him to ratifie it: but Ferdinand attended the issue of the warrs of Naples, whereas the French were vanquished in two balleines, and expel the realme, so as he refused to ratifie what his sonne in law Philip had concluded with the king of France, saying, that the Archduke had no especiall commision. At the least there must be a time preexit for the ratifying of the tretie, or a resolute clauze for the want thereof: for in matters of State, and of treties betwixt Princes and Commonweales, a silent ratification is not fute. And this was the cause of the breach of the tretie of Bretigny, the which Charles the sitt then Regent of France had not ratified, touching the foretraginta of Guienne, and the same occasion made them of Carthage breake the peace betwixt them and the Romans: for after the sitt waste, they had made two treties, in the first all the associates of both nations were comprehended in generall tretimes only; and it was said, that the tretie made with Luctatius the Confull should hold if the people of Rome did like of it, the which they would not ratifie, but sent an express commision into Affrike with the articles they would have concluded, and Affrubal Generall of the Carthaginians confirmed them. In this tretie the Saguntines were expressly comprehended, as allied into the Romans, but this tretie was not expressly ratified by the Carthaginians, upon which point the Senat of Carthage fough the maintening that Hannibal might lawfully make warre against the Saguntines: and yet the Carthaginians having obserued the tretie made by their Generall in all other clauses, they had ratified it in fact, which is more than words. It is therefore the more sure not to conclude any thing without an especiall commision, or express ratification, for there never want excuses and delites to cover their diloyalties, the histories are full of them, as of the Caledonians against the Brittanies, of Cleomenes against the Argives, and of the Thessaliens against the Thebans, who when as they had concluded a truce for certaine daies, they spoilyed their fields by night: and as the Flemings, who leaing to pay two millions of florins into the popes tretie, (as it was secluded by the tretie of peace, if they did rebbell against the king of France) they councelled Edward the third, king of England, to quallifie himself king of France, and then they would take armes for him, the which was done: Others distinguish upon the word, as king Lewis the 11, who making a shew that he had need of the good counsell and aduice of Lewis of Luxembourg Conftable of France, he saide, That he wanted his head. And the Emperour Charles the sitt by a subtill alteration of a letter denied that which others thought hee had affirmed; writing touching the deliction of...
the princes of Germanie out of prison. But George Comnenus found a more subtill interpretation, seeing that he could find no means to breake the treatie made with the king of France, said, That the treatie was made with the king for the perpetuation of his estate, and not to recover them when they were lost. But when all failes, and that there is no other excuse, he that is the stronger, is in the right; and the weaker hath wrong, as Achalippa king of Peru (being prioneer to Francis Pizarre, Captain of the Spanyards) he promised the value of ten millions and three hundred thousand ducats for his ransom, the which he payed: the Spanyards having resolved to put him to death, said, That there was no means for his libertie, vnlesse he became a Christian: he to save his life was baptized, but with much griefe of mind, saying, That the immortal soul was to be preferrd before mortall gods, but terrified with such imminent danger, he imbraced the Christian religion. What shall I say more? The Spanyards having a king that was penitent, confesing and obedient to all their lawes, they put him to death, without any regard of faith or oath, like unto the wicked Millanois, whom it were a sinne to name, who having taken his enemie at an advantage, set a dagger at his throat, threatening to kill him, if he did not ask him pardon for all the injuries he had done him, the which was done: then he threatened him with death if he did not deny God; he abhored God and all his works with horriblite executions, but his audentiarie not satisfied therewith, caused him to repeate those cutties often, leaft they should be counterfeited, and then he flue this blaphester, saying, That he was renewed both of bodie and soule. Behold the reward which this denier of God received, for putting his trust in the promises of a murtherser. In the treatie made betwixt king Lewis the 11 and Charles Duke of Bourgogne, in the yeare 1473, he made the king to sweare first by the word of a king, then by the faith of his bodie, and by his creator, by the faith and law, which he had taken in his baptisme, and upon the Euangelists and the Canon of the Maffe; and in the end upon the true Croffe. I omit to write what he profesed by this oath, and what succeeded. But the Earle of S. Paule would not give any credit to all this, when as the king gaue him a safecondit, vnlesse he would sweare by the crosse of S. Lau, which was kept at Angers, the which he refuséd to do, having resolved to put him to death, and fearing above all things this crosse, whereupon the lord of Lescut required him to sweare before he would come vnto his feuite, and he kept his oath. The like was done in the treatie of peace betwixt Charles Regent of France, and the king of Nauarre, when as the Bishop of Lizieux faid Maffe in a tent pitcht betwixt the two armies, and receiued the oath vpon the hoste: for better assurance of the treatie, the Bishop divided the hoste in two, giving the one halfe to the king of Nauarre, the which he refused, excusing himselfe that he had broke his faft; neither would the Regent take the other part, so as either suspected the other of perjurer. The Auntenets vied sacrifices with effution of bloud, with many imprecactions and exceterations against the breakers of the league: and the kings of Parthia and Armenia when they entered into any offensifte and defensifte league, they tied their thombs, and drawing forth the blood, they stuck it one after another: as in the like case the king of Calang at the East Indies, making an alliance with the Portugalls, drue blood from his left hand, and tubd his face and tongue therewith. But there is no assurance in any oaths if the Prince be disloyall: and if he be juift, his simple word shall be a law vnto him, and his faith an oracle. It is forbidden by the holiest scriptures to sweare by any but by the name of the eternall God, for it is he alone that can revenge the breakers of their faith and the scorner of his name, and not they which have neither power nor care of humane things, the which the thirtie Ambassadors of Carthage feared when as the Romans had agreed to graunt them a peace, an auntsient Senator (knowing the disloyalitie of
A of the Carthaginians) asked them in open Senat, By what gods they would sweare: they answered, that they would sweare by the fame gods which had so sharply punisht their disloyalitie.For he offends no lesse that thinkes to mock God, than he which doth it in deed, neither is he to be credited although he hath sworn. The princes partisans of the houses of Orlance and Bourgogne did sweare fixe treaties of peace in lesse then twelve yeares, and not any one was kept, as we read in our histories. And for that among all the treaties made among princes, there is not any one that hath more need of allurane, and that is more difficult to entreate, than that which is made with the subject, having conspired against his prince; I am of opinion that in this case the treaty should be made with neighbour princes, to warrant the subject, or else freely to depart the countrie. And if any one will obset that the subject ought not to have any safeguard or protection from his lord, as it was adjudged by a decree of the court of Parliament for the Earle of Toncrue, I confesse it: But I say, the subject must either do thus, or else depart the countrie, when they have to do with a souveraigne Prince. For there is not greater torment vnto a Prince, than to be forced to capitulate with his subjects, and to keepe his faith with him. Lewis the 11 gave a good testimonie thereof to the Duke of Nemours, to the Earle of S. Paul, to the Duke of Britannia, to the Earle of Armaignac, and to all his subiects that had rebelled, all which almost hee put to death; and the historie of Flanders puts his owne brother in the number, affirming that he was poisond. And not long since the younger brother to the king of Fez besieged the king his brother with an armie, and forced him to conclude a peace with such conditions as he pleased, and then he entred into the Castell with a small traine to do his homage, but sodenly he was strangled by the kings commandement, and cast out at a window in view of his armie, which hauing lost their head, yelled presently. In like fort the Duke of Yorke hauing taken armes against Henry the sixt king of England, hauing gotten the victorie he made an agreement with the king vpon condition that after his decease the Crowne should come vnto the houfe of Yorke, and the prince of Wales, sone to king Henry the 6 should be excluded, and in the mean time he should remaine Regent of England: but sone after being taken he was beheaded with his accord, being crowned with a crowne of white paper. You must not call the Lion so hard as the bloud may follow, for seeing his owne bloud and feeling the smart, if he have his libertie he will be revenged: I would I had not so many examples as haue bin seene in our time. But when as I say it is necessary that neighbour princes and allies be comprehended in the treaty made betwixt the prince and his subiects as pledges and warrants, I do not meane that it shall be lawfull for forraigne princes to thrust their neighbours subiects into rebellion, under coulor of protection, and armie: and in truth the beginning and spring of all the wares betwixt king Francis the first, and the Emperour Charles the fift, was for the protection of Robert de la March, whom king Francis received, as du Bellay hath well observed. But a wise prince may meditate an accord betwixt another prince and his subiects, and if he finds that the outrageous proceeding of a Tyrant against his subiects be irreconcilable, then ought he to take vpon him the protection of the afflicted with a generous resolution; as that great Hercules did, who purchased to him selfe immortall praise and reputation, for that he tooke vpon him the protection of afflicted people against the violence and cruelty of tyrants (which the fables call monsters) whom he went through the world to conquer: wherein the ancient Romans did also exceed all other nations. And without any more search, king Lewis the 12 received into his protection the Bentiuoles, with the houses of Ferrara and Mirandula, against the oppression of pope Julius the 2: but he caused to be infected into the protection, That it was without prejudice to the rights and dignity of the Ro-
man church: and for the same cause king Henry the 2. tooke the protection of the same princes of Mirandula against the violence of pope Julio the 3. and of many princes of Germanie against the Emperor Charles the 5. for the libertie of the Empire, and entertained the league of the sea townes which the Emperor fought to break, &c. to change the Empire into an hereditarie kingdom else he which perseuaded: another Princes subiects to rebell vnder colour of protection (which should be as a holie anchor for people vniustly tyranized) he doth open the gate of rebellion to his owne subiects, and brings his owne estate into danger, with an everlafting shame and dishonor. And therefore in all societie and leagues among princes it is alwaies excepted, That the one shall not take the protection of another's subiects, whether the cause be just or vniust.

The only reason which hindered the treatie of peace betwixt king Antiochus the great, and Ptolomie king of Egypt, was the protection of Athene, who of governor of Asia had made himselfe king, and had withdrawne it from his soueraigne prince, as Polibius faith. And for this cause Sigismond Augustus king of Polonia, to haue peace with the king of Muscomie, was forced to leaue the protection of rigie in Lusonia. And whatsoever some fay, that it is lawfull for the vassall to free himselfe from the subjection of his lord, if he be ill intreated; it is to be vnderstood of an vndervassall, which hath recourse vnto his soueraigne lord, and not of a Leege vassall which holds immediately, and without the means of any other vassall, who in some other respect may be a soueraigne: as the subiects of Gienne and of Poitou rebelled instantly against the king of England vassall to the king of France, for that he denied them justice, and for that cause he was deprived of those fees which he held on this side the sea, according to the Canon law, although that many are contented to take away the justitie only. And of late daies the Geneuois expelled the Marquis of Flandes out of his estate at the complaint of his subiects, and tooke them into their protection: who whenas hee complained vnto the Emperor of the wrong which was done vnto him, the Geneuois aunswered. That they had freed but their owne subiects from the tyrannie of the Marquis: yet hee prevailed against them, notwithstanding they pleaded that hee was their vassall. Else euery one might vnder colour of ill vllage rebell against his lord, and put himselfe in the protection or subjection of another: as some subiects of the Duke of Sanfo, having been thirteene yeares or thereabouts vnder the Seigneurie of Berne, seeing now that they would turne them ouet to their antient lord, they beleeched the Bernois instantly, not to abandon them, being afraid of ill vllage: but they were denied their request, as I haue vnderstood by letters from the Ambaflador Coignet. And although that hee that is banished by his prince may be receiued into protection by another prince, or into subjection, without any breach of the treatie (which forbids the receiuing of another princes subiects into protection) for that those which are banished for ever, are no more subiects: but if those banished men would attempt anything against their antient Lord, the prince which hath receiued them ought not to suffer them. And therefore the princes of Germanie sent Ambafladors to king Henry the 2. to require him not to receive Albert Marquis of Brandenbourg into his protection, being banished by a decree of the Imperiall Chamber: the king made answer in the moneth of August, in the yere 1554. That although the house of France had always been the support of afflicted princes, yet would he not shew any favour vnto the Marquis against the holy Empire. Yet notwithstanding if the prince exceeding others in power and dignitie, be duly informed that another princes subiect be tyrannized, he is bound not only to receive him into protection, but also to free him from the subjection of another; as the law takes the blame out of the power of a cruel master: but it more befiteth to free the subiect from the subjection of another, and to set him at libertie, than to sub-
A. Icft him to himselfe, as the Romans did all Greece and Macedonie, which they deliu-
ered from the dominion of kings; to fet them at full libertie. So did pope Agapet (who
freed the successeors of Gautier d'Isuet ot from the subjection of the kings of France, for
that king Lothair had flaine him with his owne hand in the Church, at what time as he
craued pardon of him) to give example to other princes not to vfe any fuch cruelties
to their subiects: and for the like crueltie Henry king of Sweden was expell'd his estate
by his owne subiects, in the yeare 1567. But it was held very strange that pope John.
the 22 in the treatie made betwixt Philip the long king of France and the Flemings,
cauft it to be fet downe; That if the king did infringe the treatie, it might be lawful for
his subiects to take armes againft him, to the which the Princes and Barons of France
did oppose, caufing that claufe to be razed; and it was more strange that it should
come out of the mouth of a French pope, a naturall subiect to France, and who had
once been Chancellor. But the prince may well sweare that if he breake the treatie
made by him, his subiects fhall be freed from their obedience, as it was in the treatie
of Arras, and hath been vfed among our fift kings of this realme: as in the treatie which
was made betwixt Lewis and Charles the bald brethren, the oath which either of them
made was with this condition, That it fhould be made, which God forbid, that I should
breake my oath, I then abfolute you from the faith which you owe me. Lewis swarke
first in the Roman tongue these words which follow, the which the President Fauchet,
A man well read in our Antiquities, did shew me in Guyterd an historian and prince of
the bloud, Pro deo amur, & pro Christiano pobo & nostro commun salua mens difi dni
auant, inquant des fanir podir medunat; fjaluerio cift me on fradre Karle, & in adiudha, &
in cada laua saufa com bon par deriet fon fradre saluar di, ino quid i on altre fwart. Et
abluater mul plaid nunnquam prindrag qui meon vol cift, meon fradre Karle in damno fi:
That is to fay, For the loue of God and the Christian people, and for our common
health from this day forward, fo long as God shall give me knowledge and power, I
will defend my brother Charles, and will aide him in every thing as any man by right
cought to aide his brother, and not as another would do: And by my will I will have
no quarrell with him, if my brother Charles doth me no wrong. King Lewis having
made an end of this oath, king Charles spake the fame words in the Germaine tong:
thus, In God cft & c. Then both the armies subiects to the two princes swarte thus, S&
Ludovics fagramtment que fon fradre Carlo iurat, conferuat, & Carlos meo fender de fuo par
no lofiant, fi io retomar non lat pois, ne io veus cui co retomar ne pois, in nulla aadiuda contra Ludovic: That is to fay, If Lewis keepes his oath made with his brother, and
Charles my lord for his part doth not hold it, if I cannot prevent it, I will not returne
with him in peace, not do him any obedience. The subiects of Charles swarte in the
Roman tong, and the subiects of Lewis in the Dutch. But to returne to our purpose;
it is dangerous to take the protection of another, especially of those which are subiects
to princes allies, but vpon a fuch caufe, as it is more strange to leave an associat in danger:
But it is a queftion, whether a prince may take the protection of another prince viufht-
ly oppreffed, without breach of the league: for it is most certaine that we aide private
allies and common allies, if they be wronged by one of the allies: but he that is not
comprehended in the league, may not be defended againft him that is allied, without
breach of the league: on the other fide it is a thing which seems very cruel, to leave
a poore prince to the merite of one more mightie that doth opprefle him and feeks
to take his estate from him.

The Senate of Rome was much troubled herewith, for that the Capouans being af-
failed, & vniuftly oppreffed by the Samnites, had recourse vnto the Romans, who had
a good desire to aid them: considering withall, that the Samnites would be too migh-
* I I i j
tie & insupportable, if they had once seized upon the Seigneurie of Capoua, and that it was a means to subdue the Romans; notwithstanding it was resolved by the Senate not to give any succours unto the Capouans, considering the league which they had sworn with the Samnites. *Tanta utilitate* (faith Titus Livius) *fides antiquior fuerit*. Faith was of more respect than so great a benefit. I will let downe word by word, the answer which was made vnto the six ambassadors, the which defenses to bee granted in letters of gold, *Legatis Campanorum auxilia contra Samnites potentibus, Consul ex authortate Senatus sibi respondit:* *Auxilio vos Campaniis dignos censet Senatus: sed *vobiscum amicitiam in vitibus par est*, ne qua veta fuerit amicitia ac societas violeter: Samnites nobiscum sedere scienti sunt: itaque arma Deos prius quam homines violatura, adverfus Samnites, *vobis negamus; Legatos scit fas est, precatum ad Socios mittemus*, ne qua vobis vis fiat, *The Consull with the authority of the Senate did answer to this fort vnto the ambassadors of the Campanious, demanding succours against the Samnites. The Senate holds you of Campania to be worthy of succours, but it is fit to by your friendship with you, as a more auintent league and societie may not be violated: the Samnites are linkt vnto vs in league, and therefore we deny you arms against the Samnites, whereby we should wrong the gods rather than men: but we will send ambassadors (as we may lawfully) to request our associats, not to offer you any violence. The ambassadors of Capoua had a secret charge, to offer the subsidy of Capoua vnto the Romans, in case they should refuse to give them succours: who seeing themselves rejected, made this offer, *Quandoquidem nostra tuaerit non vultis, vestrar certe defendetis: itaque populum Campanum veberaque Capouam, agros, delabrea Deum, divina humanaque omnia in vestram P.C. populeque Romani ditionem dedimus: Tunc vam fides agi vident, dedites non prodite; Seeing you will not protect vs and ours, yet at the least you shall defend your owne: we yield therefore into your power O reverent fathers, and of the people of Rome, the people of Campania, and the city of Capoua, with their fields, churches, and all divine and humane rights. Now is your faith engaged, not to betray them that yield vnto you. Whereby it appears, that the stranger is not to be succoured against the aulie, vnslese he yeeld himselfe a subsidy vnto him whose protection he pretends; for in that case every one is bound to defend his subsidies against the injuries of the mightie. If the Athenians had made the same answer to the Corcyrians, demanding aid against the Corinthians their allies, they had not fallen into a warre which set all Greece on fire for the space of twentie yere, and was not ended, but with the ruine of the Athenians, who were made subsidy vnto the Lacedemonians, as they had deserted, what colour of justice souer they pretend, that the league ought to caepe if one of the associats doth make warre vnjustly against a stranger. If this interpretation might take place there should be no league nor alliance unbroken. And therefore in contradicting of leagues and new societies, the more auintent associats (although they are held to be excepted by law) must be precisely excepted: so as no aid is to be giuen vnto the latter confederats against the more auintent, vnslese they have first begun the warre. As in the league made betwixt the houle of France and the Cantons of the Swifset, in the yeare 1521, in the which the auintent allies were excepted: but there was a derogatory clautre, in these words, If the auintent allies did not make warre against the king of France, which was the principall subsidy of the treaty. But it may so fall out, that three princes being in league, one may make warre against the other, and require aid of the third. In this case there are many distinctions. If the treaty of alliance be but of familie and friendship, it is most certaine that he is not in that case bound to give any succours, if the treaty imports a defensive league, he must aid the most auintent ally by a precentid alliance: If the associats be of one standing, he owes succours vnto him that
A is united unto him by an offensive and defensive league. If it be offensive and defensive of all parts, he must not succour neither the one nor the other; but he may well mediate a peace, and cause their quarrels to be compounded by their common allies: as it is commonly said, making warre against him that will not referre his cause to arbitrators, or yeeld to their arbitrament, as it is expressely set downe in the treaty of Stance, made betwixt the eight Cantons. Arbitraments are not to be rejected, how great soueraine princes be: as Henry king of Sueden did upon the controversyes hee had with the king of Denmarke, who offered to referre his cause to Henry the second, king of France: the which the king of Sueden refused, sayeing, That he was as great a king as the rest. But the Romans, who exceeded all nations in riches and power, if they had any controversies with their allies, they referred it to the arbitrament of their common confedearats; Romans Legatus (faith Titus Livius) ad communes focius vocavit. And if it be not lawfull by the law of armes, to allow of the combat, when there is any prooue by wifele or otherwise, what an injustice were it, to suffer two princes or states to enter into warre, if a third may reconcile them, or els ioyne with him that is wronged. It were a simple part to suffer his neighbours house to burne, the which hee might quench with his honour. Moreover it may be doubted, whether the league be broken, if thou shalt offer violence to any confedearate father or brother, being not comprehended in the league. If they bee subiects, there is no question: if they bee aboultely of themselves, it may be doubted, for that the father and the sonne are held to be all one: but in my opinion there is nothing done against the league, vnlesse the fathers perfon were excepted in the treaty. And although the father may pursuie an iniquie done vnto his sonne by action, yet may he not attempt warre by the law of armes, for a sonne that is out of the fathers jurisdiction, and not excepted in the treaty, although hee bee wronged by his confederae: for that the fathers power hath nothing common with the laves of armes and materia, much lesse may the league be broken for brethren that are wronged. But to avoid all these inconvenientes, the most safest way is, to limit all leagues to a certayne time, to the end they may add or take away from the treaty, or giue ouer the league altogether, if they thinke it expedient for them: and especially betwixt Popular civitates and those which are governed Aristocratically, the which neuer die. For in Monarchies societies and leagues are dissolved by the death of princes, as we haue saide. Yet princes making treaties with Seigneuries and Popular states, haue beene accustomed to continue the time of the league after the princes death: as it was in the league betwixt the Cantons of the Swisser, and Francis the first, where the time was limited for the kings life, and five yeares after, and since it hath alwayes so continued: but that condition did bind the Swisser, and not Francis his sucellor, who might at his pleasure hold, or go from the league: for that an oath is personall, and to speake properly, cannot be taken for the sucellor.

But some one will lay vnto me, That the first claime in all the auctient treaties and leagues, which the Romans made with other states and Seigneuries, was, That they should be perpetuall. And therefore the Hebrewes did cal the strongest and best asured alliances, treaties of salt, for that salt of all things compounded of the elements, is least corruptible: as they also call a statue or image that is everlaeting. A statue of Salt, not that the holy Scripture meanes, that Lots wife was turned into a saltstone, as many believe. But in my opinion there is nothing more pernicious in treaties than to make them perpetuall: for he that feeleth himselfe any thing ouercharged with the treaty, hath reason to breake it, seeing it is perpetuall: but if it be limited, hee hath no cause to complaine. Moreover it is ease to continue leagues and alliances alreadie made, and to renew them before the time prefixed be expired: as hath beeene alwayes done with

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the Cantons for these fiftie yeates; and although we were assured of a perpetuall amiti
and friendship, and that there should bee no cause of grieffe or dislike, yet friendships
grow cold, and have need to be reuin'd and quickned by new treaties. And therefore
in the treatie betwixt the Vallesians and the fume small Cantons, it is set downe in the
laft article, that the league should be tenued every tenth yeare. And in the treaties be
twixt the eight Cantons it is taid, that the alliances should be tenued every five yeares.
The Romans did sweare a league and perpetuall amiti, with the inhabitants of Lau
terum, and yet was it renewed every yeare. Cum Laurentibus (inquit Lituus) renovari
fudus iuffum, renovaturque ex egquotannis post diem decimum Latinarum. Being com-
manded (faith Lituus) to renew the league with the Laurentines, it was thereupon re
newed euery yeare after the tenth day of the Latines. And the same author faith, Adi
re in fùnt Legati Romani Cretam, & Rhodii, & renovare amicitiam simul, speculati num
solicitationis fociorum ad rege Perseus fuisfent, The Roman ambafladors were com-
manded to go to Creec and Rhodes, to renew the league, and to discover if their con
federats minds had bene corrupted by king Perseus. There was a league of perpetuall
friendship made in the yeare 1336, betwixt Philip of Valois, and Alphonfo king of Ca
tfile: and afterwards it was renewed betwixt king John and Peter king of Castile, in the
yeare 1352: and betwixt Charles the fift, king of France, and Henrike king of Castile:
and yet euery one of these leagues was made perpetuall for the associats and their fis
cessors. As was also betwixt the houses of Scotland and France, for these three hun
dred yeares, that they have continued in good and perpetuall league and amitie, unto
the yeare 1556. There is alfo another reaon why the time of leagues and alliances
should be limited, for that there is an ordinatie clauue annexed to all treaties, Not to
make any peace or truce, or to enter into league with a common enimie, or with them
that are not comprehended in the treatie, without the contenf of all the associats, or of
the greateft part: But if one of the allies will not content thereunto, must the teft be in
gaged in his hatred, and in a continuall warre, if the league bee perpetuall? That were
against all divine and humane lawes, if the occasion of this hatred doth cease, and that
a peace may be made without the prejudice to the allies. But this clauue is ill practifed,
for if any one of the associats hath an intent to goe from the league, hee is fo farre from
demauing the contenf of the teft, as sometimes hee doth treat fo secretly, as all is con
cluded before that any thing can be discovered, and oftentimes they abandon their af
sociates into their enemies. We have a notable example in our memorie, of the treatie
of Chambort, made in the yeare 1552, betwixt the king of France of the one part, and
the duke Maurice, the marquesse Albert, and the Landgrave of Hesse on the other;
where it is saide in the two & twentieth article, That if any of the associats should make
any peace or agreement, or have any secret practife with the emperor, or his adherents,
without the contenf of his other allies, he should be punished as a perjurier, without all
remisision, in the view of all the armie. And yet within six moneths after, the elector
Maurice agreed with the emperor at a treatie at Pafsau, neither adverting king Hen
rie (who was chief of the league) not yet comprehending him in the treatie. Against
whome the marquessa Albert exclaim'd, saying, That it was a base and villainous act,
calling the duke traitor, and disloyall to his country, the emperor, and the king of
France. And yet he did worse than his companion: for after that he had drawne great
sumes of money from the king, he turned to the emperor, and made open warre
against the king: so as the imperall fouldiers called Maurice Bachelor, or Graduat, &
Albert Docror, for the notable tricks which he plaid. And of late memorie, the Seign
neurie of Venice concluded a peace with Sultan Selim, so secretly, as it was published at
Constantiopole, at the comming of the French ambasaadour, before that any one of
the confederats of the holy league was aduertised thereof, although it were expressly forbidden in the treatie, that no one of the confederats might make a peace or truce with the Turk, without the consent of all the rest. So the auncient Romans having to doe with faithlesse and disloyall people, they did not willingly conclude a peace, but a truce for many yeares, as they did with the Veientes, \textit{Veiuentium pacem petentibus in annos centum inducere datet}. The Veientes requiring a peace, they had a truce gauntered them for an hundred yeares. And in another place, \textit{Inducia Veiuentium pacem petentibus in annos 40 date}. A truce of fortie yeares was gauntered vnto the Veientes, who demanded a peace. And in another place, \textit{Cum populo Cerite inducias in centum annos facias}. There was a truce made with the people of Cerites for an hundred yeares. And in another place, \textit{Hetruriae populi pacem petentis in annos 30 inducias impetratur}. The people of Hetruria demanding a peace, they obtained a truce for thirtie yeares. For always a truce is more holy, and lesse violable than a peace. And if wee shall well observe the end of those which have broken any truce, we shall find, that it hath bene miserable, and many times the ruine of states. So the Romans have always punished severely the breakers of any truce: the first example was shewne vpon the person of Mettius Dictator of the Albanois, who was pulled in peaces with foure horses, and the citie of Albarased: the people of Veientes were rooteed out, hauing rebelled seven times against the articles of the truce: the citie of Carthage was burnt to ashes: the people of Capoua slaine for the most part, and the rest made slaves: the inhabitants of Corinth massacred, and their citie burnt to ashes: the Samnites were ruined, having infringed their faith seven times, as we read in \textit{Titus Livius, Strabo}, with infinit others, which were impossible to set downe in particular, which carrie an eneuying testimonie of Gods unjust judgements against treacherous and disloyall princes, and faithlesse people, which mocke at othes. As for treacherous and disloyall subjectts, they were never unpunished, \textit{In Velentium veteres eius grauitur saevium quod toties rebellarent, muri dicitur Senatus abducatu. They punished the Velertians (who were auncient citizens) very severely, their walles were cast downe, and their Senat carried away. And after the second Punike warre, the Roman subjectts which had bene traitors were excepted, \textit{Perfugie, inquit Livius} \textit{bello punico 380 Romanii missi, virgis in Comito caesi, et de Saxon deiectis}}.

In the Punike warre 380 runnawyes (faith Livie) being sent to Rome, were whipt in the open assemblie, and cast downe the rocke. And if the enimie hauing giuen hoftages, did infringe their treaties, the hoftages were publiquely put to death: as it happened vnto three hundred hoftages of the Volques, which were slaine: and in like case the hoftages of the Tarentines, \textit{Eugientes retracti, ac virgis in caesi, de Tarpeio deiecti sunt}. Fleeing they were fethc backe, and being beaten longe with rods, they were cast from the mount Tarpeia (faith \textit{Titus Livius}. But since that they have made a trade of the breach of faith, they have also made a conference to put hoftages to death: as \textit{Xarthes}, who pardoned the hoftages of the Luquitoes, haung broken their faith: and \textit{Charles duke of Bourgonne had no sooner set three hundred hoftages of the Leegiois at libertie (the which he might iuustly have put to death, whatsoeuer Comines faith}) but they attempted a new warre against him.

The clause that hoftages should be subject vnto capitall punishements, was unknowne to the auncients, for it was always lawfull not only to kill hoftages that fled, but also if they that had giuen hoftages had infringed their faith. But since they haue thought it fit to expresse those words in their promisses, left that hoftages should pleade ignorance of the law of armes, or that it should seeme too cruel that one should suffer for anothers offence. I will not denie but the Romans haue somewhat blemished the brightnes of their auncient integritie and iustice, the which happened vnto them not so much.
much through their owne fault, as by the Grecians and Carthaginians, whose treacherie they had often tried: wittes that which Livie writes of the Ambassadors that were sent into Greece, when as they made report of their charge in open Senat he saith thus, L.Martius & Attillus Romanus recuerfs, nulla alia re magis gloriantur, quam dequeo per inuictas & jem pacis Rege, quae magnas pars Senatus probat: sed veteres moris antiqui memores, Romam istam sapientiam improbant, nec istu magis quam eger virtute bel-lage, Jesse maiores, denunciare bella, & sepe locum sinec, quo dimicanturi essent. L. Martius and Attillus being returned to Rome, gloried in nothing more, than that they had circumvented the king with a tuse, and the hope of peace: the which the greatest part of the Senat did allow of, but the most auntient (remembering their custumes of old) did disallow of this new kind of wisedome, for that the auntient did not make warre by craft and policie, but by vertue, proclaiming warre, and oftentimes appointing the place where they would fight. Yea they were accustomed to renounce their alliance and friendship that they had wronged them, before they would begin any warre. V etere, faith Suetonius, bellum inducturi, renunciabat amicitiam. The auntient when they would make warre against any one, they renounced his friendship: a custome which was obserued among privi men, even in the time of the Emperour Tiberius: for Germanicus being grievously wronged by Piso governor of Soria, sent him word that he renounced his friendship: and Henry the 5. king of England sent word to Lewis duke of Orleanc by his ambasrador. That he could not define him, unless he renounced his friendship, and sent back the alliance. And at this day those which be brethren in armes, and princes which do warre one anothers order, they send back the order before they make warre. But the Greeks who had taught the Romans their deceites and disyol-ties, were punished, as we may see in Livie, where he faith, Phocenes cum paci effent nihil hostile se a Romanis passus portas aperuerunt, tum clamor est subitus a militibus, Phocenes munquam jidos socios, impune eludere: ab hac voce militis urbem diripunt, Emilius primo resistere, captas, non deditas ortes diripit. The Phocenes when they had contrased that they would not induce any hostile acte of the Romans, they opened their gates; then began there a citie among the souldiers, that the Phocenes being new faithfull associates did laugh at them unpunished: at this citie the souldiers spoile the towne, at the first Emilius made resistence, saying, That they vsed to spoyle cities that were taken by force, and not that yeelded. But the Romans to repaire this error, left their citie in full libertie, and restored them the lands they had taken from them. So Polibius who was a Grecke borne, and governor to Scipio the African, speaking of the Greeks, faith, That a word among the Romans was sufficient, but in Greece for the lending of a hundred crownes they must have tenoraties, and twife as many seales, and yet would they breake their faith. But it is far worse at this day, where there is no assurance neither in letters, seales, nor safegards, yea ambassadors are not assurde, for we have seen Rincon and Pregose ambassadors to the king of France slaine by the officers of the Emperour Charles the 5, and yet no justice was done of them: whereas the Romans deliered Minutius and Manlius to their enemies, and at another time Fabius and Apronius, to dispose of them at their pleasures, for that they had somewhat wronged the ambassadors, the which is forbidden by the law of armes. If faith be not kept with ambassadors, what shal we hope of others: yea some have gloried in killing them, as Helene Queene of Russie, being intreated by her enemies to make a league, to the end she might marrie with their king, she buried all the ambassadors alive; and before they were aduertised thereof, she sent them word that she would have ambassadors of greater worth, whereupon they sent her five more of the noblest of the whole country, all which she cauht to be burned alive, and under promise of marriage she murthered.
A murdered five thousand which she had made dronke. It is not needfull here to rehearse how many cities and people have been ruined and roote out for the breach of faith with ambassadours, who are and ought to be facted and inviolable. And ambassadours are also to be warded that they exceed not their charge, nor speake not any thing to the dishonor of the prince or people to whom they are sent, for a wife ambassadour will always deliver his charge, if in things that be odious spatingly, and in those that be pleasing full, to the end that he may entertain princes in friendship, and appease hatred; for that princes do oftentimes fall into mortal quarrels through the indifferency of ambassadours. Amongst many we have the example of Stephen Vauoido of Valachia, to whom the Procope of Tarrata sent an hundred ambassadours, threatening to waste all his country with fire and sword, if he sent not backe the Procope's sonne, whom he had taken prisoner. The Vauoido incensed at these threats, put them all to death, except one whom he sent home mained of his members, to bee a messenger of this strange calamity. Others revenge not injuries done vnto them by ambassadours so indifferently, but yet as cruelly, lest they should seeme to have broken their faith, disfriming them, and yet sending others alter them to kill them: as Tucsc queen of Scetonia did, who sent some to murther the youngest of the three Roman ambassadours, having threatened her, the which was afterwaerts the cause of her ruine, and of her estate. But the fact of the king of Mosconie was most barbarous, who seeing an Italian ambassadour to put on his hat before he was bidden, he caus'd it to bee nailed fast vnto his head; a most cruel and barbarous deed, yet was there an error in the ambassadour, who hold the ranke and dignitie of the prince his master, so as it bee not with the contempt of the prince to whom he is sent: for sometimes ambassadours relying vpon the greatneffe of their master, forget thesmelles to meanet princes, especially men that are bred vp in Popular eftates, accustomed to speake with all libertie, think they may doe too with Monarches, who are not accustomed to heare free speecches, and much leafe that the truth should be spoken vnto them: for which cause Philip the young, king of Macedonie, seeing the Roman ambassadour question too boldly with him, hee could not forbear to brave him with reproaches. And Popilus the Roman Legat vndid Antiochus king of Asia with greater presumption, making a circle with a rod about the kings person, willing him to give him answer, before he went out of that circle: here Libie faith, Obitufpactus est ren tan violento imperio, The king was amazed at so violent a command: and yet he did what the Romans commanded, having tried their power. Marius the elder vndid the like libertie towards Mithridates king of Pontus or Amasia, who although he neither were ambassadour, nor had any publike charge, yet he fayd vnto the king, That he must obey the commandement of the people of Rome, or be the stronger. Then did Mithridates find that true which was spoken of the Romans, That they were of a freer speech than any other nation. And sometimes too great libertie without any inuiron offends princes. For which cause Marc Anthony caus'd an ambassadour which was sent from Augustus to be whipt, for that he talked too freely to queen Cleopatra. But those princes are wifest, who having received any affront from ambassadours, demand reparation from their masters: as Charles earle of Charlois, faid vnto the ambassadours of Lewis the eleventh, That his Chancellour had brau'd him, but the king would shortly repent it; and so it fell out: for the same yere he imbarqued the king in a most daunegrous waare, with the hazard of his estate. And therefore king Francis the first, doubting that he should heare something of an herald which was sent from the emperour Charles the first, that might bee some impeach vnto his majestie, he caus'd a gibe to be set vp before the court gate, when he heard that he approached, letting him understand, that he would hang him, if he opened his mouth.
for having given the emperor the lie, he knew well that the herald could not bring him any answer, without some touch to his honour and dignity. Some there bee that will attempt warre against their associates for any small injurie: as the Scots did in old time against the Piets, for taking away their dogges, having liued together almost six hundred yeares in great peace and amitie. A good prince must trie all means, and difsemble many things, before he come to armes. I do not agree with Bartol, who faith, That the peace is not violated, if any one hath undertaken that hee shall not bee wronged, and yet his things are stolen away by him with whom he hath made a peace: for that there was nothing that did sooner move the antient Romans to make warre, than for things taken away, and injuries done: M. Aurelius the emperor said well, Putati ne non alter vim inferri quam si homines vulnerentur: vis est etiam cum quad per Indicem debut, per te ipse arripit, Doest thou thinke that violence is not offered, unless that men be wounded. It is violence, when thou takest that of thine owne authority, which thou shouldest recover by law. But some make breach of their faith, by a craftie interpretation of the law. As that which Bartol prooves, If by the truce it be lawfull for a French man to passe into England, upon condition, That if after the truce he be found within their limits, it shall be lawfull to kill him: if before the end of the truce he depart out of England, and by a storme is driven backe into England after the truce expired: in this case he faith, they may lawfully kill him. In my opinion they may ransom him by law, but not kill him: for that he doth nothing against the truce, that by tempest is cast upon his enemies countrey. It would seeme unjust and injurious, to reipaire that which happens accidentally with the loffe of life.

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Finis Libri quinti.
I. Of Censuring or Reformation, and whether it be expedient to inroll and number the subject, and to force them to make a declaration, or give a certificat of their private estates.

Thereunto we have described at large the first part of the definition of a commonweale: that is, the true governing of many families with absolute power, and which depends of the said definition. It remaines now to speake of the second part: that is, of that which is common to an estate, and which consists in the managing of the treasure, rents, and reuennues, in taxes, imposts, coynes and other charges for the maintenance of a commonweale. And for the better understanding hereof, let vs first treat of Censuring. Census in proper tearmes is nothing else but a valuation of every mans goods: and for that we are to treat of reuennues, it is verie needfull to speake of censuring, and to shew, that of all the Magistrats of a commonweale, there are not many more necessarie: and if the necessitie be apparant, the profit is farre greater, be it either to understand the number and qualities of the citizens, or the valuation of every mans goods; or else for the well governing and aving of the subject. And calling to mind the farthest bounds of antiquity, I doe much wonder, how so goodly a charge, so profitable, and so necessarie, hath bene laid aside so carelessly, seeing that all the ancient Greeks and Latines did vfe it, some yearely (faith Aristotle) others from three, four, or from five yeares to five yeares, making an effimation of euery mans wealth and private estate: whereof Demosthenes having made an abstract out of the publike registers, said (speaking vnto the people) that all the reuennues of the countrey of Attica did amount vnto threescore thousand talents, or thirte fix millions of crownes. Even so the Romans (who did imitate the Grecians) could weilter censuring this custome, and bring it vnto Rome: for which cause, king Servius is much commended in histories. And although the people of Rome had disannulled and abolisshed all the edicts and ordinances of their kings, after they had expelled them, yet this law of censuring or surveying continued still, as the foundation of their treasure, imposts, and publike charges, &c. was continued in the Consuls persones. But after that the Consuls were distract & drawne away for warlike imployments, they then created Censores, the commendati of censuring, or censuring the subjects estates.
threescore and six yeares after that the Consuls had executed it. L. Papirius, and L. Sempronius being the first that were called Cenfors, and they held the office five yeares: but ten yeares after L. Aemilius Mamercus limited the time of the Cenfors office to eightene moneths. And soone after, this custome was followed by all the cities of Italy, and namely by the Roman Colonies, who brought their Registeres and Inrollments to Rome. Afterwards this charge was still continued; and even Cæsar the Dictator tooke the paines to go from house to house to supply the Cenfors charge, although he called himselfe Magister morum, or Master of the manners. And as soone as the Emperor Augustus was returned to Rome, after his victorie against Marc Anthony, the Senate by a publike decrea gaue him the office of Censor, calling him Prefidus morum, or Controller of manners, who thrice numbered the citizens of Rome, and valued euerie mans goods: and not onely of the Citizens of Rome, dispersed throughout the whole empire, but of all the subiects of euerie province: And was there euer Emperor that left so goodly an estate of an empire, as he did?

Afterwards it was discontinued vnnder the tyranny of Tiberius and Caligula, and reuived againe by Claudioes the Emperor, which made the 74 Luftræ. It was left againe vnnder Nero, and continued againe vnnder Vespasian, who made the 75 Luftræ; and then it left vnnder the tyranny of Domitian, who called himselfe Perpetuall Censor, and yet made no surveye. A hundred and fiftie yeares after, or thereabouts, the Emperor Decius caused the Senate to declare Valerian Censor, with ample authoritie. And since that this office was laid aside, the empire hath alwayes declined. True it is, that the Emperours of Greece did errect an office, which they called Magistrum Censur, or The master of Inrollments, who kept the publike registeres containing all testimonies and publike acts, with the names and ages of euerie persone; yet not with such dignity and power as the auncient Cenfors. But it is certaine, that all townes subiect to the Roman empire, had their Cenfors, euén vnnder Trianian the Emperor, and the Senators of euerie towne were chosen by the Cenfors, as wee may read in an epistle written by Pline the younger to the Emperor Trianian. And (not to goe out of this realm) we read, that king Childerius, at the persuasion and instance of Maroœus Bishop of Poitiers, made an edict, commaunding all his subjicets to be inrolled, and their goods to bee valued; the which is yet sometimes put in praetiate at Venice, Genes, and Luques, whereas there bee Cenfors created: and namely at Venice in the yeare 1366 they made three Magistrats to reforme the peoples manners, whom they called, I Seignors sopra il ben vivere de la città: The Magistrats for the well living of the citizens: for that the name of Censor in a free citie abounding with all kind of delights, seemd harsh and fevere.

Few yeares before the creation of this Magistrat, having sett forth my booke of the Method of Histories, I did therein much maruell, that in so great a number of officers, wherein the Venetians did exceed other cities, they had forgotten Cenfors, which were most necessarie. The commonweale of Geneue in fad of Cenfors have deputed ten Antients, the which are chosen as magistrats, whereof foure are of the counsell of threescore, and fixe of the counsell of two hundred, which hold the subjicets of that state in such awe, as few offences remaine vnpunished: so as without doubt this commonweale will flourish, if not through armes and wealth, yet by their vertues and piety, so long as they shall maintaine the authoritie of those Antients. Whereby it doth plainly appeare, that the beft and moft flourishing cities could not long subsist without Cenfors: whereas many ignorant cities abufe themselues, in thinking that David was grieouously reprehended by God, and punished,
A punished, for that he commanded his people should be numbered: when as God commanded Moses the Emperour of the Israelites to doe it after their departure out of Egypt, and again before they entred into the land of promisef, and not only to number them, but to note euery family, and to take the name of euery particular person before they had conquered anie thing, the which hee should leaue to posterity: but the fault which David committed, was in forgetting Gods commandement, charging him, that when he did number the people euery one should offer vnsto God two groats of siluer (as Joseph hath verey well observ'd) being commanded in the text of the law, to exact that holy tribute for an expiation of their finnes, so often as he should please to have the people numbered: then he adds, Leaft a plague should be among the people. But in my opinion heerein was the greater offence, that the prince too arrogantly trufting more in the force of his legions, than in the power and helpe of the Almighty, did not number all his people, but those only that were able to beare armes, omitting the tribe of Levi (which attended the sacrifice) and the tribe of Benjamin. And whereas the law commands euery one to put halfe a fickle, or two siluer groats; that is done in my opinion, to abolish the impiete of the heathen, who taking the number of their subjicets, offered a piece of siluer for euery one vnsto their gods: as also God commanded they should sprinkle the blood of the sacrifice about, and of cyther side of the altar, forbidding them expressly, not to offer any more bloud vnsto their deuils, that he might call his people from the inhumane and hatefull worship of devils. And it seemes that king Servius had borrowed this ceremony from the people of the East, when as hee commanded a boxe to be fett in Tino Lucinas temple, into the which they put a denier for euery one that was borne: and another in the temple of Ilenens, where they did also put a denier for euery one that had attayned to euenteene yeres of age: at what time they put on a playne gowne without purple: and the third was in the temple of Venus Libitina, into the which they put a denier for euery one that died: which custome continued inviolable, euyn when as the office of Censor was negllected.

We read, that the Athenians were inrolled in the publike registar at the age of 14 yeres, yet wee finde no mention made of the tribute. But the number of the people which God commanded to be made, was of such as could cary armes, from 20 yeres vpward; in the which it seemes that old men above 60 were not comprized, & yet they were found by pole to amount to six hundred thirtie thousand five hundred and fifty, besides the tribe of Levi which made twentie two thousand five hundred, from a moneth old vpward, which was in all six thousand fiftie two thousand five hundred and fiftie. And fortie yeres after the number was taken, when as all those which came forth were dead, except Moses, Josua, and Caleb, they were found to bee six hundred twentie foure thousand euene hundred seventy three, comprehending the Leuis, besides the women, flauers, old men, and youth vnder twentie yeres, which were at the leaft twice as many. But Titus Livius speaking of the number of the citizens that were found in Rome, saith in his third booke, Censam sunt cinium capita 415 millia, preter oboros orbafque, the number of the citizens is 415000 besides the blind. Florus in his 59 booke saith, Censam sunt cinium capita 313 millia 823 preter pupillos & viduas, the citizens are numbered at 313823 besides widdes and pupils. Five yeres after he saith, Censam sunt cinium capita 390 millia 936. The number of the citizens is 390936. And in the following suruey, 394356. And in the next inrollment 430000 and in the other after that 150000. I omit the former surveyes, which are all greater than this last: but it seemes the Citizens of Rome were not included,
excluded; as it may appear in that which I have noted, for that there were none but widows and orphelines excepted: and yet Florus faith in his 27 booke, Censam sunt 137000 civium, ex quo numero apparuit quantum hominum est praetorium aduersa fortunae populii Romani abinlifes: The number of the citizens were 137000: whereby it appears how many men the Romans lost in their unfortunate warres. And in the former view he faith, Censam sunt civium capita 270 millia: The check-roll of all the citizens comes to 270000, as if he would inference, that the looses which they had recieved against Hanibal, had carried away 133000 citizens: for if the women had been comprehended which went not to the war, there had remayned none but women, for that they be always as many or more than men, as I haue before shewed. And in Athens there was a survey taken, wheres the number of women was greater than that of men, as Pantenus faith. But the scruple is decided by Titus Livius, where he faith, speaking of the seuenth inrollment, Ciuitum qui puberes essent, supra centum decem millia erant: mulierum autem & puerorum, seniorum, & mercatorum, & servorum, & servorum, & forid-dos ares exercentium; quidem Romanorum nemini cauponariam, aut operosum ares tractare licuit. The citizens of full age were about 110000 of women, children, slaves, marchants: and of those which vied base trades (for no Roman might be a victualler or handycrafts man) the number was thrice as many as of the ciuill sort: whereby it appears, that marchants, handycraftsmen, women, or children, were not registred: as for slaves they were not inhabited among the citizens, but among moueable goods, the which were commonly fiftie for one: and even in Athens there were found a hundred times more slaves than free men, by a survey that was taken, whereas for ten thousand strangers, and twenty thousand citizens, there were foure hundred thousand slaves. And of the number that was taken at Venice about thirtie yeares since, there were found two thousand women more than men, as I haue formerly noted.

The benefits which redounded to the publike by this numbering of the people, were infinite: for fisst they knew the number, age and qualitie of the persons, and what numbers they could draw forth, either to go to the warres, or to remaine at home; either to bee sent abroad in colonies, or to bee employed in publike works of reparations, and fortifications: thereby they shall know what prouision of victuals is necessarie for euerie citie: and especially in time of siege, the which is impossible to prevent, if they know not the number of the people. And if there were no other benefit but the knowledge of euerie mans age, it cuts off a million of sutes and quarrels which are invented touching the minoritie and maioritie of persons: for which cause king Francis the first commanded his chancellour Poyer, to publish an edit, injoyning all curats to keepe a register of all such as should bee borne: but for that the registres are not kept as they ought, this law is ill observed. And in regard of the quality, we see an infinit number of sutes touching the nobility, which should be avoided by this means: and the sutes of forgerie & falshood, for the disguising and concealing of names of the parents, countrey, estate, and qualitie of euerie one, whether hee bee a ciuizen or a stranger, a baftard or lawfully borne, a nobleman or a patrician, a plebeian or a nobleman, and of what name & houfe he comes, for want of registres and cenfors can hardly be found out.

This appeared plainly, when as Pericles numbred the ciuizens of Athens, for the prerogaties and priviledges they had about strangers, where there were found thirtene thousand three hundred and sixty ciuizens, and five thousand strangers which carried themselves as ciuizens, and were sould for sutes by a publicke decree. Moreouer, to order and gouerne the bodies & colleges of ciuizens according to
A to the estate and age of ecruerie person, as they did vse in Rome and in Greece, it is more than necessarie to know the number of the subjectis; to gather their voices in elections the number is also requisite, to deuide the people into tens, hundreds, and thousands, it is also necessarie to know the number of them. But one of the greatest and most necessarie fruits that can bee gathered by this cenfurine and numbrine of the subjectis, is the diffcourage of every mans estate and faculty, and whereby he gets his living, therby to expell all drones out of a commonweale, which sucke the hony from the Bees, and to banish vagabonds, idle perfons, theues, coofeners, & ruffians, which luste and contusfe among good men, as woollues do among beece, spending their lives in theuing, diting, robbing, drinking and whooring; who although they walke in darkenesse, yet hereby they should bee fecne, noted and knowne. And as for the valuation of goods, it is no leffe necessarie than the numbrine of persons. Caesiodorus speaketh thus, Orbis Romanus ago disibus eensus descriptus est, ut possit in nulla habere incerta, quam pro tributorum succipere as quantitate solvenda. The Roman territories were deuided, and euery private mans land laid out, that no mans possession should bee vncertaine, the which he had taken for the payment of a certaine rent or tribut. If then a suruey were taken of all the Roman empire, and the lands distributed accordingly, that it might bee knowne what butthen euery one was to bear in regard of the goods he enioyed, how much more necessarie is it now, when as there bee a thousand sorts of impostes in euery commonweale, which the auntsents did never know. This point is of such consequence, as it should suffice, if it ferued for nothing else, but to cause euery one to bring in a declaration of his goods and reuenues: as was done in Prouence in the yere 1471: whereby it did afterwardes plainly appeare that the commons were oppressed by the cleargie and nobilitie, if it had not bee provided for by an edict made by Francis the first, in the yere 1534, and by another of his successors: wherupon the three estates of Prouence (beeing grownie into great futes) were called before the Parliament at Paris, where a prouinciall decree was made, That all men of what qualitie soever, should pay their charges & impostes according to the register made in the yeare 1471, when as there were three thousand houses charged with a foulz vpon the pound, without respect of families or persons, but to the lands subiect to contribution. They were also constrained in the yere 1516, to make a suruey and declaration of all the benefices of this realme, in regard of the tithes, the which by reason of the daily alterations and changes require a newe suruey or numbering: for some Incumbent payes more than a myotie of his benefice, when as another payeth not the thirtie part for the tithes. The like was required by Mariasses the kings aduocate for the sublicie of Prouence.

By this means the poore mens iutt complaints shall be releued, whom the rich are accustomed to ouercharge, and to free themselfes throughout all the realme of Fraunce, as well as in Prouence & Languedocke: By this means, mutinies (which are vsuall in ecruerie commonweale, for the vnequalitie of charges) shall ceafe: and moreover all futes depending before Judges for relief, should be quite cut off: by this means the concussions, malice or favour of the affefors and other officers, who haue charge to make an equall distribution of the tribute or impost, shall bee discovered, or at leaft the controuertifie shall be decyded by the Cefors regifter: or else they might put in pratiue the custome of the antient Athenians, whereas if any one were ouercharge that had leffe wealth than another, hee might force him that was leffe taxed to take his charge, or to change estates with him: as ifocrates, who lost a gaunt Lysimachides, and wonne against Megalides, |

A means to aver the changes and impostes according to every mans estate.

B means to equall the charges and impostes in them that make deision of the subjectis.
By this means you shall know who are miserable, who prodigal, which be ban-querouts, who rich, who poor, who coofeners, which vfurers, & by what gaine some get so much wealth, and others are oppressed with so great want, and how to redresse it: for that by the extreme poverty of some, and the exceeding wealth of others, we see so many seditions, trouble, & ciuill warres arise. Moreover, all edicts and decrees, and generally all judgments and sentences touching fines & amerce-ments, should be ordred, and justice equally administred, when as every mans estate were known, seeing that the punishment may not exceed the offence. Also, all de-ceits in marriages, in bargains and sales, in all priuat & publicke negotiations should be discouered and knowne.

I omit a multitude of suites touching successions, diuisions, and morgages, the which are concealed for the most part, and should bee made plainly by the regifters without search, the which should ease the suiebects charge, and prevent the failure of wittnesses. It may bee some will say unto me, That it were a hard thing to expose the povertie of some to be scorned, and the wealth of others to bee enuied. Behold the greatest argument that can bee objected to hinder so good and commendable a thing. But I anfwered, That all enui will cease against those whom they hold to bee rich and are not, and the mockerie against such as have wealth and were held poore. And shall the enui of the malicious, or the derision of the scorners hinder so good and commendable a thing? Neuer wife prince nor good law-maker did regard enui or scorn, when there is question of good lawes. Although this law (whereof question is made) concerns only mouable goods and not lands. To say, that it is neither good nor comely to know privete mens wealth or wants, the course, trafficke and negotiation of marchants, which consists soe commonly in booke of credit, nor to lay open the secrets of families. I anfwered, that there are none but coofeners & deceivers that are loth to have their liues laid open, & their actions knowne: good men that feare not the light, will bee alwayes glad to have their estates knowne, with their qualities, wealth and maner of living. An Architect said one day to Linius Drus-ius the Tribune, That he would make the lights of his house in such fort, as no man should ouer-looke him: To whom Drusius anfwered, I pray you make it in such fort as every one may looke into it & see mine actions. Pelleius Patresculus who writes the historicke faith, that this man was sanctus et integerrime, of a holy & vpright life. But the office of Censor is chiefly against the wicked: And in old times every Roman kept a regifter of his actions and expences, and of all his goods: But vpon the de-clining of the empire, when as vices began to spring vp, they neglected it, faith Aesco- nius, for that many were condemned by their registers. And I find not that ever a-ny but tyrants thecuses and bankerouts hated the office of Censor, and have hindred all they could the valuation of goods, as I have noted of Tiberius, Caligula, Nero, and Domitian. It is therefore a meere mockery, to pretend that this would bee a meanes for tyrants to oppresse their subiecks with exactions: for there is no tyrant so cruell, but he will more willingly take from the rich than from the poore, whereas for want of a Censor the pooreare pinched, and the rich saue themselves. We also see that by the practises of the vfurers & the rich citizens of Rome, six Censores chosen successiue-ly in one yeare, not amie one could intend his charge: whereupon the Tribunes making their complaints before the people said, That the Senators feared the registers and publicke informations, which discovered euie mans estate, and their actiue and passiue debts, whereby they should find, that some of the Citizens were oppressed by the others, and ruined by the vfurers. And then the Tribunes protested, that they would not suffer any debtour to bee adjudged to his creditors, nor inroll to go to
the warres, vntill they had first scen a declaration of the debts, to the end they might provide as they should find it needfull. Then did the debtors flocke together about the Tribune, to give him ayd and assisstance. Why should a good creditor feare to haue his debts and contracts viewed, or his lands (lawfully purchased) knowne: why should he hinder the knowledge of his goods, lawfully gotten by his industrious and labour? It shalbe alwayes honorable vnto him; and if he be an honest man, if he loues the preuation of the common weale, and the reliefe of the poore, he will make no difficultie to give a declaration of his goods for the reliefe of the publike, if need shall require. If he be wicked, if hee bee an usuruer, an extortioner, a publike theft, and a robber of priuate men, he hath reason to oppose himselfe all he can, that his goods, his life, nor his actions may be knowne: but there is no reason to ask the vinteners aduice if they shal suppressing alehouses, or the trumpet, if they shal put downe the stues; nor of bankers, if they shal abolish vifuries; nor of the wicked, if they should have Cenfor.

The auintent Greeks and Latines haue alwayes spoken of cenfuring, as of a divine thing, the which hath alwayes preferred the greatesse of the Roman empire so long as Cenfors were in credit. Titus Liviuss speaking of king Servius, who first ordained that euerie one should give a certificate of his goods, faith, Censum instituit rem salutare imperio. He instituted the office of Cenfor, a wholesome thing for so great an empire. But after that Censores were created in the Consuls place, and that by little and little they began to take knowledge of the life and manners of euerie one, then began they to respect the Cenfor, and to reverence them more than all other magistrats: whereof Titus Liviuss saith, hic annus Cenjure initium fuit, a parva origine ortus, qua deinde incrementa aucta sunt, ex morum disciplinae Romanae penes eam regimen, Senatus, equitum, centurio, decoris, dedecoris, discripse sub dictione eius magistratus, publicorum, principorum locorum vestigia, alia populi Romani, sub muro aeqve arbitrio essent. This yeare was the beginning of the Censores office, springing from a small matter, the which was afterwards so augmented, as hee controlled the manners and discipline of the Romans, the assemblies of the Senate, and of knights, also the distinction of honour and infamy were subject to this magistrat, and the publike rites, with the revenues of priuate places belonging to the people of Rome, were cen- fured by him. The Censores office then was to receive the number of the persons, and the valuation of their goods, to be superintendant of the treasure, to famie out the impoils, cufomes, and all the revenues of the commonweale, to reforme abuses, to place and displace Senators, to dismishe the men at armes, and to cenfure the life and manners of euerie one. Plutarch speakes in a higher stile, terming the office of Cenfor, Most sacr'd and mightie. It may be some will say, that the charge was out great: yet twon Cenfor were sufficient in so great an empire. But their charges may be deuided: for to place and displace Senators, that charge was given vnto the Censores, to cæse the people, faith Felus: the which could not be done in a monarchie, whereas the prince makes choyce of all magistrats, especially of his councell. Yet it were necessarie, that the ouerseers of the treasure should be true Censores, that is, men without blame or reproch: for you must alwayes commit the purse to the most trulie, and the reformation of abuses to the most vpright. As for the reformation of abuses, it is the goodliest thing that euer was inventedd in any commonweale, and it hath best maintained the greatesse of that empire: for euen as the Censores were alwayes chosen out of the most vertuous men of the commonweale, so did they strive to conforme the subiects to the true patern of honour and vertue. This was done from five yeres to five yeres: & after that they had feeld the elate of the
the treasure, and farmed out the revenues. And if they discontinued this charge (as oftentimes it fell out by reason of the tedious sound of the warre) then did it plaine appear, that the people grew corrupted in manners, and that commonweale declined, like unto a body which leaves his ordinarie purging: this was manifest during the second Punike warre, when as they had no time to attend that charge commendably, but as soone as Hannibal was retired into the territories of Naples, then the Censors (faith Titus Livius) Ad mores bonum regendos animum adverterunt, causae an- daque vivae, quae velut diutinus morbos aegra corpora, exsecutum, nata bello eram. The Censors applied themselves to reforme mens mans, and to punish vices, which had sprung vp by reason of the warres, as continual feauers doe in sick and corrupt bodies. And yet they dealt not with any abuses, but such as were not to be censured by the Judges: for the magistrats and the people tooke knowledge of murders, patricides, thefts, concussions, and being like crimes, the which are punished by the lawes. Is it not sufficient, will some one say, to punish crimes and offences by the law? My answer is, That the lawes punish those offences onely, which trouble the quiet of a commonweale: and yet the greatest offenders doe eaasily escape the persuasion of the law, even as great beasts doe eaasily break through the spiders web. And who is so ill advised, as to measure honour and vertue by the lawes? Quis est (faith Seneca) qui se proferreur legibus omnibus innocentem? Quod est in a jure, quae angusta est innocentia ad legem bonam effe: quanto latius pates officiorum quam juris regula? Quam multa pietas, humanitas, liberalitas, iusticia, iudices, innocentia, quae extra publicas tabulas, sunt! What is it then that profeth him to be innocent by all lawes? how shieth is innocence, to bee good according to the lawes? How much larger are the rules of dute than of lawes? how many things doe piety, humanity, liberalite, iustice, and faith, challenge at our hands, the which are not inferred in the publicke tables? It is manifest, that the most detestable vices, and that most corrupt a commonweale, are never called into judgement. Treacherie is not punished by the law, being one of the most abominable vices: But the Censors (faith Tully) were not so curious of any thing, as to punish perjury, Drunkenness, gaming, palmandif, and loosenesse of life, are suffered with all impunity, and who can reade right these disorders but the Censor? We see most commonweals swanne with vagabonds, idle persons, and ruffians, who by their deeds and examples corrupt good citizeens: and there is no meane to expel this vermine, but by the Censor. There is yet one speciall reason which shewes that the Censors office is now more necessarie then euer: for that in old times the matter of euerie family had absolute command, the father over his children, the master over his slaves had absolute power of life and death, without any appeal; and the husband had the like authority over the wife in foure cases, as wee have shewed elsewhere: but all this now ceasing, what iustice may we expect of the impiety of children against their fathers and mothers, or the ill government of married couples, or the contempt of matters? How many virgins doe we see fold and dishonoured by the parents themselves, or that rather suffer them to live looffly than to be married, thinking it better to cast forth their children, or to kill them, than to nourish them and how can all this be prevented but by a Censor? I dispute nor of the conscience to God, the which is the chiefest and most principal thing that ought to be cared for in euerie family & common weale; the which care although it hath beene always committed unto Bishops, minifters, and other spiritual officers, yet the magistrat ought to have a speciall regard that it bee about all things held in reuerence: for although the law of God commandeth that euerie one appeare before him at the three great feastes of the year at the leaft, yet there are some
Of A Commonweale

A some which never goe, and fo by this contempt of religion, hath sprung vp by little and little, the detestable sect of Atheists, which have nothing but blasphemy in their mouths, and contempt of divine and humane laws; whereby do follow infinite murthers, parricides, poysonings, treasons, perjuries, adulteries, and incests: neither is it to be expected, that eyther prince, or magistrate shall reduce those subiects under the obedience of the lawes, that have trodden all religion under foot. But this depends on the overrears or Censours, who vse divine lawes when as mans decrees are of no force: for that Legum mentis non seclera, sed licentiam comprimit. The feare of lawes doth not suppress the crimes, but the libertie. There haue beene and are at this day infinite numbers, who although they offend not the princes lawes, yet liue they most wickedly, and as Laetanis said well, Possunt enim leges de-leicta punire conscientiam munire non possunt. Lawes may well punish offences, but they cannot fortifie and amend the conscience. And as for the bringing vp of youth (the which is one of the chiefest charges of a commonweale, whereof as of yong plants they should haue the greatest care) wee see it is neglected, and that which should be publike, is left to euery mans discretion, vSing it at his pleasure, some in one sort, some in another, the which I will not touch here, having treated thereof in another place. And for that Licurgus said, That thereon confifted the foundation of a commonweale, he appoynted the great Pedonomo to be Censor of the youth, and to governe them according to the lawes, not at the parents discretion: for as the scope and end of a citie is all one, fo the education of all the citizens, according to Aristotles opinion, shoule be all one: and fo did the Atheniens decree by a publike edict, made at the request of Sophocles, knowing well, that in vaine were lawes made, if youth (as Aristotles said) were not instructed in good manners. All this depends on the care and vigilance of Censors, first to haue a care of the manners and behauioyr of schoolemasters.

I will passe ouer with silence the abuses which are committed in suffering of comedies and enterludes, the which is a most pernicious plague to a commonweale: for there is nothing that doth more corrupt the citizens good manners, simplicitie, and naturall bountie, the which hath the more power & effect, for that their words, accents, gesticulation, motions, and actions, gourned with all the art that may be, and of a most filthy and dishonest subiect, leaves a liuely impression in their foules which apply thereunto all their senses. To conclude, wee may well say that the Comedians stage is an apprenticeship of all impudencie, loofeness, whooredom, coozening, deceit, and wickednesse. And therefore Aristotles did not without cause say, That they must haue a care least the subiects went to comedies: he had said better, That they should pull downe their theaters, and shut the comedians out of the citie gates: Quia (said Seneca) nihil tam moribus alienum, quam in spectaculo defidere: For there is nothing more contrarie to good manners, than to haunt plaies. And therefore Philip Augustus king of France, did by a publike edict banish all players out of his realme. If any one will say, that both Greeks and Romans did allow of plaies: I answer, that it was for a superstitition they had vnto their gods; but the wisest haue alwaies blamed them: for although a Tragedie hath something in it more stately and heroike, and which doth make the hearts of men easie to effeminare; yet Solon haueing seene the Tragedie of Thespis plaied, did much mislike it: Whereof Thespis excuting himselfe, said, It was but a play: No (replyed Solon) but this play turns to earnest. Much more had he blamed Comedies, that were then vnknowne: and now adayes they put at the end of euery Tragedie(as poyson into meat) a comedie or jigge. And although that comedies were more tolerable among
among those that dwell in the Southerne parts, being more beauteus and melancholy by nature, & for their natural constancie least subject to change, yet should they be vertuly defended to those that liue towards the North, being of a sanguine complexion, light and inconstant, having in a manner all the force of their soule in the imagination of the common and brutall fence. But there is no hope to see plays forbidden by the magistrats, for commonly they are the first at them.

It is the proper charge of the greate and wise Cenfors, who will bee carefull to entertaine the honest Gymnafticall exercises, to keepe the bodie in health: and of musike to restraine the appetites under the obedience of reason: I meanes musike, which doth not onely signifie harmonie, but also all liberal and honest sciences, having a speciall care, that this natural musike be not altered, nor corrupted, as it is at this day, seeing there is nothing that slips more sweeterly and insensibly into the interiour affections of the mind. And if we may not preuail so much as to have the Ionique and Lidian songs, that is to say, the fift and fourthe tunes banished out of a commonweale, and defended from all youth (as both Plato and Aristotle said it was necessarie) at the leaft let not the Diatonie musike (which is more natural than the Chromatique or Enharmonique) be corrupted by other mediies: and that the Dorien songs, or of the firt tune (the which is proper to sweetnesse and feemly grauntie) be not disguised into manie tunes, and so decded, as most part of musicians become fools or mad men, for that they cannot taste of a natural musike, no more than a weake fumeake corrupted with delicats, can digest good and fantasticall meat. All this depends of the Cenfors dutie: for that neither Judges nor any other officers will ever regard it.

They also complain of excessive in apparell, and that the sumptuaries lawes are trodden under foot. It shall never be reformed, if there bee not Cenfors to see the lawes executed, as in old time the Nomophylaces, or Law keepers, did in Athens. And therefore an auntient Oratour said, That the Tribune which first restrained the Cenfors authoritie, had ruined the commonweale: It was Cleidus, one of the wickedest men of his time, which law was sixe yeares after disanulled by the law Caelia.

Seeing then that to cenurse is so goodlie, profitable, and necessarie an thing, let vs now see, if Cenfors ought to have any jurisdiction: for it seemes it should be but a lees without some jurisdiction. Yet I say, that the Cenfor ought not to have any jurisdiction at all, to the end that his charge bee not intangled with sutes and controversies. In like sort, the auntient Roman Cenfors had no jurisdiction; but a booke, a word, and a dash with a pen, was more bloudie, and touched more to the quick, than all the decrees and judgements of the magistrat. When as they made their scrutiny or suruey, you should have scene foure or five hundred Senators, the order of horlemen, and all the people fled trembling before them: the Senator fearing lef he should bee put from the Senat; the horlemen from his horse, & ranked among the bafer sort: and the simple citzen to be rafed out of his order and from his line, and placed among the tributaries: as Titus Lutius doth testify, That 66 Senators were rased at one time out of the register, and excluded the Senat. And yet left this great honour and authoritie of the Cenfors should make way to a tyranny, if they were armed with power and jurisdiction, or if any should be condemned without hearing; it was therefore well advised they should have nothing but the cenuring and reformation. And therefore Tully said, That the judgement of the Cenfors did only make men bluse: and for that it did but touch the name, the Cenfors correction was called Ignominia, Ignominie; the which differs from infamy,
infamy, depending upon the Judge that hath publike jurisdiction, and in causes that make men infamous. And therefore the Prator di do note them as infamous, that were casstred with ignominy, the which had beene ridiculous, if they had beene infamous. And yet the doubt which Lawyers have made, if ignominious men should suffer as the infamous; thewes plainly, that Ignominy and Infamy is not all one, as manie have supposed.

By the antient cullome of Greece, it was lawfull to kill any one, or any of his children that was noted infamous, as the Orator Libanius faith in his pleading for Halirboius. Now although the Censor had rasst any Senator out of the Regifter booke, yet if he would make petition vnto the people he was admitted, and sometimes absolved and restored: but if there were any accuser that did second the Censor, or if the Censor himselfe would accuse any as a private man, if the accused were found guilty, and condemned by the people, or by Commissioners deputed by the people, then was he not only ignominious, but also infamous, and declared incapable ever to beare office: and therefore those which were cenfured, they were not judged, but yet they were as a man may say, forjudged: and if the Censor were an eloquent man, he would oppose himselfe as an accuser of those that would seek to bee restored against his cenfure: as Cato did against Lucius Flaminius, making an oration against his filthy and disordred life, havings rasst him out of the regifter of Senators. But those that were better advised, and had some hope of restitution, sued for some office, or honorable commision from the people, the which if they obtained, they were freed from all cenfure of ignomine, or else they were restored by the other Censors five years after: if hee did performe neither the one nor the other, he was not admitted into the Senat: neither could a horseman recover his horse nor his ranke. And (Vipianus speaking of these men) doubts whether they are to be admitted as witnesses. And for the better confirmation hereof, Ciceron brings in an example of Casus Geta, who was excluded the Senate by the Censors, and yet afterwards he was chosen Censor: and a little after speaking of cenfuring, he faith, That the antients would have the Censors office to carry a certaine feare, and not a punifhent. The which was partly the cause why the Claudian law was disannulled, the which would not have any Senator excluded the Senat, nor rasst out of the registres, if he were not accused before both by the Censors, and condemned by either of them, the which had imbad the office of Censor, being so reverend, the Senate of Rome would not permit the Censors, (after their charge expired) to bee accussed, or called in question for any thing that they had done during their chargre: the which was lawfull against all other magistrats. And it seems for the same reason the Emperour Constantine did tearre the libels of accusation propounded against the Samueians or Queuesers at the Counsell of Nice, saying, That he would not judge them that were Censors of euerie mans life. And for the same cause Charlesmaine in his constitutions hath made a Canon, That no prelate should be judged without 72 witnesses, freeing the Pope from the cenfure of any man: the which hath bene obserued untill the counsell of Conrence, where it was decreed, That the Pope should be judged by the Counsell. I will not here dispute if the ecclesiastical jurisdiction be well grounded; but it is to be feared, that having presumed so much, they are likely to lose both jurisdiction & all ecclesiastical cenfure, the which hath alwaies bene of great confequence: for even as the antient Druides (who were antient Judges and Prelats in Gaul) did excommunicate kings and princes that would not obey their decrees, even so the ecclesiastical cenfure amongst Christians, hath not onely maintained discipline and good manners for

many
many ages, but hath also made Tyrants to tremble, and reduced Kings and Emperors vnto reason, pulling oftentimes their crownes from their heads, and their scepters out of their hands, forcing them to make peace or warre, to change their diffolute life, to do justice, and to reforme the lawes. All the histories are full, but there is none fo famous, as of Saint Ambrose, who did cenfure Theodofius the Great, and Nicholas 1 Pope, who cenfured Lasbaire King of Italy: and Innocent, who did excommunicate Lewis 7 King of France, to whom for three yeres space no prieft durft administer the Sacrament.

True it is, that the abufe of a cenfure of so great consequence, hath made the ministers, the discipline, and their ceniture to be contemned, the which confisted in interdiction, suspension, and excommunication: for many vppon light causes, and without cause did excommunicate, yea they have set downe 39 cases wherein a man did incurre excommunication ipso facto, without judgement or sentence, and which is more, they did excommunicate Corporations, Colleges, Universitie, Emperours, Kings, and Kingdomes, without distinction of age, fexe, innocents, or mad men, although since (but too late) they have somewhat corrected this abuse: but in this kinglye it was decreed by the flatutes of Orleunce, that they should not use any excommunication, but in crimes and publike scandal. The Prelats, Bishops, and Popes, have always pretended the ceniture of manners and religion to belong vnto them, as a thing whereof judges and magiftrats take no knowledge, but in cafe of execution. And since the auntients and overfeers have vsed the like prerogatiue in many places, a thing which is verie necessa-ry, if there be no Cenfors, as well to reforme the peoples manners, and to watch over them, as to countenance the dignity of Pastors Bishops and Ministers, whom we cannot esteeme and honour too much, for the charge and dignitie which they bear; God did wisely provide, making choice of his ministers, and giving the prerogatiue of honour vnto the tribe of Levi, above all the tribes, and to the family of Aaron of the which the Priests only were, above all the Levis, giving them the tenths of cattell, fruits, and of all heritages, with great honours and priviledges: and by an article of the law of God it is said, That he that shall disobeie the sentence of the high Priest,shall be put to death. And they that shall abafe the estate of the Ministers, Bishops, and Auntients, and feek to take from them, all ecclesiasticall ceniture, with their goods and honours, to see them poore and scorne, they contemne God, and regard not religion, the which is a matter verie considerable: and it was partly the chiefe cause, why the chiefe Minifter of Lofanna forsooke the towne, for that the heads of the Cantons could not indure that the Auntients should have the centhing of manners: yet the one is most necessarie in ouerwell governned commonweale, either to create Cenfors, or to submitt themselves to the ceniture of the Bishops.

The Seigneurie of Geneue referves this prerogatiue to their Bishops, Minifters, and Auntients, to have the priviledge of a Corporation, and to ceniture the liues, and manners of men in their consistorie, and yet without any jurisdiction to command, or to execute their sentences, either by themselves, or by the officers of the Seigneurie, but for disobedience they excommunicate him, a matter of greater con-quence: for the person excommunicated, after a ceretayne time is pursiued criminally before the magistrat, by the Inquisitor of the faith, as in the catholike church, but not so soone: for there hath beene some one excommunicate fifteene yeeres, and afterwards conuerted before the Inquisitor of the faith, who meant to proceed against him, hee hath appealed to the Parliament, where his appellation was
was recited, & he condemned in a fine, decreeing, that he should be seized on, and carried to the Bishops' prison, commanding the Inquisitor to proceed in his trial, even unto a definitive sentence, and to certify the Court. It was in those days, when as it was lawfull to excommunicate any man even for petty debts, although the debtors had made it knowne that they had not any thing. But after the edict made at Orleans, and confirmed by the Parliament, the Bishops and Auntient could not vse such cenfures within this realm. At Lions Mr. de Moulin was much discontented against the consistorie, saying, That under colour of their cenfure they attempted vpon the temporall jurisdiction, and yet hee blamed it in the catholike Church. But taking away suspension, interdict, & excommunication, the ecclesiastical cenfure is of no force, and by the same inconvenience, good manners and discipline is abolished: but there is no reason, that for disobedience in flight matters, they should vse such cenfures.

The auntient Cenfors did set notes and marks vpon the registers against those that deferved it, to aduertise their successors in their charge, of those that were so noted, if they did not amend. In my opinion that should suffice, and not to proceed against them by any amencements, or to excommunicate them for want of payment. I leave it to the wise to decide whether it be better to divide the temporall cenfure (touching matters & other things above specified) from the ecclesiastical cenfure, or to joynem them together. But yet it were better to allow both to the Bishops & Auntient, than to takeall from them, and thereby to deprive the commonweale of that which is most necessarie: for where those estates which doe vse it, to flourish in lawes and good manners: we see whose dome, viri, nummeries, & excel in all things rooted out, the blaspheme, ruffian, and idle vagabond banished, and without doubt, those commonweales which shall vse such cenfures, shall continue and flourish in all vertues: they which neglect lawes, vertue, and religion, will bee contemned, as it happened in Rome not long before the ruine of the empire, when as in stead of Cenfors, they created an office which they called The Tribune of Plaifters, as we may note in Caesiidorus. But for that the Cenfors office was first instituted in regard of taxes, subsidies, and imposts, and to make a stocke for publike necesseties, let vs also speake of treasure.

CHAP. II.

OF TREASURE.
to sucke the priuat wealth and blood of his subiects, as it hath happened to those that seemed best acquainted with politike affairs: amongst the which the Lacedemonians are named, whom not content with their own territories, as their master Licurges had taught them, taking from them all vice of gold and silver, injoyning them to make money of iron, leaft that strangers should grow in loue with the Lacedemonians countrie, or they with that of strangers, supposing thereby not only to free his citioens from inundities, but also from foraine vices: But they had no sooner past their frontiers but they fell to borrowing, some of the king of Persia, as Lyseander and Callieractides: some of the king of Egypt, as Agesilaut, and Cleomenes, kings of Lacedemon. For which cause the Seigniorie of Sparta having done wone all Greece, and gathered together a great maffe of treasure, they decreed, That all the gold and silver which they had taken from their enemies, should be kept in the publike Treasures, to ferue them at their need, with defence not to vie it for anie priuat occasion: but their treasure without ground or supply being done wasted, they were forced to returne to borrowing to make ware (the which is not enteretayned and maintayned by diet, as an auntient Captaine said) whereby their commonweale decayed vnder king Cleomenes. Euerie commonweale therefore must prouide to have their treasure built of a ture and durable foundation. There are only seuen means in generall for the making of a publike treasurie, in the which all other are contained: The first is, by the reuenues of the commonweale: The second, by conquest from the enemie: The third, by the liberalitie and gift of friends: The fourth by the pensions & tribute of their allies: The fifth, vpon traflke: The sixth, vpon merchants, which bring in and carry out marchandise: And the seuenth vpon the subiects imposts.

Touching the first, which growes by the reuenues, there is not any seeme to mee more honest & sure. So we read that all the auntient monarques and law-givers, which builded new cities, or transported new colonies, they assigned (besides the strectes, temples, theaters, & the possession of priuat men) certaine places fir for the commonweale, and free to all in general, the which were called Commons, and let out to private men for a certaine time, or for ever, paying a yeelely rent into the Treasurie or Exchequer, to supply the charges of the commonweale. We read that Romulus the founder of Rome & of the Roman commonweale, diuided all the lands into three parts, appoynting a third for the temporal of the Church, a third for the rents of the commonweale, and the surplufage to be diuided among private men, the which at that time were three thousand citizens, euerie one of the which having two iournies, or acres of land: so as eighteene thousand iournies or acres of land, lying in the territories of Rome, they refered six thousand for the sacrificies, six thousand for the reuenues of the commonweale and entertainement of the kings house, and six thousand for the citizens. Yet Plutarch let downe twice as manie citizens, and faith that Romulus would fer no limits of the territorie of Rome, lest it should be feene what he had vsurped from his neighbours, and that his successor Numa diuided the reuenues to poore citizens: but the first opinion is the more likely and the more common, for the deiision of two iournies or acres continued a long time, as Pliny faith, speaking to Cincinatus the Dictator, the which was two hundred and three score yeares after Romulus: Arani sua duo iugera Cincinato viator inquis, velacorpus & audi manda ta Senatus: Cincinatus plowing his two acres, Passenger (faith he) vncouer thy bodie, and heare the commandements of the Senat. And Denis Halicarnasses holds the first opinion; hee was in houshold with Marcus Varto, the true Register of all Roman antiquities. But since by the law Licinia, euerie citizen was allowed to have feuen
Of A Commonweale.

A seven journeys or acres of land. If it be true which wee read in Pliny, or Collumella: Post exaltos Reges Licinianna /lla septem ingera, que plebis Tribunus virissim diuiserat, maiores /uegoqui antiquus resolire, quam nume nobis prebent amplissima veraeæta. After the expulsion of the kings, those seven acres which the Tribune divided to erucie one by the law Licinia, did yield our ancestors more profit, than now our large fields. And the oration of Marcus Curtius is well knowne, noting him as a pernicious citizen that could not be contented with seven acres. In this diuision Romulus did imitate the Egyptians, who in old time diuided all the revenues of Egypt into three parts: The first was for the facrifices and sacrificers; The second, to entertaine the kings house, and to defray the publicke charges; And the third for the Calaffris, the which were the men of warre, always entertained to serue at need. All the other citizeu were either husbandmen or flanes. Wee read also, that Ezechiel, in reforming the abuses of the princes of the Hebrewes, appoynted certaine lands for the sacrificers, some common for the people, besides the revenues for the entertainment of the kings house, and to serue for publicke expences. To the end (faith hee) that the princes shall no more griewe my people with exactions and imposts. Although from the beginning of the Israelites kingdom, the kings had some revenues; for the towne of Ziceleg, with some land being gien to David by king Achis, continued for ever as part of the kings revenues, and was never alienated. Of the regall revenues some are publicke, some are private, the lat may bee fould and made away, the first never. And to the end that princes should not bee forced to ouercharge their subiects with imposts, or to seke any vnlawfull means to forfeit their goods, all Monarchs and States haue held it for a generall and undoubted law, That the publicke revenues should be holy, sacred, and inalienable, either by contract or prescription.

In like sort, kings (especially in this realme) granting their Letters pattents for the reunion of crowne lands, declare that they haue taken an oath comming to the crowne, in no sort to fell or make away the revenues: and although it were duely and directly made away, were it for ever, yet is it always subject to be redeemed, and in such sort as the prescription of a hundred yeares, which gives a just title to the possessour, doth not touch the revenues of the crown. The edicts, decrees, and ordinances of this realme are notorious, not onely against private men, but even against princes of the bloud, who haue beene put from the deuision of the revenues, & the prescription of a hundred yeares. And this is not peculiar to this realme alone, but common to the kings of England, Spayne, Poland, and Hungarie, who are accustomed to sweare not to alienate the revenues of the crown. The which is also observed in popular & Aristocritall states: and euene at Venice the law allowes no prescription (the which many would limit to sixe /core yeares:) nor yet the Cantons of the Swiffers: for King Henry the hauing requeyted the Siegiorie of Lucerne to ingage themselves for a certaine summe of money, Hugo the chiefe magistrat made an /were into the Ambassador, That both the Senat and Commons of Lucerne had fivorne, never to pawne nor ingage their lands. Wee read also, that the same ordinances were religiously obserued in tw[o] the most goodly commonweales that ever were, Athens and Rome, whereas two great persons, Themistocles and Cato the Censor, causd all the publicke revenues to bee fetioned on, the which had through trau't of time, and sufferance of magistrats beene vfurped by private men, saying in their orations, Nec mortales contra deum immortalem, nec privatos contra Rempub. prescribere possè. That morall men could nouer prescribe against the immortal God, nor private men against the commonweale. And therefore the court of Parliament vppon a ciuill request obtained by the kings Proctor generall, against

Kkk ij a decree
a decree made in favour of the successors of Felix of Nogaret, to whom king Philip the faire 260 years before had giuen the lands and Seigniorie of Caluffon, for his vertues and well deseruing of the commonweale, whereby it was revok'd vnto the Councell: shewing therby that prescription hath no place, when there is any question of the revenues of the crowne. And the court of Parliament at Rouan, by a sentence giuen the 14 of Febrararie, 1511, berwixt the kings proctor and the religious of S. Omer, adjudging the possession of certaine goods vnto the king, allowing the religious to releuce themselves by some other meanes, and to proue it duly, by way of inquest, and for cause, which words (and for cause) are not to bee vnderstood for the poore subiects of the crowne onely, but generally for all. And oftentimes the treaties made betwixt princes have no other difficulties, but for the preueruation of the revenues, the which princes cannot alienate to the prejudice of the publike. Henry 8 king of England in a treaty made with the Pope and potentates of Italy, in the yeare 1527, caus'd this claue to be added, That they might not giue away any thing of the crowne of France, for the redeeming of king Francois: and vpon this poyn't the breach of the treaty of Madrid was ground'd, for that the auncient custome of this realme, conformable to the edicts or ordinances of other nations, requires the consent of the three estates: the which is obseru'd in Poland by a law made by Alexander king of Poland, according to the disposition the common law, vnlesse the faile were made at such time as the enemy had invaded the crowne: and that the forme be obseru'd from poyn't to poyn't, as in the alienation of pupils goods (the commonweale being alwayes regard'd as a pupill) and if there be any thing omitted, it is al of no force, or at the leaft it is subiect to refection, without restitution vnto the purchaser of the thing purchas'd. Neyther can the prince challenge that vnto himselle which belongs vnto the publike, no more than a husband can his wifes dowrie, wherein the prince hath left right; for the husband may abuse the fruits of his wifes dowrie at his pleasure, but a prince may well vie, but not abuse the fruits of a publike dowrie: as the citizens that were in societe with the Athenians complained, that the publike money was to be put in Apolloes treasury, and not to be wafted by the Athenians.

Our kings have and doe acknowledge, that the proiectie of the crowne lands is not the princes: for king Charles the 5 and 7, would not haue the crowne lands pawn'd, vnlesse the Parliament at the infrance of the kings Proctor had so decreed, as we may see in the auncient registers of the court of Parliament, and chamber of accounts; and the reaon is, for that the revenues belong vnto the commonweale, as wife princes haue alwaies acknowledged: & when as king Lewis the 8 died (having giuen much by his testament to poore widowes and orphans) hee commanded all his jewels and movables to be fouuld to performe his legacies, leaft that any thing belonging to the crowne should be fouuld, as hauing no interest in it. And for this caufe Pertinax the Roman Emperour caus'd his name being written vpon the publike lands, to be rased out, saying, That it was the very inheritance of the commonweale, and not the Emperours, although they enjoy the rents for the mainteinance of their houses and the commonweale. And we doe also read, that Antonius Pius liued of his owne inheritance, applying nothing that belonged to the publike, to his priuate vse: whom king Lewis 12 (called the father of his crowne) doth seeme to imitate, who would not mingle his patrimony & revenues, with that of the publike; erecting the chamber of Blois for his lands at Blois, Couilly, and Montfort: and yet many have erroneously confound'd the publike with the priuate lands. Neyther is it lawfull for soueraigne princes to abuse the fruits and revenues of
A. of the crowne lands, although the commonweale be in quiet and free from all troubles for that they have the vile only, and ought (the commonweale and their house being maintained) to kepe the surpassage for publike necessitie: although that Petruels said to the Ambassadors of the confederates, That they had no interest in the imployment of the treaure, so as they were maintayned in peace: for it was contained in the treatie of alliance, that the money which should be raised in the time of peace, should be gared in Apollos temple, and that it should not bee employed but by a common consent. But there is great difference betwixt the Treasuries or Exchequer in a monarchy, and in popular states: for a prince may have a treasuries of his private patrimonie, the which was called Fiscus by the Aunentiens, and that of the publike reueneues Aerarium: the one being divided from the other by the auncient lawes, the which can have no place in a popular or Aristocraticall state. Yet there never wanted flatterers to perluade princes to sell the reueneues of the crowne to make a greater benefit: which is a tyrannical opinion, and the ruine of a commonweale: for it is well knowne, that the publike reueneues consist chiefly in that which Dukes, Marquefes, Earles, and Barons did sometimes poseffe, the which, either by succession, dowe, or by confiscation, have come vnto the state in Lordships, coppholdes, in fees, alienations, fales, feuizures, rents, amercements, rights, confiscations, and other regulaties, which are not subject to impofits and ordinarie charges, and oftentimes are gotten by them which are free from all charges.

B. Moreover, commisions granted to sell the publike reueneues, for the making of money speedily, allow it to be sold for ten yeares purchase, when as private lands in fee with justice are sold for thirty yeares purchase, and those that have dignities at fitte yeares and more: so as some with purchase of the publike lands, escape in one yeare more profit by the jurisdiction, than they paid for the land. Others haue nothing at all, taking the valuation of the reueneue by extracts from the Chamber of accounts, given in by the receiuer in ten yeares, who oftentimes haue not receiued any thing, for that the profit of inferior justice is made in the chiefe and regall court. As for fales, the purchaser hath more profit, than the intereft of the money which they haue payed can amount vnto: as also the receivers of the reueneues are not accustomed to gie any account of casualties, but for a small part. But in farming out the crowne lands, the farmours are lyable to subsidies, and are charged according to their abilities.

D. There are infinite more abuses which the commonweale sustaines by the fale of their reueneues, but the greatest is, that the money which is made is not put out to rent, like vnto those that thinke to be good husbands, but is most commonly wafted and giuen vnto them that haue least deferved, and so for want of money to redeeme this land, the commonweale failes to decay: then doe they also sell the commons whereby the poore are releceu. It were more fit to sell the wafte lands of the commonweale, the which no man will hire, and brings no benefit to the commonweale, to the end the Treasury may bee enriched, and that the citizens may profit by the tilling thereof: but if they may haue a farmour, it is not lawfull to sell it, although that Arifoloc commends them of Constantinopole, who sold their lands for a continual rent, the which is a mere alienation, and money taken before, diminufheth the rent: the which was expresly defended by an edict made by Charles the ninth. And although that afterwards he made an other edict for the renting out of wafte lands, and paying of fines, by the perfonation of such as fought to make money: yet the Parliament of Paris upon the verification of the saide edict, decreed, That the rents should not be redeemed, and that there should be no fine payed at

The wafte lands may be sold.

The great prejudice that comes by publike falses.

By the edict of Francis 1st, in the year 1544.
in the beginning; and for that the Commissioners for this sale did sue unto the King that it might bee lawfull to give money at the entry, the Court (all the Chambers being assembled) decreed, That the purchasers might not give about a third of the summe at the entry, in regard of the value of the lands: the which third part should be receyued by the Receyuer of the reueneus apart, to bee employed to redeeme the reueneus that were fouled, imposyng a quadruple penaltie to bee leuyed, as well vpon the receyuer, as of thole that had gotten any affignation of the said money. And it is not here needfull to relate what losse the king and commonweale have sustayned by such alienations of waste lands. King Francis the second comming to the crowne, comanded his Proctors and magistrates to redeeme the publike reueneus from priveate occupiers: wherein he complayned, that the crowne lands and reueneus were so dismembered and wafted, as that which remayned did not suffice for the charges that were laid vpon them. But our king hath faire greater caufe to complayne now, when as there scarce remaynes any thing that is to be fould. In the generall accounts of the treweare made in January, in the yeare 1572, there was no receit made of any reueneus, although there were fix & thirtie thousand crownes a yeare in the receit, when as king Francis died, as it appeareth by an account of the treweare made in the yeare 1569: and by the same eftate the alication of the reueneus, impositions, and subsidies amounted to fourtie millions nine hundred fiftie and one thousand foure hundred and feuentie liures, fiftieene foulz, and eight de cies; not comprehending twelve hundred thousand liures for the fourth and halfe fourth, and foure hundred and fiftie thousand liures, in regard of fiftie liures vpon the strike of falt, the which the country of Guienne redeemed in the yeares 1549, and 1553, whereby is plainly appeares, that the kings reueneus are almost all ingaged and made away, for fiftiene or fiftieene millions at the most, the which is worth above fiftie millions: for that Earldomes, Barones, and other Seignories have not beene fould for above nine yeares purchase: and if it were redeemed and let to fame, it would amount yearly to almoft three millions, the which would suffice to entertain the kings house in state, and to pay most of the officers their wages, not medling with any of the other ordinarie or extraordinary charges. And if we may compare a small kingdom with a greater, the reueneus of the crowne of England, comprehending the land subsidies, taxes, customes, impofts, and all other charges, amount to little more than fixcore and ten thousand pounds staring a yeare, being a good part of the temporall lands of the church annexed vnto it, and yet the Queene doth maintayne her Court and the eftate of her realme verie royally, and redeemed the reueneus.

True it is, that a fedel peace for these fiftiene yeeres hath much prevailed for the maintenance of the state of England, and warre for the nine of Fraunce, if God had not sent our King Henrie from heauen to restore it to his first beautie. But we must obserue, that for the preseruation of the reueneus of a commonweale, most commonly that of a monarchy is better husbanded than in a popular state, or in that which is governed by few of the better sort; whereas the magistrates and overseers of the treweare convert the publike to their owne priveate profit: and every one strives to gratify his friends, or to purchase the peoples fauour with the pruidile of the commonweale: as Cefar did in his first Confulship, who deuided the territory of Capua among the people, and abated the rents of the farmes a third part, after that hee had beene well bribed. And ten yeares after Quinnes Merellus Tribune of the people, to winne their fauour, publisshed a law to take away the toles in all the ports of Italy. In like fort, Pericles to have credit with the people of Athens, made distribu-
A distribution of great sumnes of money, the which had come into the treasure. This happens not in a monarchic, for Monarchs which have no more certaine revenues than their lands, and that have no power to imposé subsidies or other charges upon their subjects but with their owne consents: or vpon vrgent necessitie, are not so prodigall of their crowne lands. It is not needfull to discoure anuyther further of revenues, being impossible to order it better than was by the edict of king Charles 9 if it were duely executed. The second meanes to gather treasure together, is by conquest vpon the enemy to recover the treasure wasted in warre: So did the antient Romans, for although the face and spoyle of townes forced, belonged to the Captaines and souldiers, yet the treasure was carried into the treaurie of Rome. And as for the townes yeelded or taken by capitation, the armie had but their pay, and sometimes a double pay, (before that the discipline of war was corrupted) & the treasure of the vanquished was carried to Rome, if they had not otherwise capitulated. All the gold and siluer (faith Titus Liviuse) and all the brasse that was taken from the Samnites, was carrie to the treaurie. And speaking of the Gaules beyond the Alpes, he faith, That Furius Camillus carried into the Capitol 17000 pounds of siluer which hee had taken from them: and that Flaminus caufed to bee brought out of Spaine of the spoyles of Greece, the value of three millions & eight hundred thousand crownes, besides siluer, rich mouteables, armes and ships. Paulus Aemilius brought thrice as much out of Macedony. Cæsar caused aboute fouerthy millions to be delivered into the publique treaurie, by the report of Appian. Wee may see from the 33 booke of Titus Livius to the 34, inuine treasures brought to the Treaurie of Rome of the spoyle of conquered nationes. And although all were not brought in by the Generals, yet fearing to bee charged with corruption, or to bee fruadrate of their triumphs, they alwayes delivered in great sumnes: for Scipio Afaureus was accused and condemned of corruption, in a great fine, and yet hee brought into the treaurie about two millions of gold: and Scipio the Aftican his brother, was also included in the accusation, although he had brought aboue five millions of gold of his conquests into the treaurie, besides the value of ten millions and fute hundred thousand crownes: where in king Antiochus was condemned: by meanes of the victory they had obtayned, and yet both of them were exiled and died poore. And although that Lucullus was the first (as Plutarch faith) that enriched himselfe with the spoyle of his enemies, yet did he bring more into the Treaurie than any of the rest, except Cæsar: the which I thought fit to observe, for that commonly wee imploye the treaurie for the charge of the warres, and yet in all victorious and conquists there never comes a crowne into the Exchequer, and oftentimes the face & spoile is giuen before the townes be taken or yeelded.

The Romans were not contented with their treasures and spoyle, but they condemned the vanquished to loose a part of their territories, the which commonly was the seuenth part. Since, some have bene condemned to loose a foureth or a third part of their lands, as in Italy, being subdued by Odorics king of the Herules. And soone after Hortarius king of the Lumbards condemned the vanquished to pay him vnder the moytie of their revenues: as also the Romans had done vnto the Doriens long before. But William the Conqueror, after hee had conquered the realme of England, declared all the countrey in generall, & euery mans inheritance in particular forfeyted vnto him by the law of armes, intreating the Englishmen as his famours. Yet the Romans have alwayes shewed themselues courteous and affable in that poynct, sending Colonies from their citie to inhabit the conquered countreys, distributing...
The great benefit which grows by Colonies.

The Turks order to make money, & for the warre.

The Emperor order at Peru.

The third means to gather treasure.

The magnificence of the Emperours of Turky.

to cary one a certaine quantitie: and by this meanes they freed their Citie from beggers, mutinies, and idle persons, and did satisfy themselves with their owne men against the vanquished, the which by little and little did linke themselves in marriages, and did willingly obey the Romans, who by this meanes also have filled the world with their Colonies, with an immortal glory of their justice, wildome, and power: whereas most part of conquering princes plant Garrisons, which serve only to fpyke and opprize the subjectes. If our kings after the taking of Naples and Milan had practised this course, they had yet continued in obedience to our kings. And it is no maruell if they revolt against the Spanyard vpon the first occasion, as well as the countrie of Flauders hath done, having nothing but Garrisons there without Colonies. Yet we find, that Sultan Mahumet king of the Turkes, found meanes to minish his treasuries by meanes of Christian flauces, which hee sent in Colonies into conquered countries, giving to every one fifteen acres of land and two oxen, and seed for one year: and at the end of twelve years he took the moiety of their fruits, the which hee continued for ever. Amurath the first dealt more mildly with the Timariots, giving them certaine lands and rents, to some more, and to others leffe, vpon condition they should attend him in the wars when they were called, with a certain number of horse: and if the Timariot chanced to die, the fruits should accrue unto the Prince, vntill that hee had aduanced some other, by way of gift. And generally the tenth of all successions belonged to the prince (the which grew by the law of armes, and by the princes conquering another mans country) and not by way of imposition vpon the auncient subjectes. Whereby it appeareth, that the greatest and clearest revenues which the Turke hath, are in manner casuall, and the warre is defrayed without any new charge.

The kings of Castile have done in manner the like at the West Indies, and namely the Emperours Charles 5, having conquered Peru, gave the lands to the Captaines and Spanish soldiers by way of gift onely; and being dead, they returned to the Emperour, vntill that another were aduaned in his place: taking moreover the fift of all the pearle and mynes; so as cuerie two yeares there comes clearely into the kings trearure,ayne, neere foure millions of gold, the which is called, The port of Ciuill. But it is reason, that the conquests which are made vpon the enemie, and which augment this treaure, shoulde also ease their subjectes: as they did in Rome after the conquest of the realme of Macedon, the Romans were freed from taxes, imposts, and subsidies.

The third meanes to augment the treaure, is by liberalitie of friends or subjectes, be it by legacy, or by donation during life: the which wee will speake briefly of, for that is uncertaine, beside there are few princes that giue, and fewe that receive without requittal: for if a prince giues to one that is more rich and mightie, it seemes it is for feare, or vpon some bond, & sometymes he that receiues it, accounts it as a tribute. The Emperour of the Turkes sets to the view of all the world, as well those presents which are sent him from his friends, as tho forcing that come from tributaries, to shew how much he is feared of strangers; defaying the Ambassadors charges with great bountie, the which newer prince nor people did. But we find that the Auncients vsh'd an other kind of bountie and liberalitie than they doe at this day: for at this day they giue not often but to such, as are in greatenee and prosperitie, and the Auncients gave in aduersitie. When as Hannibal had in a manner quite vanquished the Romans, and taken from them almost all Italy, the king of Egypt sent the value of 400 thousand crownes to Rome in pure gift; the which the Romans refused, giving great thanks to the king. They did the like
to Hiero\textsuperscript{m} king of Sicile, who gave them a crowne of gold weighing 320 pound, and a Victorie of gold, with five thousand bushels of wheat: but they accepted nothing but the image of Victory as a happy preface. They shewed the same resolutions to the Ambraziotes, and to many other Princes and Seigniories, who at that time offered them great presents, although they were in extreme necessity: so as there was a combate of honour, in the one to give, and in the other to refuse. But the Romans have surmounted all other nations in courage and resolution in their adversities: as for other princes and people they were not so nice to take, yea oftentimes they demanded; as the Seigniorie of the Rhodes, when their Colossus fell downe & brake some of their ships, they sent Ambassadors to kings and princes to beg, having small means, and it suceeded well: for king Hiero\textsuperscript{m} sent them three-score thousand crownes in gift, and many others imitated him: yet the king of Egypt gave them in gold the value of eighteen hundred thousand crowns, and in silver much more, with twenty thousand bushels of wheat, and three thousand beasts for sacrifices, besides great store of flax, and an infinite number of Architechts and workemen which he entertained at his owne charge for the building of a Colledge: so as the Seigniorie of Rhodes for an old broken image, and some crafed ships, were greatly enriched by the bountie of other princes.

It was common to the kings of Egypt to glory in their bountie to others: for wee read in a manner the like of Prolimus the first toward the citie and inhabitants of Jerusalem, to whom he sent the value of two hundred three-score and sixeene thousand crownes, to redeem a hundred thousand fawes of their nation; and ninety thousand crownes for the sacrifices, besides a table of massy gold to set in Gods Temple: and the great presents he gave to the 72 Interpreters, which translated the Bible out of Hebrew into Greeke. And as it was and will be always tolerable for petty princes and small Seigniorities to accept the honorable gifts of great princes and monarchs: so it was convenient for the Romans to refuse such liberalities (and to beg it had beene infamous) and to accept, by gift or legacie, great realmes and royall successions, which they gave them which had raigned peacefulliy under their protections, for an honest recompence of their justice, when as they died without heires males lawfully begotten. By this means Prolimus king of Cyrene, Astalus king of Afia, Eunemes king of Pergame, Nicomedes king of Bithinia, Coelius king of the Alpes, and Polemon king of Pontus, left the people of Rome heires of their goods & kingdoms. As for gifts from the subiect, the which the antients called obligations, there were few or none at all: for charitable gifts which be voluntarie, are now demanded: and although the kings of Spayne, England and others doe intreaties to obtaine them, yet most commonly there is more force in these requests, than in commiissions and letters of commandement. I vnderstand by the word Gift, that which is liberally offered by the subiect vnto his prince, as the gold which they called Coronarium, the which the Jewes gave vnto the Emperours, to be maintayned in the privileges of their religion; and the magistrats of the townes and communalties of the empire: the which in time proued a forced subsidy, vntill that this force was taken away, the gifts remaining voluntary to gratifie the Emperour, when as hee had obtayned any victorie against his enemies.

The like may bee payed of the impofts which in Spayne they call Service, the which was freely graunted to the kings of Spayne to entertainge their estate more honorably; and since it was almost converted into an ordinary charge. Wee find likewise
likewise that the kings of Persia contented themselves with the voluntary gifts and presents of divers kinds that came from their subject: but Darius Hystaspes (he that got the kingdom by the neying of his horse) changed those kinds into coynes of gold and silver, and the gifts into tributes and necessary charges, appoyning Treasurers and Receivers in Euric government (which were 127 in number) to make a diuision of the taxes and subsidies, which amounted then to foureteene thousand five hundred and threescore Euboique talents, the which is valued at ten millions one hundred fourscore and twelve thousand crownes. But this antient custome of Persia is maintained at this present in Ethiopia, whereas the gouernours of little governments bring vnto the Negus, king of Ethiopia, the gifts and oblations of his subjects in graine, wine, cattell, handely works, gold and siluer, without any other commision, or letters patents: so as for the greatnes of his maiesty, it is more befitting to have them obedient vnto him, than to send forth his commisions to exact and beg of his subjects. As for succesions and testamentary legacies giuen to princes, by their subjects, it is at this day very rare, and yet in old time it was one of the greatest means whereby princes did augment their treasures: for wee read that the Emperour Augustus having giuen by will the value of eleven millions and two hundred thousand crownes to be distributed among the people of Rome, and the legions; he withall protested, that he left not to his heires but three millions and feuen hundred thousand crownes, although he slewed, that he had receyued from his friends not many yeares before his death, the summe of thirtie and fuite millions of crownes. True it is, that hee was accustomed to leaue vnto the children of the Tetrarors, the legacies and succesions that were giuen him, neuer taking any thing of their testaments whom he had not knowne: wherewith Cicerone reproched Marc Antonio in open Senat, That hee had enriched himselfe by their testaments whom hee had not knowne; and yet Cicerone confessed, that hee himselfe had gotten by testaments a million of crownes. But tyrants took all without any distinction: for there was no better means for any one to assure his testament, than to giue somewhat vnto the tyrant: but if the testament were imperfect, the tyrant seazed vpon the whole succession, the which is reproved by the law, for which cause the custome to make Emperours and Princes their heires, ceased.

The fourth meanes to augment and intertayne the treasure, is by pensions from their allies, which are payed in time of peace, as well as in warre, for protection and defence against their enemies; or else to haue counsell, ad, and comfort at need, according to the tenor of the treatie. I say, that a pension is payed by friends and allies, for a soueraigne prince which hath capittulated with another to pay him some thing yearely to haue peace without any treatie of amitie or alyance, is a tributary: as Antiochus king of Asia, the Seigniory of Carthage, the kings of Scaulonia, and many other princes and states were tributaries to the Romans, the kings of Arabia and Idumea to David, and the princes of Asia to the kings of Persia. And for this reason the treaties of alliance betwixt the house of France, and the Cantons of the Swisters, specify, that the king shall giue an ordinary pension of a hundred pounds to every Canton for a peace, and two thousand for an alliance, besides all extraordinary pensions, and their pay in time of warre, & they to do him service in his court for the guard of his person: which doeth shew, that the Swisters and Griffons are pensioners to the king, considering the mutual alliance, and the sence they owe for this pension. In like sorte he is no tributary that corrupteth his enemies Captaynes, as Pericles did to the Lacedemonian Captaynes, not (as Theophrastos sayd) to purchase a peace, but to defere the warre. But wee may say, that the Cantons never made
A made a more profitable league for their estate, both to enrich themselves, & to traine
their subiects vp in armes at another man's cost, and also to fend swaggerers and
idle persons out of their countie. By the account of him that payed the Cantons,
the ordinary and extraordinarie pensions came yearely at the leaft to fix score or
seuen score thousand liures: and in the yere 1573 they came to two hundred eigh-
teeene thousand liures. The pensions that were payd to the Germaine Commanders
the same yeare,amounted to fix score and twelue thousand liures, besides their
entertainment in warre.

It is necessarie for great princes to giue pensions to the Secretaries, spies, Ca-
taines, Orators, and houzhold servants of their enemies, to discouer their counsels
and enterprises: and experience hath often taught, That there is no greater meanes
to maintayne his estate, and to ruine his enemies: for the strongest place is easily tak-
en, so that an ass laden with gold may enter it; as Philip the first king of Macedon
said, who by his gifts & liberality subiected almost all Greece vnto him. And the
kings of Persia had no better meanes to keepe the forces of Greece out of Asia, than by
goodly pensions: for it is hard that he which receiuithe should not doe some seruice
in requital of his money; for he is tyed by bond, or forced through shame, or mou-
ued with hope of a greater benefit, or with feare leaft hee that had corrupted him
should accuse him: for princes doe seldom giue any great pensions vnto strangers,
unless they first sweare against their native countrie: as a Germaine prince layd a
dyet at Wormes in the yere 1532. There was the same yeare a prince, who fiue
is dead, the which offered to an Ambaflador in his masters name, that for two thou-
sand crownes a yeare pension, he would discouer vnto him all the secrets, practises,
and negotiati ons of his countrie, and to employ all his meanes to prevent any thing
that might be done in prejudice of him that should pay the pension. These men
are much to be feared, especially in a popular estate, in the which it is more easie for
a few priuat men that gouerne the commonweale to betray it, than in a monarchy,
wherein the prince accounts all that is publike his owne, and therefore hath care of
it as of his owne. But such rewards and corruptions can never bee profitable to
them that giue it, if it bee not kept secret, the which is impossible, if there be many.

The kings of Persia and Macedon gueu none pensions but a small number of
Orators and Captainyes of the Grecians: and the king of Egypt for seuen thousand
crownes pension, which he gau to Atratus, had the whole estate of the Atheians at
his duetion. And therefore it seemes strange to me, why our kings (besides the
ordinary pension of the Swiflers) have giuen extraordinarie ly to about two thou-
sand of them which exceeded the rest in credit and dignities; as king Henrie the se-
cond did, the which were knowne by their names and surname, and gaue their ac-
quittances; besides the priuate pensions, the which were payd by roll, and came
yerely to 49296 liures: happily it had bene better to have giuen the moity of these
pensions to few men of authoritie, and secrely without any acquittance: for some-
times a pensioner had rather lose the greatest reward of any prince, than to giue
a  note of his hand for the receit of the money: as that English lord Hastings, to whom
king Lewis 11 gau 2000 crownes pension, the bringer demaundd an acquittance
for his discharge only vnto the king as he said; whereunto the lord Hastings answered,
That he would receiue his pension, but he would giue him no acquittance: the
which the king demaundd carefullly, to make vse of it in time, and to bring him in
suspition of a traitor to his countrie. There are also somethings not only secret, but
also dishonest, for the which pensions are giuen, although some hold nothing foule
nor vnlawfull that is done for the benefit of his countrie; for my part I hold this faet

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The Swiflers pen-
sions came to
14000 pound sterling a yerre.

The Swiflers pen-
sions came to
1800 pound.

The Swiflers pen-
sions came to
13000 pound.

Whereunto pen-
sions are bound.

49396 pound 4
flr,.

flr.
no less odious, that shall suborne the houyhould servants of princes to murder their masters; or if they cannot kill them by force, to pay for them, than he that shall take a reward for so howle a fact. Wherein Pericles was commended, who giuing vp his accounts, set downe an article of ten thousand crownes disbursed without warrant, shewing neither acquaintance nor cause of it: the which the people allowed without any further inquiry, knowing well the wildeome and loyaltie of the man in the government of the commonweale. It is most certaine, that a secret pensioner giuing an acquaintance, is always in feare to be discovered, whereby he shall neither dare, nor be able to doe any thing in favour of him that giues him a pension. Besides, it is dangerous when pensions are giuen publikely, the jealousie of such as haue none will be a cause of quarrels and partialitie, as hath oftentimes happened in Switserland, in such case, as those which had less than others, or none at all, were very vehement to haue the priuate pensions put into the receivers hands with the generall pension; the which the king denied, saying, That he would rather restraine his liberality.

The fifth means to gather together treaure, is by trafike, which the prince or the state vieth by his factors; although there be few princes that doe vieth: and by the lawes of this realme, England, and Germanie, it is not lawfull for the gentry to trade in marchandise, else muft he lose his qualitie; and by the law Claudius, no Senator of Rome might have a vessell at sea containing aboue fourtie bushels. *Quiesus omnis (inquit Linus) paribus indecornus visus est.* All gaine (faith Titus Linus) was held vnseemely for the fathers. And afterwards by the Emperours decrees it was generally defended for all gentlemen and soldiers, and by the Canons for all church men to trade in marchandise. And the Persians in a mockery called Darius, Marchant, for that he forced them to those charges, which at the first they gave him voluntarily. But yet in my opinion it is more seemely for a prince to be a marchant, than a tyrant; and for a gentleman to traflke, than to steale. Who is ignorant, that the kings of Portogall being restrained within strict limits, and not well able to maintaine their eftates, yet loth to oppresse their subiects, haue for these hundred yeares traded without reproch, and to the great enriching of their states? In the yeare 1475 they discovered the rich myncs of gold in Guiney, under the conduct of John Balliad of Portogall; and twelve yeares after the spices of Calicuar, and of the East, and continuing their courte to the Indies, haue fo wel traffik'd there, as they are become lords of the best ports of Affrike, and haue seazed upon the Ile of Ormus in despite of the king of Persia: they haue taken a great part of the kinglydome of Marocco, and of Guiney, and forced the kings of Cambar, Calicuar, Malacche, and Canauor to do them hommage, treating a league & commerce with the great Cham of Tartaria: they haue pulled from the Turks & Sultans of Egypt the greatest riches of the Indies, and filled Europe with the treasures of the East, passing euery the Molucques: which the kings of Castile pretend to belong to them, by a deuision made by pope Alexander 6, notwithstanding the marchants of Genua & Florence desired to free it for 35000 ducats, which John 5 king of Portugall had paid vnto the emperor Charles 5, & to giue 10000 ducats more that they might haue free passage to those isles which; the K. of Portugal would not yield vnto, making account of the proffit he draws from thence as of an infinit treaure; besides the gaine that comes to his subiects having much impaired the wealth of the princes of the East, & of the Venetians, who have induced so great a losse, as of all the calamities they indured during their warrs with king Lewis 13, they receiv'd no such losse as from the Portugalls, taking from them their gayne of the Easterne parts.
A Neither doth the Trade of Marchandize ingroffe dii-honour; or imbaie the the Signiories and nobilitie of Italie, neither did Fully disallowe of it, but of tuch as fold by retyle, whome hee tearmed Sor-ado. As for the trafficke which Princes practisse upon their Subiects, it is no trafficke, but an impoit or exacti-
on: which is, to forbid them to trade, and to put his subiects corre and wine in-
to his receivers handes, to pay them at an under rate, and to fell it vnto strangers, or to the Subiects themselves, at his owne pleasurer. This was one of the reaons which made Alphonso King of Naples most odious; for that he gaue his Swine to his Subjectes to make fat, and if by chance they died, he made them pay for them: he bought the oyle in Apulia, and gave his owne price; and the wheat in graffe, and sold it againe at the highest price he could, forbidding all others to sell vntill he had sold his. But of all the trafficques and marchandize which Princes vse, there is not any more pernicious nor bale, than the sale of honors, offices, and benefices, as I haue formerly layd, the which may never be tolerated, but in the extreme necessitie of the Common weale, as the Venetians did, having spent in feuen yeres, that Lewis 12 made war against them, siete Millions of Duc-
kats, whereof they had made 50000 Duckats of the sale of Offices. The like reason would King Francis 1 in the yere 1527, to divide the Civile from the crimi-
aulf Malgratires, setting all Offices to sale to them that would give moat. The which was more foule and dishonorable in Pope Adrian, who three yeares before, not onlye sold offices, but also benefices, as he did the Bishopicke of Cremonas for 20000 Duckats, and had also refolowed to leaue two hundred and twentie thousand Duckats, by haile a Duckat for euerie chimney with in the ter-
ritories of the Church, making his pretext of warre against the Turke. But for that these trafficques are so filthie, and of such dangerous consequence, the which being once begun, doe never cease, it were better to trie all other meanes, than once to give way vnto them.

The fixt meanes to encrease treaure, is vpon the marchandize that are brought in, or carried out, the which is one of the antientest and moft vtil in euerie Common-weale, and grounded vpon equities: which kind of custome the La-
tines called Portoria, as they did the tribute of the publique farmes Decimas, and of pastures Scripturam, and it is reaon, that hee that will gaine by another mans subiects, should pay some right to his Prince or Common weale. Wherof there be divers kindes, the which were reduced within this Realme to one impoit of twenty Deniers vpon the liure or pound, by an Edict made by King Henrie the 2. Anno 1530.

D and after reuoked, lef the customes and impoits should be confounded, the which might prooue preuidicall, King Charles 5 abated the custome haile, but afterwaistes he reuored it, the which was the twentieth part of the price, or liue in the hundred, and fo the ancient Romanes trooke for custome of foraine marchandize: but afterwards the Emperours exacted the eight part, the which they called Oblivarium vticalis, as in our time they have demaunded the twelue part of the price. The Empeour of Turkie takes ten of the hundred of all Marchants strangers going out of Alexandrie, and of his Subjectes liue in the hun-
dred. But in this Realme the contrarie is practisied touching the salt, for the which the stranger payes nothing, but the duties of a Marchant, and the subiect payes fortie and liue liures vpon the mesure, contrarie to the Marchants rights. And although the Salt of France bee the belt and moft plentiful in all Europe, wherewith the lowe Countries, England and Denmark doe forore themselues, yet is it forre deere to vs, than to them: for since that the Store houses of Salt
were let out, and the officers of the Custome suppresst, the measure of Salt F which the Marchant sold for ten shillings litering, is now come to fiftie foure shillings: and since these warres, to eight pounds besides the Kings rights, and the carriage: so as all comprehended, it hath beene sometimes sold for a hundred and eightene Crownes the measure, whereby the poore subiect hath beene ruined and the stranger enriched, yea sometimes the stranger brings it againe secretly to sell in France. This priviledge was given into strangers by Francis the 1. that they might bring commodities and money into this Realme, rather than into Spaine: notwithstanding since it hath beene verie manifest, that the stranger cannot be without the Salt of France: for Charles the 5. hauing forbidden his subiects of the lowe Countreys not to fetch any Salt in France, the etates of the countrey made it knowne, that their fisht (which is their greatest mar- chandize) grew drie, and was spoyled with the salt that came from Spaine and Bourgongie, getting leave with great importunitie to fetch their salt out of France, being the sweeter. It is most certaine that no salt can bee made of salt water on this lide the 47 degree, by reason of the cold: and the salt of Spaine is too corouine: so as if the stranger payd but a fourth part of that which the sub- ject payes for the Kings rights, there would come an infinite maffe of money into the Treasurie, for we often see the ships of England and the lowe Countreys come into France, onely with their ballast (hauing no commodities to exchange with them) to buy salt, wine, and corne, the which abound in this Realme, and will never payle: whereas the Mynes of mettall, which growe in the bowels of the Earth, are walled in few yeares: yet strangers seek it in the center of the earth to bring into this Realme, and to carry away commodities necessarie for the life of man: which a wise Prince should not suffer to be transported, but for the eafe of his subiects, and encrease of his Treasurie, the which cannot be done without rayling of the foraine custome: for the greater the foraine custome shall be, the greater benefite shall come into the Exchequer: and if the stranger fearing the impolt, shall buy the leffe, then the subiect shall haue it the better cheapes: for all wares, the greatest treasures will be where there are most things necessarie for the life of man: although there be neither Mynes of gold nor filuer, (as there are fewe or none at all) in this Realme,) yet notwithstanding doth feed a great part of Europe as King Akrippe layd; and the countrey of Egypt hath neither Mynes of gold nor filuer, and yet both Affricke and Europe, are much releued with corne which growes there. If any one will lay, that by the treaties of traffique betwixt Princes, they cannot raise a foraine custome, I must anwre, that this may take place amonge those which have treated with that condition, but there are few of them; and yet it hath never been more regarded: for even in the lowe countreys and in England, the french Marchants were forced in the yeare 1557 to pay a crowne upon euery tunne of wine that came into the port, and the subiect paysd nine french crownes for the impolt, without any regard to the traffique of traffike. And the yeare following the Queene of England did raise the foraine custome a third part, imposing thir- teene shillings and a pennie upon euery piece of cloth, the which is a matter of great consequence: and I have been assured from a Marchant of Antwerpe, that in the yeare 1565 there came in leffe than three moneths into the lowe coun- treys a hundred thousand pieces of cloth, accounting three karlfs or three cottons to a cloth. It is therefore expedient to raise the foraine customes to strangers of such commodities as they cannot want, and by that means increase the
A the treasure and eafe the subiects; and also to abate the custome of marchandise comming in, if the subiect cannot paffe without them, you must raife the custome of things made by hand, and not to suffer any to bee brought out of strange countreys, nor to suffer any raw fluffs to be carryed out of the land, as iron, copper, leele, wooll, flaxe, raw filke, and such like, that the subiect may haue the benefit of the workmanship, and the prince the forraigne custome, as Philip king of Spaine, had forbidden his subiects by an edict made in the yere 1563, to require the queene of England, who had made the like three moneths before, the like edict was made in France by King Henrie the second in the yere 1552, concerning wools: but there was a Florentin, who hauing gotten a pa太平ort by a courtiers means, carryed away more wooll at one instant, than all other marchants had done before in a yere; and hauing it made into cloth at Florence, bee returnned it into France, by the which he gained infinitly, the workmanship exceeding the stiffe fifteen parts: the which is a great incongruitie in matter of state and reuenues, to forbid a traffique vnto the subiects, and then giue leave vnto a stranger: for both king & Commonweale in generall receive an irreparable losse, and the marchants in particular are ruined. Behold six means to gather together treasure without oppression of the subiects, vnlesse the custome of forraigne marchandise be necessarie for the life of man were excessive. The seuenthe means is vpon the subiects, the which they must noter vfe, vnlesse all the rest faile, and that necessitie force them to have a care of the Commonweale, being suddenly oppreied either by the enemy, or by some other vnexpeced accident: in this case seeing the defence of euerie one in particular, depends vp on the preferuation of the generall, it is fit that euerie man straine himselfe: then are impositions laide vp on the subiects most just and necessarie, and those charges which are then imposed vpon the citizens are religious and godly, without the which the citie were quite ruined. But to the end this extraordinary charge impos'd during the warre, may not continue in time of peace, it is fit to proceed by way of borrowing: for that money is easiuer found, when as he that lends hopes to receiue both his money againe, and thanks for his willingneffe. For when as Ham nibal was in Italie, and did besiege euene Rome it felle, the senaue hauint consumed their treasure, would not impose new tributes vpon their subiects and confederats: (a verie daungerous thing, being then preft by the enemy) but the senators with one consent, brought their gold and filuer vnto the receiuer, being followed by the people with great joy. And Titus Livius saith: Senatores pro se quisque auro, agerum, as in publicum conterunt, sumo certamine inietto, ut primus ALTER prima nominis vellet in publicis tabulis esse, ut nec triumum mentari accipiendo, ut scribe referendo sufficerem. The senators bought their gold and siluer into the publicke with great contention, who should bee inrolled, fo as the receiuer were not sufficient to tell it, nor the registrefs to inroll them. After the victorie obtained againe the Carthaginians, the senate decreed to pay what had been borrowed: but for that there was not sufficient in the common coffers to satisfie them, the creditors presented a request to haue part of the citie lands asigned vnto them, the which shuld be valued by the consuls, vpon condition, that it might be alwaies redeemed, and to pay an anfe of small rent to the receiuer for euerie acre, only for a marke, and as a wittnesse that it was the city lands, the which was done. If the commonweale hath not herewithall to pay, neither in mony nor lands, & the enemy doth preffe it, then is there no redier means, than to make choyse of those which are ablest to bare arms, which shuld be armed
armed and entertained at the charge of others, as the ancients Romains did, so as the common good and health of the citizens was defended by some, with the wealth of others. This kind of tribute is called rash and extraordinary. From hence these extraordinary charges first took their beginning, the which afterwards became ordinary. As we read that Denis the tyrant, sometimes fought occasions of war, or of fortifications, to the end he might have cause to raise new imposts, the which he continued, after that he had treated with the enemy, or discontinued the fortresses begun.

If my wishes might take place, I would desire that such detestable inventions might be buried with the author. There be three kinds of tributes that be levied of the subject, some extraordinary; others ordinary; and the third which holds of both, and is called casual: under which kinds is contained as well the reuenues that rise of jurisdictions, fees, coynes, weight, and measure, as the money that is received upon things sold, of what nature soever, or by gifts, legacies, or successions, or by the sale of offices, or in manner of a taxe, be it in the regard of every mans person, (which kind of tribute is called Capitatio by the Latines:) be it in respect of the movable or immovable goods, and of fruits which grow above or within the earth, as mynes and treatures, or that which is gathered at ferries, or passages, the which is rightly called Portorum veftigal, or of any other imposition that may be imagined, how filthy and beastly soever, for tyrants alwayes think the labor of them sweeter: as that tribute which was usually extorted from profligated whores at Rome; and the taxing of wine commanded by Papsianus, the which his sonne, taking unworthily, the father held the first money that hee receeved next of that tribute, to his hole, asking him if it smelt ill, and hee denying it, *Arqu inquit e lotio ess.* But sayeth he, it comes of the virtue. Of which charges and impositions, the most ancient are reputed reuenues, as the forraigne cuftome; others are ordinary, as taxes; and the last are extraordinary, the which the Latines called remorarium tribuam, a rash tribute: as subsidies imposed upon free towns and privileged persons, tenths, charitable gifts equivalent to tenths, the which are levied by commision. And to speak properly, the taxes, ayds, grants, tolles, and such like were meere subsidies and extraordinary charges, before Lewis the ninth, who first levied the taxe, as president le Maistre hath observed: but hee doth not say, that it was as a necessarie subsidy during the warres; and that hee made an ordinarie receit thereof; but contrary wise addressing himselfe to Philip his eldest sonne and successor, he veth these words in his testament, the which is yet found in the treasuries of France, and is registred in the chamber of accounts: *Filius regis imprimis erat Deum eloq. benignus & liberalis adversus gentes, legum ac morum huius imperii cultos ac index acerrum: a veftigibus & tribuis absintio, nisi te sAnna vis necessitatis aut libitatis publicae in ipsius canfa ab hoc impellat, summis tyrannum se potius, quam rem futurum putato, &c.* Sonne, be first devote and religious towards God, be mild and charitable to the poore, observe the good lawes and manners of thy realme: feuerely, exact no taxes nor subsidies of thy subjectes, vnleast that vrgent necessitie or the profit of the Commonweale preffe thee vnto it; if thou doest otherwise, thou shalt be esteemed a tyrant and no king, &c. Some one will say vnto me, that king Clovis did exact the third part and reuenues of churches: and Chilperis the 8 part of everie mans wine growing, and it seems that the impott of the 8 part of the wine, the which now is imposed vpon vinteners, tooke his beginning hence: and that Lewis the yong during 4 yeres, tooke the
the twentieth part of his subject's reuenues in the yere 1167: yet it is most certaine that this was but an extraordinarie subsidie during the warre, as that semerarium tributum imposed by king Charles the first, for it was decreed in our open Parliament, called by Philip of Valois in the yeere 1338, that no impost should bee raised vpon the people without the consent of the three estates: and in stead of three hundred and fortie thousand pounds staring, which king Lewis the eleventh did leie the yeare that he died, besides the ordinarie reuenues of the crowne, the deputies of the three estates held at Tours, offered vnto Charles the eight, his sonne comming to the crowne, in manner of a beneuolence for two yeares, the like grant that was made vnto Charles the feuenth, and for his entrance a hundred thousand crownes to bee paide for once onely, the which he might not after wards challenge as a due, nor call the graunt a taxe or impost. The which hath been alwaies, and is still observed in Spaine, England, and Germany: as Philip Comines laied in open parliment, in the raigne of Charles the eight, That no prince had power to lay any imposition vpon his subjectts, nor to prescribe that right without their consentes. And wee see in all commisions sent out for the leuying of taxes, and subsidies, the king veth that ancient protection to free them, as soone as necessitie would suffer him. And althogh that Philip the long did exact but the fift part of a penny vpon every two shillings worth of falt that were sold, yet he publiuely proclamed to discharge the subjectts of it. Philip of Valois vled the like protection, being forced by the extremitie of warre to double the fayd cuslome, declaring by his letters patents in the yeare 1348, that he meant not to haue the impostion vpon the falt incorpordate to the reuenues; and yet there is no cuslome seems more caife than that of falt, the which is common to all the subjectts: yet in the popular estate of the Romaines, and in the hotell of their Punicke warres, the impost of falt being fet on foot by Lucius and Claudius seniores Lucius was called Salinator in description: but a peace being granted to them of Carthage, it was taken away againe: either for that there was nothing more necessarie for the life of man, or for that it was done without the peoples command. And for that the lightest kinds of tributes and imposits seeme heauie and burdenfome vnto the poore and weak, yet could not the Senatoris maintaine the treaurie of Rome without new impositions: the people being freed from all taxes and curstomes by the law Valeria, after the expulsion of their kings: therefore C. Manlius the Confuill made a law with the authoritie of the Senare, (the Armiely lying at Sutrium) that such as were made free, should pay the twentieth part of all their subsance into the Exchequer: with which tribute, although the citizens were nothing oppressed, yet being vnderfoot, the Tribine made a defence vpon paine of death, That no man should attempt the like without the peoples pruitie. And Augustus made the law Julia, That whatsoever should come to any one by inheritance, legacy, or gift for death, the twentieth part thereof should belong into the common treaurie, both these impositions were profitable to the Commonweale, and pleasing to either of them: to the one, for that they poiffe another inheritance; and to the other, for that they obtaine their liberties. But for that the emperours which succeeded Augustus exacted the twentieth part of all inheritances and legacies, Trajan therefore abrogated the said law Julia, the which many haue labord to resutue, changing the name of it: yet had they not then the hundred part of those tributes, which since the necessitie of some, and the couerouuale of others haue inuented. And when as Samuel prince of

The beginning of the culture of falt.

No prince can lay any subsidie vpon his subjectts, without their consentes.
Many haue the Book Flow but ten and a thouand such like. So the greatest part of the Intentures of these new Imposts haue lost their liues; as Philipus parasite to Dionysius the tyrant, who being drawn out of the tyrants caffle, was slaine by the people of Syracusa; and Parthenius or Proleon, who was slaine by the people of Treves, for guing counfell to King Theodoric to oppress his subiects with new subsidies: and of late daies George Precon Parasite to Henrie king of Sueden, was cruelly put to death in the kings pallass, and the king himslef expelle his estate. What shal I speake of Acheus King of the Lidiens, whom his subiects did hang by the feet with his head downward into a riuere, for the subsidies which hee imposed vpon his people: and Theodoric king of France lost his crowne for it. Now cometh it that the Netherlanders have revolted from the Spaniard; but for that the duke of Alba would exact the tenth pennie of every thing which was sold, whereby he would haue gathered an infinite treasure, or rather the wealth of all the countrey, being most certaine that one thing might be sold often in a short time, and well knowne that the marchandise sold in one day amounted to seuen thouand ducats, as a Spaniard himselle did write. H The Histories are full of these examples, for nothing doth sooner cause charges, seditions, and ruines of States, than excesse charges and impotts. But as the Prince must haue a care not to impose any charges, but when warre doth force him, so must he take them away when he hath obtained a peace: yet must they not runne from one extreme vnto another, and abolish all impotts and taxes, having neither lands nor reueneues to maintaine the Common weale; as Nero the Emperour would haue done, who hauing wafted all the treasure, ought to abolish the tributes, whereof the Senate being aduertified, they thanked him for his good will to the people, yet they distasted him from doing it, saying it would be the ruine of the Commonweale. Many seditious citizens, and defirous of innovations, did of late yeares promise immunity of taxes and subsidies to our people: but neither could they doe it, or if they had could, they would not, or if it were done, should we haue any Commonweale, being as it were the ground and foundation of a Commonweale. There were more reasons to haue the excesse gifts cut off and renouked, and that an account should be made of the treasure wafted: but to take away all impositions before that the reueneues be re- deemed and the debts payd; it were not to repaire, but to ruine the state. And most of these men which seeme to underland the affaires of state fo well, are greatly abused with an old inueterate opinion, that all charges and impotts must be reduced to that proportion that they were in the time of king Lewis the 12, and consider not that since that time gold and siluer hath come in fo great abundance from the new found Lands, namely from Peru, as all things are growne ten times dearer than they were; as I haue prooued against the Paradox of Malestrois: the which may bee easely seene in the antient customes and contracts of this Realme, where wee shall finde the value of fruits and victuals to bee ten, yea twelve times lesse than it is at this day. Wee finde in the Registeres of the chamber of Accounts, That the Chancellor of France in the time of S. Lewis, had for the charges of himselfe, his hories, and servants, auerely Parifs allowed him.
A him a day; the which is not eight pence halfe-penie of our money: and if hee flayed in any Abbey, or other place where he spent nothing for his horses, it was then abated in his wages. I haue shewed that Charles the 5. king of France payd but 31,000 crownes for the countie of Anxerre: and that the duchie of Berrie was bought by Philip the 1. of Herpin, for three core thousand crownes: and the countiy of Venice and Auignon were engaged for fourtie thousand Florins. To conclude, I haue made manifest that many Earledomes, Baronies, and great Signiories have beene fold a hundred or fixe score yeares since, twentie times better cheape than they are nowe, for the abundance of gold and siluer that is come from new-found Lands: as it happened at Rome, when as Paulus

B Emilius brought such infinit flore of gold and siluer from the realme of Macedon, suddently the value of lands did rise to bee treble in price: and at what time Cesar brought the treasure and spoyle of Egypt to Rome, then did Vittorie fall, and the price of lands did rise: even as it happened to the Spaniards after the conquest of Peru by Francis Pizarra, a small vesell of wine in that country cost 300 ducats, a Spanish cape of Frizado a thousand ducats, and a fennet fixe thousand: which was by reason of the abundance of gold and siluer which they found at Peru, and brought into Spain: and namely of the ranfome of king Atabalipa: who paid the value of often millions, three hundred twentie and fixe thousand ducats, besides twisfe as much that came to private men, captaines, soldiours, and even to the receivers themselves, as Augustus Zarata master of the Accounts to the king of Spaine doth tellifie. Since great flore of gold and siluer hath beene brought out of Spaine into France to buy corne and other necessarie commodities, which are transported into Spaine in great abundance, so as the prices of all things haue rifen: and so by consequence the wages of officers, the pay of fouldiers, the pensions of captaines, and in like sorte euerie mans employment, and by the fame reason the rents of Farms haue rifen: for he that had but ten pounds a yeere rent, hath now a thousand of the same fruits he then gathered: wherein they are greatly abueth that would reduce the prices of corne and victuals to the antiquie orders. We mutt then conclude, that the account of the reuenues vnder king Charles the 6. in the yere 1449, which came but to fourtie thousand pounds flaring, was not much leffe (in regard of the value of things) than the reuenues of fourteen hundred thousand pounds flaring, the fame yeare that Charles the ninth died, in the yeare one thousand, five hundred, seuentie & foure; and yet the people complained at both times that they were oppressed with tribute. And the ranfome which king Lewis the 9. paid to the sultan of Egypt of fifteen thousand pounds flaring, was not much leffe than that of king Francis the 1. of three millions of crownes: and although that king John were at the fame ranfome by the king of England, yet was it held fo excessive, as they were fix yeares in leyuing of it; but Francis the fame yeare a peace was concluded, sent his ranfome into Spaine. We must judge the like of the yearely pension of 900. pounds, that was asigned vnto Charles the faire, sonne to Philip, not to be leffe, than that of ten thousand pounds flaring yearly, that was given first to Henrie, and then to Francis dukes of Aniou from king Charles the 9. their brother. And much more honourable might they lie with that pension, which I made mention of vnder Philip, than with that which Charles the 9 gate vnto his brethren. Nor the Dowries of 400000 crownes assigned to euerie one of the daughters of king Henrie the 2. were not so great as those of sixtie thousand crownes assigned to the daughters of

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France by the law of king Charles the 5. The like may be spoken of other people, as in old time in the East, so at this present in the West. For we read in Strabo, that Ptolemie the piper, the last king of Egypt of that race, did raise upon the countrey of Egypt the value of seven millions, and five hundred thousand crownes a yeare, and sultan Solymon did leave but a hundred thousand ducats of the same countrey, as appeared by an extract of the reueneuws made by Bruty a Venetian, in the yeare 1520, when as the estate of the whole reueneuws came not to above foure millions; for foure yeares after he raised it unto six millions, as Paulus Antonius faith, and now he lefteth above twelve millions yearly, for the great abundance of gold and siluer, that is brought out of the West and East, which summe notwithstanding may seeme but little, for that we read in Plutarch, that the dictator Silus did taxe the charges of Asia the Ifle, before the conquests of Lucullus and Pompee, at twelve millions of crownes, the which is not above the sixt part of the Turks empire.

Sometimes the bountie of the land, and the great trade, and oftentimes the unreasonable greedineffe of princes to heape vp treasure, make some richer than others: it is well knowne that Charles the first gathered more reueneuws out of the duchie of Milan, then king Francis the first, at the same time did use in this his realme, which flowed in all abundance; who doth not know that he commanded more out of the lowe Countreys, than the reueneuws of England were esteemed in those daies. Some one not long since, (seeking to perswade Charles the ninth to encrease his taxes) did permiitiously maintaine in open counsell, that Cofme duke of Florence did raise out of his state six millions, havings but a small territorie: the which was sally, for hee receiued out of the estate of Florence, but twelve hundred thousand crownes, and out of that of Sienna two hundred thousand at the moft. But a new prince shall doe wisely at his first entrance, to cut off the extraordinarie exactions of his predecesser, or at the least a great part of them, as well in regard of his owne dutie, as to get the good will of the people, if he be required; yea before he be required, and not to imitate Robert, who following the wicked counsell of wicked men, did not onely refuse the humble petitions of his subiects, but vowed openly that he would bee crueller than his father had been, whereupon ten tribes fell from him, and created them a new king. True it is, that to hold a certaine estate of impotitions, they must be made in their proper kinds, as in corne, wine, and oyles; and as for merchandise in siluer, it is the forme which the kings of Poland haue alwaies, and doe still use, and the king of Ethiopia receiues cloth and other merchandise for his custome. But to require to have taxes and subsidies quite taken away, or reduced to the ancient custome, without any regard of the value of things, or the changes that haue happened; this were not to relieue, but to ruine an estate.

It is an ordinarie thing in changes from a tyrannie to a popular estate, to abolishe all impots, taxes, and subsidies for a signe of libertie, as they did in Rome, at the requell of the confull Valerius, after they had expelled their kings: but every man was faine to goe to the warre at his owne charge, then afterwards to pay the foldiers, and afterwards to taxe themselues by the raising of new impots. True it is, that the Romaines did therein shew themselves verie just; for at that time there were none that bare the charges, but the noble and the rich, the poore for went free; and now daies we see none but the poore pay, and the rich goe free. The like was in Sufferland, and at Lindaw, after they had expelled
A their Lords. Other doe free the chiefe cities and great Lords, and charge the weaker for: as the Athenians did, when they were the stronger, they did free their owne citie against the tenor of the alliance made with the other cities of Greece, and in deed of sixtie tallents, they so augmented it, as in lesse than three-score yeares they made them pay twelve hundred yearly, the which amounts to 720000 crownes. And when as Themistocles captain of the Athenians, demanded the tribute of the Adriens, laying: That hee would bring with him two mightie gods, Force and Loue: they answered, That they had two more mighty, Pouerrie and Impoſsimblitie.

And commonly the greater cities lay the burthen vpon the champian countrie, and the richest peafants vpon the poorer, as it hath been heretofore in this realme, whereas the great cities were free: and in old time the citie of Babilon (the greatest that ever was) remained free from all charges: the which is done left the greater should hinder the imposts. But it falls out as in mans bodie, where as the strongest and noblest members caft all superfluous and vicious humors vpon the weaker, and when as a poſtume is to woe, as the weaker part can endure no more, then must it breake or infect all the members: even so it falls out when as the rich cities, the nobilitie and the clergie, lay all the charge vpon the poore labourer, he sinkes vnder his burthen like into Αέός Αέος, and the horfe which would carrie nothing; that is to say, the nobilitie and the clergie, are forced some to carrie the tenths and extraordinary subsidies, others to sell their goods, to make warre at their owne charge, and to pay the taxes and imposts directly or indirectly. For the like cause, the nobilitie and clergie of the realme of Denmarke have beene forced to taxe themselues since the yeare 1563; to maintain the charges of the warre, but it was upon condition, that the king should not meddle with the money. The nobilitie and clergie of England, euerie man (according to his ability) was subiect to taxes & subsidies, according to the ancient custom of the Grekes and Romanes; yea almost of all nations. I except our nation the French, with whom, as Caesar faith rightly: Nihil est plebe contemptum, Nothing is more contemptible than the common people.

D To remedy this incoueniencie, the antients did wisely order, That all charges should be real, and not peronall; as it is put in præfa in Languedoc, and hence in Provence by prouision, according to the dispose of the lawes, to the end that the rich and the poore, the noble and the peafant, the priet and the laborer, should pay the charge of their land that is to be taxed: the law exempts neither bishop nor nobleman. In other governmentes, if there be a clergeman, a noble man, a counellor, & a vignerone, the last pays for all, and the others are free not only for their fees, but also for other tarrable landes. If then necessitie force the prince to raise some extraordinary imposts, it is needfull! it should be such as euerie one may bear his part, as is the impost of salt, wine, and nectar like things. And to take away occasion of feditious, which doe often chaunce for the impost of small things sold by retaile, it were expedient to convert that impost into a general summe, as it was put in præfa by Charles the fift, with the content of the estates, for the freeing of king John, the which was 12 denier upon euerie dram, or two shillings of goods that were sold; the which was changed to an equi- lant, first in the countrey of Languedoc in the time of king Lewis the eleuenth, yeelding for the said impost 6000 pounds starling yearly: and the like hath been also done in Auiergne for the salt, the which the countrie hath exchanged into a certaine summe: and for the same reason the impost which was taken upon all small
small wares, have ben abolished in many Commonweales, for the complaints, 
condicions, and exclamations of the poore people against the toll-gatherers, who al-
ways tooke more in the kinde than they ought. But if any one shall demand 
of me, which kind of imposts are most pleasing vnto God, most profitable to the 
Commonweale, and most desired of good men, for the reliefe of the poore: it is 
that which is layd on those things which ferue onely to corrupt the subiects, as 
all kinds of dainties, perfumes, cloth of gold and filuer, filkes, cipresse, faches, 
rich colours, womens painting, pearsles, precious ftones, and all kinds of works 
of gold, filuer or enamell, & fuch like things, which are not to be forbidden: for 
such is the nature of man, as they efeem nothing more sweet & goodly than that 
which is stricly forbidden them; and the more superfluities are defended, the 
more they are desired, especially of men that are simple and ill bred; you must 
therefore raise them fo in price, by means of the imposts, as none but the rich and 
thofe that are curious shalbe able to buy them. And therefore thefe princes that 
luce towards the North, lay great imposts vpon wine, the which although it be 
dere, yet their subiects are to deliver thereof, as they drinke themselves drunke. 
And for this caufe Cato the censors was commended, for that he layd a great im-
post vpon the sale of flaues, that should exceed fiftie crownes price, for that such 
merchantlike could not be warranted.

The emperour Auguius did more wifely, who to correct the disordinate 
luft of his subiects, made lawes for marriages, by the which he impos'd a taxe 
in manner of a fine, vpon tho'se that did not marrie after the age of 25 yeares, or 
that were married and had no children, intoyning them to bring a part into the 
treasure of fuch secessions or legacies as were cuthly left them, giving goodly 
immunities and priviledges to fuch as had children: by which lawes Auguius 
purchased the commendation of a wife prince. For hereby he did both punish 
whoredome, adultery, & sodomy, and also force every one to seek him a lawfull 
wife and children, taking away nothing of any mans present estate, but onely 
the tenth part of that inheritance which came vnto him accidentally from his 
friends, filling the treasury with money, and the Commonweale with good and 
vertuous citizens. Which law Juffian the emperour did vndoubtedly blame, I 
and likewise Constantian, who abrogated the law for punishing them that liued un-
maried, or that had no children. But the emperors Honorius and Theodorus gave 
the priviledges of children to all subiects, which was to give way to adulteries 
and to all detestable vices, causing marriages and the precreation of children to 
grow in contempt, whereby the citie grew bare of citizens, and the empire bein 
grown in a manner walt, was leazed on by a deluge of Gothes, and other bar-
barous nations of the North. These kinds of impositions which are intended 
for the punishment of vice, seeme not only unfit, but verie profitable.

There was also another impof of ten shillings vpon euery fute in law that 
was not criminal, to punith tho'se that were too apt to pleade, the which many K 
hauue found strange, and in the end haue taken it away: but there was never 
more needfull in this realme, where there are more futes than in all the rest of 
Europe, the which haue much increas'd since the time of king Charles the fiift, 
when as an edict was made, to take away the antient custome, by the which no 
man was condemned to pay any charges that had lost his fute: for in former 
times they were not fo apt to pleade: and it may be, our antient fathers, knowing 
the dispositions of the French, had brought in this custome (although it were 
unuit of itselte) to diuert the subiects from attempting of futes rashly. And al-
though
Athough the Romaines in a free Commonweale could hardly bear any imposition or tributes, yet did they willingly endure a taxe let upon duties and controversys, much more heauie than that which was impos'd in the time of Charles the ninth, by the which he that did attempt a suit against any man, was forced to configne two crownes into an officers hands; the which hee should receive againe from the aduere partie, if he did recover his suit, or if he were vanquished, to looke them as a punishment of his rashnesse: but the Romaines tooke the tenth part in all ciuile causes, and the fifth in criminall, as Pompeius Felius doth witness; yet Marcus Parro writes, that either of the partie did lay downe five hundred alles, which comes to about ten shillings of our mony and he which won, B recovered his money which he had configned, and this was besides the thing for which they contended, the which was called Sponsio & farramentum, and if any one refused to configne, hee yeelded to the other. The Hebrews did alwaies cause him that did willingly denye a debt, to pay it double, as wee read in their pandects. And although the confignations which were made in Rome upon duties were divers, yet the emperour Caligula extorted against reason, the fortieth penny of all that was demanded by law, without any prefixion or limitation, whether the caufe were iust or vnjust. But of all marchandife which tend to pleasure, luft, and pompe, the imposition is honest and profitable, servyng to no other end but to corrupt the simplicitie of the subiect, the dearer part of all (which C is Amber gris the which is valued but at twelve pounds starling, should be priised at 300 crownes. The law lets no impost vpon marchandife, but vpon spices, and such precious marchandife, as are especially named, as skins of Parthia and Babilon, sylkis, fine linen cloth, painting, Indian haire, wild beasts, and Emnukes. Such impositions are alwaies commendable and farre more supportable without comparision, than that which is laid upon the alle, the oxe, wine, and such like. And all good princes haue abhorred that impost which they called Capitation, for to lay a charge vpon mens perfons for their worke, were to make warre to good wits, if they haue not some great trade, and by that means haue gathered togethers great wealth, for the which they must beare some charge; the which is not properly Capitation, but with the weaker sort they must deale mildly, especially with the husbandman, which doth not till his owne land. Neither are those impositions to be allowed which employ all their studiies to invent new taxes & exactions, seeking by all means to incourage princes therunto; as that multiplier (whose name I conceale for honers sake) who not many yeres since at a parliament held at Blois, made a declaration, That the king besides all other ordinary charges might with oppression or grievance of poore or rich, raile thirte bin millions: the king lent this man to the three eftates, to expend the heauenly gift of God.

And although we had many excellent wits and of great judgement, yet had E he abused many with his opinion, if we had not laid open his error and deceit. He suppos'd that France was two hundred leagues long from Bologne to Mar-felles, and as much from Mont S. Bernard, to S. John de Lax; and by this he concluded that France had fourtie thousand leagues in square, and that euery league contained five thousand acres of ground, which amounted to two hundred millions of acres, of the which he abated the one halfe for waters, waires and waft land, and of the rest hee would haue the king take a louiz for an acre, the which amountes to five millions: then he made an estimate of six hundred thousand townes and villages, and in them twentie millions of fiers, of the which he would
would haue the king take six pence of euerie parish, which comes to six millions and two hundred and fiftie thousand liures. Moreover he made an account of fifteen millions of all forts of marchandife, of the which he tooke a souz of the marchant for euerie thousand liures, making the former twelue millions. And upon the fayd six hundred thousand towne and villages, one with another eleven souz apace, the which comes to twelue millions, and six millions and a hundred of liures more, which then the foure rents came vnto, all which make thirtie millions, besides the aids, taxes, customes, grants, imposis, subsidies, and reueneues of the crowne, which came then to fifteen millions, wherein his deceit was verie apparent: first making France square, the which is in fowme of a Lorange much lesse then a square: next he makes the fertill land equall to that which is waft and fruitelefe (although there is not any land, be it ever fo fertill, whereas two third parts at the leaft lyes not waft) taxing the nobilitie and the clergie as well as the reft. And as for 600000 towne and villages, it is an impudent lye: for by the extracts drawnne out of the chamber of accounts, and brought to Blois to the eftates, there were found to be twentie fennent thousand and four hundred parifh'es in France, taking the greatest towne but for one parifh, and the smalleft villages haung a parifh for another: and in truth the numbers of parifhes taken by king Henrie the second in the yeare 1554, came but to 24524 parifhes, besides Bourgogne & Poitou, and the impost of three pounds flaring vpon euerie parifh, came but to three crore and fourteen thousand fourte H hundred eightie one pounds. Ierofine Laski a Poloniois, father to the Palatine Laski, whom we haue seen Ambassador in France, inuented another manner of meanes than this former, to encrease the treaure, giuing aduife to raise three imposis vpon the subiects, and to make three mountes of pietie (for so he calleth them.) The first was in taking the moitie of euerie subiects reueneues, for once: the second was the twentie part of his reueneues yearly, and the third was to haue the eight part of things fold in grofle, or by retaile. But his aduise was reeected as pernicious and moft impoſible: for in matter of impositions there is notting that doth more kindle seditions, than to charge the subiect with many things at once, especially a war-like people, and bred vp in libertie, as theſe I of Polonia bee. And yet he gave a goodly name to a wicked and pernicious inuention, calling the grounds of ſuch impositions, Mounts of pietie. For the mountes of pietie in the cities of Italia are profitable, honest, and charitable, & inuened to eafe the poore; and theſe of Laski do ruin them. There are mountes of pietie at Florence, Sienna, Luques, and other citiès, whereas he that hath one daughter, the day of her birth hee may put what summe he will into the mount of pietie, vpon condition to receive ten times as much to manrie her withall, when she comes to the age of eſteene yeare; but if she dies before, then doth it accrue vnto the mount, vnlesſe the father hath other daughters, to whom the portion shall come successively. Another mount of pietie is, for the lending of K. money to poore men at five in the hundred, giuing a sufficient payne, and not above ten crowne; if the debter payes not his ten crownes at the time prefent, the payne is solde vnto him that wil giue moſt, and the surplusage deliuered vnto the debter: this is done to prevent excelsiue vituries, (wherewith the poore in those countreys are ruined) and the feasure and selling of mouables at an vnnder price. 

Notwithstanding I finde that the emperour Antonine surnamed the Pius or godly, inuened a better mount of pietie, which was to deliuere out the money that
A that came cleere into the treasurie, all charges paid for fuse in the hundred vpon
good and sufficient caution. By whole example Scenerus restored the treasurie
that was wafted, and the marchants and poore men gained much by traffique;
and the publicke in a great summe did allo gaine much: for if they lent a million,
at the yeares end they did get fiftie thouland crownes for the publicke, and pri-
ivate men got twtie as much by traffique: and besides all this, the greatest benefi
that did arise, the publicke treasurie was affurred out of the paws of theues and
horse leeches of the court. And for this reason onely as it seems, the emperour
Augustus long before, was accustomed to lend the money which came cleere
into the Exchequer, without any intereft, giving good assurance of lands; and vpon
a penalty to forfeit the double, if it were not paid at the day: by this means the
publicke treasurie was not idle, nor wafted by the princes prodigious, nor ex-
haufted by theft, but a great benefit redounded to all in general, and to many in
particular. And here some one may obiect, that although Augustus did not lend
the publicke money for intereft, yet hee imposed a penaltie of the double, if it
were not paid at the prefixed day, the which is greater than any vniure, and there-
fore forbidden by the law. In my opinion, that penaltie is then disallowed by
the law when we stipulate any thing fraudulently, and above the lawfull inter-
reft: but he that hath take the publicke money, and refiores it not at the appoint-
ted day, he commits theft: it is therefore the penaltie of theft, and not of vniure.

B Tho‘le princes therefore did wisely in old time, which provided for
the nec nonsit of the Commonweale, and the proflte of private men. But the
contrarie is vfed in our daies: for princes in head of giving out vpon reasona-
ble intereft, borrow and pay unreasonable vniure: and not onely princes,
but also lords and Commonweales, some more, some leffe: thole which have
been held the most frugall, as the Venetians, borrow alwaies at fuse in the
hundred, without any hope to recover the principall, or at fourteene in the
hundred, so long as the creditor shall live. The colledge of Saint George
at Genes takes money of all men at fuse in the hundred, and delivers it
out againe at the higheft intereft to princes and marchants: whereby they
are so enriched, as they have redeem’d the isle of Corsica, and the lands of
the Commonweale. Priveate men had rather take fuse in the hundred
of the colledge, to bee assured of their principall, than much more of private
men, who ofteentimes become Bankerupts: the Venetians haue alwaies loft,
and shallloofe, so long as they shall take eight in the hundred, or more: or else
they must abate their intereft, as they haue by little and little abated Mount Vec-
chio, cutting the creditors fo short, as they dare not so easily put in their
money as they were wont.

This meannes was also brought into France by the cardinal of Tournon,
at such time as hee was in credit with king Francis the first, whom he per-
suaded (by the instigation of certaine Italians) that there was no other means
to draw the money from all partes into France, and to frustrate the enemie here-
after, than to settle a banke at Lion, to take euerie mans money, and to pay
him eight in the hundred, so as in short time hee should get into his hands all
the money of Italian and Germaine: but in effect the cardinal sought to allure an
hundred thousand crownes which he had in his coffers, & to get all the intereft he
could. Letters patents being granted, at the opening of the bank, every man came
running from France, Germanie and Italy, so as king Francis the first, when he
died, was found indebted to the banke of Lion, fuse hundred thousand crownes,
the which he had in his coffers and sometimes more; and a peace concluded with F
all the princes of the earth. But the reign of Henry his sonne grew most lamentable, for having wafted his fathers treasure, and standing in need of money in the yeare 1554 borrowed at ten, twelve, and sixteen in the hundred, of the Caponyes, Albics, and the Fourequers of Germanie, and when he was not able to pay the interest, he promised the creditors interest upon interest. The emperour Charles 5 did the like for his parts true it is, he payd but ten and twelve in the hundred. And the same yeare Henry the eight king of England, borrowed a hundred thousand crowns of the German merchants at twelve in the hundred: everie one hoping to draw money and wealth vnto him by the desire of vituuri. And whereas our king Henry the second thought to draw most money vnto him by paying of more interest than the emperour or king of England, he began to lose his credit, for the weife husbands concluded that in the end he would not be able to pay neither principall nor interest for the interest of sixteen in the hundred, came at the least to eightene in the hundred, detaining the interest which he could not pay: whereas the emperour made shew that he would free himselfe, giving cities and communalties for cautions, paying the old debts with new borrowing, and everie man lent him feeing him pay fo willingly. But at this day many will free both principall and interest, to have but thirtie paid them for a hundred; so as after the death of Henry, all was filled with the complaint of creditors: and such princes and Signories as had money in the banke at Lion, H were much altered, and not ouly the Signories of the Cantons, the princes of Germanie and others had their parts there, but also Beas & Marchants of Turkie were there in their Factors names for aboute five hundred thousand crowns; and nothing did more with hold the great Turk from succoring the French in their last voyage of Naples, under the duke of Guife, than the not paying of foure thousand crowns for interest to Rustan Beas, besides the ten thousand which lavigne the ambassadour carried him in the yeare 1556, fearing to loose his principall, as I have learned by letters and instructions from lavigne, for many did not buy rents for a certaine summe of money, but would have the interest pure and simple, and vpon condition that they should have their principall againe: as many Italians doe with private men, to whom they lend their money simply hauing them bound both bodie and goods, without making any mention of interest, and yet by a verball agreement, they promise sixteen or twenty in the hundred; if he faile to pay the interest, they loose vpon bodye and goods for the principall: and although the interest be paid, if they have need of their principall, they proceed by way of execution against the debtor, for he hath notuer any quittance nor wittes for the interest which he receiuereth. Behold by what means they draw the money out of this realme.

There are other trickes which I forbear to touch, but for this cause king Lewis the ninth in the yeare 1254, and Philip the Faire in the yeare 1300 did banie all K Bankers and Italian marchants out of Fraunce, confiscating their goods: and to discover the debts that were owing them, it was decreed that the debtors shulde be freed from all arrearages and interests, paying the principall to the treurerers. And since, in the yeare of our Lord one thousand three hundred fortie and feuen, Philip of Valois for the like caufe did forfeit all their goods: for it was verified by the processe that was made, that for foure and twentie thousand pounds starting, they had in few yeares profited two millions and foure hundred and fortie thousand pounds starting: and in hatred of such
A

For the Lombards letters have been alwayes taxed in the Chancery at double;

and although these people have been often banished the realm, yet there were

neuer more in any place, nor will ever bee wanting, so long as princes take vp at

interest. Since and before that the banke of Lion was broken, most of the cities

of this realm have lent vnto the king vpon the reuenews, customes, imposts,

and tenths for reasonable interest, and those which held themgles to be of best

judgment in matters of state and treaure, advaunted it for two ends, the one to have

money at need; the other to bind the cities and communalties more vnto their

prince, yet we haue neuer seene more rebellions since the establishment of this

realm. And as for the treaure, it hath been so well husbanded, as in lesse than

twelve yeres that king Henrie the second raigned, hee did owe more than his

predecessors had leuued forthe yeres before, for all charges: for by an account

made in the yeare 1500, king Francis the second, succeflor to Henrie, did owe

two millions three hundred twelue thousand fix hundred and ten liures, eigh-

teen fouze six deniers, of money lent freely, for the which he paid no interest: and

fifteene millions nine hundred twentie fix thousand five hundred fiftie and five

liures, 12 fouz and 8 deniers, for the which he paid interest: and he ought more

for arrerages feuen hundred threefcore and fiftie thousand, nine hundred

threefcore and ninetie liures, foure fouz, and foure deniers: besides the debt

of Ferrara, and other debts for marriages, which came to eight millions five hun-
derd and fourteene thousand five hundred foure fcore and twelve liures, eigh-
tee fouze and eleue deniers: and other remainders due, to the summe of fif-
tee millions three hundred threefcore and foure thousand, feuen hundred foure fcore and fe-
uen liures, two fouz, and fix deniers: so as by the last article, the king remained

indebted one and forty millions, a hundred foure fcore three thousand, one hun-
derd threefcore and fifteene liures, three fouz, fix deniers: comprehending four-
teeen millions nine hundred threefcore and one thousand feuen hundred four-

dre fouz and feuen liures fifteene fouzel and eight deniers, for the aides, reuenewes,

and customes engaged, to cities, corporatons, and colledges, and to priva men:

amogst the which the citie of Paris hath had yeere three millions one hundred &

go thousand liures, comprehending the tenths: moreover the clergie hath

furnished aboute threefcore millions in the time of king Francis 2, and

Charles 9. Although the emperour Charles 5, and his succeflor haue run the fame fortune,

for that they took vp at interest, being indebted aboute fifty millions, for the which

all the lands, and reuenews of Naples and Milane were engaged to the Genewais

and other privaat persons, who now are called in question, for that they had taken

of the king of Spaine in his necessitie thirtie and fortie in the hundred; and to

effect it, they have caufed the catholicke king to be censured by an admonition

from the Pope, if he continued those excessive viuries who embracing this occa-

sion, defraued his creditors of ten yeres interest. We must not think that the Spaniards

will suffer themselves to bee easily gullled by the bankers of Italie, as the

French do, who suffer them to injoy the farmes & al the best reuenews of France,

the taxes, imposts, customes and doanne of Lion, by meanes of which farmes

they ranom the fubiects, and transport the coynes, contrary to the laws of this

realm, which forbid to suffer strangers to enrich themselves by the reuenews of

the crowne: nay, it hath been more insupportable to preferre them before na-

turall fubiects, which offered much more, & yet they had an abatement of twen-
tie thousand crownes at one instant out of the custome of Lion, to the perpetuall

infamie of the French: and leaft they should be moleflled and drawn in question of

M m i j

theft,
theft, they have gotten an eulogium of all their caules to the privie counsell. ¶
the originallost of all these mieries grows from \textit{Francois} the first, who began to
 take vp money at interest, having 180000 crowns in his coffers, and peace within
his realme: no well advised prince will ever take that course, for thereby hee
shall ruine the foundation of his treasure, if he will keepe his faith and pay; but
if he will not, or cannot pay, then must hee breake and loose his credit, which
is the ruine of an estate: for he must borrow, leuitive taxes, impostions, and in the
end by frauds, and tyrannies forfeit his subiects goods. Then is it most fit and
necessary for a prince to borrow money upon interest of his allies and subiects,
if that hee bee in danger to loose his estate, by some generall reuolts, or the con-
spiracie of some great men against him; for extreame remedies are to be sought in
extremet dangers: as we read that \textit{Eumenes} did, who borrowed a great sum
of money at extreme interest, of those that had conspired his death. \textit{Agrrippa}
king of Iudia, recovered his realme by the meanes of his creditors, who troubled
both heauen and earth for the assurance they had to bee payd: and this was also the chiefe meanes to restore \textit{Edward} the fourth king of England, being expelled his kingdom. But if the princes creditors haue assurance to bee payd by his successors, or that they haue lands in pawn, then this course is unprofitable. I haue set downe the meanes which in my opinion are profitable and honest to gather together treasure, the which is the first point of this chapter: the second
is how to employ the treasure of the Commonweale well and honourably, the
which wee haue partly tought in the chapter of rewards and punishments. Let
us adde hereunto what remains.

In old time the first article set downe in the expences of the treasure, was for
almes deeds; the second for the kings house; and the third for reparations; but
the order is quite changed. As for almes-deeds, the wife and antient princes
of the Hebrews, haue left this discipline to povertie, the which they receiv'd
from the holy Prophets, who sayd, That the surest preservation and defence of
treasure, were Almes deeds, and liberalitie to the needie: the which they refrained
to the tenth part of euerie mans goods, which should bee employed upon
the minifters of the church and the poore. And if we will looke advisedly into it, we shall not find any prince, state, or family that hath flourished more in riches, honoures, and all happinesse, than those which had most care of the poore
and needie. In old time there were no princes vnder heauen more charitable
than our kings of France, since \textit{Robert} fonneto \textit{Hugh Capet}, who gave the first
eample to his subiects and successors to be charitable to the poore, feeding a thousand daily, giving them horses to follow the court, to bleffe him and pray for him; and to speake truly, there was never king in this realme that reigned longer and in greater peace. We may truly say of our kings, that there is no race vnder heauen that hath so entertained the greatness of their maieftie in armes and laws, and out of the which there hath illud more princes, or that haue reigned longer without offence to all other princes, Christians, Turks, Tartars, Perianns, Indians, and Ethiopians. What prince euer was more charitable to the poore, than \textit{Louis} the ninth, who hath founded twenty eight hospitals and colleges in
this realme; and had commonly in his traine six score poore folks, and in Lent
twelve score, feeding them with meat from his owne table? he also lived in great
honor, being feared of his enemies, reuerenced of his friends, honored of his
subiects: and after that he had reigned 44 yeres, he left sixe fones, and foure
daughters, and a kingdom flourishing in armes and laws to his successtor, recommend-
A mending vnto him above all things to be devout to God, and charitablen to the poor. Neither may we forget James the fift king of Scotland, who was called Rex egentum. The king of the needes, who as he exceeded all the princes of his time in bountie, did he surmount all his predecessors in riches. And contrary wise we see great families, flates, realmes, and empires come to pouerie and ruine, having contemned the poor, and abandoned the subiect to the spoile of the fouldiers, and the thefts of toll-gatherers: when as king Henrie the fsecond in the yere 1549, did exact that extraordinary tribute which they called Taillon, he promised not to employ that money to any other vfe, than to the entertainment of his men at armes: and not to confound it with the ordinarie receipts, that the subiect might be freed from the spoile of fouldiers. The like was faid when as the realme was charged with the payment of 5000 footmen in the time of king Francys the firit, the which should be lettie vpon walled townes and their fuburbes, which felt nothing of the oppofition of the fouldiers: but notwithstanding since they have made it equall to towne, village, and hamlet, in the yere 1555, whereby the poore countryman hath ben doubly oppreffed, for they pay, and are spoile of all fides. And yet with all these charges, they would hold themselves happy, if they might bee freed in prouiding corne and victuals for the fouldiers at an under rate, what may then bee hoped for in those cities whereas the fouldiers robbe and spoile the poore subiects with all impunitie, and互動 more over the cititizens than againft the enemy? but for an excufe, they pretend they are not paid, neither would they be, to the end they might haucetome colour for their thefts. There is no meanes to reedrelle these calamities, and to reftore in fome fort militarie discipline, which is now quite decayed, but in paying the fouldiers: for as Cassiodorus faiid, Disciplinam fensare non poveras iudicium exercuit, dum quadriect femerp pretium armatus, A falling armie can never obferue good discipline, for what they want, they will prelume to take by force: the which cannot bee done vnlefe there bee a great care had of thetreasure. The kings house theferefore entertained, the fouldiers and the officers payd, and due rewards given to them that defencethe, it is great reafon the poore should be remembered. And if the treafury bee well furnishd, a part would be employed to repaire townes, to fortifie vpon the frontiers, to furnish places of strength, make the paffages euen, build bridges, fortifie the ports, fend ships to sea, build publicke houes, beautifie temples, erect colleges for honor, vertue, and learning: for besides necessitie of reparationes, it brings great profite to the Commonweale. For by this means arts and artificers are entertained, the poore people are eafeled, the idle are fet to worke, cities are beautifie and diseases expelle: finally hatred against princes (which doth often times strike vp the subiects to rebellion) is quite fuppreffed, when as the impositions which he hath leued, redounds not only to the general, but also to every priuat mans good.

And therefore the emperor Alexander Severus was accustomed to leave many imports and tolls to cities, to be employed in the necessarie reparations thereof. This which I have fayd is more expedient in an Aeffocracia, or a Popular state, than in a Monarchies: for that the subiects being many, are with more difficultie maintained in peace and union by few commanders: vnlefe the multitude being employed in the publicke works, may make some gaine, and not to inure them to the distribution of corne and money, as they vfitually did in Popular states, and especially the Tarentins: the which is not only the ruine of the treafure, but likewise of the citie. So Pericles was also blamed, hauing the benefit of reparations and fortifications.

The fouldier must be paid to prevent all thefts and infra-locum. The fouldier must be paid to prevent all thefts and infra-locum.

The fouldier must be paid to prevent all thefts and infra-locum.
first accustomed the Atheniens to these distributions: the which he did to gaine F
the peoples favor. But when he was once master of them; he employed the pub-
lieke treasure, not only to fortifie the citie, but also to beautifie it, and to fill it with
good artificers: yet durst hee not attempt this before the citie was in peace and
their treasure full, hauing then a hundred thouland tallents; that is to say, three-
score millions of crownes, if we may beleewe Demosthenes: which summe be-
came it is vmore becauke it is vnreaonable, it may be, we should read a hundred tallents, which make
three-score thouland pounds, for that wee sawed before, that the Athenians
(when as they had charged their allies with great tributes) did never leue above
two thouland tallents yerealy at the mout, and in Pericles time they did scarce ex-
act a thousand tallents. And being accused by his enemies to hauie mifemploied G
the publicke treasure, hee made this resolute answere unto the people, I hat
they were not well pleased with the walles, fortresses, and temples which hee
built, hee would take the charge vpon himselfe, vpon condition, that his name
should be grauen thereon, and that it was his gift: but the people allowed the
charge, knowing well that all men in generall, and euerie man in particular,
reaped profitt and honour thereby, for that the marchant did gaine in furnishing
of stufes; sea-men, and thouse that brought it, for their carriage: and artificers in
working, is so as the profit was distributed to all sorts of people, and the glory
of their lately workes, gane a perpetuall testimonie to posteritie of the great-
nes of this Commonweale. But the greatest benefitt, and which doth most import H
the pereferation of an estate is, That the two greatest plagues of a Common
weale, Idlenesse and Pouertie, are banished: a vvery necessary thing in a popu-
lar and aristocraticall state; and especially in those countries, where they have
great spirits, and but barren foyle, as at Athens: if idlenesse get footing in such
a countrey, it will never be without mutinies and thefths, which Solon foreeewing,
he did inflict great punishments vpon idle persons: and so did Amasis king of E-
ypt, who condemned idle men to be put to death, if they had not wherewithall
to live, knowing the Egyptians to be the most ingenuous in the world, and the
most subiect to mutinie, if they were not employed. We see Piramides built in
that countrey almoft three thousand yeares since, left the people should hauie I
languished with idlenesse: we have also presidents of the wildest emperours of
Rome, which have in like fort employed their treaure, & gien the subiects ex-
ample to imitate them: as Augustus, who did inflamy that he had found Rome
built with bricke, but that he had left it built with marble: and in truth he
employed foure millions and fite hundred thouland crownes building of the Ca-
pitoll alone: he was followed by the emperour Vespasian, who made great and
excellent workes throughout the whole empire, rather to entertaine the mean-
er fort, than for any other end: for when as an excellent workman promifed him to set vp pillers in the Capitoll, of an excesfCLUe greatnes, with small charge
and few labourers: he recompenced him verie well, saying, Let me I pray you, K
nourish the poore: and yet he protested in open senate comming to the empire,
That there was need of a milliarth of crownes to free and ref tore that Common
weale.

What shall I say of the emperour Claudius, who enjoying an assured peace, cau-
sed the channell of Fucina to be made, to accommodate the citie with good wa-
ters, employing dayly thirtie thouland men for eleven yeares together. And
without search of antient histories, it is well knowne that the signorie of Ve-
nice doth entertaine continuall in their Arfenall, three or foure thouand per-
sons
A tyrant builds with the blood of his subjects.

B rant, to deface their memory from off the earth, whereas they shuld by vertuous and charitable actions graue their names in heaven. The golden palace of Nero, which comprehended a great part of Rome, was commended by his successors, who would not vouchsafe to lodge in it, for the cruelty and vilanie of him that had built it; and soone after it was ruin'd, as being made of spoiles, exactions and confiscations, the which follow a prodigall prince at the heels: for of necelstie, of a prodigall he must become an opprissor, and of an opprissor a tyrant.

There were nouer two tyrants more cruell and prodigall, than Nero and Caligula, for the first, in fifteen yeares that hee reigned, had given away the value of fiftie and fume millions of crownes: and the last, in one yere had wafted three-score and fume millions, so having not where withall to defray his houſhold charges, he was forced to beg the offringes in his owne person; then falling to precriptions of private men, after that he had wafted the publicke treure, he filled all with cruell confiscations. This miserie of excessuie prodigallitie happens often to princes, through forgetfulness of the gifts which they have bestowed, nor well understanding the botome of their treasures. And for this caufe, it was wisely decreed by Francis the first, that enerie yere the generals of the treure, should send unto the treurer, two briefes of the publike reuenues of every province: the one by conieciture the first day of the yeare; the other a true note of the yeare that was past: and in like cafe the treurer should make two briefs of the whole treure in generall, to the end that the king and his countell might plainly know what money was in his coffers, thereby to governe his gifts, rewards, and expences: but most commonly hee that hath power to dispose of it, seeth nothing.

I will put for an example an emittate of the treure which was made in Ianuarie in the yere 1572, where in a chapter of the receit, there was an article set downe of 20000 pounds flafling of casuall things: and by a true account made in the end of the yeare, it was found, that they amounted to two hundred and fouerecore thousand pounds flafling, and yet it was verified, that there was but fiftie thousand pounds employed to the kings profit. Such was the calamity of those times when as children and women ruled. But in my opinion, the king had done better, if he had seen the generall account of his reuenues, the which is contained in two sheets of paper, and withall had had a regifter of his gifts and rewards: or if his privie gifts be not inrolled, that he had a small briefe or remembrance of that which he had giuen, to whom, and wherefore: which are three chiefie points, whereof a prince must be very careful, to the end, that if he will be liberall, it should be to such as deserve it. And to this end, it were expedient the prince had a briefe regifter of affaires of flate, and a rolle of the worthieſt men of his realme, for there is no memorie so perfect, but may be confounded with the multiplicitie of affaires, whereby he shall commit
great incongruities in matters of state: for a briefe note of affairs shall put him in mind of that which he hath to do, and of all enterprizes, the which oftentimes remaine imperfect and ill executed through forgetfulness. There is no better example hereof, than that of king Lewis the eleuenth, who was held one of the most politicke princes of his age, yet he ran willingly into the snare of Charles earle of Carolois, hauing forgotten that hee had sent his ambassadors into the countrey of Liege, to stirre them to warre against him: the earle aduerstified hereof, detained him prizoner: the which had not happened, if he had kept a regifter of his former actions. If any flatterers of the court will obiect, That the regifter would be too great, that the prince should be too much troubled, and that hee could not live long: why then haue those princes and great monarchs which have been so carefull of matters of state, and governed the whole world with their lawes, liued so long? as Augustus, Tiberius, Vespasian, Traian, Adrian, and the Antonines, all Romaine emperours and politicke gouernours, who themselves made registers of their owne affaires, imitating the example of Augustus, who liued 74 yeares, leaving three Bookes written with his owne hand; the first was his deeds and publicke actions; the second was his testament; the third was an eftate of all the Romaine empire, wherein was contained a particular eftate of euerie prouince, what troupes of souldiers, what treaure, what armes, what shipping, and what munition, with a diligence worthie of a great monarch: yet for all this he did not omit to doe justice ordinarily and to heare all commers, reading all the booke of politike gouernment, that he could get, as Sueterius faith, remembering that which Demetrieus the Phalerien said vnto Ptolome Philadelph king of Egypt, that hee should find goodly secretes in bookes, which no man durft tell him. Vespasian in like fort, made an excellent abridgement of the empire, and yet he liued 70 yeares.

The empire of Peria was greater than that of the Romaines, sifting from the farthest bounds of India, vnto Hellepont, and the desert of Libia, having vnder it 127 Prouinces, and yet the kings of Peria carried with them continually a regifter of their affaires of state and of their gifts: and when as Darius Longeman had escaped the conspirators hands, by the aduertisement which Mardochens had givn him, the king a while after reading this regifter by night, and finding that Mardochens had receivd no reward for so great a service done vnto the king, hee caufed him to bee sent for, giving him great honours and preferments. But without any furthet search, the king of Spaine doth visuallie looke vp on a regifter of his affaires, carrying an abridgement of letters which he writes to gouernors, captains, and ambassadors, if the matter be not verie secret. For the same cause Charles surnamed the wife, king of France, made a Regifier of his pruett counsell, and the first was Peter Barrier, who was not busied (as at this day) with expeditions and acts of justice, but onely to inroll the affaires of state.

But above all it is necessarie for a prince to haue a regifter in his couuell, of gifts, offices, benefices, & exemptions: the which is most commonly in the hands of a secretarie, and yet the hundred part of the gifts are not enuied. For the redrefing whereof, there are two antient lawes, the one made by Philip of Valois, of the which I haue formerly made mention, by the which the gift was revoked, if the donatarie made not mention of the benefice granted to him and his predecessors: the other is of Charles the eight, whereby all gifts above ten pounds were of no force, if they were not verified in the chamber of accounts. The first law was soone taken away by another, saying, That it was sufficient by
A by the Letters of gift, if it were derogated from the first decree. And as for the law made by Charles the eight, it is out of practice, under color of secret gifts and pensions, the which must not be knowne: so as the ancient laws (decrees, that the articles set downe in the chapter of expences, shall not be allowed without an order, a commandement, and a discharge) are now of little or no force in that respect: for the treasurer is discharged, bringing the kings hand onely, without any mention of him to whom the reward was given, nor wherefore. There was yet a law made by king Francis the first, and confirmed by his successor, whereby it was decreed, There should be foure keys to the place where the treasure was kept, whereas the king (should have one, and the rest should be in Com-

B milisioners hands appointed by him: and the distribution of money should be made by the kings commandement, in the presence of the treasurer and comptroller of the Exchequer: But king Henry the second by a speciall edict discharged the treasurers and officers of the treasurie, that afterwards they might not be called to any account. True it is, that one of these commissioners had given him at one time a hundred thousand crownes, if the common report were true; the which was much at that time, but little in regard of prodigalities practised of late. For after that king Francis the first had ordered it by sparing, all the publice like treasurie lay open to the spoile of great men and flatterers. But an edict made in fraud should be no hindrance, but that such as had managem the publicke trea-

C sure might been called to an account; as it was required at a Parliament held at Orleans; and that excelsiue gifts should be reuoked or at the least cut lesse: as the Emperour Galba did, who reuoked Neroes gifts, leaving but the tenth part to the donatorie; not that they should enquire too curiously of all gifts bellowed by the prince, the which might prooue verie dangerous.

Charles the feuenth did limit by a law, what summe of money the king might take yearely to dispose of at his pleasure: which summe being verie little, seemed in those daies exceeding great. There is nothing more profitable for the prince, nor necessary for the subjects, than to have the rewards which they give, knowne and examined by their officers: for that princes shall alwaies maintaine their fa-

D vors, giuing liberally, and the officers shall be subjects to the hatred and dislike of such as haue their gifts reuoked or cut lesse: so as by means of recouerye, the money should returne into the treasurie againe, and few would beg, yet they would scarce take it when it should be offerred them, if they knew their gifts should be re-

E uoked or examined in the chamber of accounts. If bountie be commendable and worthie of a great and rich Monarch, it is ill believing a poore and needie prince, for he must flea his subjects, and racke them to the verie bones. King Francis the first, leauing a goodly kingdome, flourishing in armes and laws, and in all arts and sciences, to his successor, with feuenteen hundred thousand crowns in the treasurie, and the quarter of March ready to be receiued: yet did he not give away the hundred part in rewards in 12 yeares that he had raigned, as his sonne

Henry did in two: for he had scarce closed his eyes, when as the confirmation of offices (which is due to the king at his first comming to the crowne) where-

of an infinit maffe of money was then made, was giuen to one horse leech in court. And although that Francis the father gaine pensions to Germans, Eng-

lish, Italians, Suisses, Albenes, Spaniards, and Griions; yet all his pensions, besides the Cantons were but 13000 pounds sterling a yeare at the most, as I have seene by an extract out of the chamber of accounts, the which was made the yeare that hee dyed: and in the same extract there is but 42769 pounds, foure
foure shillings sterling, which hee gave in pension to his subjectes, princes of F
broid, knights of the order, captains in good numbers, lieutenants, counsellors
of state, men of justice, ambassadors, collers studying, and many excellent work-
men, and learned personages. O noble prince, who could so well make choice
of worthy person, and moderate his bounty.

We have entreated of two points of this chapter: first how a Commonwealce
should gather together, and then how they shall employ: the first point is, what
referus they shall make for any necessity, that they be not forced to begin warre
by borrowing, or subsidies; whereas the Romans were very careful: for al-
though they had continual warres vntill Augustus time, after the defeat of
Marc Anthony, yet had they neuer toucht the treasure which grew of the G
twentieth pence of slaves enfranchised, vntill that Hannibal had reduced them
to extreme want; then was there found foure hundred and fiftie thousand
crownes in their treasury, the which was one of the chiefest means to faue
their estate.

The emperor of Turkie obserues this order carefully, for besides the trea-
sury of ordinarie receits, which is in the princes Seraigle, there is another in the
castle of Seuen towers at Constantinople, where the ancient treasury is referred,
the which they meddle not with, if the necessity bee not very urgent. Our
Ancestors were accustomed intime of necessity, when the treasure was wa-
tled to have recourse to the kings forrests, where there was an infinit number
tall timber trees fit for all vues, of the which they made great summes of mo-
ney, but during the civill warres, they are loo cut downe, as heretofore they will
be oney fit to make faggots: whereby the commonwealce is much damnified,
and will be more dayly, vnlesse there be some speedie remedie: for there is
such want of timber, as they shall be forced to fetch it out of other countreys
for their ships and buildings: they do allo cut them downe so hastily, as the trees
cannot grow to bee any fruit to feed our swines; and in the end we shall be for-
ted to fetch wood from other parts for firing. And for that it hath been alwaies
held a matter of some difficulty to keepe treaure safelie, being very hard for
princes to make off importune beggars: therefore the kings of Persia and the
Romaines, that they might preferre this holy treaure from theft, they reduced
a great part of their money into thicke brickes. It is also saied, that Charles the
fift king of Fraunce, had caufed the great Hart in the pallace at Paris to be made
after the same forme that they should cantone all of gold, of the treaure which
he had Gathered together. And the better to affure it against the eue, the anti-
ten did lay their treaure in temples, as the Greeks in the temple of Apollo,
Delphique, and Delaigue: the Romaines in the temple of Saturne and Opis:
the ancient Gauls in hallowed Lakes: the Hebrews sometimes in temples,
sometimes in sepulchres: so wee read that the high priest and king of the
Jewes, Hieron, found great treaures in David's sepulchre. But seeing there are
are no sepulchres so religious, no temples so holy, that the eues will not
force and enter: therefore the kings of Morocco having moultten a great
quantitie of gould in forme of a bowle, pierced through with a barre of
yon, they did hang it on the toppe of the pillicle of the great Church
at Moracco. The ancient Egyptians fearing to give occasion to their neigh-
bours and enemies to invade their estate, and make warre against them for
their treaure (as they did to king Ezechias, hauing shewed his treaures to
the ambassadors of the king of Assyria) employed it for the most part

v
A in building of their Pyramides, beautifying of cities, bringing of riches, and reparing the bankes of Nile. The law of God forbids to heape together much gold and siluer; let that thereby the prince should bee allureed to oppresse his subiects, or the enemy to invade the citizens, inviting the prince thereby to bee charitable to the poore and needie: yet a meane is to bee vled.

No man in my opinion will allow of the infaatable courtonifieffe of John 22 Pope of Rome, in whose coffers they found (hee being dead) twentie three millions of gold, as many have written; or of Sardanapales, who left fiftie millions of crowns; or of Cyrus, who left fiftie millions; or of Tiberius Caesar, who had gathered together euentie euemillions, the which his successor wafted in one yere; or of Darius Ochos the last king of the Persians, in whose treasury Alexander the great found fourcore millions of gold. We read in the holy scripture that David left fiftirecore millions, the which is the greatest treasure that was ever heard of: but there is some question touching the valuation of their tallents; for they write that he had gathered together a hundred thousand tallents of gold, and a thousand thousand tallents of siluer, which summe, if it bee accounted by tallents of Attica, although they be small it will seeme wonderful: our interpreters of the Bible doe falsely thinke them Attike tallarks. I find Sicium in the scriptures to be taken two waies, the which the Greeks call Statara, and the Latines Talentum, one waie it is a pound of six ounces, as in the first booke of Paralip the 21 chapter; another way it is taken for halfe an ounce, as in the first booke of Samuel the 24 chapter. If Davids treasure be numbered by the ficle or tallent of halfe an ounce, the summe will not seeme great; if it be referred to six ounces, it will comprehend fiftie thousand pound weight of gold, and ten times as much in silver: but if it be valued by the Attike tallent, the wealth of the Romanses never came nere it; as we may see by an extract out of the treasury vnder the empire of Trajan, at which time it was at the greatest; for the whole sum of their treasure (the which was kept in Egypt) came but to 74 thousand tallents, the which amounts to 44 millions, and four hundred thousand crownes; vnlesse they had another treasure at Rome, as it is likely, (although it appeare not by the extract) having 200000 foot, and 40000 horse in garrisons on the frontiers of the empire and in the provinces entertained: three hundred Elephants for the warre, two thousand chariots for warre, and munition to arme 50000 men, fifteen hundred galleys of three and fiftie owens on a side, besides two thousand vesels for the sea, and furniture to arme and rigge wise as many, with fourcore great ships lately adorned.

But our kings of France haue not offended in this point against the lawes of God, by heaping vp of too great treasures, and it is not to be feared that they will hereafter brake it: for they which say, that king Charles the fift left in his treasury eightene millions of crownes, are much deceived, for he found the coffers empty, he paid his predecessors debts, he redeemed the reuenews of the crown, conquered Guienne from the English, purchased the countie of Anxerre, and a great part of the earldome of Eureux, restored Henrie king of Castill being expelled his reame, maintained and succored the kings of Scotland, against the kings of England, and raigned but 17 yeares, and yet he did not lenie for all charges about 43756 pounds startling yerely, comprehending the reuenews of the crowne lands: although that in his time the ayds and custome of 8 shillings yp-pon euerie fire were laid vpon the subiects; and his successor fortie years after did
The revenues of France under Charles the 5, 6, 7, Lewis the 11, and Charles the 8.

The revenues of France under Lewis the eleventh.

The revenues of Lewis the eleventh in his apparel.

Diminution of the revenue of Charles 8.

The revenues of the chamber of accounts of Charles 8.

The revenues of the chamber of accounts under Lewis the eleventh.

did levy but 45000 pounds flaring: and Charles the seventh, the yeare that he died, receiv'd for all charges and revenues, but 17000 pounds flaring, as it appears plainly in the chamber of accounts, & yet had he imposed the tax in forme of an ordinarie impost, the which at that time came but to 1800 pounds: and twenty years after when as Lewis the eleventh died, the whole receit came but to 47000 pounds, the which was reduced to 12000 pounds, at the request of the Parliament, held at Tours at the comming of Charles the 8th into the crown, besides the revenues of the crown, which amounted yearly by estimation to 100000 pounds: so as the whole revenues when as Charles the eight died, came not to above 25000 pounds. The like request was made unto king Charles the ninth, by a parliament held at Orleans, at his comming to the crown: but the greatest was found to goe as there was more need to augment than to diminish the the charge. Yet there was great hope to free the king out of debt, and to take away the subsidies & extraordinary charges, (if the realm had not been plunged in civile warre) considering the good order was taken the first yeare: for the interest was moderated to fiue in the hundred, all officers wages for that yeare were diminished and halfe taken awaye, and the confirmation of offices granted them freely. And as for the expences, all was so well ordred, as by the accounts of that yeare, there came into the kings coffers 230577 pounds flaring: so as in few years all had been discharg'd, without any diminution of the kings household officers, the which were six hundred, besides such as were entertain'd for hunting & hawkings: for they may well be paredd without diminution of the maichtig of a king or the dignity of his house, by cutting off his ordinary traine and household officers, the which oftentimes doth caufe strangers to contemne him, and his subiects to rebel against him: as it chanced unto Lewis the eleventh, who having put the nobilitie from him & discharged the gentlemen of his house, vied his taylor for an herald at armes, his barbar for an ambassadour, and his Phisition for chancellour, (as Antiochus king of Syria did his plitian Apolephanes, whom he made president of his counsell) & in mockerie of other kings, he ware a greasse hat, and very coarse cloth in his apppell: and even in the chamber of accounts, there is set downe in a note of expences two shillings for a new pair of sellees to an old dublet: and in another item three halfe pence for a box of greasse to blanke his boots withall: and yet he raised the charges more than his predecessor did by 300000 pounds flaring a yeare, and fold much of the revenues. As for the officers of the crown, it was wisely advis'd at the estates of Orleans, to reduce them to the antient number, as they were in the time of king Lewis the twelfth, by suppresson without any disbursment. But there were some good husbands which gave them afterwards to underfand, that the suppresson of offices was a decreafe of parties casual, whereby the number was afterwards much augmented: And Bailey president of the accounts told the king boldly and plainly, being at S. Maur des fôges, that the suppresson of those officers which had K been created by the new law, was both pernitious to the publicke, and hurtfull to his treasure, seeing but for three augmentations in the chamber of accounts onely, they had payd aboue threescore thousand pounds flaring: but he doth not say that it is like unto cold water which encreaseth the fit to him that hath a burning Feuer: for it is well knowne that the king or people pay wages to most of those officers after ten or twentie for the hundred, which was the principal-caufe of the suppresson of subalternall offices by a law made by Frannie the second. Moreover they set not downe the prerogatives which belong
to the officers of the chamber of accounts, that is to say, their ordinary wages, their
rights of wood, their lieuere at Easter, their rights at Halltontide, their roles, their prerog-
avtice of herings, their rights at Twelve tide, their rights of the stables of verme, and of
white falt, besides paper, parchment, pens, counters, putes, white candles, red wax, pen-
knives, bodkins, scissors and strings: they did not shew also that the other profits of
offices came to much more than their wages: they will not confesse that whereas there
be now seaven chambers of accounts, there was then but one; and whereas now there
be two hundred officers or thereabouts in the chamber of accounts at Paris, there
was wont to be but one Treasurer of France President of the chamber, and four ma-
ters of accounts that were Clarks, by an election that was made at Vieuier in Brie in
the yeare 1319, afterwards they added four lay men, which sufficed for all that were
accomptable: the kingdome of Navarre, and all the Lowcountries being then in the
hands of the kings of France. And yet we have seen in our daies, that those which have
stollen the kings treasure and the subiects wealth, have escaped, being indebted in great
fommes of money; and infinite others which have never accompted. And which is
more, not long since an accomptant had gotten into his poftfession a great and notable
fomme of money, wherewith he load charged by his accompt, who by collusion
with a nobleman that should have a third part, he obtained the rest by gift, and for his
discharge, he produced the kings bill signed to the nobleman. So as to call accomptants
to their duties, they must oftentimes depute Commissioners with double charges, and
the fault cannot be imputed to any other, but to those officers that are created to that
end. And although that all treasurers, receivers, comptrollers, and other accomptants
should make a good and loyall accompt, and pay what remains due; yet notwithstanding there is so great a number in this realme, as a third part of the receit is spent
in gages, charges, vacancies, riding voyages, and the conduct of monies; as hath been well verified by the eftates of the country of Languedoc in the yeare 1556, where I
was then present; who for that cause deputed Martin Durant, Syndic or Procurator of
that country, to present a request unto the king to be discharged of all officers of re-
ceit, making offer to bring all the money that was to be sold upon the subiect freely
into the kings cofers, without any charge either for officers wages, or for carriage:
showing also particularly that the third part of the receipts went to officers, promising
to deliver unto the king a full crowne, whereas hee did not receive foure shillings,
whereby he should have 20000 pounds staring yearely in the two generalities of
Languedoc, only for ordinarie charges: for then the charge of Languedoc came to
three score thousand pounds yearly. But since the officers of the finances, or treasurer are
so increased, as Maximinus Lallier, Provost of merchants at Paris, and President of the
chamber of accompts, said in open Parliament at Blois, That of the crowne there came
eighteene pence eleete into the kings cofers: the which seems incredible, yet he
was held a man most exprett in accompts. We must then conclude, that the subiect
was much opprett by the polling of officers, seeing they made these offers: which we
may not thinke new, for that in old times they had no other receivers but the Vicents,
Bayliffes, and Seneshals. That request made by the Syndic of Languedoc did much please king Henry, but it displeased the flatterers in court, and the officers of the ac-
compts, so as it was rejected; for the flouious difficulties they made which had interest therein, the which is not hecet needfull to rehearse, so as it was concluded that recei-
vants and treasurers were necessarie. Seeing then that accomptants and misters of ac-
compts is a necessarie euil (as Alesander Scenrus said) The fewer there are, the better
shall it be for the Commonweale; for the kings treasure will still decrease when it passeth through the hands of so many officers. These were the complaints and expul-
lations which the estates of France made vnto king Charles the 6 in the yeare 1412, for that he had five Treasurers,and that in old time there were but two: and that in like fort there were but three Judges of the revenues in the yeare 1372, and now there are almost three hundred within this realme. And in the yeare 1360 there was but one Receiver generall, who did reside at Paris, & now there are 54, what would they now say to see so great a multitude. The Romans in old time had but one receiver in every Province: all customes and duties were let out to farme, and the farmers brought in their rents to the receiver. The first office that was given to gentlemen of good families, and that aspiring to greater dignities, was the office of Questura, or Receiver for a yeare only, and without any comptroller to make trial of their diligence and loyalty. He that was found guilty of extortion, was declared incapable never to bear any honorable charge, besides infamous and the loss of his goods, the which was a wife course to affright their treasure. But it is a strange thing and very absurd in this realme, to see so many men give money to their master to pick his purse. The Emperour of Turkie doth otherwise, for he never sees office, and for so great an Empire there are verie few Treasurers: the Collectors (which they call Protogeres) give the money vnto the Subbachis (which are as it were the Vicounts of Normandie, who in old times had the same charge) then they deliuer it to the Sangiaxes (who are as it were goemutors of the country) who convey it vnto the Bellerbeis, and they send in safety vnto the Defunderlets, which are two generals of the Treafor, the one in Alia, and the other in Europe, who deliuer it to the great Comptroller, and he giues it to Cafmander Baschi, great master of the treafor, who hath ten commandors or deputies under him for extraordinarie payments, there is but one treaforer, and for all officers of accoumpts, there are but 25 Comptrollers which examine the accoumpts. One thing is worthie obseruation, that they have no treaforers nor receiueres but Eunukes, after the Persian and old Grecian manner, and that wisely, for they that neither haue children, nor can be seduced with the flatteries and Inticements of women, it is not to be feared that they will stcale the publike treafor, with the hazard of their lives and fame. As for Treaforers in France, it is more then necessarie that such offices be given to gentlemen of honor and of noble houses, as it was visiall in old time, and is yet practised in England for the reason that I haue said. By an Edict made by king Henry the second in September in the yeare 1554 it was decreed, that the chiefe Treaforers should take their places before the Stewards of the kings house, of the counsellers of the court of Parliament, of the accoumpts and aides, if they be not in their assemblies: and by an Edict made by Charles the 9, he commands all vassals which hold directly of the king, to do homage and fealtie vnto the Treaforers of France, the which would much discontent an infinite number of Dukes, Earles, Barons, and great personages, who would not for any thing kneele before a baste fellow that had bought his office. Thus much concerning treafor, and for that it consitts in coyne of gold, siluer, copper and buillon, it is necessarie to write something thereof.

Chap.
Looking well into the best grounds, and strongest supports of a Commonweale; in my opinion, he must exactly understand this point, that will wisely settle an estate, or reform the abuses: for that there is nothing that doth more trouble and afflict the poor people, than to falsifie the Coines, and to alter the course thereof: for both rich, and poor, enetie one in particular, and all in generall, receive an infinite loss, and prejudice, the which cannot precisely in every point be described, it breeds so many inconveniences. The Coine may not be corrupted, no, nor altered, without great prejudice to the Commonweale: for if money (which must rule the price of all things) be mutable and uncertain, no man can make a true estate of what he hath, contracts and bargains shall be uncertain, charges, taxes, wages, pensions, rents, interefts, and vacations shall be doubtful, fines also, and amercements limited by the lawes and customs shall be changeable and uncertain: to conclude, the estate of the treasure and of many affaires both publicke and private shall be in suspense: whereof the Edict made by Gratianus the Tribune at Rome is a good argument, who (contrarie to the opinion of his fellow Tribunes) set a certaine price of a kind of coyne called Victorius, upon a penalty, whereby he purchased so great glory to himselfe and his posterity, as they did erect his statues in every streete, and offered frankentence and waxe unto them. And Tully saith, Neminem unquam multitudin ob idem num fuiffe cariorum, Neuer any man (for that cause only) was dearer to the people. The Prince may not make any false money, no more than he may kill or rob, neither can he alter the weight of his coyne to the prejudice of his subiequets, and much lesse of strangers, which trate with him, and traffick with his people, for that he is subject to the lawes of nations, unleffe he will lose the name and majestie of a king, and be reaume a countettfeeter of money: as Dante the poet called Philip le Bel, for that he did first among our princes corrupt the coyne, and mingle copper with siluer, which was the cause of great troubles among his subiequets, and a pertinacious presidient to fortheine Princes: whereas he repented himselfe too late, restorine the coyne, and injoying his fonne Lewis Hutin not to abate the goodnes of his coynes. And for this cause Peter the 4 king of Arragon did conficrate the estate of the king of Maiorke and Minorke, whom he pretended to be his vassall, for that he had abated the coyne: and yet the kings of Arragon themselues did erge in that point, fo as pope Innocent the 3 did forbid them as his vassalls not to doe it: whereupon the kings of Arragon comming to the crowne doth (wreare not to change the weight and price of their money, which hath been allowed. But it is not sufficient to make such protestations, unleffe the value and weight of money be ordred as it ought, to the end that neither prince nor subiequet may falsifie it, if they would, the which they will alwayes doe, hauing the meanes, what punishment focuer be inflicted. The ground of all these counteletter coynes, walkers, chippers, and boyles of money, growes by the mixtures which are made of mettals, for one mettall being pure and simple cannot be supposed for another, differing by nature in colour, weight, substance, and sound. To prevent all these inconveniences, you must ordaineth that in every Commonweale the coynes be of one mettall without mixture, and publish the Edict of the Emperor Tacitus, who defended vpon losse of life and goods, to mingle gold with siluer, not siluer with copper, not copper with tyme or lead. Coynes should be simple without any mixture.
lead. But we may except from this law the mixture of copper with tinne, which makes the founding metall, whereof belts and ordinance are cast, not so much vned in old times as now: for it is not necessarie to mixe the twentieth part of lead with pure tinne to make it more malliable, seeing it may be cast and put in worke without any such mixture, the which hurts the bountie of the tinne, and can neuer be drawne from the lead. This law must not only hold in coynes, but in all plate and works of gold or filuer, in the which falsehood and corruption is more ordinarie than in coynes, for that the triall is not so easie, and oftentimes the worksmanship is as deere as the substance it selfe: wherein Archimides is much deceived, seeing to find out what the goldsmith had stole out of that great crowne of king Hieron, and not to deface the fashion, (for as then they had no vfe of the touchstone) he tooke two lumpes or masfes one of gold, and another of filuer, putting either of them into a vessell full of water, and by the effusion of the water he judged the proportion of the gold and filuer, then filling it again with water, he put the crowne into it, the which cast forth lesse water then the masse of filuer, and more then that of gold, whereby he conjectured that the goldsmith had stole a fift part: but his judgement was vnscertaine, for he supposed the mixture or allia to be of pure filuer, when as the goldsmith to make the gold more firme, and to give it the better lustre, makes it most commonly of copper, being also of lesse charge, the which is much lighter then filuer, which makes the gold looke paler, and so by consequence copper hath a greater bodye then filuer in a masse of an equall weight, and differes as much as thirteene do from eleuen: and if the allia or mixture were of copper and filuer, it was impossible to make a true judgement, unless he could discern how much there was of either; and although it were knowne, yet shal he erre insensibly in measuring the drops of water, through the difference of the masse and proportion of the mettals: there is no refiner nor goldsmith in the world so cunning that can precisely judge by the touchstone how much filuer or copper is mixt with gold, if the allia be not of one puite metall. And although that goldsmiths and jewellers have fallly complained that they cannot worke in gold vnder two and twentie Carrats without lesse, or in fine gold aboue 23 Carrats and three quarters, according to the decree of king Francis the first published in the yeare 1511; yet notwithstanding all good orders they make worke at twentie, yea oftentimes at nineteene Carrats, so as in twentie foure marks there is fine marks of copper or filuer, the which in time is made into base money by those which vse to counterfeite. It is therefore necessarie to observe the same proportion and mixture in gold that is wrought, as in coynes upon the like penalties, to the end that the vse of gold in plate and moueables may be pote. And for that it is impossible (as refiners say) to refine gold to 24 Carrats, but there must be a little of some other mettall with it; nor filuer at twelve deniers, but there must be some allia, and even the purest refining according to the lawes is of 23 Carrats and three quarters, and hath a fourth part of a Carrar of alliae, and of filuer eleuen deniers, two grains and three quarters, such are the royals of Spaine, or else eleuen deniers and eightene grains, as is the filuer at Paris, the which is of all others the best, for that it Hath but a fiftie fift part of copper mixt with it. And in the best Spanish filuer there is a thirteene fift part of copper, and without any great charge (besides the difficultie and length of time) they may worke gold in plate, or in coynes of 23 Carrats, and filuer of eleuen deniers twelve grains pure, without any allia; for in so doing, the proportion of gold to filuer shall be equall, for the allia shall be alike in the one and the other, that is to say, that in 24 pounds of filuer at eleuen deniers and twelve grains; and in 24 pounds of gold at 23 Carrats: there is a pound of other mettall in the gold which is not gold, and so likewise in the filuer which is not filuer, be it copper or any other mettall.
A mettall, and such filuer is called in this realme, the kings filuer, in the which the 24 part is copper, and by this means the coynes of gold and filuer shall be stronger, and more durable, whereby they get much in the working in the fi, and in foding, and they keep it from wafting and brittlenes. And to the end the iuft proportion of gold to filuer, obtayned in all Europe & neighbour nations, (of twelve for one, or thercabouts) may be alfo kept in the weight of money: it is needfull to coine money of gold and filuer of the fame weight of sixteen, two and thirtie, and threescore and foure peeces to the Marke, without any alteration, either in raising or abating; to avoid on the one fide the difficulty of ftampljng it, and on the other fide the brittlenes: of fine gold and filuer, if the coine were lighter than one denier. Whereas on the other fide alfo, if they make any coine weighing about halfe an ounce, it is eaftily counteined, by reafon of the thickefle thereof: as we fee in the Portugifes of gold, and the Dollers of filuer, which weight aboue an ounce: as alfo that coine of three Markes and a halfe, which the emperour Heligabulus caufed to be made: and that which was coined with the ftampe of Confantinople, weighing a marke of gold, whereof the emperour Tiberius prefented fiiftie to our king Childerde. By which means neither chaungers, nor marchants, nor goldsmiths, hall ever be able to deceive the common people, which is ignorant of the bountie and weight: for they shall be alwaies forced to give twelue peeces of filuer for one of gold; and every one of the peeces of filuer, shall weigh as much as the pece of gold of the fame marke: as we fee in the fingle Royals of Spayne, which weigh as much as the French Crowne, which are (according to the weight fet downe in the yer 1540) two deniers fixtie, and fome grainses; and that twelue fingle are iuft the value of a French Crowne. Why then may not all coynes of gold and filuer be equal in weight: and all of one weight of both mettals have one ftrade, or caraffure? Why may there not be the fame likenesse & proportion of both mettals? If this might be effected (as I hope it will) all means to falsifie money would be taken away. And to the end the simpier for may not be abused in the chaung of the faid peeces, as well of gold, as of filuer: not to take the fingle for the double (as they do oftentimes in Royals of Spayne, and in the new coyne of king Henry the second) it is needfull that the ftampe be diufes, and not alike as those of Spayne. And yet as touching filuer, to the end they hall hold the certaine titles of Soulz, petic Denier, and Liure, as it is specified in the edict of king Henry the second, made in the yer 1551; and by reafon of the payment of rents, amencements, and the lords rights, according to the customes and ordinances; the Soulz shall be of three Deniers weight of the kings filuer (as it is faid) and of fixtie three to the Marke: fo foure shall be worth a Liure, as it hath gone to ftofore, the which is the iuft price that can be given: and euery pece may be divided into three: fo as euery one shall weigh a Denier, and shall goe for foure small Deniers or Pence, and shall be called a common Denier: to the end the Soulz may always be worth foure Deniers: & that the complaints of the lords for their rents and rights, beeing vitually paid in blanch, or copper money, may ceafe, being now converted into Soulzes, such as they were in the time of Saint Lewis, that is, fixtie foure to a Marke of the kings filuer. And as for other growing out of annuities, purchaubed for money, the rent muft be paid according to the value of the Soulz which is held at that time, when as the rent was purchaubed; the which was but foure Deniers an hundred yeares fince, and is now but the third part of the auitent Soulz: the which it will be needful to put in vfe. Such was the Drachma, or Groat of filuer, vfed throughout all Greece, which was the eight part of the ounce, which we call a Gros; and of the fame weight with the Soulz which Saint Lewis caufed to be coined, the which were called Gros Tournois, or of Tours, and Soulz Tournois: By the
which SoulzTouinois, or of Tous,all antient contracts are ordered, and many treaties not onely within the realme, but also among strangers, as in the treatie made between the Bernois, and the three small Cantons of the Swizers, where it is said, That the Soulidors pay, should be a Soulz Touinois. The like was in this realme, and for that cause it was called Sold, and it was like vnto the pay of the Romans, as Tacitus said, and of the Grecians, as we read in Pollux. For the Drachma, or Groat, is of the same weight with the Soulz Touinois. The Venetians have followed the antients, and have made the ounce of eight Groat, or Drachmas, and the Drachma of 24 Deniers, and the Denier of two Halfpence, or twenty foure graines: as we doe in France, from which order we may not stray, as being most antient in all Greece, and the Orientall regions.

True it is, that the antient Romans having their ounce equall with the Grecs, that is to say, of 576 graines, they diuided it into feuen Deniers of their money, and their Denier was in value an Attique Drachma, or Groat, and three feuen parts more. Wherein Buda was deceived, saying, That there were eight Deniers in the ounce, and that the Romans Denier, or Penny, was equall with the Attique Drachma, and the Roman pound like vnto the Attique Myne; being most certaine that the Roman pound had but twelve ounces, and the Grecce Myne fixteene ounces, according to the marchants pound weight within this realme: the which George Agricola hath well obserued by the calculc of Pliny, Appian, Suetonius, and Celsus. But at this day it is strange to see the great diuerfitie of pounds and ounces in all nations, nay in one and the same kingdom there are in a manner an infinit fort of pounds: whereof I will make mention of some few, An Hundred weight at Paris, make 116 pounds at Lion, at Rouan 96½, at Tholouse 121 pounds, at Marieilles 123, at Geneua 89, at Venice 165½, at Genoa 155, at Basel 98, at London 109½. That of Paris and Strasbouergh agree, so do they of Basel, Nuremberg, and Francfoc, and they of Tholouse, Mompellier, and Auignon, agree in the same pound weight: but they of Tours have a lighter pound, for fifteen ounces, at Paris makes fixteene at Tours. The like difference of weight is to be obserued in the East, and in Affrike, for 100 Rowls at Thesalonica, make 91 pounds at Paris; 100 Rowls at Damaske, make 120 pounds at Paris; 100 Rowls in Sirtia, make at Paris 503 pounds, and foureteene ounces: the like may be written of many others. But the lightest pound weight of all, is that of Naples, for there an hundred pound weight, make but fourteen foure at Paris. But all this diuerfitie of weight may easily bee reconciled in coinnes, if they coine their pieces of gold and silver of the same weight, the same name, and the same bountie, that is to say, that there be no more abatement in the gold, than in the siluer, whereby they can neither raiie nor abate the price; as they do other that there are monarches, either at the peoples pleafure, or of those that have authoritie and credit with princes, who borrow all the money they can, and then they raiie the price of money: so as one having borrowed an hundred thousand crownes, raiied it suddenly fipence in the crowne, whereby he gained two thousand and five hundred pounds forling. Another abated the course of money in March, and raiied it againe in April, after he had receiued the quarters tent. By this means also you shall cut off all falfifying and counterfeiting of coinnes, and the most ignorant shall know the bountie of the one and the other coin by the figh, the sound, and weight, without either fire or touchstone. For seeing that all nations for these two thousand yeares and more, haue alwaies kept, and still doe keepe an equall proportion from gold to siluer, it will bee impossible either for the fubieft or the prince, to raiie, pull downe, or to alter, the prices of coinnes of gold or siluer, if bafe money bee banifhed the Commonweale, and gold set at 23 carats. And yet for that the smalleft coinnes are profitable to the poore, it is needfull to coyne
O F A C O M M O N W E A L E.

A coyne a third kind of money of copper, without any other mixture, as they have begun, and as it is practiced in Spaine and Itacie: or else divide the marke of silver in 15036 peeces, every pece weighing nine grains, that the poore may buy the smallest things therewith. For whereas the queen of England hath banished all base and copper money, and reduced all her coine to two kinds onely, the least pece of money, which is a penny, being in value about ten Deniers, shee takes from her subiects the means to buy any thing at a lesse price: and which is worth, they cannot give lesse alms to a poore bodie, than of a penny, which holds many from giving, as I haue shewed in the Paradox against Malestrum: the which the Chauncelour of England caused to be translated in the yeare 1569, hoping to redresse it. But it were farte more expedient, to have no other coine but of gold and siluer, if it were possible to coyne any money lesse than the penie, and that they would divide the Marke of siluer (as in Lorraine) into a thousand peeces, which they called Andegaunefes: for that Rene, duke of Aniow and of Lorraine caused them to be coined, two hundred whereof make but sixpence; and fortie, one Soulz of our base money: and yet they are of reasonable fine siluer. But making it but halfe so little, it woulde be more firme, and of the same hight that I haue spoken, and they may be cut and flamped at one infant. For the price of copper being vn certaine in all places, it is not fit to make money of, the which must alwaies be kept as certaine as may be: besides, there is no mettall so subiect to rust, the which both consume both the flampe and substance: and contrary wise neither gold nor siluer do ever rust. And as for the price, we read, that during the Punike warres, the pound of siluer was worth eight hundred and fortie pound weight of copper, after twelve oounces to the pound; so then the Denier of pure siluer, which was but the seuenth part of an ounce, was raised from ten pounds of copper to sixtene (as Plinie faith) which was after the rate of eight hundred nintie six pounds of copper, for one pound weight of siluer, the pound weighing twelue oounces. Afterwards the leaft coine, which was a pound of copper, was halfe abated by the law Papirta, so as the price of copper was double that which it was before; and when as siluer came in great abundance, it was reduced to a fourth, remaining in the same value, which was 224 pound of copper for a pound of siluer: the which is neere the estimation of copper in this realme, whereas one hundred pounds, at sixtene oounces to the pound, are worth but thirty six silings flanking: and in Germany it is better cheape, although their moneyes are thereof; yea in some places the churches are coutered with copper: but in Italy it is deere, and in Spaine and Affrike much more, for it is very scant there.

Some one may obiect, That the abundance of siluer may also cause an abatement of the price, as we read in Titus Lintius, that by the treatie made betwixt the Etolians and Romans, it was said, That the Etolians should pay for ten pounds of siluer one pound of gold: and yet by a law made by Constantin, the pound of gold is esteemed at 41 pound: for he would haue them pay five Soulz of gold for one pound of siluer, making leuiente two Soulz of gold in a pound; so as five Soulz is iust the fourteenth part of a pound, and two flits more: and now the price is twelve for one, or little lesse.

True it is, that hereofore the Mathe of pure gold was esteemed one hundred eightie five Liures; and the Mathe of siluer fifteeene Liures fifteeene Soulz Tournoi: so as for one Mathe of pure gold unwrought, they must have euyen Markes, five ounces, twen-}
that the pound of gold was valued at thirteene pounds of filuer: and the Hebrewes in
their Pandects, set a Denier of gold for five and twenty of filuer, the coines of gold be-
ing double to them of filuer; which were twelve and a halle for one. Wee read also,
that in the time of the Persianis, & when as the Commonweals of Greece did flourish,
that an ounce of gold was worth a pound of filuer: for Stater Doricus of the weight of
an ounce, was valued at a pound of filuer, as Julius Pelleux faith. And in Augustus his
time, the king of the Indians, had the same estimation of gold to filuer, which was
then brought to Rome: and therefore hee commended the iustice of the Ro-
mans: as wee read in Plutie. Whereby we may conceture, that the price of these
two mettals holds in a manner throughout all Europe, after the antiquitie estima-
tion. But the value of gold was raised under the last emperors, by reason of the spoyle
thert
of which had bene made for the gudling of things: as Nero his great pallace all guilt,
the which had galleries of one thousand paces long; and after him Vespasian, who im-
ployed feuen millions and two hundred thousand crownes, to build the Capitol. And
Agrippa courtered all the temple Pantheon with copper, and then guilt it, to keepe it
from rufting. And oftentimes filuer is guilt, although of it selfe it will notuer take tufft.
Doublesse we may well allow the holy ornaments to be of gold, for that the law com-
mands it: but to haue vessells of gold, beds, bookes, yea and their bridgles guilt, argues
the madnesse of fantaike men: the which if the prince doth not punish very feuerely, the
price of gold must of necessitie rife: whereof our nation did vehemently complaine un-
to the prince, at the estates held at Blois. Moreover filuer having no hold, is little im-
ployed to filuer withall: besides, the mynes of the North yeeld great store of filuer, &
no gold yet the alteration of price which is made, in process of time is insensible, which
can be no leet but the valuation of coines made of these two mettals shall be equall in all
states, banishing away all base money. Moreover a generall traffique difpered more
now ouer the face of the whole earth than euuer, cannot allow of any great alteration
of gold and filuer, but by a common consent of all nations. But it is impossibl
the price of things, retaining this base money, the which is altogether diuers and ver-
quall: for even as the price of all things doth fall, as the value of money decreaseth, (as
the law faith) so doth it rife in raising the price of mony. And it must rife & fall, for that
there is no prince which holds the laws of mynting equall with other Commonweals,
not yet in his owne: for that the Aloy of the Soulz differs from that of the Teflon, and
of petic Deniers Doubles, Lyards, & pieces of fix, and three blankes, which the continu-
ue not long in one estate. The first beginning in this realme to abale the filuer coine,
and to mixe the 24 part of copper therewith, was to give occasion to marchants to
bring filuer into this realme, where there is none growing: for cleuen Deniers and a
halfe in Fraunce, was as much as twelve Deniers in another country. But this deuise
was needlesse, considering the great riches of Fraunce, the which they will alwaies fetch
bringing gold and filuer from all parts. This michiefe tooke deeper root in the time
of Philip the Faire, who did impaire the blanched money the one halfe, in the yeare
1300, adding as much copper unto it, as there was filuer: a while after it was brought
to a third, so as the new Soulz was worth but a third part of the aumenc. And in the
yeare 1322 the Aloie of Soulz was so weake, as the Matke of filuer was worth
80 * Liures Tournois, and had 1600 pieces for a Marke of copper. True it is, that in
the same yeare that Charles the feuenthe recommeded his crowne, which had beene taken
from him, hee cauased a new coine to be made in the moneth of October, the which was
strong and good, so as the Matke of filuer was set at eight * Liures: but in the yeare
1453, hee cauased Soulzes to be coined of suche Deniers of Aloie, and since they have still
decreased: so as king Francis the first, in the yeare 1540, cauased sone to bee coyned of
three.
A three Deniers of sixteene graines: king Henry at three Deniers and twelue graines: so as the antient Soulz of the kings siluer was worth almost four: and king Charles the ninth brought it to three Deniers, the estimation still continuing alike: for that the price of the crowne did arise. And in the yeare 1577. under king Henry the third, they decrease almost halfe in weight, and a fourthe part in goodnesse, from those of Francis the first. Other princes have done no better; for the Cruczer of Germany, which in old time was siluer at eleuen Deniers & fourte graines, is now at fourte Deniers and sixteene graines: the Soulz of Witzburg, and the Reichs grofchem at six Deniers, that is halfe siluer, and halfe copper. The Schellind, the Rape, the Denier of Strausbourg, at fourte Deniers and twelve graines; the Rapepheading at fourte Deniers three graines, and the

B Florines of siluer at eleuen Deniers fourte graines: as also the pieces bee of fiue and of ten Cruczers, the Soulz of Flanders or Patars, whereof twenty are worth twenty and fourte of ours, are but three Deniers and eighteene graines of Aloie, and more than two third parts is copper: the piece of fourte Patars is at feuen deniers ten graines: the Brelingues of Gueldres, are at eight deniers, and the third is copper. In former times the Soulz, or Gorat of England, was at ten deniers twenty two graines: and never did all this basse coine continue aboute twenty or thirtie yeares at one rate or standard, or at the same weight; and from hence growes the difference of the great Liure Tournois, of the leffe, and of the meane, the Liure or pound of Normandie, the Liure of Britaine, and the Liure of Paris, the which are all different, as wee may yet see it in the taxes of the popes chamber. And in Spaine the Liure or pound of Barcellona, Toledo, Molotque; in England the pound Starling is worth ten of ours: And in Scotland there are two forts of Pounds, the one Starling, the other ordinarie. There is no prince in Italie, that hath not his Pound different from others: as in like cafe the Matke hath generally eight ounces: but the ounce of the Low countries is weaker by six graines than ours, and then that of Cologne by nine graines, that of Nuremberg six graines, and contrariwise that of Paris is stronger by an ounce. The Matke of Naples hath nine ounces, that of Salerne hath ten: and there is no towne almost in all Italie, but differs in his Matke, which makes the value of their coines fo divers, being fo different in their weight & standard, the which troubles the poore people much, who looie greatly by exchange, and generally they which understand not the poier, as they say, or the difference, as the Banquers speake: that is the value of money of exchange from one place to another. And therefore they say of a man that is well practised in affairs, that he understands the poier, as a matter of hard conceit. For they have made the matter of coines so obscure, by reason of their mixtures, as for the most part they understand nothing therein. For even as artisans, marchants, and every one in his facultie, disquieteth oftentimes his worke: and as many Phylistians speake Latine before women, vying Grecce caracters, and Arabike words, and Latine words abridged, yea, sometimes they blot their paper that it may not be read, feareing that if their secrets were discovered, they should be little esteemed: to these Mynt-maillers, in stead of speaking plainly, and to

say, that the Matke of gold of twelve parts, hath two of copper, or of some other metal, they say, It is gold of twentie carats: and in stead of saying, that a piece of three blanks is halfe copper, they say it is siluer of six deniers fine, two deniers of weight, and fifteene deniers of course, giving to deniers and carats, the essence, qualitie, and quantity, of gold and siluer against, nature. And in stead of saying, the Matke hath three of these pieces, they say, it is of fine Soulz currant. Againie they make some coines certaine or flable, some uncertaine and variable, and the third imaginarie, when as nothing can bee called firme in matters of coine, haueing so diminished the weight, and impaired the bountie of the gold and siluer. For the Ducat which goes currant at Venice, Rome, Naples,
Naples, Palermo, and Melfina, is an imaginarie coyne; it was in old time the same peece of gold weighing an Angell, or else a Medin of Barbary, or an Imperiall of Flanders, almost of the same weight and touch with the auntient Ducat, worth ten Carlins of filuer, and the Carlin ten Soulz of the countrey; at 26 peece to the Marke of gold, and fix to the ounce, the which they diuide into thirtie Tarijs, and the Tari into twentie graines, the which is one groffe upon the ounce, more than the common ounce, which hath bieteight groffe. The law calleth this coine of gold Solidus, the which (as the Angell) hath luttie eight peece for the marke, and seventie two for the Roman pound at twelve ounces, the which hath long time bene currant; as it appeareth by the lawes among the Grecians, Germans, English, French, and Burguignons, and it is nothing els but our French Crowne of the Sunne. But our Mynt-maisters hauing not well understood the word Solidus, hauing within these fiftie yeares set the Sunne vppon it, terming it erroneously Aureum Solarem: but the common people retaining their old speech, call it yet the Crowne Sold, of Solidus, the which in old time weighed four deniers, as the Angell. But since princes by little and little, and by graine and graine, haue brought it to three deniers, the which is the old Crowne. And in the time of king John the old Crowne being diminifhed by little and little, as by the auntient Crowne Sold of three graines, they did coyne Crownes of two deniers and twentie graines weight, of the same standard with the auntient, the which they called Francs, on foot, and on horsebacke (for then they called all French men Francs, as yet in all the East all the nations of the West are called Franques) at which time the Crowne of Burgonje, which they call Ride, was also coyned of the same weight and goodneffe: the which have continued vntill the time of Charles the eight, that the Franc Crowne was diminifhed six graine in weight, and three quarters of a Catar in finenesse: for the old Crownes were of twentie three and three quarters of a Catar; and the Crownes with the Crowne at twentie three Catars. Afterwards king Francis the first correcting somewhat the Crowne with a Crown, causeth the Crowne Sold to be coined at two deniers and sixtene graines, and of the same goodnesse with the other, having an eight part of Aloe put to it: the which continued vnto king Henrie, who added fourte graines of weight vnto it: and by Charles the ninth it was diminifhed five graines, in the yeare 1561. But the old Crownes, or Ducats of Venice, Genes, Florence, Sienna, Caftile, Portugall and Hongarie, haue kept twentie three Catars three quarters, and two deniers, and eighetene graines of weight, vntill the yeare 1540, that the emperour Charles the fift impaired the fieneffe of the Crownes of Spaine, of one Catar and three quarters, and three graines in weight, causing them to be coined at twentie two Catars, and two deniers fienee graines of weight. The Crownes of Caftile, Valencia, and Arragon, the which they call Piftolet, giuing an ill example to other princes to do the like: as the princes of Italie did, who haue caused some to be made at twentie two Catars and vnder, weighing two deniers and fienee graines, as be the Crownes of Rome, Luques, Bologne, Salusles, Genes, Sienna, Sicle, Milan, Ancona, Mantoue, Ferrara, Florence, and the new Crownes of Venice. True it is, that Pope Paul the third, began to make Crownes to be coined in his name at twentie one Catars and a halfe, and two deniers, and fouetteene graines of weight; and those of Auignon, which were made at the same time vnder the name of Alexander Farnese legit and the Popes nephew, are bafer, and fiue deniers lighter in weight; the which brings an infinit losse to the subiect, and benefite to counterfeit coyners, mynmen, and marchants, which draw the good money out of the countrey, and coine bafer in another place. The which is more ordinarie in filuer coine of high value, and aboue eleuen deniers pure, as the Royals of Caftile, which hold all eleuen deniers three graines of pure filuer: out of the which other princes heretofore
A tofore haue gained vertie much: for being converted into French Teftons out of ten thousand pounds Starling, they did gaine six hundred and fiftie pounds, nothing imparing the goodnesse of the Tefton of France, which holds ten deniers 17 grains of fine. And by the same means the Swiflers which converted the teftons of France into teftons of Soleure, Lucetee, and Vnderaull, gained upon every marke one and fottie foulz and eleuen deniers tournois: and for those of Lucetee, Soleure, and Vnderaull, were but of nine deniers and eightene grains, which is in the whole marke 23 grains of pure filuer leffe then those of France, the which were worth 25 foulz tournois. And as for the weight, those of France are at the least of 25 teftons, and fine eight parts of a tefton to the marke, fo as the teftons of Soleure are lighter in weight three eight parts of a tefton in the marke, the which was worth foure foulz three deniers tournois. And for that the teftons of Soleure & Lucetee cannot be valued but for filuer of base aloye, the which they call Billon, being vnder ten deniers of fine filuer, after the estimation of foureteene liures feuenteene foulz foute deniers tournois, the marke of pure filuer, and the teftons of France for that they were aboue ten deniers of fine filuer were valued for filuer of high aloye, the which are worth after the fame proportion foureteene liures thirtene foulz tournois, the marke of fine filuer; and by reason of the difference of the bountie of the filuer the faid teftons were leffe then those of France 41 foulz eleuen deniers tournois in the marke, abating for every peece of the faid teftons one foulz eleuen deniers. Those of Benne for that they were of nine deniers twentye grains of fine filuer for the marke were worth one denier tournois in every peece more then those of Soleure, in gauing therefore but twelve pence vpon a marke it is a great gaine. The Flemings do the like, converting the teftons of France in royalls of Flan- ders. Every Prince hath prouided well by his lawes that neither gold nor filuer should be transported vnto strangers vpon grieuous punishments, but it is not possible to have them well executed, but that much will be transported both by sea and land. And although none should be transported, yet the subiects should alwayes have good means to melt, alter and falsifie both gold and filuer coyne, if there be diuerfitie of standards; which growes either by liceenes granted to some goldsmiths, or done against the lawes; for they putte vp that which wants in the fines of the filuer which they worke, as well for the abatement which is allowed them, as for the enamell and folder: which they vfe, mocking the lawes which are made vpon the price of the marke of gold and filuer, setting what price they please vpon their works, fo as it is alwayes fold at a higher rate by the goldsmith then the lawes do allow, filuer by fottie and fiftie foulz, and gold at twelue or thirtene liures vpon the marke, fo as gold and filuer is bought dearer from the goldsmith and marchant, then from the mint-matter, who cannot exceed the kings lawes, neither in buying of fluffes nor in coyning. And as soone as the gold or filuer is coyned into money of better weight and goodnes then that of neighbor princes, presently it is melt by the reffiners and goldsmiths to put into plate, or to have it coyned by strangers after their standard, wherein the changers sette as instruments, and vnder colour of furnishing the people with money, trafficke with the goldsmiths and marchant strangers: for it is certaine and hath been found true, that within these 25 yeares that the pettie foulz was decreed, there hath been coyned in this realme about two mil- lions five hundred thousand pounds Starling, besides the pieces of three & fiftie blanks, which are no more to be found, for that the reffiners and goldsmiths found profit in them, fo as they which haue great store of gold and filuer plate, can make more vfe of it; for hauing bought it deepe from the goldsmiths, they are loth to sell it with fo great losse; and even king Charles the 9 loft much, hauing exchanged his plate into coyne; whereas before the standard of money coyned was equall with that of the goldsmiths, so as
so as they could lose nothing in plate but the fashion, the which continues yet as a pro-
erbe, It is siluer plate, there is nothing lost but the fashion. Therefore to prevent all
these inconveniences, the standard of coyned money, and of works of gold and siluer,
must be all one, that is of three and twentie Carats without any alaie or mixture, in
gold, and eleven deniers, and eleven graines in siluer. They had found some means
to reforme these abuses, letting out to farme the revenues of the mint, and the confis-
cations and amercements that should grow by forfeitures, the which was let out in the
yeare 1564 for five thousand pound flatting a yeare: yet it was abolisht at Moulines
in the yeare 1566, and the mints were farmed out to such as offered to coyne the greatest
quantitas of marks of gold and siluer: by this means some branches were cut off, but
the roots of these abuses remained still, so as the fraud will never cease. The root of
abuses is the confusion of three mettals, gold, siluer, and copper; which ceasing, neither
shall the subiect nor the stranger be able to commit any fraud, but it shall be more dis-
covered. But even as copper and brasse money was not allowed in this realme, for that
there was none coyned; so billion or mixture being forbidden, the strangers base money
shall be also banisht the realme: but so long as the Prince or Commonweale shall
coyne base money, there is no hope that strangers subiects will ever cease to counter-
feit in priuate, or to receiue all strange coynes. There is also another benefit both to the
generall and particular, which grows (as I have said) by the defence of the mixture of
mettals, whereby they shall avoide hereafter the losse of siluer, the which is accounted
for nothing in gold of 14 Carats and vpperward, and is lost for the charges of the refining,
the which is done by strong water: for they must have five shillings flatting at the leaf,
yea eight to deuide a marke, yet the losse is very great in a good sotme, as all the
florins of Germanie are but sixtene Carats, or sixtene and a halfe at the most, fo as in a
hundred thousand marks there are thirtie three thousand marks losse, and of four-
teene Carats forsie thousand marks and more. And besides that which I haue said, the
abuses of officers of the mint shall cease in regard of the abatements, cut off the which
the officers were payed their wages: for the abolishing whereof, Henry the 2 king of
France ordained, that they should be payed by the receiuer of the same places: which
decree although it were holy and good, yet was it afterwards disanulled by king
Charles the 9, for that the chamber of accompts at Paris gave the king to understand
that hee losst yearly about a thousand pounds flatling, whereas hee should receiue
profit by his mints; for now the officers were payed, and did in a maner nothing. But
the true means to prevent all, is to suppreffe all the officers of mints, but only in one
towne, where they should coyne all forts of moneys, and to caufe them to be payed by
the receiuer of the place, the lords right remaining: the which notwithstanding the
auntient did not know, and there was nothing deducted out of the money, no not
the right of Brassage, as it were vertie necessarie, or rather that a taxe were laid upon
the subiect for the coyning of money, thereby to take away the lords right, or any
other duties, as they did in old time in Normandie, and at this day in Polonia, to pre-
vent the notable losse which the subiects do suffer. By this means also the diuersific
of the price of the marke (which breedes a million of abuses), shall cease, and foraine
coynes shall not be receiued but only to melt, without reckning of any thing for the
lords rights, notwithstanding letters of permission obtained by neighbour Princes, to
deliver forth their money in his realme at the same rates as in their owne territories.
And for the taking away of all occasions for the falsifying, altering, or changing the
standard receiv'd for coyines of gold & siluer, it shall be needful to have all the money
coyned in one citie only, whereas the judges of the mint shall remaine, and to suppreffe
all others (if the monarchie or Commonweale have not so large limits, as of necessarie
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Gratitude. We and well, Sir, when there was a place appointed where to take the effay or trial of money, at the request of Marcus Gratidianus. We read also that in this realme by a law made by Charlemagne, it was forbidden to coine any money but in his Palace, although his Empire stretched over all Germanie, Italy, and the great part of Spain: but since that king Philip the faire, Charles his fonne, and king John had established many mints in this realme, and many maf ters, proue and other officers in every mint, abuses have also multiplied. But here some one may obiect, that the Persians, Greeks and Romans did coyne money of pure gold, filuer, and copper at the highest value that could be, and yet did they falsifie it, as we read in Democritus oration against Timocrates. I answeere, that it is impossible to purge the Commonweale cleane of these people, but for a thousand that are now you shall not then find ten, the value of gold and filuer being knowne to every man as I have declared. And if there be any prince so ill advised as to alter the bountie of his money to gaine thereby, as Mark Anthony did, who coined filuer that was very bafe, it will be soone refisted, besides the blame he shall receive of all men, and the hazard of the rebellion of his subiects, which was great at such time as Philip the faire imbased the money. Whatsoever the reasons be, it is most certaine there were never fewer coyners of counterfeit money than in the Romans time, when as they had no money either of gold or filuer but of a high standard; and therefore Livius Drafin the Tribune was blamed, for that he had presented a request vnto the people to haue an eight part of copper mingled with the filuer money, or as the minuten fan, they shoul d coine money of ten deniers and twelve graines fine: which sithes that even in those daies they would not admit any confusion or mixture of gold or filuer, and that their filuer was of the highest rate, as also their gold, as we may see in their medailles of gold, the which are of 23 carats and three quarters: and we find some marked with the Emperor Vespasian, where there wants but the 32 part of a Carat but it had been 24 Carats; the which is the purest and finest gold that can be scene. But it sufficeth for the reasons that I have alledged, that the gold be of 23 Carats, and the filuer at eleuen Deniers and twelve graines pure. And let them not excuse themselves that they cannot command the fire, and therefore they demand a fourth or an eight part of alace: the which is the caufe of many abuses. Yet some may lay that it is more expedient to coine dobles and deniers of bafe filuer, to aoid the heauines of copper money. I say, that if it be allowed to coyne base money how small soever, that it will prove very prejudicial, and will be practised in liards and foules. And although they did coyne nothing but Dobles and Deniers, yet should they always open a gap for coyners to deceive the common people for whom this money is made, in the which he hath no knowledge, neither doth he care to hate any, for the small value, without inquiring of the bountie thereof. I have a letter of James written to king Henry the 2, in the which are these words: Sit, I though good to aduerteifie you that within these five moneths they have coyned in one of your mints, foules that are too bafe by foure shillings in weight vpon every marke, and foure fouls in the goodnes of the metal: when it shall please

O o o your
your Maiestie I will shew you the worke, and I will acquaint you with the losse which you and your subiects do receive, the which will grow greater if you preuent it not with all rigour. It was at that time that he couyed the pieces of fixe blankes; or three pence by the kings commandement, of foure deniers of silver, and two deniers of copper, and foure deniers and fourteene graines of weight; the which was the best mixture of base money that was then in France, so in like sort they were foone molten, and few of them are now to be seen. Every man knowes that the losse which the king and the subiect receaved of two shillings fixe pence upon the mark, came to above fixe and twenty in the hundred, and yet the same Pimtel (having gotten ynder hand a commision from the generalls of the mint, in the yeare 1552) caused Dobles and Deniers to be coined at Villeneufte of Auignon, and at Villefranche of Rouenque, which were valued but at twelve soulz the marke; and that it was vterly that by this meanes he had stollen litle leffe than fourtie thousand pounds staling, and had purchased his pardon for stouze thousand pounds, the which he gave vnto a Ladie, a favorite of the kings, who did only defer this wicked mans punishment, but not quite free him. I conclue therefore that we must not by any meanes allow of any mixtures, no not in the smalles coyne, if we will purge the Commonweale of all counterfet money. By this meanes also the domage shall ceaze which the poore receive by the decreeing of money, or diminution of the price thereof, after they have made them baser; neither shall they have any credit with princes which suggest vnto them the profit that they may receive by their mints, as a certaine officer of the mint did, who gave the counsell of the treasuror vnderstand, and did also write vnto king Charles the 9, That he might make a great profit of his mints for the eafe of his people; and in truth by his computation it was found that every marke of pure gold wrought would yeeld vnto the king sixeene shillings staling, whereas he receaved but two shillings fixe pence, and foure deniers: and for the marke of silver wrought the king should get foure shillings, whereas now he gained but sixeene deniers being wrought in teetons. He advised to coine money of the kings fizer of twelve soulz tournois current, and of thirteene pieces to the marke, of the weight of fixe deniers nine graines, the halfe and the quarters after the rare; and of gold coins of 24 Carat, and one Carat of alaie, of thirteene pieces to the marke, &c of the same weight with the silver of sixe soulz tournois. He would also have them coine small base money of three deniers of goodnes, and 320 to the marke, and of three deniers current, and all other kind of billon or base money vnder ten deniers fine, rationing the marke at foureteen * liures tournois. This was his advice, but it was rejeeted as it deserved; for it is a very ridiculous thing to thinke that the king can draw to great a profit from his mints, and yet eafe his people, if that be true which Plato faith, That no man gains but another lootheth: and the losse by an inequitable necessitie fell vpon the subiect, seeing the stranger felt not of it. It is very necessarie that some great prince should mediate that by his ambassadors with other princes, to the end that all by a generall consent should forbide the coinage of base money, setting the value of gold and silver as it hath been formerlie said, and vsing the marke at eight gros or dechams, and of 570 graines to the mine, the which is the most common, and therefore should not be of any great dificulty; for that the Catholike King and Queene of England have alreadie banified all base money, and all the coins of gold in Spaine (except the Pilstolets, and the money of Portugal) are at the highest value, and their coins of silver at eleven deniers and three graines, the which is the highest that is. And it should be good to have the money cast in forme of a medall, as the auctent Greeks, Latins, Hebrews, Persians and Egyptians did, for the charge should be much lesse, the facilitie greater, and the roundneffe more perfect, to prevent all clippers, it should
I should not be subject to bow and breake, and the marke would continue for ever, we
should not be troubled with hammering, neither should there be any need of a cutter,
of the cizers, or of any helpe at the waight, which falls not out for in that which is
stamped; moreover, they shall make more in one day than they can do now in a yrear.
They should also take away all meanes from false coymers to mingle mettals so easily
as they do with the press and the stamp, whereas the piece stretceth out in breadth
which couers the thicknes, whereas the mould would make all medalls of the same
mettall equal in bignes, waight, breadth and forme: whereas if a counterfetter
would mixe copper with gold more than the allowance of 23 carats, the volume of
copper which is in an equal waight twise as big and an eight part more, than that of
gold, or twife and an eight part lighter than gold in an equal masse, would make the
medall much greater, and disclose the falfehood. For it is most certaine, that if a masse
of gold equal to a masse of copper doth waight 15 50 furtins, that of copper shall waight
but 729 furtins, the which is as leauenee to eight in a groffe waight; as I haue learned
of Francia de Foix that great Archimeedes of our age, who first discovered the true propor-
tion of mettals in waight and quantitie. We will hold the same opinion of filuer,
which hath a greater masse than gold in an equal waight, and that gold is heaviet
than filuer in an equal masse, once more and foure fute parts, which is 15 51 in compi-
ration of 998, or of nine to filuer: and of copper to filuer, as of eleuen to thirteene, or
precisely, as 729 to 998, which approch neeret in waight and substance than the rest,
except lead, the which is heavier than filuer, and differs as fifteene to fourteene, or
more preciselie, as 998 to 729; but they can make no vie of it to counterfetter, for that it
fies from all other mettals but from time: and much leve can they vie time, being
a poison to all other mettals, and cannot be call for filuer, for that it is lighter as much
as nine is to thirteene, or preciselie as 600 is to 729: and much leve being disguised for
gold, the which is heavier than time in an equal masse, or of a leve volume in an
equal waight, as much as is betwixt eigheteene and leaven, or usuallly betwixt 1551 and
600, the which is twice and two leaven parts heauiter. As for yron, those that do coun-
terfetter can make no vie of it by melting, for that it will not be mixt neither with gold
nor filuer; and the braizing of plates upon iron is not hard to discover. Plinie calles it
Ferrouminatio, and we, brazing or folding, the which the counterfetters of his time did
vie. The Seigneur of Villemor, Commissarie of the warres, did shew me an auncient
medall of iron couered with filuer, yet the waight and the bignes doth easily discover
the falseliehood, if they looke narrowly into it, for that filuer is heauiter than iron in an
equal masse, or leve in quantitie being of equal waight, as much as is from foure to
three, or precisely from 998, to 634. And as for gold, it is impossible that this ferrerum-
ination and folding can any thing availe coymers, seeing that gold is leve of bodie than
iron in an equal masse, or more heauiter in an equal masse, as much as is from five to
nine, or of 1556 to 654. It is not to be feared that quick filuer can falsifie these two met-
tals, although it approcheth as neere to gold in waight as three to foure, or 1558 to
1551, for that they have not so great knowledge to fixe it, but it evaportes into
fume. And thus much as touching the forme of coymers, and the profit that shall come
by cauting, as it was in old time, and vntil their mines of gold and filuer were wore
and spent, and these two metals wore, loff, hidden, and dispersd, then were they for-
ted to make their money fo thin, as they could not marke them but with the hammer,
the which hath since been the occasion of many abuses; but euyn as the first man ha-
ing little gold and filuer, stamp it with the hammer, and afterwards having greater
store began to caft it, in like forr must we now returne to cauting. They began to come
with a mill, but by profe it appeared that it did not marke well, and that there was al-

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waies thirtie marks of clippings vpon a hundred marks of substance, whereas there is but one or two at the hammer, and the found also did differ from that which was stamps: and which is more, the pieces were found not to be alwayes of one weight, for that the plates were sometimes drawne thinner of one side then of another. As for that which I have faid, that the marke of gold and silver should be divided into pieces equall of weight, without fraction of pieces vpon the marke, nor of deniers vpon the piece, nor of graines vpon the denier, the profit is very apparant, as well for the changes of marks of pieces, as for the value, weight, and vndoubted course: so did the auncients for the piece of gold or silver weighing foure drachmas, the which is halfe an ounce, shall be equall to the ficle of the Hebrews, and the piece of two drachmas or of 32 to the marke shall be equall to the fater Atticus, to the old Philip, to the rose noble, and to the medalls of gold of the auncient Romans, which the law called Auctus: and the piece of one groat, fold tournois or drachma of 64 to the marke, shall be equall to the Attique drachme, and to the Zuza of the Hebrews, the which in Greece, and throughout all the East was a hirelings daises worke. True it is that the silver pennisie of the Romans was more in weight than three feven parts, then a soldiers dais pay in Augustus time, the which is a little more then a single roiall of Spaine. And if the alterations and changes which are made sodenly be hurtfull and pernicious, they may proceed by little and little, causing money to be coined as I have faid. Vpon these difficulties (being deputed for the Prouince of Vtmandois, at a Parliament held at Blois) I was called with the first President and three Generals of the mint, and Marcel Superintendent of the Treasure, to repair the abuses of money, and in the end all that I haue here saied was held to be very neceffary, and yet the difficultie and diseases of the Commonweale which were incurable, would not at that time allow of it: which was as much to say, that it were better the fiek should perish in languishing, than to cause him to drinke a troublesome potion to curre him. I confesse that silver mixt will come but to a moitie, being purifid to euene deniers, twelve graines; but it will continue for euer if the standard be once feded as I haue faid, if it be not done the Commonweale must needs come to ruine.

CHAP. III.

A Comparison of the three lawfull Commonweales, that is, a popular estate, an Aristocraticall, and a royall, and that a royall Monarchie is the best.

Ee haue hitherto in my opinion discoursed at large of all the parts of a Commonweale, it remaines for a conclusion to know the commodities and discommodities of euery kind of State, and then to make chofe of the best, the which was necessarie to retreue vnto the end, after that we had discoursed both in generall & in particular of all the points of a Commonweale. Seeing then there are but three forts of Commonweales; that is, when as the whole people, or the greatest part command with absolute power, or else the least part of the citizens, or one alone; and that either of the three may be honest and commendable, or vicious, we must not only flie that which is most vicious, but also chuse the best. The tyrannie of one absolute prince is pernicious: & of many much worse: but there is no tyrannie so dangerous as that of a multitude; for so doth Cicer call
O F A CoMMO N W E A L E.

A call it: yet is it not so bad as Anarchia, where there is no forme of a Commonweale, no man commands, and no man obeyes. Let vs therefore file those that be vicious, and make choice of the best of these three lawfull gouernments; and to the end that all may be made plaime, I will set downe the commodities and discommodities of every one apart. First, some one may say, that a popular estate is the most commendable, as that which seekes an equalitie and indifferencie in all lawes, without favour or exception of persons, and which reduceth their civil constitutions to the lawes of nature: for euery as nature hath not distributed riches, eestates and honors more to one than to another, so a popular estatte tends to that end, to make all men equall, the which cannot be done, but v. in parting riches, honors & iustice equally to all men without privilege or prerogative whatsoeuer; as Licurgus did, haung changed the royall estatte into a popular, he burnt all obligations, banished gold and filter, and divided the lands by equall lots; then took he great pleasure to see the shocks of corn as equall in the field, thereby cutting off covetoulines and arrogancies, two of the most pettineous plagues of a Commonweale, and not only those, but he also banished rapines, theft, extortion, flanders, partialities and factions, which can have no place when all are equall, and that one can have no preheminence one another. If then societie betwixt man and man cannot be maintained without friendship, and that the nurture of friendship is equalitie: seeing there is no equalitie but in a popular estate, or necessitie that forme of Commonweale must be the best: in the which a natural libertie and iustice is equally distributed to all men without fearte of tyranie, crueltie, or exactiion; and the sweetnes of a sociable life seemes to draw the men to the felicitie which nature hath taught vs. There is one point that seems very considerable, to shew that a popular estatte is the goodliest, the most excellent, and the most perfect, which is, That in a Democracy there have alwayes been greater commanders in armies, and worse men in lawes, greater orators, philosophers and handicrafts men than in the other two estates: whereas the faction of few great men among themselves, and the jealousie of a Monarke keepes the subiects from all noble attempts. And it seemes that the true marke of a Commonweale consists in a popular estate only, in the which the whole people joyes the publick, dividying the common treasure amongst them, with the spoilles, rewards, honors and conquests, whereas few noblemen in Aristocracie, and one in a Monarchie seeme to content all the publicke good to their owne private commodities. To conclude, if there be nothing more to be desir'd than to have the magistrates obedient to the lawes, and the subiects to the magistrates, it seemes it is best obtayned in a popular estate, whereas the law alone is lady and mistress over all. These reasons are produced by popular men to maintain a popular estate: they have a goodly shew, but in effect they are like vnto spidres webs, the which are very subtil and fine, but have no great force: for first of all, there was never Commonweale where this equalitie of goods and honors was obtayned, as we have shew'd before concerning goods; and as for honors, they shou'd doe therein contrarie to the law of nature, which hath made some more judicious and more ingenious than others, and by consequencie hath ordained some to gouerne, and others to obey; some the hath made wisdome and discreet, others foolish and mad; so some the hath giuen excellency of wit to gouerne and command, to others force of bodie to execute their commandements. And as for the natural libertie they so much preach of in a popular estate, if that were of force, there should neither be magistrates, lawes: nor any forme of state whatsoever: else there should be no equalitie: and yet there is no forme of Commonweale which hath so many lawes, so many magistrates, nor so many comptrollers as a popular estate. And as for the publick revenues and treasur, it is most certaine that there is no Commonweale where it is wele governed than by the people, as we have declared
declared elsewhere. Whereof amongst many others, Xenophon is a worthy witness: I cannot (said he) allow of the Athenians estate, for that they have followed that form of Commonweale, whereas the wicked were always in greatest credit, and men of honour and virtue troden under foot. If Xenophon (who was one of the greatest captains of his age, and who then carried away the prize to have happily joyned the manningage of affaires with armes and Philosophie) hath given such a censure of his Commonweale, which was the most popular, and amongst the people the most esteem'd, and best ordered; or to speake more properly, the least vicious (as Plutarch laithi) What judgement would he have giuen of other Democracies, and Ochlocraties? Wherein Machianel is much deceived, to say, That a Popular estate is the best: and yet forgetting his first opinion, in anther place hee saith, That the only means to restore Italy to her libertie, is to have one prince, laboutring to frame the most Tyrannicall estate in the world. And in another place he confesseth, That the estate of Venice is the goodliest of all, the which is more Aristocraticall: so as no man can judge what this wicked and inconstant man meanes. If we shall beleue Plato, wee shall find that he hath blamed a Popular estate, reauming it, A Faite where erything is to bee fould. We haue the like opinion of Aristotle, saying, That neither Popular nor Aristocraticall estate is godly, yfing the authoritie of Homer, οιν ηγαδο νολυκοποιητην. And the Orator Maximus Tirim holds, That a Democracy is pernicious, blaming for this caufe the estate of the Athenians, Syracusians, Carthaginceans and Ephesians: for it is impossible (faith Seneca) that he shall please the people, that honours vertue. And therefore Phicton (one of the wisest, and most vertuous men that ever was) was always oppofit to the people of Athens, and the people to him: and as on a certaine day the Athenians allowed of his counsell, he turned to his companions, saying, Quis malis mihi accedit, ut populi senatus cum meis congrueret. What ill haue I done, that the people concur with me in opinion? And how can a multitude, that is to say, a Beast with many heads, without ingeniet, or reason, give any good councel? To aske counsell of a multitude (as they did in oldtimes in Popular Commonweals) is to seeke for widsome of a mad man. The which Anacharsis seing, & that the magistrats and antiquis delivered their opinions in open assembly, and then the people concluded; he said, That in Athens wise men pro-pounded, and fools disposed. And admit one might draw a good reolution from a multitude, who is he that celeceth, that would thinke it fit to publish a matter of state in an open assembly? Is it not to prophane holy things? and yet holy things being prophaned, may be purifed: but a secret concerning affaires of estate, being once published and ipred abroad, there can nothing be expected but prejudice and difhonour to the Commonweale. And for this caufe especially the Commonweale of Athens, of Sira-cusa, and of Florence, haue bene ruined. I omit the difficulty to assemble the people in one place, the disorder that is in a multitude, the variety and inconstancy of people gathered together of all sorts: and yet (if it please not the magistrat) neither shall Senat nor people be assembled: as it happened in Cefars Confufhip, who to preuaile in his attempts (having terrified Bibulus his companion, and drawn his fword vpont him) he would not suffer the Senat to be assembled fo long as his office continued. And if the Tribune were united with the Consull, neither there the Senat nor the people could be assembled: so as the authoritie of the Senat, and the foneraigne maiftie, was by this means fubtie and vntr cos or feuen: whereby the state was brought into great danger, in not resolving speedily in vrgent affaires. For by the lawes of Solon, and of the twelve tables, the people must be assembled three times, before they should allow of any law that was published. Often times it channced, that the flying of a bird on the right hand, or the crying of a cat, or the falling sicknesse (it may be of some drunken man) hindred
A the assembly; or at the least protestation of some flattering sooth-sayer, or the opposition of a magistrate, all was dissolved. Whereof Cicero and Cato himselfe complained verie much, for the power and favour of competitors (which were alwaies many in number) to have offices, and being enemies one to another, hindered the assembly of the people, or troubled it being assembled; and the magistrates which were in office supported them, to continue their power: so as sometimes a whole yeare was spent without the creation of a new magistrate; as it happened when as Pompey the Great was chosen Confid alone. And therefore the Griions, who maintain a Popular estate, assemble the people but euyre two yeares at Coire, for the creating of new magistrates, and the making of new laws. For there is nothing more dangerous, nor more contrarie to a Popular estate, than to continue magistrates long in their office. What is more absurd, than to allow of the rashnesse of a light and inconstant multitude for a law, who in discerning and giving of honours, are commonly carried away with a blind and considerate violence, rather than with any letted judgement? What is more foolish, than in the greatest extremities of a Commonweale, to seeke counsell from a mad multitude, for the magistrate can do nothing without comamnd, and if they might they would not; neither dare they, being terrified with the peoples furie, who impute all mishappenes, and their owne errors, vnto the magistrates. So as Philip the first, king of Macedon, hauing invaude and spoyle the confines of Attica, there was not any magistrate that durst assemble the estates, the people came to the place of assemblies vncalled, whereas they found no man that durst speake vnto them, as Demosthenes writeth. The like happened at Florence, when as the emperours atmie approached to besiege them, at the instancke of pope Clement the fourth, all the people were so amazed, as they knew not what to resolve: For by the lawes of Florence, all the citizens should assemble before the Towne house, to resolve vpon the articles propounded by the chiefe magistrate, and then they were quite daunted. It is the weakness of a multitude (saith Titus Livius) to waxe proud, and to influnt with all licentiousnesse in prosperity, and to be defeaded and amazed with any aduerseitie. And how is it possible that the fourtaine majestie of an estate shall be maintained by a multitude, guided by a magistrate, who oftentimes must keepe them in awe by terrible, Et in gla regenda plus pars quam obsequium valet (said Titus Livius) In the government whereof punishment more than obedience prevaile. So Phocion, seeing that the Athenians would not give him audience, he cried out, O fustium Cercyram, quous talen fo treto fuis, O scourge of Corfu, more precious than any talent: Which shewes the majestie doth perish and decay in a multitude, whereon the chiefe ground of a Commonweale confifts. But passing on, all men that have written of estates, do hold, That the chiefe end of all Commonweales, is to flourish in piety, justice, yalour, honour, and vertue; by the which humane society is preferred. But a Popular estate hath bene alwaies opposit, and an enemy to all good men. For the prefertation of a Popular estate (if we shall beleue Xenophon) is to advance the most vittuous and unworthe men to offices and dignities. And if the people should be so ill aduised, as to giue offices of honour vnto vittuous men, they loose their power: For that good men would fauour none but the good, which are always fewest in number: and the wicked and vittuous (which is the greatest part of the people) should be excluded from all honour, and by little and little banished: so as in the end wise men should feire vpon the estate, and take that from the people. The Athenians therefore (said Xenophon) gave audience to the most wicked, knowing well, that they would speake pleasing things, and profitable to the vittuous, as most of the people be. I cannot (said Xenophon) but blame the Athenians, to have chosen the most vittuous forme of a Commonweale; but hauing chosen it, I doe much esteeme them they do so.
carefully maintaine it, in reiecting, chasing away, and banishing the noble, wife, and vertuous; & advancing the impudent, wicked, & vicious: for the which vice thou so much blamest (faith he) is the preserver of a Popularestate. And as for justice, the people (faith hee) have no regard of it, so as they may get profit by their judgements, which they fell to them that will give moff, seeking by all means to ruine the rich, the noble, and the vertuous, where they torment continually, for the capitall hatred they beare against all good men, being contrarie to their natural disposition. And therefore a Popularestate is the finke and refuge of all turbulent spirits, mutines, seditions, and banished men, which give counsell, comfort, and aid, unto the people to ruine great men: For as for the lawes they have no respect of them, for that in Athens the people will is a law. This is Xenophon's opinion, touching the Commonwealth of Athens, who faith, it was the best order of all the Popular Commonweals in his time: neither would he have them to change any thing to maintain the people in their greatnes. The like cenfure Marcellus the lawyer hath of a strumpet, saying, That she hath not well done to have abandoned her honour; but having lost all modestie, it was not ill done, to get what she could by her trade. So Xenophon concludes, That a Popularestate is nothing worth, but to maintaine it so being once settled, they must banish all honor and vertue: that is to say, the greatest tyranny is not so daungerous, as a Popularestate thus governed.

But there is yet one plague more capitall in Popular estates, the which is, Impunicite to the wicked, so as they be citizens, that is to say, pettie kings: and even in the Popularestate of Rome, it was forbidden to all magistrates upon paine of death, To condemn to death, or to banish any citizen, nor to deprivie him of his libertie or privilege of a citizen, nor to whip him with rods. For it is a letted law almost in all Popular estates, Nec quis quisquam quantumcumque felax sine in die, sine in honores admiffivit, capite feriat: That no citizen should die the death, what offence founet he had committed either against the gods, or men. Therefore Verres (omitting the rest) being accused and condemned of theft, and of a hundred thousand concussions, extortions, and false judgments, was thought to be seuerely punished, for that he was enioyned to depart out of Rome: and why, for that Popular estates would have their libertie defended with the lenity of lawes, and not with the sharpness of punishments. And yet they banished Rusticus, Metellus, Coriolanus, the two Scipios, brethren, and Tullis: as in Ephesus they banished the vertuous HermOdoras: in Athens they expelled Aristides the just, Themistocles died in exile, Miltiades in prifon, Socrates by poysion. And although that Phocion the most just and vertuous man of his age, had bene chosen Generall fortie and five times, without any reproach or blame, yet (without any accustation or inforamation against him or his companions) a base pleader, of the summe of the people, steps vp before the multitude, and demands, If they would have Phocion and his companions put to death: wherewith all in generall did arise vp, and holding vp their hands, condemned him, not excluding any blafe, woman, or stranger from this condemnation, for which the many ware garlands of flowers. Which Phocion hearing, said, Quodam a nobis damnari facile patria: sed cur ista? For my part, I am contented to be condemned by you: but why these men? To whome the people being mad, aunswered, Quoniam tibi sunt amici. Neither was the furie of this mad people pacified, until they were all without fentence, accustation, or caufe, put to death. Neither is there any hope, if a multitude begin once to inflit over the good, that either shame or reason shall reclaime them from their furie and madnesse. Yet notwithstanding the wicked do commonly escape the peoples hands: which Demosphenes seeing, and that they had abolid Amisophon, a most capitall offender, he proceeded, and caused him to be condemned,
ned, and afterwards put to death by a decree of the Areopagis, little regarding the people, for which he was not blamed. Whereby it appears, that there was neither justice nor magistrate in a Popular estate. And as in a Popular Commonweale thus governed, all offices are sold to them that will give most, so the magistrates fell by retail that which they have bought in gross. And even Marius durst carrie buffets of Fuller into the assemblies at Rome, to purchase the peoples voices: the like wee read of Pompey. It is no maruell then if weere read of infinit corruptions and concussions in Rome: but it was more fowle and odious in Athens, whereas when Stratocles and Damocles entered into their offices, they did openly brag, That they went to a golden harueft. If offices, lawes, justice, and honours, were so vnworthy fold in these great Commonweales, being inriched with the spoyles of other people; what shall we judge of Popular estates oppreff with want and need? Wee have the example of the Megarenses, who hauing expelled their prince Theagines, established a Popular estate fo licentious, as it was lawfull for the poore to goe and spoyle the rich, as it is in Plato. Even so wee read, that the Swifers did long after they had expelled the nobilitie. If they would have any one spoyled by the multitude, they did set the picture of a man with boughes vnder him at his doore, and then was he prefently stript of all that he had, were he the richest or most innocent citizen. And they which doe so highly commend the Popular estate of the Romans, should rather have extolled the worthy deeds of noble and valuable men, than the cities forme: they should let before their eyes the seditions and ciuill warres, wherewith that citie had bene shaken, and represent the people of the one side of a mountaine, and the nobilitie of another, divided three times; and many times the furious Tribunes with their turbulent Orations, to threaten death or banishment to the beft citizens: Sometime Saturnine the Tribune, with a rabble of raficals, flaves, and artisans, armed with flaves and stones, to come into the open assembly of the people, and to expell the honest parte, and kill him that was chosen Consull by the peoples suffrages. The which the Tribunes alone did not, being enraged against the Consuls, but euen the Consuls among themselues. How many murders of citizens have bene scene in the middest of the citie, in the field of Mars, in the court, in the temples of their gods, yea in Iupiteris capitoll, Tiberius and Cauus Gracchus, Drusus, Saturninus, and Sulpitius, were cruelly slaine: when as the Consull Caius made a proclamation, That all the Latines, and Heniques, which had no houses within Rome, should depart the citie. Virginius his companion made a decree to the contrarie, not so much to croffe his companions authoritie, but to set the citizens and strangers together by the eares in the middest of the citie. What was more vnworthy, or more contrarie to ciuill societie, than to see a citizen vnder an innocent gowne, to come armed to the assembly, to sue for offices, as if they went to warre, and oftemtimes the contrarie factions fell to blowes. And Fully faith, Lapidations; in foro sepe vidimus, non sepe sed tarnen nimis sepe gladios. We have oftemtimes scene stones cast in the assembly of the estates, and twords drawne, not so often, but yet too often. And a little after, Moministis (quia) torporibus ciumam Tiberim completi; cloacas refacriri, e foro sponges effundis sanguinem, You remember (told he) that the river of Tibet hath bene filled with the bodies of citizens, that the common privies haue bene fluffed full, and the blood suckt vp in the market place with sponges. To conclude, if we shall rip vp all the Popular estates that euer were we shall find, that either they haue had warre alwayes with the enimie, or with in the citie; or else that they haue bene governed in sheu by the people; but in effect by some of the citizens, or by the wiseft among them, who held the place of a prince and monach. Whilest that the Commonweale of Athens did flourith, it was governed by the senat of the Areopagis: and when as their power and authoritie was restraine[...]

**Popular estates:**
In ancient Greece, a popular estate was a form of government where the populace, often through assemblies or popular forums, had direct control over state offices. This system was contrasted with monarchies and aristocracies, where power was concentrated in the hands of the elite. The term was later applied to Roman republics where popular assemblies elected officials. The concept was influential in the development of democratic principles, particularly in the ancient world and later in modern political thought.
Pereikes (faith Thucidides) was a very Monarch, although in shew it were Popular. And Peter Soderin (in an Oration hee made vnto the people of Florence, to change the estate) laid, That in the time of Laurence de Medici, the Commonweale in shew was Popular, but in effect a meeke Tyranny, for that Laurence governed all alone: but he doth not say, that it was never more flourishing, and that before they were never ten yeares free from seditions, and the most bloody factions that euer were. In like sort the Popular estate of the Romans, which had bene afflictid with fo many forren and intelline warrs, was it not maintained and flourished both in armes, and laws, by the Senat, and was not the authority thereof supported, by Menenius Agrippa, Furio Camillus, Papirius Cursor, Fabius Maximus, Scepio, Cato, Scamurus, Pompей, and divers others? who maintained the beautie of the Senat, and restrained the people, keeping them within the bounds of honour? We do also read, that Pelopides, and Ephrainodes, were as it were lords of the Popular estate of the Thebans, after whose death the people found presently, that they had lost their chiefe pilote: as it happened in the like cafe vnto the Athenians, after the death of Pericles, Then (said Plutarch) the people did float vp and downe, like a ship without a helme: and as every one would gouern and command, some to let fail, others to go to harbrough, a storme came (faith Polybius) and the ship perished. And although the Athenians, after they had lost the oueraigne-tic of Greece, governed their citie & territorie popullary, yet Demosbhenes spake plainly, and openly before the people, That the estate of Athens was vnder the power of Oratours and Pleadours, of whome the captains depended, who had at the least three hundred men bribed, to passe whatsoeuer they pleased for money. A common dicale (faith Plutarch) in all Popular estates. Linius writeth thus of the Popular estates of the Tarentines, To potestate-Juniorum plebem, in manu plebis, rem Tarentinam effe, the estate of Tarentum was in the peoples hands, and the people in the power of the younger fort. And a little before the declining of the Popular estate of Rome, Cassius, Cesar, and Pompey, whome they called a triple head, governed and held all the Senat and people in their power and subjection: but two of them being flaine, the third became an absolute Lord. Whereby we may gather, that a Popular command cannot subsist without a wise pilare and gouernor, and leaving it to the most sufficient, in the end they make themselves masters, and the people servis but for a maske.

But some one will say, Doe we not see that the Cantons of the Swiflers havesettled a goodly Popular estate, & have continued their government above three hundred and fifty yeares, and by this means have not only preferred themselves from tyranny, but have also chasid away tyrants their neighbours? The sunis were herunto is double: First, the situation of the countrey, and the disposition of the people agrees best with a Popular estate. Secondly, the most sedicious, & mutinous, go to the service of other forren princes: and the rest of the common people being more mild & tractable, are easily kept in awe. Moreover all the heads of the Cantons & Popular states, having entered into an offensive and defensive league, are strictly tied and visited together; like vnto those that goe by night, or that are in a slipetic or dangerous way, holding one another by the hand: and in this fort they maintaine themselues against the power of Monarchs, as in old time the Athenians and Thebans did. Besides, the foundation of their Popular estate was built and cementid with the blood of the nobilitie, and of the chiefest, especially at the battle of Sampac; then afterwards at that at Basil when as king Lewes the 11 (being then but Daulphin) had the victorie: then all the nobilitie of the countrey, which had followed him, were banished, and the rest returned themselues willingly, after the trate of the ten Cantons, made in the yeare 1510, and to the change of religion in the yeare 1529: so as there remaines but a very few at Berne and Zurich,
A Zurich, whereas the estate is Aristocraticall. And not only the Cantons, but also those at Strausbourg, Lyndaw, Sienne, Genes, and Florence (to settle a popular libertie) flue or banished the nobilitie: as they have done in many towns of Germanie. After they of Florence had made away their nobilitie, they divided themselves into three factions, the greater, the meane, and the popular: and as the greater fort entered into factions, and flue one another, the meaner thought to become maliftets, who were so incensed one against another, as the whole city was nothing but fire and blood; murthering one another, yet till that the cuemme of the people tooke upon them the government, they always hated them that looked like gentlemen, or that ware a sword, or that had gotten to any degree of honour, in what Commonweale: for ever, or that had gathered together more riches than the rest: which made them of Strausbourg (after they had flaine all the nobilitie, to settle a Popular estate) to decree, That who so ever did aspire to be Grand Bourgmaister, should proue that his grandfather was a day labourer, an artificer, a butcher, or of some such like condition. And the auntients (to affirme Popular estates) did flirue to equall all citizens in goods, honours, power, and rewards: and if any one were more vertuous, more just, or more wise, than the rest, he was banished, as I have shewed before, seeking to make an equalitie, if it were possible: and even Plato did with, That wives and children should be common to all, to the end that no man might say, This is mine, or, That is thine: for those words of Aemum, and Tuum (laid he) were the breeders of discord, and the ruine of states. By the which there will grow many abfinditudes: for in so doing, a cite shall be ruined, and become a houfhold (as Aristotle said), although that a houhold or familie (which is the true image of a Commonweale) hath but one head. And for this caufe an auntient *lawmaker, being importuned by some one, to make his country a Popular estate: Make it (faith he) in thine owne house. And if they say, That it is a goodly thing so to vnite citizens and a cite, as to make one houfhold of it, they must then take away the pluralitie of heads and commanders, which are in a Popular estate, to make a Monarch, as the true fathers of a familie; and to cut off this equalitie of goods, power, honour, and commaundement, which they seek to make in a Popular estate: for that it is incompatible in a familie. But the greatest inconvenience is, that in taking away these words of Mine, and Thine, they ruine the foundation of all Commonweales, the which were chiefly establisshed, to yeeld vnto every man that which is his owne, and to forbide theft; as it is commanded by the word of God, who will have every man to enjoy the proprietie of his owne goods: and we may not say, that naturall hath made all things common, for the law of the mother is not contrarie to the commaundement of the father (as Salomon said)figuring by an Allegories the commaundements of God, and the law of nature. But the true popular libertie consisteth in nothing else, but in the enjoying of our priuate goods sincerely, without feare to be wronged, in honour, life, wife, or familie, the which even thecues & robbers labour to kepe. And as for the power of commaund, which popular men would make equall, there is lesse reason than in goods: for distetion and wisedome is not equally gaten to all men, and in a Popular estate they must of necessitie chuse the most sufficient magistrats, to commaund, and to adminifte justice. Moreover, where as there is no forme of foueraignty, nor of a Commonweale, yet are the people constrained to chuse a magistrat or capitaine to commaund them, and to doe justice: as in the countrey of Gufuli in Affrike, where there is neither king, nor any forme of a Commonweale, the people on their faire day chuse a capitaine to doe justice, and to affirme the course of traffique. And on the frontiers of the kindome of Fez, the inhabitants of the mountaine of Magnan (who in like fort have no forme of a Commonweale) if they see any strangert to passe by, which seemes to excell the rest in wisedome, him
A rule in Popular states.

An error in equalitie.

All nations have need one of another.

Equalitie and friendship are incompatible.

A Popular estate a pernituous tyranny, if not wisely governed.

General assemblies are dangerous in Popular estates.

they fly by force, to administer justice unto them. It is a maxim in Popular states, That when as the persons are equal which are to undergo a charge, to cast lots: and if one exceeds another, then they chuse the most sufficient. And who doth not see the great difference among men, that some have least judgement than brute beasts; and others have such cleere marks of divine light, as they seem rather angels than men? and yet those which s e e k e equalitie, will have the soueraine power of life, honour, and goods, given vnto furtous, ignorant, and mad men, as well as vnto judicious and wise men: for the voices in all assemblies are numbered, without any due consideration of euerie mans worth: and always the number of fools, wicked and ignorant men, does farre exceed the good, if that be true which Salomon faith, That there is not one among a thousand: the which is confirmed by the Poet.

A good man and a wise, one such as out of all mankind, Though Apollo sought and searcht himself, yet could he scarcely find.

And yet there is a natural reason, which doth teach vs, that the equalitie they seeke, doth ruine the grounds of all love and amitie, the which can hardly subsist among equals, for that there are neuer more quarrels & dissensions, than among them that are equal; either for that the one seckes to supplant the other, or for that the one may live without the other. And it seemes that God hath imparied his benefits and graces, to countrie and nations, in such a measure, as there is no man but hath need of another: to the end that through mutuall courtesie and good offices, euerie nation in particular, and all in general, should be constrained to contract alliances and friendships together: as it is seen in a mans bodie, the which is the figure of a well ordered Commonweale, there is no member but receives helpe and succour from the rest, and that which seems most idle, digestes the nourishment for all the rest: as Menevius Agrippa a Roman Senator, did wisely shew vnto the common people, which were fallen from the nobilitie, and did seck to equal themselfes vnto them in power and authoritie: Popular governments in the beginning seeme pleasing and goodly, contrary to Monarchies: the which are like vnto great rivers, which at their first springs have small and weake currents, but increasing by their long course, their streams grow bigger, & more tough, and run with more fracious channels, the farther they are from their heads and springs. But Popular states are like vnto the wind, which is most vehement where it first begins, but at the length it is broken and growth weake. I have discoursed hereof the more at large, to shew the inconveniences which follow a Popular estate, to the end I might reduce them to reaon which seck to withdraw the subject from the obedience of their natural prince, through a false hope of libertie, in framing of Popular states: the which in e f f e c t is nothing else, but the most pernicious tyranny that can be imagined, if it be not governed by wise and vertuous men. And therefore among the Cantons of the Swiflers (those which are best ordered) although they have eatablished a forme of Popular Commonweale, yet they govern themselfes Aristocratically: having two or three counsellors, to the end the people deal not in affaires of state as little as may be; assembleing seldom by but quarters, or parishes, which they call Schaffs (as in old time the inhabitants of Mantinea a Popular state did) fearing the tumults and rebellions which fall out commonly when they are altogether. But seeing it is not in the power of good citizens, nor of wise politicians, to change a Popular estate into a Monarchie: the chief grounds then of a Popular state consists in the strict observation of laws and ordinances, being of it selfe quite different and disagreeing from the laws and order of nature, which gives the commannd vnto the wise: a thing verie incompatible with the people:
people: for if a multitude (being impatient of command) have not good laws and statutes before their eyes, as lights to guide them, the estate will be soone ruined. And therefore the Swiffer do obstreper their laws very severely, else their estate had not bene so durable: for even as weake & crazed bodies fall soone into diseases, if they leave the good diet and order prescribed by the Physitian; so is it in a Popular state, if they doe not obserue their laws and ordinances. And thus much to satisfie them which are not contented, although the greatest men that ever were, have disallowed of a Popular estate.

Let vs see now if an Aristocratical government bee anything better than the rest, as many hold opinion: for if a mediocrate be commendable in all things, and that we must flie all vicious extremes; it follows then, that these two vicious extremes being rejected, we must hold the meanes, which is an Aristocratie, or a certaine number of the most apparent citizens: as if there were ten thousand citizens, let them make choice of an hundred; the which were a just proportionable number betwixt one & a thousand: increasing or diminishing the number according to the multitude of the subiects, wherein they shall hold that commendable & desired mediocrate betwixt a Monarchy and a Democratic. There is yet another argument of no lesse efficacie, to prove that an Aristocratical estate is the best, which is, That the power of soueraigne command, by naturall reason, is to be giuen to the most worthy: and dignitate cannot confin but in vertue, in nobilitie, or in riches, or in all three together. If then wee deifie to chuse one of the three, or to ioyne them all together, the estate shall bee alwaies Aristocratis II: for the noble, rich, wise, and valiant men, make alwaies the least part of the citizens, in what place focuer; by naturall reason then that government must bee Aristocratical, when as the least part of the citizens command the state, or whereunto the best and most vertuous men are admitted.

A man may also say, that the soueraigne should be giuen onely to the most rich, as to them have most interest in the preservation of the whole state. Without doubt the most rich have the greatest interest and have a greater charge than the poore, who having little to loose, abandon the Commonweale at need. And therefore Q. Flami-nus did wisely commit the government of the cities of Thesalie, to the most rich, as to them that had most interest in the prefruation of the state. Moreover it seems that necessitie doth guide vs to an Aristocratical estate: for although that in a Popular state, and in a Monarchy, the monarch or the people in them have the soueraigne, yet in effect they are forced to commit the government to the Senat, or priuie Councell, who consult, and many times determine of greatest affaires: so as it is alwaies an Optimacie. And if the monarch, or people, be so ill aduised as to gouern the otherwise than by a wise counsellor, there can nothing bee expected but an inevitable ruine of the state. I omit other reasons lesse necessarie, as every one may conjecture, to conclude, that an Aristocratie is the most commendable state. And yet I say, that all together are not sufficient to proue it: for as for that commendable mediocratie which we fekke, it is not real, dividuing things in the middest, but consitts in reason: as liberalitie a meane betwixt two vicious extremes, yet doth it approach nearer unto prodigalitie then unto cour-toushie. The meanes which they seke betwixt one and all in generall, is real; neither can it euer be alike, for that there are some cities which have not a thousand citizens, and others that have above three hundred thousand: so as an Aristocratical estate shall be alwaies mutable and variable, for the vn certaintie of the number: and it will often fall out, that a great Aristocratical estate shall have more commanders, than a Popular state in a small citie shall have citizens: as if there be foure hundred thousand citizens, to obtue a true Geometrical proportion, there must be foure thousand government commanders:
commanders: so as by a necessarie consequence, the inconueniences which are incident to a Popular estate, will also fall out in an Aristocratic, by reason of the multitude of lords: for the more gouernours there be, the more factions will grow, their confusions will be more hard to determine, and are sooner discouered. And therefore those Aristocraticall estates are more durable and assured, that have fewest lords: as the Lacedemonians, who had but thirtie gouernours, and the Pharalians twenty; they did long maintaine their estates, whereas others decayed sooner. It is not then the middle number between one and all, which makes that commendable mean, seeing that there be as many kinds of vicious Commonweales, as of commendable and vertuous.

As for the other point, That they must give the foueraignty unto the most worthy, It is true: but the argument makes more for a Monarchy, than for an Aristocratic: for among the most noble, the most wise, the most rich, and the most valiant, there is always some one that doth excell the rest, to whom by that reason the soueraignty doth belong: For it is impossible to find them all equal in all respects. And as for the Senat, or Council, we have shewed before, that it is divid'd from maistic, and hath no power to command, in what estate soever: else doth it loose the name and mark of a Senate, the which is ordained to no other end, but to give counsell to them that have the soueraignty, to whom belong the resolution & decision of the council. But Plato had another argument for an Aristocraticall estate, saying, That it was verie hard to find any one man so wise and vertuous, as was requisite for the gouernment of an estate, and by that means a Monarchie were not sure. But this argument is captious, and may be vned against himselfe: for if it be hard to find any one prince so wise as he desirith, how shall they find out so great a number as is needfull in a Seigneurie. And Peter Soderin Gonflonier of Florence, speaking vnto the people against an Aristocraticall estate, he vned the fame argument which Mcecomus did before Augufius against Marcus Agrippa, saying, That the government of few lords, is the government of few tyrants; and that it was better at all events to have but one tyrant. For if any one will say, that among many there will haply be some number of good men, we must then rather chuse a Popular estate, for that in a great number there will be found more vertuous than in a leafe. But both the one and the other is vnprofitable: for as well in all Aristocraticall and Popular estates, as in all corporations and colledges, the greatest part doth still ouer-rule the founder and the better: and the more men there be, the lesse effects are there of vertue and wifedom (even as a little salt cast into a great lake, looeth his force:) so as the good men shall be always vanquished in number by the vicious, and ambitious: and for one tyrant there shall be a hundred which will crose the resolution of the leefe but the founder part; as it is alwaies seene as well in the diets and assemblies of the princes of Germanie, whereas the spirituall princes of the empire, being the greatest number, haue alwaies crost the princes temporal: so as by their means the emperor Charles the first, caus'd the empire to declare it lesse an enemy to the house of France, the which had not bene so in many ages: to the end the temporal princes should have no hope of any succors from France in their necessities, whereinto they foone after fell. And to make short, it hath bene alwaies seene, that the more heads there be in a Seigneurie, the more controversys arise, and lesse resolution. And therefore the Seigneurie of Venice to avoid these inconueniences, commits all affairs offstage to the manning of a dozen persons, and most commonly to feuen, especially to keepe their affaires secret, wherein confists the health and preseruation of an estate.

But let us suppose, that a privie Council in an Aristocraticall estate, bee so secret, as nothing is discouer'd; yet is it a difficult thing for few commanders to maintain their estate against a multitude, which hath no part in honourable charges: for that most com-
A commonly the lords corne and contemne the popular, and the poore carrie alwaies a capital hatred against the great: so as upon the least dissension among the nobles (the which is incurrable if they be men of faction, and given to armes) the most factious and ambitious flyth vnto the multitude, and ruines the state: as I have noted before of the Seigneuries of Genoa, Florence, Cologne, Zutich, Strasbourg, Lindaw, and the auncient Photians, Samians, Thetenecians, Amphipolites, Coretyrians, Cnidians, Mytelenians, and Hiffienes; in which the multitude hath expelled, banished, spoyled, and slain the nobles. And what guard fouver they keep, yet do they live in continuall diſtrift, and sometimes in such feare, as they do not assemble together but in places of strength; as in the citie of Benizere, lying in the realme of Telefin in Barbarie, all the lords and commandours keepe themselves in forts, feaing the people should mutine against them; or that one of them should muther the reft. So in old time the inhabi- tants of Mileium, after they had expelled their two tyrants, they fell cruelly to armes among themselves, the nobles against the people: but in the end the rich having van- quished the poore, they framed an Aристocraticall eſtate, where they lived in such feare, and diſtrift, as they went into ships to hold their councels, feaing (faith Plutarch) to be surprized and slain by the people: like vnto the lords of the Samiens, who were all manacled by the multitude, at such time as they were in councell. So as in an Aристo- cracy the lords dare not traine the people vp to arms, nor put weapons into their hands: neither can they go to the warre, but they are in daunger to loose the eſtate, if they bee once defeated: neither can they assure themselves of straungers, feaing they should bee subiected by them. To which daungers a popular eſtate is not subiect, euery one ha- ving a part in the state. An Aристocraticall eſtate then, is not onely in daunger of for- raine enemies, but of the people, whom they must content or keepe in awe by force to content them without making them partakers of the government, were very hard: & to admit them to charges of honour, without alteration of the state, from an Aристo- cratie to a Popular, were impossible: to keepe them in subjeccion by force, that were not safe, although it might be done; for that were to shew an open feare and diſtrift of them whom they must win by loue and courtesie: else vpon any forraine war against the state, or among the governours themſelves, the people will bee eſcellly drawne to armes, and to shake off their yoke. And therefore the Venetians to maintaine their Aристocraticall eſtate, impatte some small offices vnto the people, contract alliances with them, borrow of them to bind them to the maintenance of the state; and disfame them quicke: and to make them more mild and pliable, they give them full scope and libertie to all sorts of pleasures: and sometimmes they make their richest cieffens bourgeois. If they have any warre against the strange, they foone compound it at what price soever: and aboue all things they labour to quench and pacifie all partialities and hatred among the gentlemen: so as the rich being drunken with delights, and the poore hauing meanes to traffique, and to exercize themſelves in mechanike arts, with the commodite of the place, lying vpon the sea, being by nature strong, they have no great occasion, & leffe power to rebell. By these meanes the Venetians (next under God) have maintaine their eſtate, and not by the forme of an Aристocraticall governement, as many do hold. And although the nature of the situation of Venice, the honour of the people, the wifedom of the Seigneuries, and the lawes, be fit for an Aристocraticall eſtate, yet is it not above foure hundred yeares, that they have instituted this forme of Commonweale, neither could they avoid many seditions and ciuill warres; as of the Bochoni- ans, Feleriennes, Tepoliennes, Baimontaines, and the cruell factions of the Justinians, the Sceuoles, Seliens, Basiens; the muther of eightene dukes, and of a great number of Senators, as we may read in their histories. Wherein Paulus Jovius was deceived,
who held, That the estate of Venice had continued eight hundred yeares: and Paulus Manutius, and du Moulin, have erred more, saying, That it had bene of twelve hundred yeares standing: for it is well verified by the auntient regifters of their Seigneurtie, that before Cæsarius Cian duke of Venice, in the yeare 1175, it was a meere Monarchy: and yet there hath not bene any Aristocratticall ellat, to our knowledge, that hath so long continued, but have bene for the molt part changed into cruel Tyrannies, or bloody Popular estates, as we have shewed elsewhere. And to make it more apparant, I will produce for a new example the state of Genes, who hauing peace with the Venetians, by means of the protection of Fraunce, soone after the Adornes, and Fregoles, divided the state (the which at that time was Aristocrattical) into two factions, whence ensued many murtherers of the chiefe men: so as the people fell to armes, freed themselves from su&iction, and tooke the government of the state from the gentleman: and in succession of time made a law, whereby none might bee duke of Genes, vnlesse hee were a Plebeian: and since they have published another law, prohibiting the nobles to have above a third part of all other offices. And soone after in a sedition they expelled all their gentlemen, chusing eight Tribunues, and after they had reieected the protection of Fraunce, they chose a Dyer of filke for their duke, whome king Lewes the twelft caufed to bee hanged after that hee had taken the citie: but when as Andrew Doria revolted, and that hee had power to dispose of the state at his pleafure, hee made chooye of all such as had six houses within the citie, and of some others of name and marke, which were not fo rich, and diuided them all into eight and twenty tribes, the which they called Arborghi, making them gentlemen, and giuing them the government of the state, and debarred the rest of the common people, onely with this exception, To haue libertie ettie yeare to make ten of the Plebeians gentlemen, and to receive them into the number of the nobilitie: the which notwithstanding was not well executed. So of foure and twentie thousand citizens, there were not above twelue hundred, or thereabouts, that had any part in the state: and of this number it was decreed, That every yeare there should be a great Councell made of foure hundred, the which should chufe the Duke and the eight Gouernours, which they call the Seigneurie, to manage all affairs of state for the space of two yeares that they should be in charge, vnlesse matter were of great importaine, then to assemble the Senat of an hundred gentlemen. And as for the duke, hee might not bee chosen but out of the noblest families, with a guard of 500 Lancers, besides the generall of the armie, and the fottie centiniers. I omit other officers, as the Procurators of the Seigneurie, the Podestat, or Mayor, the Judges of the Rota, the feuen extraordinarie Judges, the fiue Syndics, the Censors, and the officers of Saint George. The estate of Genes hath continued in this sort 43 yeares, under the protection of the house of Austria. From the yeare 1528, unto the yeare 1540, that John Flisio being chosen duke of Genes after Benedic Gentili, would have made his power perpetual, and to effect it, he laboured to subicet the Seigneurie of Genes vnto the crowne of France, hauing alreadie defeated Andrew Dories armie, & slain his nephew, he fell into the fea leaping from one gally to another, the which overthrew all his defeiners. Since the seigneurie hath taken again the forme established by Andrew Doria, the which was continued vnto the yere 1574, that it was diuided into two factions; the one of the auntient, the other of the new gentlemen, who are yet at ciuill war: and the auntient seeing themselves expelled by the new, haue ceazed upon the places of strength, and forts without the citie, being in danger to be quite ruined, or at the least to fall into a Popular estate, as they did in the yeare 1506. The sedition happened for the qualitie of their nobilitie: for after that Andrew Doria had feitled the state (as I have said) & excluded the Plebeians from being dukes of Genes, the gentlemen of the auntient houses.
houses (which were but foure, the Dorias, the Spinolas, the Grimaldes, and the Fiessadies) caused their genealogies to be drawne and registred in publicke acts, diuiding themselves by this meane from the Plebeians that were newly ennoble; who diilding thereat, and finding themselves the greater number and the stronger, they have chald away the antient houses, and it they be not soone reconciled, the people in the end will expell them all.

I have shewed before, that the great Councell or Senat in an Aristocrattical estate, ought to be perpetuall, to the end there may be some firme ground, or foundation whereon the annuall change of all officers may relie. And as for the Duke, it were strange if he should not ceaze upon the Soveraigntie, having ffive hundred men for his guard, seeing that he hath two yeres to remayne in charge: conidering the factions that are made to attaine unto this dignitie of honour. We see then, that the chiefe ground and support of an Aristocratie, consisteth in the mutuall love of the commanders: for if they agree and be of one mind, they will maintain themselves, and gouerne much better than the people: But if there be any factions among them, then there is no State to diftincte to maintaine, for the reasons before mentioned; especially, if the Commanders be mutiiall men: for soldiers hate nothing more than peace. And we may not matteile if the Aristocratie of the Venetians, Rhaguins and Luquois, have continued some ages: for they are not guien to armes, neither have they any thing in greater recommendation than their trafficke and commoditie. And to conclude briefly, there is no forme of Aristocratie more perfect and goody, nor more auffered, than whereas they make choie of men of vertue and reputation to command; or at the leat that they be not infamous: and if any one dies, to substitute another in his place by election, as they doe at Geneva. If any one of the Councell of 25 dies, the moft antient of the 60 succedeth him moft commonly, although it be done by election: and the moft antient of the great Councell of 200 comes into the Councell of 60, and the two hundred chufeth one of the honestest Burgesse or citizens that is without reproch. Whereby few command and gouerne the state, and yet every man hopes to attaine unto it, not by mony nor ambition, but by honour and vertue. This may properly be called an Aristocratie, the which is least subiect unto dangers, and to the rebellion of Lords or subiects.

Such a Seigneurie will obturze the lawes duly, and administre justice vprightly: if they be contented with their estate, and seake not ambitiously to wrest from another, as the Lacedemonians did. For it is impossible that a Seigneurie of few Lords and Commanders, should get and maintaine a great Empire, as a Monarke may: also the ruine and change of so great a Seigneurie is not so much to be feared, as of a great and mightie Monarchie, which draweth after it the ruine of the greatest families, and oftimes of allies and of neighbour States that are in his protection: Like vnto a great building which raied on high, blind the sight of others, and falling, ruines with her weight those that are nere it, with a fearefull noyse to them that heare it. Behold the commodities and discommodities of a popular and Aristocrattical estate. Now we are to speake of a Monarchie, which all great men have preferred before all other Commonweales: for we find it subiect unto many dangers, whether the change of the Monarke be from bad to good, or from good to better: although there were no other thing but the change of him that hath the Soveraigntie: yet is it much to be feared in all states: for we commonly see in the change of Princes, new desfaire, new lawes, new officers, new friends, new enemies, new habits, and a new forme of living: for most commonly all Princes take a delight to change and alter all things, that they may be spoken of; the which doth many times cause great inconveniences, not only.
to the subjects in particular, but also to the whole body of the state. But if this were not, and the Prince were as wise and virtuous as might be desired, yet the leagues and treaties made with his Predecessor end with him: whereupon alliances being ended, Princes fall to arms, and the strongest affails the weaker, or prescribes him a law. The which cannot chance in popular and Aristocraticall estates, when as they make perpetual leagues, for that the people dies not; so as other Princes and private men define rather to contract with a Seigneurie than with a Prince, for the assurance of treaties and bonds, whereas the successions of Princes are not tied, unless be they their heirs, as manie maintain and practice. The other inconvenience in a Monarchie is, the danger to fall into civil warre, by the dissensions and factions of such as aspire unto the crown, especially if it be elastic, which the doth oftentimes draw after it the ruin of the state: Yea, in a successfull right there is no small danger, if there be many in one degree, who many times kill one another, or at the least divide the subjects. We have too many examples before our eyes: and oftentimes the lawfull successour is expelled by an usurper. But admit there were no contention for the Monarchie, yet if the Monarke be a child, there will be some diuision for the government, betwixt the mother and the Princes, or betwixt the Princes themselves. And God (to be revenged of his people) threatens to give them for Princes children and women. And although the infant have a tutor by the appointment of his predecessour, or by the custome, yet is it to be feared, that he will make himself absolute Lord: as Triphon did, who cruelly slue his pupill the King of Siria, to make him selfe king. The which is more to be feared, if the tutor marrieth the pupils mother, as Lewis Sforza did, who by that means murdered the young prince, and made himselfe duke of Milan. And although for the avoiding of this danger, they give the government to the nearest of kinne, and the nourishment of the infant to the mother; yet have there bene murdering mothers since, who have not only sold and betrayed the state, but evin the lives of their children, as the mother of Charilas king of Lacedemon did. And sometimes the tutor continues his government, and leaves nothing unto the king but the title, as the Duke of Northumberland did to Edward the sixt king of England: and Appelles to young Philip king of Macedon, who could not enjoy his estate, until he had slaine his tutor. And if the prince comes to the crown above yong and out of government, there is no lesse danger: for then when as he should have a dozen wise maisters to restraine his licentious appetits, the which are then most violent, he is altogether free and at liberty: so as commonly the courts of yong princes abound in follies, masks, and licentiousnesse, and the subjects follow the princes humor; so as for as one vice there multiplies ten, as I have said before. If the prince be warlike, he will hazzard his subjects, his estate, and his person, to make proofe of his valour. And although he come unto the state being of a competent age and wise, the which is rare, and the greatest gift which a people can crave at Gods hands: yet soueraignty hath his mischiefe, most commonly the wife become foolish, the valiant cowards, and the good grow wicked. It were time loth to repeat examples, the which are too ordinarie. To conclude, if the prince be subtill and wicked, he will plant a tyrannie: if he be cruel, he will make a butchery of the commonweale; or a brothell house if he be licentious, or both togethers: if he be be courteous, he will pull both haire and skinne from his subjects if he be predigall, he will slue their bloud and marrow to glut some desaine of horfleeches that are about his person. And yet he will do worse than all this, if he be a lot and ignorant, as we have layd elsewhere. Yea, so much the more is a tyrannie to be feared, for that a tyrant hath no maister nor companion to oppose against him. These bee the dangers of a Monarchie, which in the truth are great, but there is greater peril in an Aristocraticall estate,
state, and much more in a Popular: for the dangers which we have yet done for the most part cease, when as the Monarchie comes by right of succession, as we will shew hereafter. But seditions, factions, and civil warre, are in a manner continual: yea, sometimes greater for the attaining into offices, in Aritocraticall and Popular com-
monwealths, than for the state in a Monarchie: the which admits no sedition for offices, nor for the state, but after the death of the prince, and that very seldom. But the chief point of a commonweale, which is the right of soueraigne, cannot be, nor sub-
sift (to speak properly) but in a Monarchie: for none can be soueraigne in a common-
weale but one alone: if they be two, or three, or more, no one is soueraigne, for that no one of them can give or take a law from his companion. And although we ima-
gine a bodice of many lords, or of a whole people to hold the soueraigne: yet hath it no true ground, nor support, if there bee not a head with absolute and soueraigne power, to unite them together: the which a simple magiftrat without soueraigne au-
thoritie cannot do. And if it chance that the lords, or the tribes of the people be di-
vided (as it often falls out) then must they fall to arms one against another. And al-
though the greatest part be of one opinion, yet may it so happen, as the lesser part ha-
ing many legions, and making a head, may oppose it to the greater number, and get the victorie. We see the difficulties which are, and alwayes have bene in Popular states and seigniuries, whereas they hold contrary parts, and for diverse magiftrats: some demand peace, others warre, some will have this law, others that; some will have one commander, others another; some will treat a league with the king of France, others with the king of Spaïne, corrupted or drawne some one way some another, making open warre: as it hath bene seen in our age among the Gri-
s. Moneover, sometimes it happens by the custome of the country, that a law, the prince, or a magiftrat, is not admitted, i.e. all that have voices give not their consent: as in Polonia whereas the lesser part must change their opinion, and ioyne with the grea-
ter number, either by lone or force, and for this cause they come armed to the field to chule their king, and to force the lesser part to consent: the which cannot happen where there is a soueraigne head, of whom depends the resolution of all things. More-
over, in a Popular and Aritocraticall estate, alwayes the greater number will bee be-
leeved, although the wiser and the most vertuous bee fewest in number; so as most commonly the founder and the better part is forced to yeeld vnto the greater, at the appeite of an impudent Tribune, or a brazen faced Orator. But a soueraigne Mo-
arch may ioyne with the founder and the better part, and make choice of wise men, and well practiced in matters of state: whereas necessitie doth force them in other com-
monweales to admit wise men and fooles and altogether to offices and counsell. It is also impossible for a Popular state, or an Aritocratic, to command with soueraigne power, or to do any act which cannot bee done but by one person onely: as to con-
duct an army and such like things: but they must create magiftrats and commissaries to that end, who have neither the soueraigne power, authoritie, nor majestie of a Mo-
arch. And what power soever they haue by vertue of their places, yet Popular and Aritocraticall commonweales, finding themselves embarkd in any dangerous warre, either against the enemy, or among themselves, or in difficutie to proceed criminally against some mightie enemie, or to give order for the plague, or to create magiftrats, or to do anie other thing of great conquence, did usuallv create a Dictator, as a sou-
eraigne Monarch: knowing well that a Monarchie was the anchor whereunto of necess-
itie they must haue recourse, Trepidis patres, faith Titus Livius, ad summum anxiiium decurrunt, Dictatores disciplam. The,learefull fathers flie vnto their laft refuge, they thought it best to name a Dictator. And when as Hannibal made all Italie to resemble,
Ad Dictatorem dicendum remedium iamdun desideratum Civit as confugit, The citie fled F into the remedie so long endured, which was to name a Dictator. And the reason was, G for that they held the Dictator for a god, and his commandements for oracles, Dictatoris Edictum pro omnino fpectro obseruandum, The Dictators Edict was always religiously observed. And even the enemies besieging the citie of Rome, abandoned the siege, hearing that they had created a Dictator, Tantus erat Dictatoris terror and holtes, ut ete statim a mentibus discepterint, So great was the fear of a Dictator with the enemies, as he was no sooner created, but they depart ed from the walls. For oftentimes euen the Confuls and their commandements were neglected and troden under foot: such as had offended retired to their companions, that is, to say, to the people, to whom they might appeal. The which Appius the Conful seeing, hee G said, Minas est Consulum non imperium, ubi adeo qui non pecusserunt prouocare licet agedum, Dictatoriem quo prouocatione non est cremas, They were but the threats, sayd he, of Confuls without any commanding power, seeing they might appeal vnto them who had offended in the like manner. Go to then, let vs create a Dictator from whom there is no appeal. The impunitie of vices, and the contempt of magistrats in a Po- ument estate, doth sufficiently shew that Monarchs are necessarie for the pretention of the focietie of mankind, seeing that the Romans who for the error of one Prince, had all kings in hatred, made a Dictator for the conduft of all their great affaires. So did the Lacedemonians in their extremities create a magistrat with power like vnto the Dictator, whom they called Harmacote: and the Thebaliens, him whom they called Archus: as in the like case the Mityleniens their great Aezimenes: to whom the great H Prouidador of the Venetians may be in some sort compared: finding by experience, that an absolute power vnit in one perion, is more eminent and of greater effect, and that the fame power imparted to two, three, or many lords, or to a whole communall, declines and lootheth his force, like vnto a fagot voubound and diuided into manie parts. And therefore Tacitus faith, that for the execution of great exploits the power of commanding must be restrained to one alone: the which is confirmed by Titus Livius, who sayd, that three Tribunes created with Confulatic power, gat a sufficient testimony that the force of command imparted to manie, is fruitleffe: and especially in militarie caufes, the which Hannibal did fin, hauing against him an armie of 6000 men, commanded by two Confuls, Paulus Emidius, and Terentius Varro, whom he defeated: and Amurath against the Chrifian Princes at the battell of Nicopolis: and the emperour Charles the ffit against the two commandurers of the protestants. And we may not maruile if the duke of Urbin with a few hietings made head against fo mightie an armie, led by the chiefe commanders or generals, the which depended not one of another, that is to say, Ranice Vitelli, and Lawrence de Medicis: for eu'n Leo writes I in his his terror, that the people of Affricke hold it for an infallible Maxime, that a prince which is but weake in forces, shall always defeate a stronger armie that hath two gen- erals. For whilft that Cleomenes king of Lacedemon did gouerne absolutely alone, he obtained great and goodly victories, and was neuer vanquished: but after that hee had called home the king which was banished to impart his forueraine authority vnto him, soone after he was overthrown and put to flight. And for this cause Aristides K the ift, being chosen general with Miltiades to command the armie either of them his daie, (as the Romane Confuls were wont to do) he resignd all his power and au- thoritie to his companion, who gaue the Persians a great onerthrow. There are a thousand such like examples, which do shew vs the necefitie to have one head or com- mander, not onely in warre (where there is greateft danger) but also to obey one forueraine prince in a Commonweale: for eu'n as an armie is ill led, and most com-
A ly defeated that hath many Genetals; even so is a Commonweale that hath manie lords, either by diuision, or a diversitie of opinions, or by the diminution of power given to manie, or by the difficultie there is to aggree and resolute upon any thing, or for that the subiects know not whom to obey, or by the discouetie of matters which should be kept secret, or through at together. And therefore whereas we sayd before, that in a well ordered state, the soueraigne power must remaine in one onely, without communicating any part thereof vnto the state (for in that case it should be a Popular government and no Monarchie) and that all wise Politicians, Philosophers, Diuines, and Historiographers have highly commended a Monarchie above all other Commonweales, it is not to please the prince, that they hold this opinion, but for the safetie and happinesse of the subiects: And contrariwise, when as they shal limit and restraine the soueraigne power of a Monarch, to subiect him to the generall estates, or to the councell, the soueraignie hath no firme foundation, but they frame a popular confition, or a miserable Anarchie, which is the plague of all states, & Commonweales; the which must be duly considered, not giving credit to their godly discoueties, which persuad subiects, that it is necellatie to subiect Monarchs, and to prescribe their prince a law; for that it is not onely the ruine of the Monarch, but also of the subiects. It is yet more strange, that many hold an opinion that the prince is subiect to his lawes, that is to say, subiect to his will, whereon the ciuill lawes (which he hath made) depend; a thing impossible by nature. And vnder this colour and ill digested opinion, they make a mixture and confusion of ciuill lawes with the lawes of nature, and of both joyntly with the lawes of God: fo as they suppose, when as the prince forbids to kill, to steal, or to commit adulterie, that it is the princes law. But for that we have layd open this poynct at large, I will now passe it ouer. It shall suffice that we haue made apparent demonstration, that a pure absolute Monarchie is the fureft Commonweale, and without comparison the best of all. W herein many are abused, which maintaine that an Optimacie is the best kind of government: for that many commanders haue more judgement, wife dome, and councell then one alone: But there is a great difference betwixt councell and commandement: The aduice and councell of many grave and wise men may be better than of one, as they say commonly that many men fee more than one alone: but to resolute, to determinie and to command, one will alwaies performe it better than many: and then he which hath adoucedly digested all their opinions, will soone resolute without contention, the which many cannot easilly performe: Besides ambition is so naturall among commanders that are equall in power, as some will rather see the ruine of the Commonweale, than acknowledge any one to be wiser than themselues: Others know what is good, but shame keeps them from changing of their opinions, fearing to loose the least point of their reputations: So as it is necessarie to have a soueraigne prince, which may haue power to resolute and determine of the opinions of his councell.

If then a commonweale be but one body, how is it possible it should haue manie heads, bot that it must proue a monster, as the emperour Tiberius sayd vnto the Senate, elles it were no bodie, but a hideous monster with many heads. But some one will say that new princes make new lawes, new institutions, new ordinances: we will confess that it happens in some, who to shew their power make lawes sometimes without any resaon, but this is more frequent and usuall without comparison in Popular and Aristocraticall estates: For new magiftrats so often created, and which play the pettie kings in their Commonweales, would be looth the yeare should passe away without giving some cause to speake of them, either for good, or euill: for prooue whereof we find more lawes published at Rome and at Athens, then throughout all the world: For
For always through jealouzie one vndid what another had made: and all, as they said, was to make the melerues famous, and to rob the honour of their companions, with the prejudice of the Commonweale. But to avoid these inconuenciences, and inuatable ambitions in an Optimacie, or Populat state, you must not in any fort suffer the law or ordinance to callie the name of the magistrat, as they vfed in Rome and Athens, which was the cause of so many lawes. And to lay that treaties and leagues die with the Prince, that happens not always, for most commonly they are continued and prorogued by an expresse clauze; some years after the death of the prince, as it hath bene always observed between the house of France and the Cantons of the Suissers, the which have bene for the kings life, and five years after. Moreover, we have formerly shewed, that it is expedient aliances and leagues should not bee petpetuall: and for this cause states and commonweales do oftentimes limit their treaties to a certaine time. And as for bonds and treaties of peace, they are accustmed for their better assurance to haue them confirmed by the estates, or published in soueraigne courts, and oftentimes they bind in particular the greatest noblemen: although there bee farr greater assurance in matter of obligation and promises made by a prince than by a multitude: and the rather for that the lawes of honoūr are in much more recommendation to a soueraigne prince, than to a multitude of artiſans or marchants, who are kings in a name collectiuely, and nothing in particular. And as for the troubles which the government of a young king do cause, that happens rarely, and is more incident at the election of magistrats: For at the chufing of a Gonfalonier of Genes for two yeares onely, the Commonweale is euer in combustion. There is no reason to ballance the cruelties and extortions of a tyrant, with the actions of good princes: we know wel that a peaceable Optimacie and wisely governed, if it may be, is better than a cruel tyrannie. But the question is, whether it be better to haue a just and uprigh t king, or manie good lords: and whether a tyrannie of fittye tyrants be not more dangerous, than of one tyrant alone: And if there be not much more danger in Popular and Ariftocra ticall estates, than in a Monarchie. Yea it is most certaine that a tyrannicall Monarchie is sometimes more to be desired than a Democra tie or Optimacie, how good soeuer: For if many wife and skillull pilots hinder another in striving to gouerne the helme; even so will many lords do, euer one seeking to gouerne the Commonweale, be they never so wife and vertuous. Although it be not needfull to inſift much vpon this proofe, that a Monarchie is the most sure, seeing that a familie which is the true image of a Commonweale can haue but one head, and that all the lawes of na ture guide vs vnto a Monarchie, whether that we behold this little world which hath but one bodie, and but one head for all the members, whereon depends the will, moving and feeling: or if we looke to this great world which hath but one soueraigne God: or if we erect our eyes to heauen we shall fee but one sunne: and even in fociable creatures, we fee they cannot admit many kings, nor many lords, how good soever. Solynan emperour of the Turkes vfed this example, hearing the great cryes and acclamations of joy which the whole armie made vs Sultan Mutapha his fon returning out of Persia, he put him to death through jealouzie, caufing him to be strangeld in his withdrawing chamber, and his dead body to be caft out before the whole armie: then he made a proclamation, that there was but one God in heauen, and one Sultan upon earth: Two days after he put Sultan Gobe to death, for that he had wept for his brother; and Sultan Mehemet the third brother, for that he fled for feare; leaving but one fonne living, to avoid the danger of many lords. We alfo fee that all nations of the earth from all antiquitie, euen when they were guided by a naturall inſinct, had no other forme of gouernement than a Monarchic, that is to say, the Asirians, Medes, Persians.
A Petrians, Egyptians, Indians, Parthians, Macedonians, Celtes, Gauls, Scythians, Arabians, Turks, Mofcots, Tartars, Polonians, Danes, Spaniards, English, Africans, and Petufians; where there is no mention of any Optimacie, or Popular eftate. Yea all the antient people of Greece and Iattie, before they were corrupted with ambition, had none but kings and monarckes, as the Athenians, Lacedemonians, Corinthians, Acheans, Sicilians, Candidots, Sicilians, Ethiopians, Latines, and Herufques, the which have flourifh'd in arms & laws, foure, fìue, fix, & seven hundred yeares; yea fome have continued eight or nine hundred yeares, others twelve or thirteen hundred yeares. And yet some wonder that the Popular eftate of the Romans, or the Seigneuries of Lacedemon, and Venice, had continued foute hundred yeares, or thereabouts, after they had expell'd their kings: doublefle they have reafon to matruel, to fee two or three Commonweales among a hundred, able to continue any time, beeing institut'd against the order of nature: but no man is amazed to fee many great & mighty Monarckies conti nue a thoufand, or twelve hundred yeares, for that it is according to the right lawes of nature. And although the name of a king were hatefull vnto the Romans, yet many of them in particular affect to be foueraigne: for not many moneths before Auguflus his birth, it was found out by oracles, that nature should foon bring forth a great Monarch of the Romans. For this caufe the Senat decreed, That all infants fhould bee faine that were to be borne that yeare: but euery one in particular did hinder the carrying of this decreas into Saturnes temple, for that euery one(faith the historie) did hope his fone fhould be a Monarch. In like fort the princes of Perfla being assembled together to consult which forme of government were the better, they concluded, a Monarchy. The fame argument was called in quefion by Auguflus among his friends, being defirous to live at ref, and to leave the state, after that hee had put the name of Marc Aftonie to flight: but it was refoluted, That a Monarchy was the moft safe without all comparison, and the effects did verify it: for in former times the Romans could not live ten yeares together without cuil lawes, or fome feditio: and Auguflus maintained them quietly in peace almoft fiftie yeares, the which continued long after his death. Experience is the mistrefle of all things, and as the touchstone, refolves all doubts. Therefore the Capadocians hauing loft their king, they were perfuaded by the Romans, to take a Popular eftate: but they refufed it, and demanded a king: fo as the Romans gave them power to chufe one, and they advanced AriobarZanes: finding the calamities of Popular ef tates. To conclude, if we feeke authoritie, we fhall find that the greatest fchollers that euer were, have held a Monarchy to be the best: as Homer, Herodotus, Plato, Aristotle, Xenophon, Plutarch, Philon, Apolumus, Saint Ierofme, Cyprian, Maximius Tiris, and many others. And even in the law of God, it is faid, When as the people fhall chufe a king, like vnto other nations, he fhall not take a stranger: Whereby he not onely fheveth, that God approacheth a Monarchy, teaching a king how hee fhould gouerne, but alfo that other nations in thoie daies had nothing but Monarckies, as Samuel faith. He alfo made Moses king ouer his people, for fo hee is called in the law of God. And although that God governed his people for a time without a king, fending them always by an efpacial favor certaine captains, as princes & judges to fee them from the fubiection of their neighbors, whome the holy Scripture ca'lls Mefties, and Sainouts: yet was there never any Optimacie, or Popular eftate among them, but courteuifely they were a long time without either prince or magiftrat, being guided onely by the grace of God, who for this caufe is called their king. And after their returne out of Babilon, they were fihll fubie& to the kings of Persia, or of Egypt, or of Syria: vntill that Iudas Machabees of the familie of the Azmoncees, deffended from Aaron (hauning rebelled againft Antochus the Noble, king of Syria) brought the office

Examples of the greatest Monarchies in the world.
vice of high priest, and the foueraigne unto his house, who were afterwards subdued by the Romans. For as for their Senat, which consisted of feuentie one, the king making the feuentie two; and the most part of the line of David; they bisected not themselves in any thing else, but in judging of causes of great consequence, as of the high priest, or of some tribe, or of crimes of high treason, or of false prophets: &c for this cause they were only called Judges, whom by the corrupt Grecce word they called Sandrim. The Caldean interpreter faith, That although they had power to make laws, euen vnder kings, yet was it no foueraigne authentitie. True it is, that Rabin Magmon calling them Doctors or Informers, faith, That they had also power to create twentie three criminal Judges, whom they called Judges of soules; and seuen Judges for ciuill causes, whom they termed Judges of goods in euerie citie; and ten Judges for government, among the which there was one priet, or as Josepb faith, two Levites assistent to euery magis- trat: and three other Arbitrators, whereof either of the parties did chuse one, and the two that were chosen did name a third. The which I have particularly let done, to confute their opinion, which maintaine with Josepb the Historian, That the Hebrewes haue yed a kind of Aristocraticall government, taking the Senat of feuentie one for foueraigne lords: all whose Herod, the eldste sonne of captain Antipater put to death, for that they had condemnned him, and had executed him, but for the favour of Hierac- nus king and high priet, who gave him his pardon, or at the least stayed the decree of the Senat; and afterwards he murthered his Saviour. Which sheweth plainly, that the Senat had no foueraigne power, and that it was no Optimacie: although that Josepbus brings in the Iewes complayning, Quod Hieracanus & Arisboulos formam Reipub. in regnum mutarent, That Hieracanus, and Arisboulos, had changed the forme of the Commonweale into a Monarchy. In my opinion these reasons, with many others (which are not needfull to be here particularly exprest) are sufficient to shew, that of the three kinds of lawfull governments, a perfect Monarchy is the most excellent: and among the disordered, the Democratie the most visous. A lawfull Monarchy (as a strong and able bodie) may easily be maintained: but Popular states, and Aristocra- ties, as feeble and weake, and subject to many infirmities, must be precerted by diet and good government. And that it is not always in the power of wife and politicke states-men, to chuse the best kind of government, nor to alter and change the worst, they must in this case doe like vnto skilfull shipmaisters, which yeeld vnto the tempest; they strike their fables, and cast forth euery most precious merchandise, to attaine vnto a sate port. Even so a wife man that seekes to change a flate from bad to good, or from good to better; he must first inflamet with the greatest, and by obsequious observa- tion draw them to his will. But if he be not affluted to effect it, let him not attempt it: as Dion did, who touned the Tyranny of Siracusa, suddeely to erect an Optimacie, by the counsell and advice of Plato: and not able to effect it, he was slaine: so as it be- came an estate of a turbulent multitude, much more miserable without all comparision than any tyrany. As also the PITHAGORIANS did, who laboured suddeely to change all the Popular estates of Illyrie, into meece Optimacies, having not force sufficient to ef- fect it, but they were all slaine, or banished. But if this Popular infirmity cannot be curd by any phystike, it must bee borne withall, beeing better to have a bad Common- weale than none at all; and attend the time vntill the tyranny of one, or few, or of ma- ny, be mounted to the higheft precipice or downfall, from whence at the first horne they may be cast downe, or fall of themselues. Else if the tyrant be but shaken, and not quite ouerthrowne, he will commit horrible murthers of the best citizens, to fortifie and settle his tyranny. For a tyrant that hath once escaped the hands of such as had conspire- red against him, he becomes mad and furious, like vnto a wild beast that sees his owne blood.
blood. We have too many examples, and without any further search, we have seene Cofno de Medici (whome the banished men of Florence called Tyrant, although he were esteemed of many others to be a good and a wise prince) build forts, & increased his Monarchy with the ruines of such as had conspried against his life and state, and yet never any one conspiratie tooke effect. Besides, a Tyrannie is much more insupportable, if the tyrant hath no large limits and great territories; for being poor, and hungry, he oppresseth and deouts his subiects continually; & if he be cruel, he looke attains to his desire: whereas a rich and mighty Monarch hath wherewithall to glut his appetite, and if he be cruelty, he will stand in feare that some one in so great a multitude will take revenge. Even then as the subiects are happie vnder a great and mighty Monarch, if he have any sparke of justice before his eyes; so a small estate is best befitting an Aristocraticall government, who will maintaine their subiects more happily than a poore tyrant should do. We see eighteene Cantons of the Swiflers, besides the Giffons, whose governments are Popular, and Aristocraticall, having in length from Geneua vnto Constance but two hundred and fiftie thousand paces, and a hundred and threecore in breadth from the Alpes vnto mount Iura, most of which country is full of rocks, and very barren; yet haue they maintained their subiects a long time in great happiness: but if they should enuie and desirfe their neighbors estate, they should looke loose their owne. And contrariwise the greater the Monarch is, the more goodly and flourishing it is, and the subiect more happie, living in an assurued peace. But if it chance to be diuided into Democracies, or Optimacies, or into many tyrannies, the people are either tyrannified, or in sedition among themselves, or in continuall warre against their neighbours. Seeing then a Monarchy is the most sure of all Commonweales, and amongst all Monarchies a Royall is the goodliest: let vs say, whether it bee better to haue it by a succesiue right, or by election.

Chap. V.

That a well ordered Commonweale dependeth not either of lot, either of choyce, and much lesse of women, but by descent to be derived from a most honourable stocke: and that it ought to be given but to one alone, without partition.

It is not enough to say, that a Royall and lawfull Monarchy is better than either a Democracy, or an Aristocracy, except a man say also, such a Monarchie is by succesiue right diuided vnto the next heire male of the name, and that without partition. For albeit that the lawfull Monarchy be alwayes to bee preferred before other Commonweales, yet rather the lesse so it is, that amongst Monarchies that which commeth by a succesiue right vnto the heires males, of name, nexteste in blood, and without partition, is much more commendable and sure, than are the other which come by lot, or by choyce, or will, to the heirs male, but not to the nexteste; or vnto the nexteste, but yet by the mothers side; or that is the nexteste by the fathers side, but yet is to make partition of the whole Monarchy with other the coheires; or else of some part thereof. All which it is needfull for vs by necessarie reasons, and examples, to declare; to take away the opinion that many imprent into another princes subjectts, and by that meanes entretaines rebellions, to to chaunge well ordered Monarchies, and to move as it were both heauen and earth. All which they do vnder the vaile of vertue, of piete, and of iustice. Yea some there are to
be found, which have bene so bold, as to publish books, and to maintaine against their natural prince, come vnto the crowne by lawfull succession, That the right of choyce is better in a Monarchy: as was done in England the seuenth of September, in the yere 1566, the queene then present at the ditputation of the scholetts of Oxford; the questiion being, That it were better to have kings chosen by election, than by succession. Wthich new doctrine not a little troubled, not the queene onely, but even the nobilitie also of that kingdom, then there present. For why, from such beginnings were the subiects to proceed vnto mutinies, vnto rebellions, and at length even vnto open wares. And who is he that would not be mov’d to heare the inuocuitive speech of an eloquent man, detesting the cruelties, the exactions, and rapines of a tyrant? who neither hath the honour of God, neither the truth, neither jusitice, in regard: who driueth away the good men, and joyneth himselfe vnto the evil: and in the end joyneth the real to this exclamation, O how happie is that Monarchy, wherein the estates of the people make choyce of a just and vpright king, who above all things feareth God, and honoureth vertue; who regardeth the good, and chastifieth the evil: who vnto the honest appoint, and vnto the wicked condign punishments: who abhoreth flatterers, who keepeth his faith and promis; who banisht the blood suckers and defiuers of new exactions out of the court, who spareth his subiects blood as his owne, who reuengeth the wrong done to others, and pardoneth the injurie done vnto himselfe; and who in briefe more efteemeth of religion and vertue, than of all other things in the world. And to haue let these praiyes, with the counterpoise of a tyranny replete with all vices, the vulgar fort forthwith conceiued an opinion, that there is nothing more happy, than the Monarchy which fellath into election; yea and not they of the simpler fort onely, and such as haue finall understanding in the knowledge of matters of policie, but even they also which are accounted of all others the most sufficient, are oftimes deceived, and much mislaken, in regarding nothing but the apparant good on the one fide, without respect vnto the innumerable absurdities and inconueniences which are to be found on the other. For euen Aristotle himselfe is of opinion, That Monarchies should be created by election, calling the people barbarous, which have their kings by right of succession. And for which cause he deemed the Carthaginians more happy than the Lacedemonians, for that these had their kings by succession from the fathers to the fonnes in the stocke and line of Hercules, whereas the others still had them by election and choyce. But if he might call the Assyrians barbarous, the Medes, the Persians, the Egyptians, the people of Asia, the Parthians, the Armenians, the Indians, the Affricans, the Turkes, the Tartars, the Arabians, the Moscouites, the Celses, the Englishmen, the Scots, the Frenchmen, the Spaniards, the Perusines, the Nubians, the Ethiopians; and an infinit number of other people, who still have, and always before had, their kings by right of succession. Yea and wee doe finde in Greece (the countrey of Aristotle himselfe) that the Atheniens, the Lacedemonians, Sicyonians, the Corinthians, the Thebans, the Epictuss, the Macedonians, had more than by the space of six hundred yeres, had their kings by right of lawfull succession, before that ambition had blinded them out to change their Monarchies into Democraeties and Aristocracies: Which had likewise taken place in Italie also, whereas the Hittsucians and Latines for many worlds of yeres had their kings still descinding from the fathers to the fonnes. Now if to many people and nations were all barbarous, where then should humanitie and ciuilitie haue place? it should be onely in Polonia, in Denmarke, and in Sweden: for that almost these people alone haue their kings by election: and yet of them almost none, but such as were themselves alio royally descended. Cicero saith, humanitie and courtesie to haue taken beginning in the leffer Asia, and from thence to haue
A. have bene dunned into all the other parts of the world: and yet for all that the people of Asia had no other kings, but by succession from the father to the son, or some other the nearest of kin. And of all the ancient kings of Greece, we find none but Thimodas, who was chosen king of Corinth, and Pittacus of Nigropont. And at such time as the royal name and line failed, oftentimes the strongest or the mightiest carried it away: as it chanced after the death of Alexander the Great, who was in right line descended from Hercules, and the kings of Macedon, who had continued above five hundred years: whose heathens afterwards made themselves kings. Antipater of Macedon, Antigonus of Asia, the lesser, Nicander of the upper Asia, Lyconas of Thracia; so that there is not one to be found among them, which was made king by election. So that when Greece itself, the nurse of learning & knowledge, held by this reason, in the judgement of Aristotle, be deemed barbarous. Howbeit that the word Barbarous, was in ancient times no word of disgrace, but attributed unto them which spake a strange language and not the natural language of the country. For so the Hebrews called also the ancient Egyptians, then of all nations the most courteous and learned, Barbarous, that is to say, so that they spake the Egyptian tongue, and not the Hebrew.

But in all Monarchies which go by election, there is one danger thereunto alwaies incident, which is, that after the death of the king, the estates remaineth a meete Anarchy, without king, without lord, without government, still in danger of ruine; as in a ship without a master, which oweth the wracke of it selfe into the first storme or wind that ariseth: the thees and murderers in the mean time at their pleasures committing their murders, and such other their most hainous outrages, with hope of impunity; as the common manner is after the death of the popes, of the kings of Tunes, and in former times after the death of the Sultans of Egypt. For there have bene such as have committed fittie fundic murders, and yet have alwaies had the popes pardon therefore: the popes at their first entrance into the papaste, still pardoning all men their offences whatsoever; and so murders and reuenges commonly referred unto the popes death, remaine then unpunished. So that in the yeare 1522, there were two executed at Rome, whereof the one teared him selfe Pater noster, and the other Aue Maria, who at divers times had stabbed and murdered an hundred and sixeene men, as was then prove. And the first thing that they commonly doe, the Papall seat being vacant, is to breake open the prifons, to kill the gullors, to enlarge the offenders, to revenge injuries by all means: which continueth vntill that the colledge of cardinals have agreed of a successor, wherein sometime they have bene at such discord and variance among them selues, as that the feast hath bene vacant two yeares and foure moneths together: as it chanced after the death of Clement the 5: yea & sometyme to yere, as after the election of the duke of Savoy, named Felice. We read also oftentimes two or three popes, and as many emperors; to have bene chosen at ones; and the empire to have stood vacant a yeare or two together, yea whole eighteene yeares, after that William count of Holland, the emperours, was flaine. And albeit that the princes electors made offer of the empire vnto the king of Spayne, Alphonso the tenth, yet so it was that he would not accept thereof, for the manifest danger that he was to put himself into by taking upon him such an estate, exposed vnto the will and pleasure of the subiects, vnto the enuie of princes, and the violence of murderers; all which time of vacauncie the wicked naturall estate are out of frame in all kind of loose libertie. Which in some sort to remedie, the Polonians (who have their kings by election) double the penalties for the offences committed during the choyce of the king, as I have learned of Zamojski now Chauncellour of Polonia, but as then ambassadour in France. So wee read also that during the elections of the Sultans of Egypt (before it was by the Turkes subdue, and...
by them vnto their empire united) the poore subiects, and the best townes and cities in the whole kingdome, were fack'd and rifled by the Mammalakes: vntill that some one of them by the content of all the reft was chos'n Sultan.

Now if some (to remedy the matter) shall say, That in the meane time there might a governour be eftablished; he is therein deceived, it being a no leffe hard matter, to make choyce of a lieutenant or governour, than of a king. But admit he might so bee made without any contradiction, by the content of all the eftates to whom it belongeth, to name their governour, yet who should be the suctect and warrant for his faith? Who should let him (having the power in his hand) to invade the eftate? who should dismate him being not willing thereunto? We see how Gustavus father of John king of Sweden behaved himselfe, who of a governour made himselfe a king, without expecting of any other election at all, and to let the regall power by strong garrisons confirmed vnto his posteritie. And to leave the governament vnto the Senat, as they do in Polonia, and did of auintent time in Rome, is no leffe dangerous, least in the meane time some of the stronger and bolder fort should possifie themselves of the fortresses and stronger places; as did Pompey Cnmmnum, and Anthonie Sanelle, who eiz'd vpon the Capitol at Rome, proclaiming vnto the people libertie. And in the time of such vacancie civill warres and diffentions are impossible to be aytoided, not only amongst the moft warlike nations, but euen amongst the church men also: so that it was neuer possible to provide so well, but that two and twentye popes had their heads chipt off, and many moe of them by strong factions driven out of their feates: not to speake in the meane time of them (in number almost infinite) who haue by popoyon (the common death of the bishops of Rome), perished. Ye we read that euen in the primitive church, Euam in the yeare of our Lord 356, there were six hundred persons slaine in the verie citie of Rome, about the election of Damasus and Epifcimus, whether of them should bee pope. Neither was that onely done at Rome, but almoft in euerie towne and citie, which had in them any bishops, all places were so filled with so many of Laodicta, that from thence forward it should not be lawfull for the people, to meddle with the choice of the bishops and prelates, or the bestowing of the ecclefaicall preferments. Wherefore Athanasius and Augufline, both bishops, appointed whom they would have to succeed them in their bishoppikes, the one at Alexandria, and the other at Hippona.

What should I speake of the Roman civill warres, and after them of the Germans, about the choice of their emperours? their booke's, their histories, and all their monumantes, are full thereof. Wherein we cannot without indignation and horror, remember the miserable wantoning countries, the mutuall slaughter of citizens, and lacking of moft noble cities, mischiefs still done either by the one side or the other.

And yet there is another inconvenience also, not to be omitted, which is, That kingdomes going by election, haue nothing in them which at one time or other is not subiect vnto all mens spoiles: so that even the publike demaines, and such as before were common, and wherein euerie man had a common inereest: we see them in a little time converted even vnto particular mens vies: so as we see it to have happened in the demaine of Saint Peter at Rome, as also in the demaine of the German empire. For the princes elect knowing well that they cannot long reigne, nor that they cannot leaue vnto their children any thing of the eftate, more than what they thinke they can by deceit and fraud put to and hold, care not to give any thing vnto the magistrates their friends: or by open sales and donations, to make their owne profit of the publike revenues and possessions. So Redolph the emperour for money exempted all the towns and cities of Tuscanye from the fealtic and obedience which they ought vnto the German empire: Robert also the emperour, gave three of the imperiall townes vnto his fonne:
sonne: Henry the first ceased upon Saxorine: Frederike the second enfranchised Nuremberg: Otho the third enfranchised Linz: Lewes of Bautiere did the like for the town of Egge: Henry the fifth fold all he could: and Charles the fourth being not able to pay the hundred thousand crownes which he had promised to every one of the princes electors, fold vnto them all the tributes of the empire, to haue them to chuse his sonne Charler emperor, as he indeed was: but afterwards againe throught out euery by the same princes who had before made choice of him. So that the principal and strongest sinewes of that Commonweale being cut in sunder, the whole body of the empire became so weake and seable, that Charles duke of Burgundie doubted not to take ware vpon the Germaine princes.

Another point there is also well worth the consideration, which is. That a man of base degree suddenly mounted vnto the highest degree of honor, thinketh himselfe to bee a god vpon earth. For as the wise Hebrew faith, There is nothing more intolerable than the snuffe become a lord. And on the other side such is the feruent loue of the father toward his sonnes, that he will rather confound heaven and earth together (if he have power to do) than not to leaue vnto them the crowne, but to let it reft in the voyces and choice of the ignorant people.

But let vs yet go further, for why these are not the greatest inconveniences. For where the people is to chuse their king, they mutt either make choice of a stranger, or of a naturall subject: Now if choice bee to bee made out of the naturall subjectts, then euer the most impudent and audacious fellow will by right and wrong look to aspire vnto the foureraigne: and if there bee many of them of equall power and grace, it is impossible but that there should be great factions, wherein the people should become partakers: or in case they were not equall, neither in verite nor wealth, yet so it is that they would presume themselves to be equall, and never agree one of them to obey another, but wishing rather to endure the command even of strange and wicked princes, than of another subject their equal. As it happened in Armenia (as Tacitus reporteth) where the nobilitie could endure none to bee their king but a meete stranger. And of late in Polonia Sigismundus Augustus the king beecing dead, and a contouertie ariuing amongst the nobilitie, euer one of them longing after the kingdome; a decree was made whereby all the naturall subjectts were enmaried from obtaining of the kingdome: as I learned of the Polonians embassador, whom I was commanded to attend after they were entred into the confines of this kingdome, to conduct them vnto Henry the king.

And in the remembrance of our fathers when as the Egyptian Sultans were chosen by the voyces of the pretorian fouldiers or Mammalukes, & they not able to endure one of them to be greater than another, had slaine diuerte of their Sultans: they at last to shint the strife, by their common consent sent their embassadors vnto Campion king of Caramania to become their Sultan, and to take vpon him the kingdome of Egypt being by them offred him. With the same calamities the Germaine princes also troubled, after diuerte mutthers of the emperours of their owne country, oftentimes made choyce of strangers, yea and those right small princes: as of one William earle of Holland, and of Henry earle of Litzembourg, one while also making choice of the king of England, and another while of the king of Spaine; yea, sometime such foraine princes refusing that same empire so offered them: For so Alphonse the tenth king of Spaine refurred the imperial crown by the princes electors offered him, which afterwards flood emplie about eightene yeares; as we have before saide. Sigismund also the first king of Polonia, refurred the kingdome of Hungarie, of Bohemia and Denmarke, being thereunto invited by the Estates. So also Lewes the twelth refurred the imperial crown of dietes to strange princes refurred.
Seignorie of Pisa: and the antient Romans (as faith Appian) refused divers people which would have submitted themselves under their obedience. But admit that the strange prince do not refuse a kingdom so offent him: which if he bee farre off from the bounds of his owne kingdom, hee must than either leave his owne, or governe the strange kingdom by his deputies or lieutenants: both things absurd and inconvenient. For who is he so foolish that had not rather to looke to his owne things than to other mens? and what nation or people can with patience endure to be governed by deputies? to fo haue them whom they would not, and to want him whom they made choice of. So Lewis king of Hungarie at the request of his wife daughter to Casimire king of Polonia, rooke vpon him the kingdom of Polonia conferred vnto him by the voyces of the people: into which kingdom he was inuested, and received with the greatest acclamations, and applauses of all men that might be: who yet shortly after, whether it were for that he found himselfe offended with the sharpneffe of the Polonian aite: or that he was allured with the pleasutes and delights of Hungarie, or that he was by the vowes and requests of his owne people called: returned home, leaving his vnto the Polonians (her countremen) with a traine of the Hungarians to attend vpon her: wherefo it was that the Polonians mindfull of the Great Casimire her father, for a space endured the womans foueraignetie; but could in no wise endure her traine of Hungarians. And fo alfo not long agoe Henry, Charles the French kings brother called vnto the kingdom of Polonia, his brother being dead, withall speed returned vnto his owne natural kingdom: howbeit the Polonians would by no meanes endure the governement of his deputies or lieutenants, but by voyce chose vnto themselfes a king: although that they could by no right or reason do so, but by the consent of Henry, vnto whom they had given all the soueraigne rights, whereunto they had not annexed any claue or condition (when as question was of the kingdom of France to fall vnto him) that hee should not in his abstinence by his deputies or lieutenants gouerne that kingdom bestowed vpon him: as hath bene alwayes lawfull for all princes to do. For it is an old axiom, a donation once consummate and perfected not to admit any moe conditions. But admit both the kingdoms confine together, as doth Polonia and Hungarie: what doue is there but that he will, if he can, make one kingdom of two: or change an Aristocratique estate into a tight Monarchie: yea, and that by force of armes, if the nobilitie or people shall withstand him, whereof we have an example of the Emperour Charles the fifth, who after the overthrow of the Germaine princes had changed the Aristocratic of the Germaines into a kingdom, and had caus’d his sonne Philip to be sent out of Spain into Germaine, to haue made him king of the Germaines, had not Henry the second the French king most mightly withstood him, and so broken his desigines. The occasion of Julius Pflugius the Bishop is yet extant: wherein hee laboureth to persuade that one thing especially, viz. that the most faire foundations of the Germaine empire might be layd. And in case that the prince cannot ioyn the kingdom which he hath got by election confining vpon him, vnto his owne natural kingdom: yet will he so much as in him lieth draw all the profits, fruits, and revenues of the strange kingdom vnto his owne: and having taken away the voyces from the nobilitie whom hee hath in his power, shall appoint or caufe them to chuse whom soever please him to succeed him: as the kings of Denmarke, of Thunes, yea and the Germaine emperours also themselves by a cultume of long received from their ancestors have vfed to do: in such fort as that the rights of elections by voyces, seeme to be utterly taken away. So Ladislaus king of Bohemia, the sonne of Albertus, and the emperour Fredericke the third his nephew, by the voyce of the people choosen king of Hungarie by a certaine bond of fealtie, left that
that kingdom vnto his nearest kinsmen all most hereditarie. And albeit that Mat\thias Ccortexus the fonne of the noble Huniates (Ladislaus being dead without iufue) by the voyces of the people obtained that kingdom (they alwaies pretending that the right of the choice of the king belonged to them; and that the succifion of the next of kinne was not to take place) yet for all that Fredericke his nearest kinman was about both with his owne power, and the strength of the whole empire to haue invaded that kingdom, and had undoubtedly so done, had not Matthias by his promise put him in hope of the kingdom for himselfe and his pofteritie: if he should himselfe die without iufue, as by chance he did. Howbeit, yet neuertheleffe that Matthias being dead, the Hungarians made choice of another Ladislaus king of Bohemia and Polonia also: without regard of the convention and agreement before made with Fredericke, which was the caufe of a most great and euill warre for the kingdom of Hungarie: which could by no meane be appeased: vntill that by all the degrees of the people of that kingdom it was decerte that it shou'd from thenceforth be hereditarie: and that after the death of Ladislaus Maximilian the fonne of Fredericke should succeed in that kingdom, as indeed he did: But his nephew being left under age, and the estates of the kingdom prettending to haue the right to make their choice of his gouernours; against Fredericke who sought to step into the gouernement of Hungarie, and to take vpon him the guard and protection of the yong king his nephew: the people of Hungarie, yea, and the fifter of Ferdinand (the yong kings mother) chose rather to cast themselves in to Solymax the great Turkes lappe, and fo to betray both king and kingdom, rather than to endure the gouernement of the emperour Ferdinand in such fort, that they for the maintenance of the right of their election, are now fallen into the perpetuall subdue\tude of the Turk: haue not onely loft the right of their election, which they so ftruie for; but in hazard also to loose their lawes, libertie, and religion: as the common custome of all strange princes is (as much as in them lieth) to change the lawes, customes, and religion of the people by them subdued, or oppressed, and to entice them, or otherwise to enforce them to embrace and follow their fashions, manners, and religions: and was as should seeme the principal caufe why God forbid his people to make choice of a strange prince to reigne ouer them.

And yet in matter of election the way being open to manie competitoris, if the matter be to be tried by force, alwaies the moft wicked and deceitfull: or elles the moft hardie and aduenterous, put all vpon hazard to attaine theireunto: And ifit hap the moft vertuous to be choisen, his life is still in danger of the competitoris being of greater power: as in Germanic it hath bene scene: where within this 360 yeares, since that Monarchie fell into election, there haue bene eight or nine emperours flaine or poy\foned, and among others, William of Holland, Rodolph, Albert, Henry the feuenth, Fredericke the second, Lewis of Bauaria, Charles the nephew of Henry, and Gunther: beides all them who were most shamefully thrust out of the imperialle feate. And of 15 Sultans which were choisen kings of Egypt, there were feuen of them flaine: namely, Turqueman, Melashall, Cohus, Bandocader, Mehemet, Cercafe, and Gipalp. And of the Romaine emperours after the death of Augustus, there were feuen one after another maffacred, poysoned, or strangled: and that three of them in one yeare, oppress"ed onely by the conspiracie of citizens. Yea, the pretorian fouldiers sometime\s flew the emperours to haue a new, onely vpon hope of gifts and large fees. But still hee of whom the Senators made choice, displeased the legions and men of warre; yea oftentimesuer armie, created an emperour, in such fort as that at one time there were thirtie Romaine emperours choien in diuertie places, and among them one woman, viz. Zeno\hia: all the empire being in euill warres and combution who should carry away the state.
no end thereof being to be found vntill that the rest were by the power of one all op-
prest. Neither was there any affiранce in the estate, if the sonnes either lawfull or
adoptive succeeded not their fathers without election, so as did Titus, Trajan,
Adrian, Antoninus Pius, Marcus Aurelius, and Commodus. But if any of the em-
perors gave not order for the adopting of his succedour, in case hee had himselfe no
children, the commonwealth always fell againe into ciuill wars. And for this cause the
emperor Adrian fearing left the estate shoule fall into election, he himselfe having no
others the rest had none that was not to adopt Antoninus Pius, but also caueth him to adopt
Marcus Aurelius, and Edins Vetus: following therein the wisedome of Augustus,
who to prevent the warres oftentimes arising about election, adopted his two little
nephews Caius and Lucius: who both dying without issue, hee adopted also his third
nephew Agrippa, and with him Tiberius his sonne in law: yet with condition that hee
should first adopt Germanicus. And they which were so adopted and appointed heires
of the empire, were called principes iuuentutis, or princes of the youth: and afterward
of the Germaines; reges romanorum, or kings of the Romans: to the end that even in
estates and Monarchies going by election, there might yet be some certain successor.
For so Henry the third the emperour whilst he yet liued caueth his sonne to be chosen
king of the Romans, and his grandchild to be also by him adopted. And Charles the
fourth after that caueth his sonne Wenceslans by the electors to bee designed to the em-
pire, but not without a great summe of money: vnto whome succeeded his brother
Sigismund, who afterward adopted his sonne in law Frederick the third; who againe
caueth Maximilian his sonne to be adopted emperour. Neither was it to be doubted
but that Philip, Maximilian his sonne, shoule have raigned ouer the Germaines, had
his not his untimely death prevented his fathers hope. And all bee it that the estate and
princes of the empire, the imperiall state being as then vacant, had many great princes
competitors in the same; yet so it was that they deemed the grand child of Maximili-
ian (Charles, then a very yong man, and nearest vnto Maximilian in blood) by a certaine
successor right worthie to be preferred before the rest of the princes. And allbeit that
the Bohemians, the Polonians, the Hungarians, Danes, and Tartars, will by no
means suffer the election of their kings to bee taken from them; yet thence thine
that their kings sonnes ought still in their choice to be preferred before all others, that by
the benefit of succession all the occasions of ciuill wars might bee prevented and taken
away. For which caueth Sigismundus Augustus king of Polonia and left of the house of
Iagellon, hauing but two successors, assembled the estates of the kingdom to consult
concerning his successor; hauing before vnitid the dukedome of Lituanus vnto the king-
dome of Polonia: whereunto for all that the estates would not consent, fearing to
loose their right of election; or that he should have givin them a king contrarie to their
good liking. And at the same time as it were, the parliament of England was holden
at London in October 1566, where the estates preferred a request vnto the Queene
for the providing of a successor vnto the crowne, to avoid (as they sayd) the evident
dangers whereinto the kingdom was like to fall, if it were not foreseene and prouided
for; and that they were resolved not to speake of any subsidie, or other thing whatsoe-
er, vntill that matter were determined. With which request howbeit that the Queene
was much troubled; saying, That they would make her grace before she were dead:
yet so it was that she promised them therein to follow the counsell and advice of such
as were the wisest in her land. For a kingdom going by succession still falleth into ele-
cution when there is none left next of kin, neither of the fathers side nor of the mo-
thers; in which case it is necessary to provide before that the matter so fall out, whereas
otherwise the estate is in great hazard to be quite overthrown: as it happened vnto
to the estate of Milan in the yeare 1448, after the death of Philip Maria the last of the
heires male of the house of Anglerie, which in successtive right had holde[n Milan
foure hundred yeres: when as the people seeing themselves in full libettie without
any lord or foutraigne, resolved to maintaine a Popular estate razed the castle Ione,
burnt the last dukes testament, chose twelve Senators; and after that having made
choice of Charles Goverta for their general, most crueltie butchered all them which
took part with Frances Sforce, who being a man but badly borne aspired to the fout-
raigne, as having maried the base daughter of Philip the last duke, as also by the adop-
tion which the duke had made of him. At which seue same time the emperour Freder-
ichte the third claimed that dutchic, as a fea devolued to the empire for default of heires
males. And Charles of Orleans on the other side claimed it as belonging vnto him in
the right of his mother Valentine, both the naturall and lawfull sifter of the last duke.
During which quarter the Venetians (as their visuall manner is) to fift in troubled
water, without any right at all, posseffed themselves of Cremona, Londe, & Placence,
all members of the dutchic of Milan. The duke of Sauoye tooke also Noustre and
Verfel: Sforce, Pauie, and Dervon: and the people of Milan vnable now to manag-
their estate at home, or to defend their territorie abroad; and yet abhorring the go-
ternment of one, and not well knowing vnto what Saint to commend themselves,
voluntarily submitted themselves with their citie vnto the Venetians, by whom for all
that they were rejected. So that in fine all the Christian princes and states their neigh-
bours, were vp in armes and together by the eares for the estate; and for all that the last
duke provided not for his succesor as he ought to have done, in following that which
was resolued and agreed vpon at the treatie of the mariage made betwixt Lenes duke
of Orleans and Valentine his sifter: neither in taking vnto him Charles of Orleans his
nephew, and right heire of his dukedome so to have adopted him, and brought him
vp neere vnto his person, but adopted Sforce who had marrid his base daughter, being
but the first gentleman of his house.

But the royll flocke being extinct, the last thereof may by right adopt vnto him-
selle his succesor, except the nobilitie or people claime the right of the choice of their
prince to belong vnto themselves. For if the last prince of the bloud shall appoint no
man to succeed him, the soutraigne is to fall vnto the people. It beeing a common
matter for Monarchies neuer to fall into election, but when the Monarch dying with-
out heires hath not provided a succesor. For so the line of Charles the great beeing
viterly extinct, when as the last king of the Germaines had adopted none to succeed
him, Henry the Faulconer duke of Saxonie was by generall consent of all men created
emperour: wherefore for that all the Germaine writers are at variance among them-
selves: one of them thinking Ar麻ulous; and another Charles the fonne of Lenes king
of the Germaines to have bene chosen emperour, and that not by the voyces of the
people, but of the fffe princes onely: and that eleclive right to have beene at length
conferred vnto seven of them who were therof called the princes electors: and that
to have happened about the yeare 1250. But let us now come vnto our owne histo-
ries. Many there be which have reported the kings of France in antiquitie to have
bene created by choyce, and so that kingdom to have fallen into election: but all that
vitruly. For why that must needs have bene done in theaigne of the Merouignes, or
the Carligues, or of the Capets.

Now concerning the first line which is of the Merouignes; Agathius a Greeke au-
thor of great authoritie and antiquitie (for he flourished about the yeare 500) writeth
the French nation having chosen the best forme of a Commonwealth that was pos-
sible (that is to say the royll Monarchie) to have therein surpased all their neigh-
bours.

About what time
the seven princes
electors were first
appointed for the
choice of the em-
perour,
The error of the
which have
thought the
kingdom of
France to have
been created in
antiquitie,
ruduced.  

The dutchic of
Milan dismem-
brad the line of
the viscountes
of the house of
Anglerie falling,
bouts: neither to have had any other kings but by the right of succession. And the same author in another place saith, Theodebert the sonne of Thedoric and nephew to Clodoveus, being yet under age and the governement of his tutor, to have beeene called vnto the crown according vnto the manet and fashion of their ancestors. Cedrinus also another Greek author, and he also very antient (who writ in the yeare 1585 in the time of Philip the first the king of France) reporteth the French men to have had no other kings, but by a successeful right, after the antient manner of their ancestors. Wherein he sheweth the aforesaid three lines of the kings of France to have vfed the right of succession. And if so bee that first Charles, and after him Carlomayne the children of Pipin caufed themselues to be both chosen by the nobilitie (as indeed they were) yet was not that done but only so by the power and fauour of the nobilitie to assure their effaires, & to stop the mouths of such as were yet left of the house of the Mercougnies, as in like case some of them did also of the house of Capet, who had thrust out them of the house of Charлемaighe. As for that which is reported of Osbo, him by the consent and voyces of the nobilitie to haue bene created king: he at the time of his death callinge called together the princes of the kingdome, protested him to have so done, not so much that he himselfe might reigne, as to keep the kingdome and the Commonweale whereby he was put in trust, in falefie vnto Lewes the Stammerer to whom he was appointed tutor. Robert Osbo his brother in challenginge the kingdome as it were in the right of succession after him, was slaine in the battell of Soiffons. Rodolph also borne vnto the duke of Bourgundie caufed himselfe also to be chosen, to exclude Charles the Simple, from whom the castle of Berone wherein he then was kept prisoner, Harbert countie of Vermandoys had in fauour of this Rodolph extorted his resignacion of the crowne. And after that Hugh Capet had wrested the scepter out of the hands of Charles of Lorraine, he caufed his sonne Robert whilst he himselfe yet liued, to bee crowned; and he likewise his sonne also, Henry the first; and Henry, his sonne also: and so vntill that one of the daughters of Baldwin earle of Holland and regent of France, descended from the eldest daughter of the aforesaid Charles of Lorraine, and so lineally from Charлемaighe, was mated vnto Philip the first, and was mother vnto Lewes the Groffe: whereby the secret grudgings & hatred of the people against the Capets were appeased, & the fire of joy and blisse kindled, to see one of the race of Charлемaighe, and of the bloud of Saint Arnolphe, joyned with the flocke of Capets. And if any conjecture there be, whether any man should thinke the kings of France to haue bene by election created: it may be best seeme to be drawn from the manner of the coronacion of the kings: For before the king that is to crowne take his oath, the two Bishops of Laon and Beauvois standing on both sides of the king, and lifting him vp a little from his throne, and then turning themselues vnto the people there present, demand of them whether they will have that man to reigne over them or no: whereunto they giveng their consent, the Archbishop of Reims taketh his oath. So that they which write the kingdome of France to go by election, haue had no further regard but only vnto the manner and forme of the chusing of the king (if it ought at all to bee called a choice) the manner whereof is yet to bee seen in the Librarie of Beauvois, and which I haue also taken out of the Librarie of Rheimes, and descrituell well to be set downe at large, whereby it is to bee vnderstood, in what sort our kings haue beene in antient time crowned.

The title of the antient written booke of Rheimes is this, LIBER IVLIANII AD ERRIGIVM REGEM: The booke of Iulian vnto king Errigius: (meaning Erricius the father of Philip the first) The words of the booke are thefe, AYTO 158 indictione xij Henrico regnante xxxij, & JJ Cal. Inni in die Pentecostes Phil-
A. lippines rex hoc ordine in maiore ecclesia ante altare sanctae Mariae a venerabile Archipresbytero consecratus est inosta. Mifs antequam episcopos legentur, Dominus Archipresbyturus verit se adeun, et expousit ei fidem catholicam se sitisse, as ab eo eustrum hanc credere, et defendere vellet, quia annuente delata est eius professio insignum accipientis ipsius legit, dum ad hoc septemni est, eisque subseripti: erat autem professio eius hie: EGO Philippus, Deus proptereaque max futurum rex Francorum in die ordinationis me promitto coram Deo, et sanctis eius, quod unicaque de nobis commissis canonici privilegium, et debitam legem, atque institutionem adiunante Domino, quantum potero, exhibit, sicut rex in suo regno omnino Episcopo et ecclesiae sibi commissa, per rectum exhibere debet: populoque nobis credito me dispensationem legum in suo more consuetum, postrima autoritate concessivum. Qus perrecta posuit eum in manus Archipresbytero, ante flande Archipresbytero Suosionensis, &c. Accipientibus Archipresbytero basilumarum. S. Rheinguiss, differuit quidet & pasque quomodo ad eum maximè pertinere electio regis & consecrato, ex quo sanctissimus Rheingi Thuodicum baptizavit & consecrarit, differuit eum quomodo p. illorum basilumarum consecrandi potestatem & totum Galliae principatum Omnibus papa sancto dedicavit Rheinguiss & quomodo victor Papa sibi & ecclesiae suo concesserit. Tunc annuente patre eius Henrico, legit eum in regem post eum. Legati Romani sedes eum ad sine Pope nutriuenti licentiam non esse deferrentiubit: honoris tamen & amoris gratia tum ibi affuerunt: Legati Lotarius Soli, Archipresbytero, Episcopo, Abbatis, Clerici; Duc Aquitanie, filius, Legatus Ducis Burgundiae, Legati Marchionum, & Legati Comitis Andegauensis: post Comites Vandenasis, Fervendensis, Pontticensis, Suosionensis, Anurencis, post milites & populis tam mores quam minores vmo ore conscientes landauerunt, ter promissantes: LAVDVM, VOLVMVS, FIALT. In the year 1508, the twelfth of the indiction, of the reign of king Henry the xxix, the iiij of the Calendes of June, on Whitunday, king Philip was in the great church, before the altar of blessed Maria, by the most riotuetend Archibishop in this order crowned: Maffe now alreadie being begun, & before the reading of the Epistle: the Lord Archibishop turning himselfe vnto him, declared vnto him the Catholike faith, asking him whether he beleued the same, and would also defend it. Whetunto he granting, his professio of the same was brought forth, which he taking read it, (being as then but feuen yeares old) and subcribed to the same, whose professio was this, I Philip, by the grace of God, by and about to be the king of Francie, upon the day of my inuesting do promisie before God and his saints, to keep canonical priviliege, with due law and inuicto to euery one of you the comunities: as also so much as in me lieth by the helpe of God, to defend you, as a king in this kingdom of right ought to doe vnto euoric Bisphop, and to the church committed to his charge: as also by our authoritie to grant vnto the people committed vnto vs, the administration of our lawes, standing in the full power. Which professio to read, hee put it into the Archibishes hands, &c. (Here are twentie Bishops and many Abbats, by name reckoned vp, and immediately after) The Archibishop taking the saffe of Saint Rheingius, calme and quietly declared: How that vnto him especially belonged the choice and consecrating of the new king, cuer since that Rheingius baptizated and consecrated king Lewes: declaring also, how by that saffe of Hormidas the pope gaue vnto Saint Rheingius this power of consecrating the kings, with all the kingdoms of France: and how the Pope Victor granted the same also vnto him and his church. And to his father Henrie consenting thereunto, chose him to beking after him. The Legats of the See of Rome hauing there reasoned it, not to be a thing lawfull without the licence of the Pope, were yet for loue and honours faked there present: as were also other ambaffadors, as Lotarius Soli, with other Archibishopis, Bishops, Abbats, Clarks, the young Duke of Aquitane, the ambaffadors of the Duke of Burgundie, the ambaffadors The archbishops of Rheims pretend to have the choice of the French kings, this Lewes is rather to be called Clovis, otherwise in ancient time called Huwich.
fadors of the Marqueffe, the ambassadors of the Earl of Angiers, after them the Earls of Vansode, Vermadoit, Soifions, and Aucherne: after that the Souldiers, and people, as well the greater as the lesser, with one consent commended him, crying out thrice aloud, *we prayse him, we will have him: Let it be done.* These things wee have word for word written, he which were nearer yet in print. They therefore which thinke the kings of Fraunce to have bene in auntient time created by the voyces of the people, vnderstand not the bishops of Rheims to have affirmed, that to have bene giuen vnto them by a certaine singular privilege from the bishops of Rome: howbeit that it can in no wise agree with the faith & obedience which the archbishops of Rheims have vied to giue vnto the kings of Fraunce. Wee read also, that Charles (he which for want of wit was surnamed the simple) was crowned by Fulke the archbishop of Rheims, in the right of his nermenfle of blood, and not in the right of any election by voyces. Whereby Otho so chofen, pretended himselfe to be king: and vnto whom complaining of the inurie done him by the archbishop in crowning of Charles: Fulke anfwered, That he had made choyce of Charles, according to the manner and custome of his ancesftors, who had not vied to chufe kings, but of the royall stocke & race of kings. Whose letters written vnto that effect to Otho are yet extant. Whereby it appeares, that if ever any man had the right of election, it belonged vnto the archbishop of Rheims, or that at leaftwise he was in the pooffesion thereof: and yet for all that, that he could not make choyce of any other king, but of the princes of the blood. But to shew that the right of the crowne of Fraunce still descended vnto the heire male next of blood and name, it appeareth not only by the authoritie of them whom we have before noted, but yet more also by the cruel and bloodie warre, that was betwixt Lothaire, Lewes, and Charles the Bauld, grounded upon this, That their father had giuen the better part, and the regal (eat of Fraunce, to Charles the Bauld his youngeft sonne: howbeit that all the three brethren were kings, governing their diuided kingdoms with royall soueraignetie. And for that Henry the first, king of Fraunce, the younger sonne of Robert, had bene chosen by his father, and his elder brother the duke of Burgundie rejected: he fearing left the children of his elder brother, should in their fathers right lay claimes vnto the crowne, and so put all Fraunce into ciuill warres, as it had before bene in the wars betwixt him and his brother; to preserve the same, hee caunted his sonne Philip, so foone as he was but fourteen yeares old, to be crowned king of Fraunce. Which yet was done without any forme of election at all: except perhaps, that forme would absurdly say, The election of the kings to belong vnto the archbishops of Rheims, as giuen them by the pope, mistaking the consecration, for the creatiion of them. Howbeit that the seuer consecration of them, properly belonged not vnto the archbishops of Rheims alone: king Lewes the Grosse being consecrated by the archbishop of Sens, in the cite of Orleans. Besides, that the archbishops of Rheims foolishly pretend them to haue that from the pope; wherein the popes themselfes haue no right, no more than they haue vnto the empire, which they haue made fugue vnto their elections; and by thursting the fickle into another mans haruest (as faith Alberic the lawyer) have against all right made lawes concerning the estate of princes, binding the emperour to giue vnto him the oath of fidelitie: challenging vnto himselfe the power to depose him: as all other kings also. Howbeit that the bishops of Rome do themselves by their decrees confesse, the French kings to be altogether free from the popes obedience & servitude: neither to acknowledge any one greater than themselves, next vnto God. And that is it for which they say in this realme, *That the king neuer dieth.* Which auntient proverb theweth well, that the kingdom neuer went by election, & the kings thereof hold their scepters neither of the pope, neither of the archbishop of Rheims, nor of the people, but
only of God alone. And I remember a lawyer, a most famous pleader of his time, who to serue the cause he had in hand, saide in his pleading, That the people of Fraunce had giuen the power vnto the king: alleging therefore the words of the great lawyer Vitian, where he speaking of the Roman emperor faith, Lege Regia de eius imperio lat., populas ei & in omnem fium potestatem Contulit, By a royall law made concerning his power, the people conferred vnto him and vpon him all his power: whereas the kings people suddenly attile, requeting the court in full audience, That those words might be rafed out of the plea; shewing that the kings of Fraunce had never received their power from the people. Yea the court therefore sharply reproved the saide lawyer, causing the words, at the requent of the Attourney general, to be rafed out of the plea, forbidding him any more to use such speeches: who neuer after, as euery man knoweth, pleaded cause in that court. But yet this is made more plaine by the solemnitie commonly vied at the kings burials, where the kings garments, weapons, scepter, and armes, are so soone as the king is buried cast away; an herauld at armes with a loud voyce proclaiming thrice, Rex est mortuis, or, The king is dead. And even he the same man, presently after aduaning a banner with the Lillies in it, the proper armes of this nation, eriete likewise, Fuit rex N. eique vitam dimituere ac felicem Deus largi- tur, God laue king N. and graunt him long and happy life. The like maners and customes vse the English, the Scots, and Spaniards, with whom (as with vs) the kingdom is by right of succession giuen vnto the nearest of kin. The like ceremonies are vied also amongst the Bohemians, the Danes, and Polonians, but yet not before that another king be by voyces created.

But now those dangers which we have said to follow the election of a prince, belong not more vnto the kings and princes themselues, than vnto them that chuse them: for if the king be to be chosen by the voyces of the whole people, all must needs be full of seditions, factions, and murders. But if the nobilitie, or some other estate onely, shal chalenge vnto themselues alone the right of chusing of the prince, the rest of the estates will grudge and repine the eat, that which is of right due to all, to be giuen to some few. Yet could nothing be devised more commodious or expedient for the avoiding of the factions of the feitious, and of cuill warses, than to take from the multitude of princes and magistrats, the election of the foure saigne prince or king, & to communie it with some few. For so the German princes (who in antiquitie time were fiftie foure, and now almost foure hundred) have giuen all the right of their voyces, for the chusing of the emperour, vnto the feuen Princes Electors. Neither yet in so great fewnesse of them, doe they still well agree, but sometime being at difcord among themselues, have chosen two emperours at once: as namely Albert of Austria, and Lewes of Bavaria, who for the space of eight yeares made most cruell warses, of which them selfe should as emperour rule and saigne one of them over the other, all that while one of them still spoiling and ruinating the townes, castles, and villages, of the others favourtis and part-takers. So in like manner the cardinals (who were but twelve) after the death of pope Clemency the 4, for the great diffentions and factions of the mightie, differed the election of the next pope three yeares: and in fine chose the archdeacon of Leedes, who was then gone to Hierusalem, and was afterwards called Gregorie the tenth: & who for that cause bound the college of cardinals vnto most strict laws in the choyce of the pope, and yet could he not to prouide, but that after his death, they at once made choyce of three popes, and ofentimes of two; in somuch that at the last it was needfull to shut them vp, and to statute them with hunger, if within a certaine appointed time, they did not denounce him pope, who had at the most two parts of the voyces: which yet is more straitly kept in the chusing of the Grand Maister of the Knights of the order of Saint John:
for they must up the twentie foure electors, before nominated by the knight, without either meat or drinke, who must chuse one who is not of that number of the twentie foure, and that within a short time limited them. There have bene many such factions, suits, and murders, as have happened in this realme, about the election even of the infirmest bishops, as have oftentimes troubled the state even of the most famous cities, and wherein he that was the most vitiuous and ignorant most commonly carried away the matter: than which no greater cause seemeth to have bene, whereasfore the voices for the chusing of bishops have bene taken from the collidges of priests and monks, and given to princes: as the Chauncellour Patr declaered, at such time as question was in parliament, for the verifying of the agreement made betwixt king Francis the first, and Leo the tenth: For which cause also the bishops and abbats in Moscouie, are drawn out by lot.

And yet notwithstanding the onely colour that men have to maintaine election, is to say, That the more worthy men are so chosen to be emperors, popes, bishops, and prelats. Wherein I referre them vnto the histories of all ages, which will say the contrary: and that there have seldome bene more vicious and wicked men, than were the most part of them who were by choyce and election preferred; which were not now by examples to verifie: but thus onely I say, that if the right of succession had taken place, Nero, Heligabulus, Otho, Vitellius, and other such monsters of nature, had never come vnto the Roman empire: Augustus, Trajan, Adrian, both the Antonines, with other the emperours excelling in vertue and wisdome, who by adoption (as by the lawfull right of succession) obtained the empire, should have bene excluded. But were it so that the better princes were still to bee chosen by the suffrages and voyces of the nobilitie, or of the people, or of other the wiser; yet so many and so great inconveniences are on euery side attending, as that it were better to want good princes (howbeit that we cannot by this means have them) than to have them with so great daunger of the subjectts created and chosen, especially so long as the right of succession may take place. But the line of the monarchs sayling, and the right devolued vnto the electors: in this case it is much fitter to proceed by lot, having made choice of the most worthie persons, or of such as be equall in nobilitie, or in vertue, or in power, so the end that one of them may be drayne by lot, rather than to enter into tearsmes of election; provided that the name of God be first called vpon, in following the forme of the auncient Hebrewes, who still saide, Lord God direct thy lot, to the end that all electe and witchcraft may be from hence abstaine. So the great Prophet Samuel, when question was for the making of a new king, caused all the people to bee assembled, and the lot to be drawnne for all the twelve Tribes, which falling vpon the Tribe of Benjamin, and lot cast also vpon the families of that Tribe, in the familie of Cis the lot fell vpon Saul, whose name Samuel by the commandement of God had before appointed, to the end the people should not think that the kingdom was vnto him by chance onely fallen. But after that the Monarchy is once esstablished, men haue commonly had regard vnto the prerogative of sucessefull right, without vsing either of election, or lot. So the euen great princes of Persia, Cambyses being dead without issue, vced lot, or rather the neyning of an horse for the chusing of their king. Yet wee see Darus having once by lot got the kingdom, the foueraigne of the state to haue bene afterward by sucessefull right derived vnto his posteritie.

Now it is not enough that sucessefull right take place in the descending of a kingdom, but that the neerest of kin vnto the foueraigne monarch succeed him also: my meaning is, among the males, and those of his name, which is (to speake properly) the elder, as the first descended of him. For so the order of nature willeth that the elder should
A should doe for most next after the father, and that the rest should every one of them follow in their degree, and so by consequence, that he should be preferred before the others. And this law a man may say to be natural, and such as hath beene almoit to all people common. For so said Perseus, that by the right of nature common vnto all nations, and by the custome intuitively obtayned in the kingdome of Macedon, the elder was still to succeed into that kingdome. And for that reason (as faith Diodorus) Alexander the Great carried away the crowne of that kingdome, from the rest of his brethren. As the manner was also in the kingdome of Parthia, where the eldest of the house of Arsaces their first king, and the nearest of his blood succeeded: following therein (faith Justin) the antient custome of the Parthies. In like manner amongst the Hebrewes, the kingdome of Iuda was giuen to Ioseph, for that (as faith the Scripture) he was the eldest. And so Herodotus himselfe (the most antient of all the Greekke historiographers) faith, That generally in all kingdomes the custome was, that the elder should by right of succession have and enjoy the scepter and diadem: yea and more than fourte hundred yeres before Herodotus (as faith Corninus Messala, in his booke dedicated to Augustus the emperour) Ibus as the elder brother, was preferred vnto the kingdome of the Latines, before Affaracus the yonger brother. We read them also of the West Indies (although men of all others most devoued of humanitie) to haue also vied this same natural law, for the eldest to succeed before the younger. And that when

Francis Pizarra Generall of the Spaniards, conquering the kingdome of Peru, caused Attabalippa the king to be putt to death: all the people thereat rejoyced, to see him die that had causd his elder brother to be slaine, so to become king himselfe, contrarie to the custome of the countrey, and his fathers will conformable thereunto: who hating two hundred children, yet by his will appointed that Gaza his eldest sonne should alone succeed him in his kingdome, without diuiding of the same. And albeit that the children were twins, yet so it is, that the prerogative of the kingdome is to be kept vnto him that is first borne, & so to be left, witnessed by most manifest proof: least such like quarrell should arise for the prerogative of birthright, as did betwixt Iames king of Scots, and the duke of Albaine, being twins: which kingdome the duke complained to bee wrongfully taken from him: king Iames maintaining the contrarie, for that he was the first borne. And so always when men would force and violat this naturall successiue right, great troubles and ciuill warres haue thereof ensued: as it happened for the kingdome of Alba, invaded by Eumulus, being of right due vnto Numitior the elder brother, & to Aristobulus king of Iudea, thrust out of the kingdome by the sentence and doom of Pompey the Great, to make an end of the ciuill warres and seditions: the kingdome being to restor'd vnto his elder brother Hercaeus, without respect to that which Aristobulus allowed, his said brother not to haue bene fitte to beare arms, neither yet to govern a kingdome. A reason and colour for which the fathers and fanatories have oft time troubled the right of their children, to set the crowne due vnto the elder, upon the head of the younger. As did Ptolomie the first of that name king of Aegypt, who contrarie vnto the law of nations (as faith Justin) preferred the younger brother vnto the kingdome before the elder, which was the caufe that one of them flue the other. In which errour Ptolomie futnamed Physson offended also, who persuaded by his wife Cleopatra, preferred the younger brother before the elder: but was no sooner dead, but that the people expulsd the younger, and restor'd the scepter vnto the elder. Anaxandrides also king of Lacedemonia, preferred Darioes before Cleomenes his elder brother, for that he was the more ciuill: and yet the historic faith, that the people thereof grieuously complained, as of a thing done contrarie to the law of nations. And albeit that king Pyrrhus said, That his will was, that he of his children should succeed him, which

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had the sharpest sword; meaning thereby the most valiantest of them: yet the people after his death preferred the eldest, although vnfittest for warres. For whatsoever valour, courtestie, beauty, or wisdome there be in the yonger more than in the elder; yet should not the father therefore, contrarie vnto the law of nations, preferre the younger before the elder: howbeit that the exterior utmost and feature of the bodie hath deceived many. Foolishly therefore do those parents, which overcome with the flatterie of their yonger fonnes, and disinheriting the elder of their kingdomes, have incensed their children most cruelly to mutter one another: so as did the father of Adreas, and Thyesel, who willing to preferre the younger before the elder, as the fitter for the manning of the affaires of state, so filled and foyled his house with most cruel and horrible tragedies. But more foolishly doe they, which search into the natiuitie of thier children, so to belowe the kingdome upon whom the flatteres seeme to fauour most: as did Alphonfus the 10. king of Cathile, who by this means would have preferred the yonger brother before the elder: who for the disgrace so offered him, flew his yonger brother, and caused his said father for griefe to die in prifon. In like case almost Gabe- riel the yonger fonne of the Marquesse of Salusfe, by the content of his mother cast his elder brother into prifon, pretending that he was out of his wits: who yet breaking out of prifon, recovered his principalitie, & having chafed out his brother, coupt vp his mother in the same prifon, wherein hee himselfe had but a little before beene shut vp. And not to seeke further from home, wee have seene all this realme on fire with civill warres, for that Leues the Denou, at the intreatie of his second wife, had preferred Charles the Baud, before Lothaire his elder brother. Wherefore pope Pius the second did wisely, in reiecting the request of Charles the feuenteenth French king, defirous to have preferred Charles his yonger fonne before Leues the 11. his elder brother: howbeit that the king had reafon so to do, considering that Leues had without any ift occasi- on, twice taken vp armes against him, so to have taken from him the crowne, and to have pluckt the scepter out of his hand. Now it is fo late from that the first begotten, or eldest fonne, shoulde for cowardice or want of courage, be imbarrred to succeede vnto the crowne, as that he be mife-hapen and deformed also, ye ought not the prerogative he hath vnto the crowne by his birthright for that to be taken from him. Howbeit that it much concerneth the Commonweale to have kings that be not deformed. Whereunto Lycurgus and Plato, would have preferred Charles his yonger sonne before Leues the elder brother: howbeit that the king had reason so to do, considering that Leues had without any just occasion, twice taken up armes against him, so to have taken from him the crowne, and to have plucked the scepter out of his hand.

Now it is so late from that the first begotten, or eldest son, should for cowardice or want of courage, be hindered to succeed unto the crown, as if he be misshapen and deformed also, ye ought not the prerogative he hath unto the crown by his birthright for that to be taken from him. Howbeit that it much concerneth the Commonweale to have kings that be not deformed. Whereunto Lycurgus and Plato would have preferred Charles his younger son before Leues the elder brother: howbeit that the king had reason so to do, considering that Leues had without any just occasion, twice taken up armes against him, so to have taken from him the crown, and to have plucked the scepter out of his hand.
In like case Agestias, a lame dwarfe, hauing by the meanes of Lyfander a prince of the same bloud excluded Leucibides as Alcibiades his bastard, succeeded into the kingdom, not as the kings sons, but as next of the fathers side, and of the bloud of Hercules: his accidentes in vaine complaining the kingdom to haule. And howbeit that Lyfander, who had preferred Agestias to the kingdom afterwards did what he might to have abrogated the antient royall law, and to have published an edict whereby the nearest of bloud should not have succeeded into the kingdom, but that the most sufficient of the bloud royal should still be chosen; yet was there none found of his opinion.

Some there bee which would adiudge kingdome vnto the yonger being borne kings sons, their eldest brethren being borne before that their fathers were king: as was judged for Xerxes, declared king against Artabazus his elder brother begot by Darius before the kingdom of Persia fell vnto him; which judgement was yet grounded upon equity: For that the kingdom was but lately fallen, not by any successitie right, but even by lot or rather as it were by chance vnto Darius. But where the kingdom is descendend by a lawfull succession from former ancestors, the eldest or nextest of the fathers stocke is to succeed, although he be borne before his father was poiffessed of the kingdom. Whereby is understand what is to be judged of the question, which Bartholus writeth to haue happened in his time; as whether Philip earle of Valois his son borne before his father was king of France, should as king succeed him in the kingdom; or else his yonger sonne which he had after that he was king? Howbeit that I read in our histories him to haue left behind him none but his onely sonne John. But this same question might well haue bin disputed in the time of king Charles the second, who before he was king had his sonne Lewis: who yet without any question obtained the kingdom, although he had his brother Charles borne whilst his father was king. For now question was of an antient kingdom devouled vnto the next of name: whereas otherwise the yong sonne of a king conquering a new kingdom should be preferred before his other brethren borne before their father was a king. For as the children of base men are not ennobled, being borne before their father was made noble; neither he to be accounted a priests sonne, which was borne before his father was a priest: so also which is borne of a father before that he was king, not capable of the kingdom by right of succession, cannot pretend any right to the crowne, although he be the eldest or nextest of kin: but if he be enabled to attaine thereunto by lawfull succession, the kingdom of right belongeth vnto him, how be it that he were not the sonne of a king. As was obserued in the kingdom of Persia whereinto Artaxerxes succeeded, although he was borne before his father was king: as claiming the kingdom from his great grandfather. And albeit that his mother Parysatis thrust all Asia into ciuill warre to turne the estate vnto her best beloved sonne the yong Cyrus, yet so it is that by the judgement of God he was in battell by his elder brother ouerthrown and fo slaine. In like sort and vpon the same doubt which happened about the succession of the kingdome of Hungary, Geiza the elder brother borne before his father had obtained the kingdom, was by the conflent of all the estates proclaimed king: which neuer after was called in doubt, in what kindome soever. Whereas otherwise there would ensue many intolerable absurdities: for if the king should leave but one sonne borne before that he was king, he could not succeed him. But yet whereas we hauie sayd, The soueriagne to be due to every one that is next of kinne; extendeth farre, not onely vnto them who the eldest being dead came in stead of the eldest, but vnto their infinit posteritie also. For fo Demetrius reafoned in the Senat at Rome, his brother Antiochus king of Syria being dead: for as (sayd he) the right of nations hath before giuen the kingdom vnto mine elder brother, even by the selfe same right ought I now to succeed.
Whether the eldest brothers son (his father being dead before he was king), best to succeed into his grandfather before his name, his grandfather's younger sonne.

But it may be doubted if the grandfather yet reigning, the eldest sonne shall die leaving a sonne, the grandfathers nephew; Whether the kingdom be due vnto the next brother or to the nephew, who is one degree father off. Vpon which question many have resolved it to be due vnto the next brother. And indeed Scipio Africanus willing as an umpire to have appeased the like contentious betwixt Corbis and Ofsus the vnkle and the nephew, for the kingdom of Numidia, and not knowing what in this point to resolve vpon, appointed the kingdom to be tried by combat betwixt them two: both of them selves refusing to have any other god or man for judge but Mars: In which combat Corbis being both the elder and the cunninger overcame his nephew, as Livie writeth. Which like kind of combats betwixt the vnkle and the nephew have oft been in ancient time; beene vndertaken among the Germaine princes: which was the onely caufe that stirred vp Barnard king of Italie to take vp armes against the emperour Lewes the Deuour; allledging that the empire of right belonged vnto him as the onely sonne of Pepin the eldest sonne of Charlemaigne, and not to Lewes the Deuout the yonger brother of Pepin: howbeit that Lewes yet caried it away, though not so much by right as by force of armes, and so prevailling against Bernard kept him shut vp in perpetuall prison. And even yet at this present the kingdom of Mofcouie is always given vnto the yonger brother, after the death of the grandfather, without respect vnto the children of the elder brother: and that more is, the yonger brother succeeded in the kingdom vnto the elder brother, although the elder brother being king leave behind him a sonne yet vnder age: For so Basilus the Great, king of Mofcouie succeeded in the kingdom after his elder brother who had children. For which reason also Henry of Lancaster the sonne of John of Gaunt deposed Richard the eldest sonne of Edward the Blacke prince: allledging that his father beeing by death prevented, he could not suceed Edward his grandfather in the kingdom: which yet was but an vniust quarrell pickt. So in like case Robert of Naples the yonger brother, by the sentence of the Pope and of the college of cardinals, obtained the kingdom of Naples: the sonne of the eldest brothers brother king of Hungarie being so excluded. An vniust matter amongst the Vandals, as Procopius writeth: for so Honorius got the kingdom of Genesicbus his grandfather, howbeit that Gerfo his eldest sonne dying had left sonnes; which he obtained not so much by his grandfathers will, as by the aient law of almof all the Nomades and Northen nations.

And which I see to have beene common euene vnto our ancestors also: for so Constan prevailed against Childeburg the eldest sonne of Sigisbert in the obtaining of the kingdom of France. So Mauud overcame Robert her nephew, the son of Robert her elder brother, for the countie of Artois, the Senat of France deciding the matter; and so obtained her fathers whole inheritance. Henry also sonne to Theobald earle of Champagne in like suit overcame his eldest brothers sonne. But when John Montfort in like suit for the dukedome of Britaine was ouerthrown, by his aunt the daughter of Vide of Britaine; what by right he could not, he by force obtained, not without a most cruel and bloudie warre. And so (as we sayd) Robert the sonne of Charles the second, by the judgment of the Pope obtained the kingdom of Naples, Charles his nephew the elder brothers sonne, king of Hungarie, in vaine reclaiming. Sanxius also the sonne of Alphoncus the tenth king of Castile, his father taouering of him thrust his eldest brothers sonnes out of the hope of the kingdom. John also having Blaine Arthur, Godfrey his eldest brothers sonne, tooke vpon him the kingdom of England. Valike was the quarrell of Silinius, who after the death of Ascanius, in the right of his mother tooke from Iulus Ascanius his sonne, the kingdom of the Latins: For that Latins had Silinus...
A wise by Eneas but not Afcanius. But not fewre, yea and I know not whether moe nephews to have obtained their grandfathers kingdomes, their vncest brothes yet living, according to the antique lawe of the Lacedemonians. As for Lycurgus, he gave vnto Charilas his elder brothers sonne, his kingdome, which he might easily have taken vnto himselfe, the childes mother contesting therunto. Arcus also the elder brothers sonne, after the death of his grandfather obtained the same kingdome, his vncest Aerotatus yet living. So also John the sonne of Ferdinand succeeded to Alphonius his grandfather king of Portugall, Henry his vncest being yet alive. And not long after Sebastian the son of John the elder brother tooke vpon him the kingdome of Emanuel his grandfather, and not Henry his vncest, Lewes of Niuers also after the death of his grandfather got the counties of the Low countries his vncest yet living and looking on. But Robert the second, king of Naples (whose father by the sentence of the Pope had ouercome his elder brothers sonne) when queestion was betwixt the vncest and the nephew for the countie of S. Smetine, by the councell of the lawyers gave sentence on the nephews side. The like sentence was given by the judges of the court of Paris, betwixt the heires of John Vaufle the sonne of the earle of Foix, and the heire of Francis Phebe, who being the sonne of the elder brother had got his grandfathers inheritance, his vncest yet living. So also was it judged for the dukedome of Britaine against John Montfort. Others have left it as a thing doubtfull to be tried by combat. For as Scipio Africannus permitted the combat betwixt Orsua and Corbis whom hee could not by law appease: the same we read to have happened first vnder Otho the Great, and after that vnder Henry the first in Germanie; and the vncest to have bene ouercome by their brothes sonnes. But the nephew of Agasthcles king of Syracusa slew his vncest, going about to have taken vpon him his grandfathers kinglydome.

Neither want there probable reasons on both sides. For the nephew it availeth that his father being dead healleth into the power of his grandfather, &c so is made his heire by the lawe of the twelve tables: and together with his vncests is admitted into his portion of his grandfathers inheritance, he dying intermat. And if the father substitute an heire vnto his vncest, that substitution cealeth if the sonne beget children, onely vpon the conceyt of the fathers kind affection towards his vncest, as Papinius the lawyer hath answered. Yea, by the Roman lawes, brothers sonnes are admitted vnto their vncests inheritance: but then how much more true and iust is it for them to bee admitted vnto the inheritance of their grandfathers? That is also moreouer, that by the antient customes of Fees the nephew may by right receive the whole benefite his vncests being quite excluded. But no reason is more effectuall, than that an inheritance neither entered vpon, neither so much as yet fallen, is not onely derived from the grandfather to the nephews; but even the verie vncestaine hope of a matter in truth being so but vnder a condition conceived.

Neither yet for all this is the vncests cause on the other side altogether without reason, ifa man will but more neerly looke into these matters, and without guile interpret the lawe of the twelve tables. For this lawe still admitteth the nearest of kinne vnto the inheritance: but now the sonne is nearer vnto the father than the nephew, who but by a false supposall and fiction is deemed to be the same persou with his dead father. But admitting that aigned supposall is in some cases to bee borne withall; yet femeth it not reason that such a false fiction should prevale against the truth, especialy vnto another mans harte or prejudice of his right. Neither doth the kindnesse of nature suffer the sonnes to be spoyled of their fathers wealth and goods, that all might be given vnto the nephew, who is farthest off from the grandfather: which mutt needs be not onely in the obtaining of a kingdome, but also of a dukedome, or of an earle...
dome, or of an indivisibile fee, by reason of that imaginarie fiction whereof wee haue spoken, the nephew to be suppos'd to represent the person of his dead father. And so farre it was from that the Roman lawes should suffer the fonnes to be disturb'd by the nephews, as that things committed eu'en but upon trust come not vnto the nephews before that all the fonnes one of them substituted vnto another, be dead. But admit that the fonnes, contrarie vnto the lawes both of nature, and of the Romans, may be disinherit'd, that so may be made for the nephew (which we fee in indivisibile succesi'sion to be still done) yet is it an unreasonable, and vntruth thing, an infant, a child, or one vnnder age, of no experience in matters of warre, or in the other ciuill and weightie affaires of the Commonweale, to be called vnto the souveraigne of a kingdome; and another neeter than he, that excelleth both in yeares and wisedome, to be in the mean time debarr'd of his fathers kingdome. For which reason the lawyers haue given the tuition of the fathers entranchified flaue vnto the vnkle, the nephew being excluded: but by how much more then is the tuition of the kingdome to be committed vnto the vnkle, rather than vnto the nephew? And laft of all so it is, that vnckles vnto whom the tuition of their yong royall anphewes is almoost still committed, commonly think of nothing else but of the murthering and killing of them: whereof innumerable examples (and yet not all) are in histories reported, all which if I shoulde goe about to gather togeth'er, I shoulde become tedious. Besides that, it is in facted writ set downe, * That Commonweale to be miserable and unfortunat, where children beare rul'e.

Howbeit that the old received custome of our auncentours, and judgements in this cafe often gien, haue called me backe from this opinion. For those inconveniences which we have spoken of, happen but seldom: which being such, the lawmakers are not greatly to respect. For if we would rehearse all the kings of Faunce eu'n from the time of Charles the Great, we shall scarcely, or els not at all, in the space of twelue hundred yeares, find the vnkle and the nephew, after the death of the grandfather, to haue met together as competitors in the succesion of this kingdome. We read it in the space of about five or six hundred yeares to haue happened once in England, once in Calfile, twice in Portugall, and once in Sicilia. Wherefore let the sentence as well of the auncentours, so of the later lawyers preuaile for the nephew aginst the vnkle: not only in direct, but eu'n in oblique, and collateral succesions also. Which we haue found the more curiously reason'd of, for that succesion of the kingdome of Faunce, which seemeth to be eu'n neeter at hand. But if cosin Germans, or the vnkle and the nephew, shall in the right of themselves without any saine supposall of representation, lay claime vnto the crowne of a king their kinsman, dead without heires male, be it that they were fiftie degrees off, yet he that is descended of the elder, albeit that hee were himselfe the younger, shall carry it away from the elder: as it may and hath ofentimes enow happened in this realme. And yet nevtherlesse in particular successions in collateral lines, they shall equally dide the indivisibile inheritance into parts: but if the inheritance be indivisible, the elder of the two in like degree is to be preferred before the younger, and to enjoy the right of his eldership, albeit that the younger be descended from the same auncient auncentours: as was adjudged in the court of Paris, between the vil-liers, and Baynecourt, colens Germans, for the inheritance of Francis Bloquy, without any regard vnto the race of the elder auncentours, considering that they came vnto the succesion of their chiefe or head, and not by false supposall, or by the way of representation.

And yet is it not sufficient, that the next heires male of name succeed, but it is need-ful also, that the kingdome, how great soeuer it be, with all the souveraigne rights ther-of, bee wholly given to one without partition: as Genfericus king of the Vandales...
wisely appointed. For otherwise if a Monarchy be divided, it is no more to be accounted a Monarchy, but rather a Polarchy, or Monarchy divided into many Monarchies. Which was not by the law Salique with vs (as some suppose) provided for, or fo questionable. For we find that Arlebert, brother to Dagobert the eldest sonne of Clotaire the second, was also king with his brother, one of them holding nothing of the other. Clodoveus also the eldest sonne of Dagobert, was king of Paris, and Siegbert his brother king of Metz. And after the death of Clodoveus his foure sonnes divided the realme into foure kingdoms: for Childerbert was king of Paris, Clodoveus king of Orleans, Clotaire of Soissons, and Theodoric of Metz. But the rest being dead, all in fine came to Clotaire, whose eldest sonne Cherebert was king of Paris, Chlosper of Soissons, Guntram of Orleans, and Siegbert of Metz, all kings: which multitude of kings were scarce euer quiet from civil wares. For which it was wisely provided by the successors of Hugh Capet, who ordained three kings of great consequnce for the maintenance of this Monarchy in the greatest thereof. First they excluded the bastards of the house of France, from all entrance into the kingdom, not allowing them so much as to be accounted in the number of their natural children: that so from thenceforth they might think of the begettineg of lawfull children, their base born children being now quite excluded from the crowne. Howbeit it was permitted into the bastards of other princes of the blood, and of other noble houses, to be by their fathers auouched, and to beare the name, the arms, the title and noble titles of their natural fathers: providing also better, by taking away of the masters of the palace, whose power was now become dreadful vnto the people, and dangerous vnto the kings. Secondly they ordained all the fouteigne royall rights, to be wholly and entirely given to the eldest brother alone, and from thenceforth not to be communicated with the younger brethren, but to be all enforced to yield vnto their elder brother all obedience and feality. And lastly, that such lands as by the kings appointment were assigned vnto the kings sonnes, to be holden in feality,they dying without heires male, should againe freely returne vnto the crowne. And the kings fitters to have their dowerie in money onely: that to not onely the rights of souereignty, but even the crowne lands also, might so much as possible was be kept whole & entire vnto the eldest brother. And as for the bastards of France, we find them in former times to have had their parts in the kingdom together with the kings other lawfull sonnes: as the bastard brother of Charles the Simple, had part in the kingdom, and so after the manner of our successors was called a king. True it is, that Theodoric the kings bastard was excluded, for that he was begot of a bondwoman, who yet newer theleffe demanded his part of the kingdom, vnto whom for all that answere was giuen, That he muft first be made a free man.

And as for dividing of a Monarchy, I have saide, that being divided, it is no more a Monarchy, no more than a crowne or robe diviided into parts, is any more to bee accounted a robe or a crowne: the innominate nature of vnities being such, that it can abide no partition. Neither find we the auncient kings of Persia, Egypt, Parthia, or Assyria, at any time to have diuided their most great and spacious kingdoms: neither yet any other kings to have vfed any such partition of their realms. Josaphat king of the Iewes having fix sonnes, left his kingdom whole and entire vnto his eldest sonne forson, assigning vnto the rest certaine yearly annuities, or peniouns. The first that opened this daungerous gap, was Aristodemus king of Lacedemonia, who yet diuided not his kingdom vnto his two sonnes, Proculus and Euristhenes, but left the kingdom vndiviued vnto them both: and so thinking to haue made them both kings, tooke from them both all soueraigne authoritie and power. After whose example the kingdom of the Messenians, neere vnto the Lacedemonians, was by the father giuen vndiviued vnto

Lescippe;
Lecippus and Ampharceus, being brethren: the chief cause why those two kingdoms were changed into Aristocracies. And yet two inconveniences propounded, it is better two kingdoms to be given unto two kings, than one kingdom to be given to many: as it hath sometimes happened, the father to have divided among his sons divers kingdoms, before they were into one united: for so James of Aragon appointed Peter his eldest sonne to be king of Aragon, and James his younger sonne to be king of Majorque: howbeit that afterward the elder brother took the younger prisoner, and in prison starved him, whom much lesse he would have endured to have bene partner with him in the kingdom, and so united both the kingdoms into one. So it be fell also the children of Boleslaus the second, king of Polonia, who having divided the kingdom vnto his four sons, and leaving nothing vnto the fist, kindled such a fire of contention, as could not afterward be quenched, but with much blood of the subjects. Yet this division of kingdoms is well to be borne withall, when it is made by him which hath conquered them, who may gie his conquests got by his owne prowesse and valour, vnto his younger sons, as he feeth good, according to their age or deserts: leaving yet still vnto the eldeſt, the auntient kingdom or territorie: as did William the Conquerour, who left the dukedom of Normandie, and the other countries which he had from his father, vnto his eldest sonne Robert Curtoye, who succeeded him in the kingdom of England, for that he was not the sonne of a king (as faith the Norman historie) but left that kingdom which he had conquered vnto William Rufus, which hee had not as yet vunited vnto his other countries: leaving vnto Henrie his third sonne nothing but a yertely pension: and yet for all that Robert the eldest brother, desirous also to have had the kingdom from Henrie the third brother, who after the death of William Rufus his brother, had ceased thereon, in seeking too greedily thereafter, left both the one and the other: and being taken by the third brother (who now carried away all) was by him caft in prison, and so deprived of his right there miserably died. And albeit that this disposition of the Conquerours was right just, as grounded both vpon reason and authority, yet had it bene much more faire to have left the whole kingdom, and all the soueraigne rights thereof vnto one alone: as was done amongst the children of Charles Countie of Provence, and of Philip Valois king of Fraunce, where the eldest had all: which is by farre the surfeit for the claite, without respect vnto the other legitimat children, which are not to have place, where question is of soueraignetie, or of demaines vunited to a Monarchy. For if honourable fees be not to be divided, by how much lesse can kingdoms themselves, and soueraigne rights to bee? As dukedomes, counties, and marquisats, yea and in many places baronies also, are not suffered to fall into partition: provided yet that the younger brethren bee in some sort recompened: which recompening is not in a Monarchy, which sufficeth neither division nor estimation to take place. But well of long time the va hath bene, to give certaine lands and fees for the maintenance of the younger brethren of the house of Fraunce: which have bene again adijuged vnto the crown, they which had them being dead without issue: as was decided for the inheritance of Robert earle of Clermont brother to faint Lewes, vnto whom that inheritance was adijuged: his other brethren Charles and Alphonius earle of Poiuets both excluded. The like judgement being also given against Charles, concerning the succession into the inheritance of Alphonius, dying also without issue: Charles his brother enjoying no part thereof, the inheritance by a decree of the Senat, being adijuged from him, and given vnto the crown: For which cause the succeeding kings better aduis'd, and to the intent that the matter should bee no more doubted of, have provided, that in the letters patents concerning the lands and pensions given vnto their younger brethren, it should expressly be compris'd, that they dying without
A. Without heites male, those lands vnto them so giuen shoule againe returne vnto the crowne, as was done in the graunt of the lands giuen to Lewes duke of Aniou, king John his sonne. And albeit that Renate the yonger sonne of Lewes the third, duke of Aniou, succeeded his elder brother into the inheritance, yet was it rather by suffrance than for any right he had so to doe as heire male. For otherwise the earle of Niuer after the death of Charles duke of Bourgundie (his nie kinffman dead without any heites male) might inuaille haue claimed the dutchie, considering that in the letters patents of Philip the Hardy, the dukedom of Bourgundie was giuen vnto him and to his children, as well females as males, without any exception of sexe. Yet pretended the earle no right thereunto, but the duke being dead, king Lewes the eleventh in his owne right claimed the dukedom of Bourgundie. True it is, that the French kings in that point sometime favour the princes of the blood, suffering them to enjoy the inheritance of their kinffmen, dying without heites male. So Philip of Valois obtaining the kingdome, resigned the catedome of Valois vnto his younger brother Charles. And Charles the sixt the French king being dead, Charles of Angouleme succeeded vnto the dutchie of Orleans, and yet his lonnes sonne John of Angouleme succeeded not vnto the fad dutchy of Orleans, Lewes the twelft having got the kingdome, annexing the same dukedom vnto the crowne. For they are deceased which write Peter of Burbon, lord of Beauieu, to haue succeeded his brother John into the lands which hee had receiued from the kings his aunceftors, by lawfull right rather than by the grant and favour of king Lewes the eleventh, whose fitter Anne the faid Peter had mairied, whom he most entire ly loued. And so Lewes the twelft was content also, that Susan of Burbon the onely daughter of Peter of Burbon, marrying Charles of Burbon, should hold such lands, long before giuen to the crowne: but the faid Susan being dead without issue, those lands were forthwith ceized vpon, and againe annexe vnto the crowne, namely the counties of Auergne, and Clermont, and the dukedom of Burbon, howbeit that it was not in the letters patents comprized: which thing is thought especiallie to have moved Charles of Burbon to have entred into rebellione against the king. So also we finde, that after the death of John the third, duke of Alainfon, the dutchy of Alainfon was at the motion of the kings Attourney generall ceazed vpon for the king; howbeit that the duke had left two daughters his heires, vnto, whose were refereed onely the lands by their father purcahased. All which was done to the intent so much as was possiable, to keepe the kingdome vndivided, and to come whole and entire vnto the kings, and not rent and torne, with the parts thereof as the limmes pluckt away: as it hath also bene wisely foreseene, and prouided for, in the dutches of Saouy, Milan, Loraine, Mantua, and Cleue, which indiuenly belonged vnto the next of kin. And albeit that the German princes do eually diuide all the fees of the empire, excepting the princes electors, yet is that contrarie vnto the custome and manner of their auncentoutz (who as Tacitus writeth) gave all their lands, and inheritances vnto the eldest, and their mouables, & money onely vnto the reft. And so we read Abraham the Patriarch to have done, giving his whole inheritance vnto his eldest sonne, and money vnto the reft, whome hee sent from him whylest he himselfe yet liued. But haply here some man may say, it to be expedient if the Monarchie be great, as were those of the Persians, the Romans, the Frenchmen, and the Spaniards; and that the prince or monarch haue many children, or that there be many competitors, that then the sureft way is to diuide it: so as did Augustus, Marcus Antonius, Sextus Pompeius, who by lot diuide the Roman empire, and so of one great Monarchie made three. And this expediencie should seeme to me good, if that princes after that they had bounded out their frontiers, could bound out also their desires. But there be no mountaines
mountaines so high, no rivers so broad, no seas so deep, that were ever yet able to stay the course of their ambitious and insatiable desires: as these three great men of whom I but even now spake, by proofe shewed: not onely the island of Sicilia (although it were but a most strait province) but even the ayre which we breathe, together with life it selfe, being taken from Sextus Pompeius, the bonds of confederacie being in short time broken amongst the confederats. Neither could Antonius endure the government of Augustus, neither Augustus the government of Anthony, although he were a great way off from him. So that one of the three being before slaine, the other two could never be at quiet, vntill they had one of them quite ruinated the other. And if at any time it haue happened, some of the emperors of the East, and of the West, in so great an empire to haue lived in peace, it was not long, but almost a miracle, neither such as to be drawne into examples for vs to imitate: whereas to the contrary for one example of them, which haue in vitie and concord governed together, there are to be found an hundred which haue murthered one another. Whereof there is no more notable example, than the mightie Othoman familie, wherein many most horrible murders haue bene for the empire committed, the parents not sparing their owne children, neither the children their parents: insomuch that within this two hundred yeares past, they haue not ceased still to kill one another, vntill there be but one of them left alive. And in the little isle of Gerse, sixe kings haue in lesse time than fiftene yeares beene slaine one of them by another, being not able to endure a companion or partaker one of them with another in the fountaine of right. And albeit that Galeace the second, and Barnabas, two most louing brethren, brought vp even from their cradles together, hauing oftentimes endured like daunger; being both banisht, and both at one and the selfe same time called home againe, and both of two established lieutenants of the empire, and alwayes companions in armes together; had equally divided the principallitie of Milan betwixt them, which they so held and defended, as that it seemed a thing impossible to seperat them a sender: yet at length Galeace alone for the ambitious desire of foueraigne, most cruelly slue his said brother, together with all his children. So Abimelech the baffard flue threcscore and nine of his brethren, that he might all alone raigne. And Berdeboe king of Tartarie with like fraught, and for like cause, slue his twelve brethren. Sephadin also caufed the ten fones of his brother Saladin to be all murthered, that he might himselfe alone raigne in Egypt. The succesors of Alexander also most part of them flue one another, not sparing either their parents, or children. For as for one brother to kill another, it was so common a matter (as Plutarch wrighteth) as that it seemed almoft a miracle vnto the ambassadour of Ptolomey, that Demetrius standing on the right hand of Antigonus his father, with a boare speare in his hand, could abstinence from killing of his father. But yet greater was the crueltie of king Didoarbus, who at one time slew twelve of his fones, for no other cause, but so the better to asseize his kingdom vnto the thirtenth, whom he best loved. For alwayes amongst equals, the ambitious desires they haue to be one of them greater than another, still armeth them one against another: Wherein in a Monarchy, where there is but one soueraigne, and vnto whom the princes of the blood are all subject, being prouided of yearly pensions, or lands giuen them for their maintenance; it is certaine, that to haue alwaies some farther favoure from their soueraigne, they will still yeeld them more obeyance. And therefore our kings which haue bene better adusied, haue not giuen vnto their brethren, or the princes of the blood, the places of lieutenants generall of their armes, either of the high confable: but rather vnto some other of the meaner nobilitie, such as were Bertrand, Gueschlin, Oliver Chillon, Simon cattle of Montfort, with others of like qualitie, men of great service, and vnder whom the princes of the blood might march; and yet neverthelesse without
without all hope of aspiring to the soueraignty. So as did the antient Romans, and namely Augustus, who amongst other the secrets of his government, had this for one, Not to give the place of a Genetall, or of a Gouernour of the frontiers, and especially of Egypt, vnto any the noble Senators of antient houses, but one vnto men of meanet estate. And albeit that the kings of the Northerne parts haue as it were always called the princes of their blood vnto their council; yet so it is, that other Monarches keepe them backe so much as they can, whether it be for the distrust they haue in them, or to keepe their council in such libertie, as that it may not be diminished by the greatnesse of the princes of the blood; or that it is to take away the ambition and jealouzie which is inevitable amongst princes of the same blood, if the king shall chaine to favor one of them more than another. And although there be many princes neceste vnto the Othoman blood, as namely the Mitthaloglacies, the Ebranes, the Tuscanes; yet are they necester of the priuie council, either yet admitted to any great place of honor, or command. And in the Monarchy of the Ethiopeians (which is one of the greatest, and most antientest in the world) there is no prince of the blood, which commeth neceste the court, but are all trained vp in all honour and vertue, within a most strong castle, built vpon the mountaine Anga (one of the highest in all Affrike) kept with a perpetuall & strong garrison: from whence at such time as the king dieth, he which excelleth the rest in vertue, is from the mountaine called vnto the kyngrdome. Which (as they say) was first ordained by one Abraham king of Ethioopia, by divine reuelation, to avoid the factions and civil warses of princes among themselues; as also the murtheres which oft times happen in other kyngrdomes, about the soueraignty; as also to haue alwaies princes of the blood roiall, whome they call The Children of Israel (assuredly supposing them to be of the blood of the Hebrewes: befide that, the Ethiopeian language taketh much of the Hebrew) to the intent the estate should not fall into combustion, the kings line saying: or els for that the princes of the blood should not at libertie seek to advance themselfe by force: or being aduanced, should not seek to invade the estate. For a man may hold it for a maxime, That in every Commonweale, if too much power be gien vnto a prince or great lord of the blood, it is alwaies to be feared; leaft he shoulde at one time or other cease vpon the estate; seeing that even the basest companions mounted vnto his degree, are not without caule to be feared. So Sultan Salmon made Abraham Basha of a flate so great, by heaping honors vpon honors vpon him, as that in fine fearing his power, he was glad to caufe his throat to be cut as hee was sleeping, and afterwards found him be worth thirtie millions of gold. But this is more to bee feared in a little kyngrdome or estate, than in a great: for that the subiects count vp as it were all in one place, are the more easely kept vnder by the power of the stronger: So when James Appian prince of Sienna, too much favouring Peter Gambeecour, a man of base degree, had made him too great in honour and wealth, he was by him (before he was aware) thrust out of his estate. The like pranke Calippus setted Dion; Brutus, Cezar; Macrin, Caracalla; Maximinus, the emperator Alexander; Philip, the yong Gordianus: and an infinit number of others, who exalted from most base degree, haue druuen out their maisters by whom they grew, and so made themselues lords. Who would haue thought that Agathoile a Potters sonne, of a common soildior chosen a General, durst haue taken all the nobilitie and richer part of the citizens of Syracuia, & made himselfe a king? Now if such a base companion as he durst doe so much, how much more warrily is it then to be foreseene, that too great a command of power bee not gien vnto princes or great men, either at home, or in fervice abroad? And this is it for which many haue holden, that by law the points referred vnto the maiestie of a soueraign prince, are neuer to bee communicated vnto a subiect, no not so much as by
by commission, to the intent that no gap by any way be opened for the subject to enter by into the foueraigne estate of his prince.

We have haid alio, that a Monarchy ought to descend vnto the heires male, confidering that the rule and government of women, is directly against the law of nature, which hath given vnto men wisdom, strength, courage, and power, to command; and taken the fame from women. Yea the law of God hath expressly ordained, That the woman should be subject vnto the man, and that not onely in the government of kingdoms and empires, but also in euerie particular mans house & famillie: he threatening his enemies, To give them women to be mistreses ouer them; as of all miseries and calamities the worst. Yea and the law it selfe forbiddeth women all charges and offices proper vnto men; as to judge, to see, and other such like things: and that not onely for lacke of wisedome (as faith Martian, when as amongst all the goddesses onely Pallas had no mother, but was borne of Jupiter's braine, to shew that wisdom proceeded not from women) but also for that mens actions are contrarie vnto their sexe, and to feminine modestie and chastitie. Neither was there any thing which more incensed the Senat of Rome, against the emperour Heliogabalus, than to see his mother to come into the Senat, though she came but only to see, & not to say any thing. Which was also thought a right strange thing to our ancestors, that Maud, grandmother to Philip the Long, shoule be asistant vnto Robert Countie of Artois, and Margaret Countie of Flanders, at the judgement of the Countie of Clairmont. Now if it be an absurd and ridiculous thing for women to bee themselves in men publike actions and affairs, belonging properly vnto men: much more vnseemeably is it, those things which belong vnto soueraignty, to lie open vnto womens pleasure. For first the woman vnto whom the soueraignty is devolued, of these two things must doe one; either shee must marrie, or else continue unmarried, and fo her selfe rule. If shee shal marrie, yet is it still a Gynecocratic, or women's government, for that the marriage is made with that condition; That the soueraignty is still with the woman, and not with the husband: as was expressly excepted at such time as Isabelle queen of Cafhte made Ferdinand king of Aragon: and in our time, betwixt Mary queen of England, and Philip prince of Spain, whom they called the queenes husband. And in like case in the matrimonial contracts betwixt Sigismund archduke of Aultria (who was afterward emperour) and Mary queen of Hungarie, whom the subiects in scorn called King Marie. In which case the husband is chief of his familie, and maior of his domesticall houfhold; and yet for all that in publike affairs remaineth subiect vnto his wife. For why, the publike power (as faith the law) is neuer bound vnto the domesticall power. And for this cause the Conful Fabius caused his father (the great Fabius) to alight from his horse to doe him honour, as to the Conful in publike: who yet for all that by vertue of his fatherly power, might with our giuing caufe or reason why, have put him to death at home in his owne houfe. But if the queene shall remaine unmarried (which is the most true women soueraignty) the Commonwealth must needs to be in great daunger: For that the people being of a great and couragiouse spirit, will demne a womans government but ignominious, and not long to be endured; some both by their speaking & writing, scoffing and detiding their sexe, othesome their womanly wantonnesse, and others their womanly intollerableness: whereas nothing is more daungerous vnto an estate, than to have them which beare the soueraignty contemned and derided of their subiects, of the maintenance of whose majestie, dependedeth the prefervation both of the lawes, and of the estate, which should bee troden vnder foot for the womans sake, against whom there shall neuer want mockings, reproaches, fluenderous libels, and so in fine rebellions & ciuill war, especially if the (impatient of such vnworthy reproach) shall
Of A Commonweale.

A. shall seek to be thereof avenged, which can hardly without ciuitall tumult bee done. But if the shall chance to bee but the least extraordinary fault to any one of her subjects, beside the enui which he is to endure, to whom such favour is shown, men will still on her part misconstrue the same. For if the wisest, and most chaste have euery in that respect had much adoe to keep themselves from fallie reportes, much leefe can a foueraigne prince to court her favours into more than can a light firebrand set upon a high watch tower: which may sete too caufe enough to kindle the fire of jealoufie among the subjectes, and to appeare one of them against another. Besides that, it is almost naturall unto women, to take pleasure & delight in the number and quartells of their sisters. But if the subjectes be so minded, as by force or otherwise to suffer in the foueraigne estate a womens gouernment, then is it not to be doubted but that euery one of the subjectes shall be constrained to endure the like in their owne privat houses also. For it is a rule in policie, that whatsoever thing is found good, and sutable in publique, the same is to be drawn into consequence and example in particular. Which was the cause the Perian princes preferred a request unto Darius Memnon (whom the holy Scripture calleth Ahasuerus) That the disobedience of the queene Vashti his wife, shouer not remaine unpunished, least her pride shoued give occasion vnto the other subjectes wives, to he disobedient vnto their husbands. For as the famel is out of order, where the woman commandeth over the husband, confidering that the head of the family hath loit his dignitie to become a slave: euery for a Commonweale (to speake properly) looseth the name, where a woman holdeth the soueraigne dignitie, how wise soever she be; but so much the more if she bee enuiu'd withall, and not able to rule her owne immoderat lufts and desires. I suppose there is none which knoweth not what tragedies lone queene of Naples (who of her vnchaufft was calleth Lupa, or a shee wolf): thirtied vp of her selfe, who most cruelly murthred three kings her husbands, and was therefore her selfe strangled, as the well defuered. I speake not of the horrible and brutish lufts of Semyrannis, the first that by a strange meanes set foot into the Assyrian Monarchy. For hauing obtained of the king, to have the soueraigne command but for one day, she the same day commanded the king himselfe to bee slave. What should I say of Athalia queene of Iuda, who feeing her husband slaine, put to death all the princes of the blood (excepting one which escaped) and fo by force held the soueraigne until that she was at last by the people her selfe also mutterd. With like wickednesse also Cleopatra slue her brother, that by might alone enjoy the kingdom of Egypt. There was also one Zenobia, who filie her selfe an empress (together with the thirtie yearting tyrants) and was by the emperour Aurelian overcome. And in like case did Hirtene empress of Confitantine, couert vp at last into a monastere her selfe. In brieve I find no people to have liked of the soueraigne of womens gouernment: howbeit that many have endured the same: as did the Neapolitans the government of Constance, last of the race of the Norman kings, that reigned in Naples. And after that of Isold, the daughter of John Brenne, married to the emperour Frederike the second, who gauue that kingdome to Manfred his base fonne, whose daughter Constance marrying into the coule of Aragon, kindled the fire of the warrs which continued two hundred yeares, betwixt the houses of Aniou and Aragon; and could never bee quenched but with the great effusion of the blood of many most valiant and worthy men; and all for hauing gien an entrance vnto a daughter into the succession of the kingdome of Naples. But when the college of cardinals saw the Christian Commonweale, and especially Italie, to have endured so many and so great slaughters, in so long and such mortal warrs, and all for without soueraignitie; it was by them decerte, That from that time forward, the kingdome of Naples should no more descend vnto wom
The kingdoms of Hungary, Polonia, Sweden, Norwai, & Denmark, Caffile, Arragon, Navarre, and England, to haue fallen into Gynectocracy, or women souraignty.

The Sixt Booke

men as in the inuestiture made to Alphonse king of Arragon, in the yeare 1455; and afterwaid to Ferdinand king of Arragon, in the yeare 1458, it is expressly set downe, That the daughters should not succeed vnto the kingdom of Naples, so long as there were any heires male, either in the direct or collateral line; even vnto the 5th degree. But that gap for the succession of daughters being opened in Italie, was afterwards also put in praetie in the kingdomes of Hungarie, and of Polonia, which fell to Marie and Hedwige, the daughters and heires of Leue king of Hungarie, and of Polonia; which had never before beene seene. At which selfe same time almost, Mary Colnay (contrary vnto the lawes and antiquit customes of the countrees) succeeded into the kingdomes of Norway, Sweden, and Denmarke. The like example was after also followed in the kingdom of Caffile, whereunto Isabel of Caffile succeeded her father, having gained the fauour of the nobilitie: who albeit that shee was one of the wisest princecesses that ever were, yet did the eylates of the countrey thereof complain, and the people thereat grudge, complaingning themselues, Neuer before to have endured a womans gouernment. And whereas the alleaged Socina the daughe of Alphonse, to haue before in like maner brought the kingdom of Caffile vnto Silion her husband: aunkwere was thereunto made by the subiects, That to have beene done rather by force, than by any right; and that from that time the eylates of Caffile had protested, That it was contrary vnto the lawes of the crowne, Which hafted the marriage betwixt Ferdinand and the said Isabel, so to keepe the people vnder. And albeith that Henry king of Caffile, had by his last will and testament at the time of his death declared, That the kingdom of Caffile after him belonged vnto Leue the ninith the French king; in the right of his mother Blanche of Caffile, and that the barons of Caffile had writ vnto the said French king, that he should come to take possesston of the kingdom: yet so it was, that hee neuer durft vndertake to lay claime vnto the same, howbeit that he had the content of the nobilitie of the kingdom by letter vndertake their hands and feales, which are yet to bee seene in the records of Fraunce. Now by the same craft that Isabel had wrested vnto her selfe the kingdom of Caffile, did Ferdinand the sonne of Beohore also gain the kingdom of Arragon: as did also after him the earle of Barcelone, hauing married Petronella the daughter of the king of Arragon. Which happened also in the kingdom of Nauarre, whereunto Henry the Large, earle of Champaigne succeeded in the right of his wife, the king of Nauarre daughters: whose daughter and heire Ioane, married vnto Philip the Faire the French king, brought vnto him the earledom of Champaigne, with the kingdom of Nauarre: but the heires male of Philip the Faire failling, that kingdom of Nauarre in the right of three women fell vnto the houses of Evreux, of Foix, of Albert, and of Vendome: so that this kingdom in lesse than four hundred yeares, was transported into six strange houses, and vnto seven strange princes, the queenes husbands. But yet by the way it is worth the noting, four women alfoe of one name to have opened the way vnto womenes souraignty, in the kingdomes of Hungarie, of Norway, of Sweden, of Denmarke, of England, and Scotland. True it is, that Maud daughter to Henry the first, king of England, before brought the kingdom of England vnto the house of Aniou in Fraunce: but that was after the death of Stephen earle of Bosoline nephew to Henry, in the right of his sister Adela; in such lort, as that a cousin descended of a daughter was preferred before the kings own daughter: which daughters sonne yet succeeded king Stephen, in such sort as that no womans government seemed at all to haue bone. For which reason Edward the third, king of England, vpon the difference which he had for the crowne of Fraunce, allledged the kingdome of Fraunce by the right meaning of the law Salique, to belong vnto him: saying, That law to stand in force and take place, when the next heire male descendend of
A of the daughter (as was he from Isabella, sister to Charles the First) was preferred before him, who was descended of the heirs male farther off. Which exposition for all that was received by the council of France, as never to take place, but when heirs male of the same name and stock, in what line and degree of one were utterly failed: &c that the kingdom were in danger to fall into election. And so albeit that the emperor Charles the Sixt marrying of his sister into Christian II, king of Denmark, and caused this clause to be inserted into the matrimonial contract: That the males, male and female of the eldest daughter issuing of that marriage, should succeed unto the kingdom; yet so it was nevertheless, that the estates of that country had thereof no regard, for that the kingdom went by election: yea so farre off was it, that such the kings privy agreement could take from the nobility of Denmark, the power to chuse their kings: or yet never any one of the same kings three daughters toaigne outher them: as that the said king himselfe was by the estates thrust out of his kingdom banished, and to afterwards also miserably died in prison. The Polonians also after the death of Sigismundus Augustus, excluded not only the kings sister, but even his nephew the king of Sweden, his house also, who gave a million of gold vnto the Commonwealth, to have his sonne afterward chosen: howbeit that their predeceflors had before received Hedwig the daughter of Lewes: and that when as there was no heir male, neither in the direct nor collateral line of the house of Jagellon, they nevertheless made choice of Henri of France.

B Now if the princesse the inheritrix shall marry (which is necessary, to so have an afluited succesflour) her husband must either be a straunger, or a subjekt: if a straunger, hee will infringe the people in straunge laves, in straunge religion, in straunge manners and fashions: yea and give the honourable places and commandes vnto straungers also. But as for a subjekt, the princesse would thinke her selfe much dishonour'd, to marry her fuent, seeing that foueraigne princes shal make great difficulties to marry a subjekt. Ioyne hereunto also the jealoouse that is to be feared, if shee shall marry him whome the beft louche, reiecting the more noble and greater lords, who alwaies commende them which are of base degree.

And not to speake of many difficulties which fell out about these matters, even the verie fame, yea and greater too, presented themselfes at the treay of the marriage agreed upon betwixt Philip prince of Caltile, and Mary queene of England: wherein the first article contained, That no straunger being nor a natural English man borne, should be preferred to any office, benefice, or charge whatsoever. And in the fourth article it was set downe, That Philip prince of Caltile should not carry the queene his wife against her will out of the realme of England, neither the children begot betwixt them two: the which articles were confirmed by the estates of the land, the second of April, in the yeare one thousand five hundred filly three, where beside that which I have saide, it was also more solemnly provided, That the queene alone and of her selfe should enjoy all the royalties and foueraigne rights of the said realmes, lands, countries, and subjecets, absolutely; without that her husband should by the courtesie of England pretend any thing vnto the crown and soueraignie of the realme, or other right whatsoever: and that the letters and mandates should be of none effect, if they were not signed by the queene, whatsoever signe or confent they had of her husband: and yet without which the confent of the queene should suffice. I have also learned by the letters of Nouaile ambasfladour of France, who then was in England, that it was also decreed, That no Spaniard should have the keeping of any forteresses or strong holds belonging vnto the Crowne of England, either on this side, or beyond the sea: neither that the Englishmen should by the Spaniards be constrained to goe vnto the wars out of the realme.
And albeit that a most gallant & mightie prince floutifhing with kingdoms, wealth, youth, and friends, had married an old woman (for why, he seemed not to have married a wife) and such an one as by whom he was not to hope for any issue, yet could not the Englishmen patiently endure the Spaniards to set any foot into England, with whom for all that they had neuer before had any hostility, but had alwaies bene great friends. Yea the emperour Charles the fift on the other side wisely foreseeing all things, and fearing least some treason might be wrought against the prince his onely sonne, whom alone he had begynnto the hope of fo great an empire, required to have fiftie young noble English gentlemen delivered vnto him to be kept as hostages, fo long as his fonne Philip was in England: howbeit that as such diuiftif drew after it the hatred of the English nation, fo was also that article taken away, and nothing thereof obtained. But the marriage made, shortly after about 18 hundred English men, for religions fakes went out of their countrey, into voluntarie exile and banifhment. And yet beside all this, the fame was, how that the English men had conspirat at one and the very felfe fame instant, to have slaine all the Spaniards: for that (as the report went) they vnder the colour of a marriage, and of religion, went about to aspire vnto the foneraigntie of England. Neither was it to have bene doubted, but that the conspiracie of the English men had forted to effect, or els that the Spaniards had effected their desigines, and fo taken vnto themselues the foneraigntie, had not the death of the queene (very profitable for the kingdom) giuen an end vnto the desigines both of the one and of the others.

For neuer strange prince can be affured of his life, commaundying in a strange countrey, if he have not strong guards, for the assurance of his person, and fure garrifons for the keeping of his caftles and strong holds. For being maifter of the forts, hee must needs be alfo maifter of the eftate: for the more assurance whereof hee muft alwaies advance strangers, a thing intolerable to any nation in the world. Whereof wee haue a million of examples, out of which we will remember but one of our owne: what time King William taigned in Sicile, in the yeare 1168, the people of the kingdom of Naples were fo incenfed to see a French man promoted to the honour of the Chauncellorship amongst them, as that they conspirat at once to kill all the Frenchmen that then were in the kingdoms of Naples and Sicile, as indeed theydid. But if the domestical servaunt of a strange prince, shall chaine to kill a naturall subject in a strange countrey, or paffe himselfe in any insolence, dangner by and by hangeth over all the strange men heads, the leaft quartell that may be setting to cut the strangers throats, if they be not all the stronger. As it happened in Polonia during the tainge of the daughther of Casimire the Great, king of Polonia, and wife to Lusies king of Hungarie, chosen also king of Polonia, to the great contentment of all the eftates of that realme: and yet nevertheless for one Polonian slaine by an Hungarian gentleman, all the people of Cracouia ranne vpon the Hungarians, and in that h hurte flue them all, except such as by chance saue themselues in the caftle, who yet were there besieged together with the queene: neither was there any meanes to appease the peoples rage, but that the queene the inherentrix and mistrefse of Polonia, mufit with all the Hungarians her followers void the realme. But yet greater butchery was there made of them of Austrie, in Hungarie, where Mary the eldeft daughter of Lusies king of Hungarie, had married Sigismond archduke of Austria, who going about to take vpon him the govrnment, was by his wives mother (a most ambitious woman) driven out of the kingdom; who not able to endure to see him taigne, to be sure to shut him quite out, was about by her ambassadors to have called in Charles the French king, and to have put the kingdom into the power of the French. Which the Hungarians perceiving, sent for

Charles
A Charles the king of Naples, and uncle to Mary, Sigismond his wife, to take upon him the government of the kingdom of Hungary: who was no sooner come, but that he was by the practice and command of the cruel queen Mother (whose hee last feared) slaine: which murder was with like cruelty also avenged, theee her (else being by like treafon by the great queen of Croatia slaine, and her body thrown into the river. After whose death Sigismond returning with a strong armie, put himselfe in full possession of the kingdom, whereof he now disposed at his pleasure, and filled all places with the slaughter of them which were of the faction against him. But let us come to our owne domesticall examples, and vs those wounds which but lately receiued, bleed with the leaf touching, neither can but with most bitter griefe be felt. Frances Duke of Alenfon being lent for, came to take upon him the government of the Low countries, where with great joy and triumph receiued: but having no strong garrisons, no strong castles, nor cities to trust vs, neither could by my intreatie (who foresaw what would afterwards happen) be persuaded so to have receiued such a slaughter and disgrace, as I cannot without much griefe remember the fame. And to go farther, we have examples of the Scots yet fresh in memorie, who for the space of fourteen hundred yeares, had with the strongest alliance that might be, been allied unto the house of France, and from thence receiued all the favors that it was possible for them to hope for: yet when Mary queene of Scots had married Frances the Dauphin of France, and that the Frenchmen went about to dominion over the Scots, they forthwith chose rather to cast themselves into the lap of the English, and so to put themselves into the protection of them with whom they had not before so well agreed, than to endure to see the Frenchmen to command in their country: neither seal'd they vntill that by the helpe and power of the English, they had diuised the Frenchmen against quite out of Scotland. Neither are strange princes to hope, by reason to rule the desires of other princes by their wives: from whom if they will seek to be disuaded, they must also banish themselves. For what prince ever bare himselfe more modestly, than did the wife emperour Marcus Aurelius? And yet when he with too much patience bare with the wantonnes of his wife Faustine (as some of his friends thought) who for her too dissolute life would have persuaded him to have bene divorc'd from her; Then must we (said he) againe vs to her restore her dowrie: which was even the Roman empire, howbeit that he had the empire in the right of himselfe also, by the adoption of Antoninus Pius the father of Faustine.

And yet there is another danger also, if the princes here to a soueraigne state be disposed to marry a straunger, which is, that the beighbour princes and people also, as wooers, enter into duets jealouse conceits one of them against another: & so throttling for another bodies kingdom, oftentimes turne the queene from marrying at all. Yea sometimes also seeking euen by force of arms, to have her; as did the wooers of Venda queene of Russia, who having long sought who should have her, the victor thought at last by force to have obtained that which he by long fute and entreatie could not gain: howbeit that shee seeing no other remedie, but to fall into his hands, did with delight drownd herselfe, chusing rather to loose her life, then by force to loose her chaste better. Neither are queene's marriages so easily made as are kings: for why, kings are oftentimes deceived with painted tables, and counterfeits, marrying them by their deputies whom they never saw: whereas queene's will most commonly see the men themselves alive, take with them, and make good proofe of them: yea and oftentimes refuse them also after that they have seene them. For neither would Isabel queene of Caffile, marry Ferdinand before she had seene him: neither could Elizabeth queene of England be by any man persuaded to promisse marriage vs to any man, but vs himselfe present. And

B Neighbor princes jealous of the marriage of a soueraigne prince, their neighbour.

C Women commonly more curiously in choice of their husbands, than are men in choice of their wives.
So it was answered, unto Henry king of Sweden, seeking the long ambassador's of John his brother, who now raigneth, to have married her: answer (I say) was made, That of all the princes in the world, there was none vnto whom (next vnto almighty God) hee was more in kindnesse beholden, than vnto the king of Sweden, for that hee alone had requested to haue had her for his wife, whilst she was yet a prisioner, and so out of prision to haue brought her vnto a kingdome: neuerthelesse to haue so resolued, and set downe with her selfe, neuer to marry any man whom shee had not before seene. Which answers were made also vnto the archduke of Austria, suing vnto her for marriage, in part brake off the hope which both of them had conceived of marriage, both of them fearing in presence to suffer the disgrace of a demall; and especially he left he should be enforced with shame to returne home. As afterwards it happened vnto Francis duke of Alfonso, seeking to haue aspired vnto the same marriage, who although hee had twice passed ouer into England, and thought the queene by long and honourable ambaßages, as it were affianced vnto him, yet returned hee, fed vp but with a vaine hope, and the matter left vndone.

Now if the law of nature be violated in the foueraigne government of women, yet much more is the ciuill law, and the law of nations thereby broken, which will that the wife follow her husband, albeit that hee haue neither fire, nor dwelling place: Wherein all the lawyers and divines in one agree; and that she ought to reuerence her husband: as also that the fruits of the wiues dowrie, yea even of all the wiues goods, belong vnto her husband; not onely such as are of the lands themselves, but euene such as fall vnto her by elcheate, or confiscation of the goods of the condemned; howbeit that such goods be a thousand times better, or more worthy, than the wiues fee brought in dowrie vnto her husband: yet neuerthelesse do all such things in propriety belong vnto the husband, what lordship soever that it be, which is so fallen by elcheate or confiscation: as also all fruits of dowrie, and the rights of patronage depending of the wiues dowrie: which we see to haue bene vied not of priuat men onely, but euene of kings also: as if a straunger shal mareie a queene, the profits of the kingdome shal belong vnto the husband, although the foueraigne, and kingdome it selfe belong still vnto the wife. For fo the interpreters of the law decide it, and that by the example of Isabella and Socima. Moreover it is holden in law, That the wiues vassall ought to succour the husband before the wife, in case they be both of them in like daunger: all which is directly contrarie to such conditions, and lawes, as princes straungers are enforced to receive from their wiues, being princefles inheritors. Besides that, honor, dignitie, & nobilitie, dependeth wholly of men, and fo of the husband, and not of the wife: which is so true by the receiued customes and lawes of all people; as that noble women which marie base husbands in fo doing loose their former nobilitie: neither can their children challenge vnto themselves any nobilitie by the mothers side: which Ancetran the lawyer faith to take place euuen in queenes which mariie base men, no princes: of which opinion the rest of the lawyers are also.

All these absurdities and inconveniences follow, womens foueraignety in government, which thereof Cooke beginning: for that they which had no male children, had rather their daughters should succeed in their lands and fee, than such as were not of their stocke and house, and especially the heires male failing, both in the direct & collateral line: after which point so by them gained, they began to succeed also vnto lands and fees in the right line, and were preferred before the males in the collateral line: which manner of inheriting was by little and little permitted, to be vnderstond, and extended also vnto honours, dignities, counties, marquifats, dutchies, principalties, yea and at last euuen vnto kingdomes. Howbeit that by the lawes of fees, women were
A were excluded from all succession in fee, although there were no heites male gifted in the direct or collateral line, except it were so expressly set downe in the instrument of the fee. But the law Salique cuteth the matter short, and expressly forbiddeneth, That the woman shoulde by any means succeed into any fee, of what nature or condition succeed it were; which is no late, new, or fained law, as many suppose, but written and enioled in the most ancient lawes of the Saliens, the words of which law are these, De terra vie-go Salica nullo portio hereditatis nullci vieniant: sed ad vividem, lexuni tota terra hereditas permaneat: In English thus, But of the land, Salique no portion of the inheritance shall come vnto a woman: but all the inheritance of that land shall come vnto the male lexe. And fo also in the edit or decree of Childebeoi king of Fraunce, is even the very same comprehended which is in the lawes Salique, where the nephews being in direct line, by way of representation together called vnto the succession of their grand- father, the women are still excluded. And yet if there had bene no law Salique, at such time as contention was for the kingdome of Fraunce, betwixt Philip earle of Valois, and king Edward of England: Philip alleging for himself the law Salique, according to the law Voconia; and Edward defending his cause and right by the ancient Roman lawes, concerning inheritance, a decree was made by the generall content of all the Senators and princes of Fraunce, Ne quis in dissectione peregrinam legum aut oritate uteretur: sed legem quse Salicam professo interpretari studeret, &c. That no man in that controversy should use the authentice of foreign lawes; but that every man according to his right should interpret the law Salique. And why fo if there had bene no Salique law at all? And howbeit that after the death of Lewes Hutin the king of Fraunce, the duke of Burgundie called Iane the daughter of Hutin, vnto the succession of her fathers crowne and kingdome: yet was it by the generall content of all the estates assembled in parliament at Paris, refolued to the contrary, As that daughters should not succeed vnto the crowne: & fo the opinion of the duke was rejected. About which time, or a little before, Baldus called the law Salique, or the custome for the males only to succeed vnto the crowne, Ies gentium Gallorum, The law of the French nation. Neither is it long agoe, since that in a suit in the parliament of Burdeaux, betwixt certaine gentlemen about the right of their gentrie, a will was brought out, written in most austent letters, wherein the testator diuided vnto his fones his Salique land; which the judges interpreted to be his prediall fees, or renenewes in land. Which was alwayes in Germanie obserued also, vntill that the emperour Frederike the second gave this privilee as a singular benefit vnto the house of Austria, That the line of the males failing, the daughters or females might succeed. Whic thing the emperour could not doe, without the express will and consent of the estates of the empire. For which cause Othocarus, king of Bohemia, being also of the house of Austria, without regard of Frederikes grant, y right of kindred claimed the dukedom of Austria, and leant a strong arm against Rodolph, who by vertue of Frederikes grant, claimed the dukedom as belonging vnto himselfe. Which privilege for women so to succeed, was afterwads extended vnto the princes of the house of Baniee also. Yet was there neuer people so effeminat, or cowardly, as under the colour of succession in fee, to endure that women should step into the soueraigne: and yet lese in Asia, and in Affrike, than in Europe. Howbeit that with whatsoever maddesse other princes and people have bene affoniied, which have endured womens soueraignitie, yet haue the Frenchmen (God be thanked) by the benefit of the law Salique, alwayes hitherto preferred themselues from this disgrace. For why, this Salique law which M. Cierier Counsellour of the parliament, faid to have bene made with a great quantite of the salt of wildome, was not onely alleaged and put in pratiife, in the raigne of Philip Valois, and of Charls.
the faire, against whom the daughters pretended no claim vnto the kingdome: but also in the time of Clotherre, Sigebert, and Childere, who were all preferred before the kings their predeceffors daughters, who never had claim vnto the crowne. And that is it for which Baldus the notable lawyer, speaking of the house of Burbon, holdeth, That the male of the same blood and name, being a thousand degrees off, should sooner succeed vnto the crowne and kingdome of Fraunce, than any woman much neerer. Which is not onely to take place in kingdomes; but even in dukedoms and other principalities also, which have the marks and rights of soueraignant belonging vnto them. Which lawes also we see all people, excepting some few, to have always before embraced. And so the princes of Sauoy, by the authoritie of this Salique law, haue always excluded the women from the government: so we read Constance the daughter of the duke of Sauoy, to haue by Peter of Sauoy her vnclce bene excluded from the government: and that even by the femence and dooone of the judges and arbitrators, chosen for the deciding of the matter in the yeare one thousand two hundred sixtie six. Yet doubt I not but that many are afraid of womens soueraignty, who yet indeed doubt not to shew themselfes most obedient vnto womens lufts. But it is no matter (as old Cato was wont to say) whether that the soueraignty it self be gien to women, or that the emperours and kings bee themselfes obedient vnto womens pleasures and commands.

Seeing then it appeareth plainly enough (as I suppose) the estate of a Monarchy to be of all other estates most sure; and amongst Monarchies, the Royall Monarchy to bee best: as also amongst kings them to excell which bee descended from the race of kings: and in brief, that in the royall race the neerest of the blood is first to be preferred before the rest that were farther off: and that the soueraignty (the female sexe excluded) ought to be still vndivided. Let vs now also at last see how it ought to be governed; as whether by justice Distributiae, Commutatiae, or Harmonicall. For why, the fairest conclusion that can bee made in this worke, is to conclude of justice, as the foundation of all Commonweales, and of such consequence, as that Plato himselfe hath entituled his bookes of Commonweals, Bookes of Law, or of Justice, howbeit that he speakest in them rather like a Philosopher, than a Lawgiver,

or Lawyer.

(* * *)

CHAP.
O F A C O M M O N W E A L E.

C H A P. VI.

Of the three kinds of Justice, Distributive, Commutative, and Harmonical: and what proportion they have unto an estate Royall, Aristocraticque and Popular.

Et vs then say in continuing of our purpose, that it is not e-nough to maintaine, that a Monarchy is the best estate of a
Commonweal, & which in it hath the least incommunition;
except wee also (as we said) add thereunto,a Monarchy Roy-
all. Neither yet sufficeth it to say, that the Royall Monarchy
is most excellent, if we should not also shew that vnto the ab-
olute perfection thereof it ought to be fast knit together by
an Aristocraticque and Popular kind of government: that is
to say, by an Harmonical mixture of Justice, composed of
Justice Distributive, or Geometrical; and Commutative, or Arithmeticall: which are
proper vnto the Estates Aristocraticque, and Popular. In which doing, the estate of the
Monarchy shall be simple, and yet the government so compound and mixt, without
any confusion at all of the three kind of Estates, or Commonweales. For wee haue be-
fore shewed, that there is great difference betwixt the mingling, or rather confounding
of the three estates of Commonweales in one (a thing altogether impossible) and
the making of the government of a Monarchy, to bee Aristocraticque and Popular.
For as amongst Monarchies, the Royall Monarchy so goutened (as I haue said) is the
most commendable: even so amongst kingdoms, that which holdeth most, or com-
mitted nearest vnto this Harmonical Justice, is of others the most perfect. Which
things for that they may seeme obscure, neither are to my remembrance by any mans
writings declared; I must endure my selfe that they may by manifest and plaine de-
monstration be understood. Justice therefore I say to be The right diuision of rewards
and punishments, and of that which of right vnto every man belongeth; which the He-
brewes by a strange word call Cedata: for the difference betwixt this and the other
Justice given vnto men by God, whereby we are justified, which they call Tsedecas. For
that by these, as by most certaine guides, wee must enter into this most religious and
stately temple of Justice. But this equall diuision which we seeke for, can in no wise be
accomplish’d, or performed, but by a moderate mixture, and confusion of equalitie,
and familiar together, which is the true proportion Harmonical, and whereof no man
hath as yet spokien.

Plato hauing presuppos’d the best forme of a Commonweale, to be that which was
composed of a Tyrannical and Popular estate: in straining the name, is contrarie vnto
himselfe, hauing establish’d a Commonweale not onely Popular, but altogether al-
so Popularly govern’d; giving vnto the whole assemblie of his citizens, the power to
make, and to abrogate laves, to place and displace all manner of officers; to determine
of peace and warre, to judge of the goods, the life, and honour, of every particular man
in fouertaigne: which is indeed the true Popular estate, and Popularly also govern’d.
And albeit that he had so (as we say) formed his Commonweale, yet neuertheless hee
saide, That the Commonweale could never be happie, if it were not by Geometrical
proportion govern’d: saying that God (whose erueine wife lawmaker ought to imi-
tat) in the government of the world alwayes vseth Geometrical proportion. The
fame Plato hauing also (as some say) oftentimes in his mouth these three words, ेँ
tor ever yvomtriv, which is to say, God always to be playing the Geometrician: which words indeed favor well of Plato his title, howbeit that they be not in all his works to be found.

Now certaine it is, that Distributiuæ, or Geometricall Iustice, is most contrarie vnto the Popular cffeate and government by Plato fer downe: the people still seeking after nothing more, than for equalitie in all things; a thing proper vnto Commutativæ, or Arithmeticall Iustice. Which was the cause for which Xenophon (Plato his companion, and both of them jealous one of anothers glory) being of opinion, That Commonweales ought to be framed, and the lawes administered according vnto Arithmeticall proportion and equalitie, bringth in Cyrus yet a boy, corrected and chastifie, for that he being chosen king, had changed but the servants garments, appointing better apparell vnto them of the better sort, and meaner vnto them of the meaner sort: as having therein regard vnto decence, and the proportion Geometricall. After which chastifement, Cyrus is by his maifer taught, to give vnto every man that which vnto him belonged, and to remember that he was a Persian borne, and was therefore to vfe the Persian lawes and cuftomes, which gaue vnto every man that which was vnto him proper: and not the manners and fashions of the Medes, who thought it meet, that to be vnto every man given, which was decent and convenient for him. Which writings of Xenophon, Plato hauing read, and knowing right well that it was himselfe, and not Cyrus, which had bene corrected; forthwith reproued the Cyropædia, without naming of any partie. This diuertisitie of opinions, betwixt Xenophon and Plato (famous among the Greeks) was the cause of two great factions, the one of the Nobilitie and riches sort, who held for Geometricall Iustice, and the Aristocraticall estate; the other of the bafer and poorer sort, who maintained Commutativæ or Arithmeticall Iustice, and therefore wilfuld to haue had all estates and Commonweales Popular. Now of these two factions arifie a third, which was of opinion, That in euerie Commonweale Arithmeticall Iustice was to be kept in utt equalitie, when question was of the goods of any one in particular, or for the recompensing of offences and forfeitures: but if question were of common rewards to be belowe out of the common tireasure, or for the division of countries conquered, or for the infliction of common punishements, that then Distributiuæ, or Geometricall Iustice, was to be obtaiued and kept, hauing regard vnto the good or euill desertes, and the qualitie, or calling of every man: informuch that these men vfed two proportions, and yet for all that diuerfitie, sometime the one and sometime the other: as Aristotle laid it ought to be done, but yet not naming either Plato or Xenophon, who yet had both first touched this string.

But as for Harmonicall Iustice, not one of the antient writers either Grecianes or Latines, neither yet any other, even made mention, whether it were for the distributiuæ of Iustice, or for the government of the Commonweale: which for all that is of the rest the most diuine, and most excellent and best fitting a Royall estate; governed in part Aristocratically, and in part Popularly. But forasmuch as this point we heare speake of euill vnderstood, draweth after it a number of errors, whether it be in making of laws, or in the interpretation of them, or in all sorts of judgements; and to the end also that euerie man may vnderstand, that this third opinion of Aristotle can no more be maintained than the other; it is needfull for vs to borrow the principles of the Mathematicians, and the Lawyers resolutions. For why, it seemeth that the Lawyers for not regarding the Mathematicians, and Philosophers, as not having judicial experience, have not declared or manifested this point, which is of right great consequence (as I have said) and that as well for the administration of Iustice, as for the maintaining of the affaires of State, as also of the whole Commonweale in generall.
A. Now the Geometricall proportion is that which is made of an unequall excesse of like magnitudes among themselues: but the Arithmetical proportion is every way both in progression, and excesse equall: and the Harmonicall proportion is of them both, by a wonderfull cunning (confused and combined together) made, and yet is unlike to them both unlike: the first of these proportions is semblable, the second is equall, & the third is in part equall, and in part semblable; as is to be seen by the examples in the margin set: where the proportion is treble of 3 to 9, and of 9 to 27, and of 27 to 81: and the proportion Arithmetical following, beginneth of the same number of 3, and the same difference of 3 to 9: but the difference of 9 to 15 is not like, but yet equall for betwixt these numbers there are always fix differing. And the proportion Harmonicall beginneth of 3 also, but the differences are not always alike, neither altogether equall also, but therein is both the one and the other sweetly mixt and combind together, as may well by Mathematicall demonstations be understood, whereinto it is not needfull for vs further at this time to enter: howbeit that certaine marks of them manifest enough, are in the antient Roman lawes to be found; and by numbers in Geometricall proportion set downe and reported. But the difference of the Geometricall and Arithmetical proportion, is in this to be noted, That in the proportion Arithmetical are always the felle same reasons, and the differences equall: whereas in the Geometricall proportion they are always semblable, but not the felle same, neither yet equall: except a man would say, that things semblable are also equall: which were noathing else, but improperly to speake. So as Solon did, who to gaine the hearts both of the nobilitie, and of the people of Athens, promised to make them lawes equall for all sorts of men: wherein the nobilitie and better fort of the people thought him to have meant the Commonal equality; and the common people, the Arithmetical; and so have bene all equall: Which was the caufe, that both the one and the other by common consent made choice of him for their lawmaker. Wherefore the Geometricall government of an effate is, when like are ionyed with like: as for example, by the laws of the twelue Tables, the Patricij, or Nobilitie, was forbidden to marrie with the comminall, and order taken, that noble men should marrie none but noble women: and they of the basest sort such also as were of like condition with themselfes, slaues also marrying with slaues, as differing from both the other sort. Which law is also yet injoyably kept among the Rhapsusians. So were to be deemed also, if the law were, that princes should not marrie but with princes, the rich with the rich, the poore with the poore, and slaues with slaues, by a Geometricall proportion. But iff were by law prooided, that marriages should be made by lot; that law would bee vnto the people most acceptable and pleasing, to make all equall: for that so the noble and rich ladies should by lot oftimes fall vnto the poore and base fort of men, the slaues might marrie the prince, the base artificer might have to wife a woman honourably descended, most vnlike to his effate: So that by lot should the Popular equalitie bee preferred, agreeing with the Arithmetical proportion: but the wealth and dignitie of the nobilitie and richer fort be quite overthrown. And that is it for, which Euripides saith, A lawfull equalitie to be most agreeable vnto mans nature, Τι γαρ ἡ τοιαύτη εὐθυγράμμων ἐστιν. But both these sortes of government according to either Arithmetical, or Geometricall proportion, draw after them divers inconveniences: For in the one the poorer and vulgar fort are cast downe, and in the other the nobilitie and richer fort are contained and disgraced. Whereas the Harmonicall manner of government, with a most sweet content, prefereth both (so much as possibly is) not confounding all sorts of people hand over head together, and not to go out of the example by vs propounded of marriages, he that would kepe the Harmonicall government, should not re-
quire in the marriages of the nobilitie, the noble descent too farre fet both on the one side and the other; as many of the Germans most dangerouslly doe, who most curiously search out their great great grandfathers fathers, of like nobilitie on both sides, to joyn one together their nobilitie in marriage: which is too farre to remove and seperat the nobilitie, not from the bauer fort onely, but even from it selfe also; considering that they content not themselves, that the gentleman be noble by the father onely, as it sufficeth in the kingdom of Polonia, by the decree of Alexander king of Polonia: or by the father, and the grandfather, as is sufficient in this realme, by a law of king Francis the 1: or by father, and mother, and grandfather, on both sides, as is set downe by the new decrees of the knights of Senuy: but they will that the right gentleman shew that hee is descended of two hundred and threescore noble persons, if the interpretation that many give of a right gentleman be true: Some others will have seven degrees of nobilitie to suffice, derived from the fathers and mothers side without disparagement. But such laws are dangerous, and full of seditions: and for this cause the law concerning marriages, which Appius the Decemvir is said to have put into the Twelve Tables, was at the motion of Camuleius the Tribune as dangerous, repealed: for that thereby the subject's love was wont to findet, and the cite by seditions ouer thowne: which tumults and seditions the law being once abrogated, and alliances made betwixt the nobilitie and the commnalitie, upon the sudden ceased: howbeit that noble women haue fled home married from the nobilitie, but noble men have oftentimes married with meane women: for that nobilitie is still to bee obtained from the father. And indeed it beft agreeeth with Harmonicall proportion, if a rich base woman marrie with a poore gentleman; or a poore gentlewoman with a rich common person: and the that in beauty and feature excelleth, into him which hath some one or other rare perfection of the mind: in which matches they better agree than if they were in all respects equal: as amongst marchants there is no partnership of societie better, or more assured, than when the rich lazie marchant is partner with the poore industrious man; for that there is betwixt them both equality, and similitude: equalitie, in that both the one and the other have in them some good thing: and similitude, in that they both two have in them some defect or want. And this is it for which the suiney Greekes aptly faine, Loue to have bene begotten of Polus and Penia, that is to say, of Plentie and Powertie, loue growing betwixt them two: so as in fong the Meane betwixt the Bafe and the Treble, maketh a sweet and melodious content and harmonie: For why, it is by nature to all men engraven, for them still to love most, the thing theythemselves want most: so commonly the foule seeketh after the faire; the poore, the rich, the coward, the valiant: whereas if the rich and noble should like wise marrie with the noble and rich, they should one of them make leffe account and reckoning of the other, for that one of them little wanted the others helpe. For as the master of a feast ought not without discretion to place his guests hand ouer hand, as they first came into the house, without any respect had of their age, sexe, or condition: so also ought he not to set all his best guests in the highest and most honourable places: neither all the wise men together with the wise, neither old men with old men, nor young men with young men; women with women, nor fools with fools: following therein the Geometricall proportion, which seeketh after nothing else but the semblableness of things: a thing of it selfe foolish and vnpleasent. But the wiselest master of a feast will place and enetlace quiet men betwixt quarrellers, wise men amongst fools: so that they may by their talke in some sort as with a medicine be cured: so betwixt cauillers shall he set a quiet man, and into an old bablet ioyn a still and silent man: so to give him occasion to speake, and teach the other to speake leffe: by a poore man he shall place a rich, that so hee may extend his bountie
A bountie vnto him, and he againe for the same of the other receiue thanks: so amongst severall and settellal men, he shall mingle others of a more ciuill and courteous disposition; in which doing he shall not only avoid the enemie and heart-burning of such as might complain themselves to be placed in too low places, or not in such order as they desired (a thing hardly to be avoided where question is of degree and place); but also of such a most beautiful harmonical, and orderly placing, that arise a most sweet content, as were of every one of the guests with other, as also of them altogether. Which beautifulnesse of Harmonical order, he which will with Geometrical semblableness, or Arithmetical confusion, inset or trouble, he shall take from out of the feast all the profit, all the sweetnesse, and loue, which should still be amongst the guests. And for this cause men say, Scipio Africanus to have bene blamed by the witez sort of men, and such as lawe false df into matters of state, for that hee first of all others had made lawes concerning the Theatre, giving therein the first places vnto the Senators, and so in the beholding of the playes separating them from the people; when as by the space of 558 yeares before, even from the foundation of the Citye, the Senators had indifferently together with the poore stood to behold the playes: which seputation he made, much alienated the one of them from the other, and was the cause of many great and dangerous tumults and broyles afterwards in that Commonweale. Neither is it enough that the lawes and magistrats confine the subjectes for fear of punishment to forbear to wrong one another, and so to live in peace; but they must also bring to passe, that although there were no lawes at all, yet they should be at vnite among themselves, and one of them still loue another. For that the foundation of marriages, as all other humane societys, which are almost innumerable, refeth in love and friendship, which cannot long continue without that Harmonical & mutual concord which I have already spoke of; and which cannot possibly either by Geometrical or Arithmetical Iustice & government be done, for that the proportion both of the one & of the other, is for most part disjoyned and separat: whereas the nature of the Harmonical proportion alwaies vnites together the extremes, by reason that it hath accord both with the one and with the other: as by the examples propounded we are taught.

Now the equal government and by proportion Arithmeticall is nautral vnto Popularestates, who would that men still should equally divide estates, honours, offices, benefits, common treasures, countries conquered: and if lawes be to be made, or officers ordained, or that judgement be to be giuen of life and death, their desire is, that all the people should thereunto be called, and that the voice of the greatest foole and bed-lone should be of as great weight and force, as the voice of the wiselest man: in briefe, the more popular sort thinke it beft, that all should be cast into lot and weight: as the ancient Greeks, who in three words set forth the true Popular estates, παντα τινοις και κακοις, which is to say, All by lot and balance: or else to measure all things by a most right rule, and every way with Arithmeticall proportion equal. Which for that it is most stearne and inflexible, is after our phrase called Right, and to do justice, is said, To do Right: which manner of speech seemeth to have bene taken from the Hebrews, who call their booke of Law and Justice, פְּתַת וְטַח, that is to say, The Booke of Right, or as the Chaldean interpreter translacteth it, The Booke of Rightnesse: either for that the way of vntie and justice hath no windings or turnings, nor sufuereth vs this way or that way to turne out of the right way; or else for that it is the sole fame vnto all men, without respecte of any mans person, not to bee molested with loute or hatred towards any man. Such an one as many have though Poleletus his rule to have bene, so straight and hard, as that it might more easily be broken than bowed either vnto the one side or the other: vnto the patterne & straightennesse whereof all attificets directed their rules. Such
is also the forme of a Popular government, when all goeth by lot, and by strait and immutable lawes, without any just and indifferent interpretation, without any privilege or acception of person: in such sort, as that the nobles are subject even to the selfe same punishments that the baser sort are; the fines and penalties being alike, upon the rich and upon the poore, and the like reward appointed for the 1ttering, and for the weake, for the captaine, and for the fouldiour.

But now to the contrarie, the Aristocratie government according to Geometricall proportion, is like vnto the Lesbian rule, which being made of lead, was ceticr way so pliant and flexible, as that it might be vnto every stone so aptly fitted and applied, as that no part (fo much as possible was) might thereof be left: whereas others, who were woont to apply the stone vnto the straight rule, oftentimes lost much thereof. So say of some, that judges ought in judgement to apply the lawes vnto the causes in question before them, and according to the varietie of the persons, times, & places, so to decline from that inflexible straightneffe. Howbeit in mine opinion, as it is impossible for a rule to plant every way, as was the Libian Rule, to keepe the name of a rule: so must alfo the strength and name of the law perish, which the judge may at his pleasure every way turne like a nose of waxe, and fo become the master and moderator of the law, whereof indeed he ought to be but the vright minister.

Wherfore a little to decline from that inflexible straightneffe of Polyceutus his rule, as also from the uncertaine pliantneffe of the Lesbian rule, that is to say, from the Arithmetical, and Geometricall proportion of the estate: a certaine third kind of rule is by vs to be deuised, not so stiffe, but that it may bee easily bowed when need shall be, and yet forthwith become alfo straight againe: that is to say, Harmonicall Justice: which I thinke may well bee done, if wee shall conclude and shut vp the government of estate within those foure tearmes which wee haue before combined, viz. the Law, Equite, the Execution of the law, and the Office or Dutie of the Magistrat or Judge: whether it be in the administratiion of justice, or the government of the estate: which haue amongst themselves the same proportion which these foure numbers haue, viz. 4, 6, 8, 12. For what the proportion is of 4 to 6, the same the proportion is of 8 to 12: and against the same reason is of 4 to 8, that there is of 6 to 12. So the Law also hath respect vnto Equite; as hath the Execution of the Law, vnto the Dutie of the Magistrat: or els contrariwise, For Execution serueth vnto the Law, as doth the Dutie of the Magistrat vnto Equite. But if you shall tranpose these numbers before fet in Harmonicall proportion, and to make the Magistrat superior vnto Equite, and the Execution of the Law, to be above the Law it selfe; both the Harmonie of the Commonweale, and musicall content thereof, shall perish. As for Geometricall proportion, the tearmes thereof being tranposed, is yet alwayes like vnto it selfe, whether it be in continuall proportion, as in these foure numbers, 2, 4, 8, 16; or in proportion disioyned, as 2, 4, 3, 6; convert the order of the numbers, and lay, 6, 3, 4, 2, or 3, 4, 6; or in what order ever you shall place them, there shall alwayes be the same proportion of the first vnto the second, which is of the third vnto the fourth; and againe of the first vnto the third, which is of the second vnto the fourth. And albeit that a continuant proportion is more pleasing than that which ariseth of diuided numbers, yet maketh it of it selfe no content; as for example, 2, 4, 8, 16: and much leffe if it consist of Arithmetical proportions, whether that they be diuided in this sort, 2, 4, 5, 7, or els joyned as 2, 4, 6, 8: both which proportions as farre differ from Harmonicall proportion, as doth warme water from that which is most cold, or else acaulding boat. And so in like case may we say, that if the prince, or the nobilitie, or the people, all together hauing the soueraignty, whether it be in a Monarchy, in an Aristocratie, or Popular estate, go-
govern themselves without any law, leaving all vnto the discretion of the magistrats, or else of themselves distribute the rewards and punishments, according to the greatnes, quality, or defect, of every man: howbeit that this manner of government might seeme in apparence faire and good, as not having therein either fraud or flauour (a thing for all that impossible:) yet for all that could not this manner of government be of any continuance, or subsistance, for that it hath not in it any bond wherewith to bind the greater vnto the leffer, nor by consequence any accord at all: and much lesse shall it haue of suit, if all be governed by equalitie and immutable lawes, without applying of the equitie thereof according vnto the particular varietie of the places, of the times, and of the persons: if all honours and rewards shall be gien to all men indifferently, by Arithmetical proportion alike, without respect of honour, person, or defect: in which state of a Commonweale all the glorie of vertue must needs decay and perish. Wherefore as two simple medicines in the extremitie of heat & cold, and so in operation and power most unlike one of them vnto the other, are of themselues apart vnto men deadly & dangerous; and yet being compound & tempered one with the other, make oftentimes a right wholesome and soueraigne medicine: so also these two proportions of Arithmetical and Geometrical government, the one governing by law onely, and the other by discretion without any law at all, do ruinat and destroy estates and Commonweales: but being by Harmonical proportion compounded and combined together, are well to preferre and maintaine the same.

Wherefore Aristotle is deceived, in deeming the Commonweale then to be happy, when it shal chance to have a prince so great vertue and wildeome, as that hee both can and will with greatest equitie, governe his subiects without lawes. For why the law is not made for the prince, but for the subiects in generall, and especially for the magistrats, who have their eyes oft times so blinded with fauour, hatred, or corruption, as that they cannot so much as see any small glynse of the beautie of equitie, law and justice.

And albeit that the magistrats were angels, or that they could not in any fort bee mifled or deceived, yet nevertheless were it needfull to have lawes, wherewith as with a certaine candle, the ignorant might be directed in the thickest darknesse of mens actions; and the wicked for faire of punishment also terrifed. For albeit that the eternall law of things honest and dishonest be in the hearts of euery one of vs, by the immortall God written, yet were no penaltie so in mens minds by God registred, whereby the wicked might be from their iniurious and wicked life reclaimed. Wherefore the same immortal and most mightie God, who hath even naturally engraven in vs the knowledge of right and wrong, with his owne mouth published his laws, and thereunto annexed also penaltie: before which lawes no penaltie were appointed, neither any law maker so much as once before remembred or spoken of. For proooke whereof let it be, that neither Orpheus nor Homer, nor Auleus, the most auantiest Greek writers; neither any other which were before Moses (who was more auantest than all the PAYning gods) in all their workes so much as once vfe the word Law: kings by their hand, their word, and soueraigne power, commanding all things.

The first occasion of making of lawes, was the chaunging of Monarchies into Poper and Aristocratie Commonweales: which they first did at Athens, in the time of Draco, and afterward of Solon: and in Lacedemonia, in the time of Lycurgus, who tooke from the two kings the soueraignty. Whose examples the other cities of Greece and Italia set before themselves to behold and imitate, viz. The Dorians, the Ionians, the Cretenians, the Locrenians, they of Elis, Crotona, Tarentum, and Rome, with durers other townes in Italia: in which cities the people were ever at variance and discord...
with the nobilitie; the poorer fort still seeking to be equall with the noble and richer: which could not possibly be, but by the equalitie of lawes; which lawes they of the richer on the contrarie side utterly reelected, seeking by all meanes to be therefrom free & privileged: as they who with their wealth & power defended the Commonweale; and therefore thought it reason in honour and preferments, to be above them of the inferior fort: who indeed having to got the great estates and principall charges in the Commonweale, alwayses favoured the richer fort, and them that were like unto themselves, still captivating and oppressing the poore. Whereof proceeded the hard speeches and complaints of them of the meaner fort: which that they might in the citie of Rome have some end, Terentius Ata Tribune of the people, in the absence of the Consuls, blaming the pride of the Senators before the people, bitterly inveighed against the power of the Consuls; allleging, That for one lord now there were two, with an immoderat and infinit power, who themselves loosed and discharg'd from all feare of lawes, turned all the penalties thereof upon the poore people. Which their insolencie that it might not still endure, he said, He would publish a law for the creating of Fine men,for to appoint lawes concerning the power of the Consuls, who from thenceforth should not use further power, than that which the people should give them out themselves, and not to have their luft and insolencie any more for law. Six yeres was this law with great contention and strife between the nobilitie and people debated, and at length in the behalf of the people establisht. But here it shall not be misse out of Licini to fet downe the very speeches and complaints of the nobilitie, ac counting it better to live under the towraftige power of a king without law, than to live in subjection vnto the law, Regem hominem esse a quo impetres ubi ius, ubi inurias opus sit, esse gratie locum, esse beneficio, et raet, in sumere potere, inter amicum & inimicum discrimen tenuerit, leges rem sordam & inexorablen esse, salutariorem meliorenque mo-pi quam potentis, ubil laxamentum nec venia habere, si modum excesse in periculosum esse in toj humanis erroribus sola innocencia vinere: The king (they said) to be a man of whom thou maist obtaine something where need is, in right or wrong: wanting to bee able to doe something with him, as desert alfo, who knew both how to bee angry, and to grant pardon: as alfo to put a difference betwixt a friend and a foe: as for the law it to bee but a deafe and inexorable thing, whilofomet better for the beggar than the gentleman; to haue no releafe nor mercie, if thou shalt once trancgre the fame: it to bee a very dangerous thing in so many mens frailties, to live only vpon a mans innocencie: Thus much Licini. After that the lawes of the Twelve Tables were made, where amongst others there was one very popular, and quite contrarie vnto the command and power of the nobilitie, and was this, Privilegia non committis centuritiis ne irrogan-to: qui facerit factum, Capital est. Let no privileges be granted, but in the great assemblies of the estates: who so shall otherwise do, let him die the death. By which strait lawes the judges and magistrats for a time so governed the people, as that there was no place left for pardon or arbitrarie judgement, to be given according vnto equity and conscience without law. As it also happened, after that king Flaccus the first had subdued Sauoy, the new Gournours and Magistrats oftentimes gave judgement contrarie vnto the custome of the country, and written law, hauing more regard vnto the equitie of caufes, than vnto the law. For which cause the estates of the country by their am-bassadours requested of the king. That from thenceforth it should not bee lawfull for the Gournours or Judges, to judge according vnto arbitrarie equitie: which was no other thing, than to bind them vnto the strict lawes, without turning either this way or that way, than which nothing can be more contrarie vnto the minds and proceedings of favoureable or corrupt judges. And therefore Charondas the Carthaginenian law-
A gius (a man very popular) forbid the magistrates in anything to depart from the words of the law, how vainly soever they seemed for to be. Francis Coron Maistre of the Requests, being commanded to hear the aforesaid ambassador of the Sauoyans, wrote him directly to have greatly marreled, that they should request so unreasonable a thing: as viz. That it should not be lawful for their magistrates to judge according to the equity of the cause, but the strictness of the law: and reprehended also D. Faber, for saying, That in this realm there are none but the soueraigne courts, which can judge according to the equity of the cause: saying moreover, That he himselfe doubted not so to do, when as yet he was the leaft judge in Fraunce. Howbeit that the ambassadors thought their judges by the strict observing of the laws, to bee better kept within the compass of their duties, if the colour of equity being taken away, they should still judge according to the very law. Accurius not so elegantly as aptly vnto that he meant it, villed the vnlearned judges, strictly to stand vpon the very words of the law: like vnskillful riders, who doubting to be able to sit the horse they are mounted vpon, for feare of falling hold fast by the saddle.

But for the bettter understanding and explaining of this matter, it is to be considered, that the word Equitie is quietly taken. For Equitie referred vnto a soueraigne prince, is as much as for him to declare or expound, or correct the law: but referred vnto a magistrate or judge, is nothing else, but for him to affwage and mitigate the rigor of the law: or as occasion shall require aggravat the too much lenitie thereof: or else to supply the defect thereof when as it hath not sufficiently prooued for the present cause offered, that so the purport and meaning of the law fauid, the health and welfare both of the lawes and Commonweale may be respected and prooued for. In which sense not the soueraigne courts onely, but even the leaft judges of all haue power to judge & pronounce sentence according vnto the equity of the cause: whether it be by virtue of their office, or that the proceeding before them is by way of request; or that the prince hath sent them some commission, or other letters of justice for such their proceeding, which they may either accept or reject; following therein the lawes of our kings, and the clause of the letters carrying these words, Se faire forth as shall seeme right and iuit: or that the prince by his express recipt or edict committed any thing vnto their conscience by these words, wherewith wee charge their conscience: as oft times wee fee those things which for the infinit varietie of causes, cannot by lawes be prooued for, to bee by the prince committed vnto the religion and conscience of the magistrates, without any exception of such judges or magistrates: in which case the leaft judges have as much power as the greatest: and yet nevertheless they cannot (as may the soueraigne courts) frustrate appeals, neither quite and cleanly aboule and discharge the accused, but only vntill they be commanded againe to make their appearance in judgement, after the manner and forme of the Lacedemonians (as faith Plutarch) when they are any way attainted of time: neither can they also releue, or hold for well releued, a man, appearing from a judge royall: not other such like thing. Neither is it any noxietie, many things to be in judgement lawfull for the greater magistrates or judges, which are not lawfull for the leafer: when as in the Pandects of the Hebrewes we read it to have beene lawfull onely for the court of the wife and graue Senators (which they properly call Hacanim, and corruptly Sanadrim) to judge of caules according vnto equitie: but not for the other leafer judges also.

But now whereas by the orders and custome of all the cities of Illytie, it is prooued, That the Judges may not swarne from the very words of the law, exclueth not thereby either the equitie, or yet the reasonable exposition of the law: as Alexander the most famous lawyer of his time, according to the opinion of Bartholus, answered: who in

Tt iiiij that

The good counsel of Accurius vnto vnlearned judges.

The good counsel of Accurius vnto vnlearned judges.

How even the soueraigne judges may have power to judge according to the equity of the cause without law.

Many things in judgments lawfull for the greater magistrates or judges, which are not lawfull for the leafer.

The judicial bound vnto the very words of the law, is not yet thereby embarassed to wit the equity of the law or yet the reasonable exposition thereof.
that respect put no difference betwixt the great magistrate and the little. For that to say truely, the law without equitie, is as a bodie without a soule, for that it concerning but things in generall, leaueth the particular circumstances, which are infinit, to be by equitie fought out according to the exigence of the places, times, and pertons: whereunto it behoveth the magistrate or judge to apply the laws, whether it be in teares of justitie, or in matter of estate, as that there of enuie neither any inconueniency nor aburditi whatsoever. Howbeit yet that the magistrate must not so farre bend the law, as to breake the fame, although that it seeme to be right had: whereas it is of it selfe cleere enough. For to faith (Pfian, Dura lex est: sic tamen scripta, An hard law it is (faith he) but yet so it is written. A hard law he called it, but yet not an vniust law: for why, it is not lawfull rashly to blame the law, of injustitie. But yet it is another thing, if the law cannot without inuitle be applied vnto the particular matter that is in question for: that in this case (as the lawyer saith) the law is by the decrete of the magistrate to be qualified and moderated. But when he faith the Magistrate, he sufficiently sheweth that it belongeth not vnto the other particular judges so to do, but onely vnto the Pretor, as graunted vnto him by the Pretorian law, at the institucion of his office: whereby power was given him to supply, expound, and correct the lawes.

But forasmuch as that greatly concerned the rights of soueraigntie, princes afterwards (the Popular estate being taken away) referret vnto themselues the expounding and correcting of the laws, especially in cases doubtful, arising betwixt the Law and Equitie: about the true understanding and expostion of the law. And therefore the judges and governours of provinces, in aunntient time doubting of the law, still demaunded the emperours advice and opinion, when as the case presented, exceeded the tearmes of equitie arising of the law: or that which seemed vnto them unjust, was contra-rue vnto the positive law: in which case if the prince were of farre off, as that his exposition was not in time convenient to be had: and that to delay the cause, seemed vnto the estate daungerous; the magistrate were then to follow the very words of the law. For that it belongeth not vnto the magistrate to judge of the law (as faith a certaine aunntient Doctor) but onely to judge according vnto the law: and for that in doing otherwise, he shall incurre the note of common inamiable. And to this purpose I remember that Bartholomew, one of the Presidents of the enquiryes in the parliament of Thoulouse, in that the councellors of his chamber, his fellow judges, would have guien judgement contratie vnto the law: he hauing caused all the rest of the judges of the other courts to bee affirmed, by an edict then made at the request of the kings subjects, compelled the judges his fellowes, in their judgements to follow the law: Which law when it shoulde seeme vnto the court vniust, they should then for the amending thereof, haue recourse vnto the king, as in such case had bene accustomed: it being not lawfull for the judges sworne vnto the lawes, of their owne authoritie to depart therefrom, seemed they vnto them neuer so iust or iustious. Whereby it appeareth the magistrate to stand as it were in the middle betwixt the law and the equitie thereof: but yet to be himselfe in the power of the law, so as is equitie in the power of the magistrate: yet so as nothing be by him deceitfully done, or in preuident of the law. For why, it befeemeth the judge alwayes to performe the dutie of a good and innocent upright man. For where I lay that cases forgotten by the lawmaker, and which for the infinit varietie of them, cannot be in the lawes comprifed, are in the discretion of the magistrate, it is yet still to bee referred vnto equitie, and that the judge ought still to be (as we said) an upright and iust man, not in any thing vifing fraud, deceit, or extortion. Wherein Alexander the most famous lawyer befeemeth vnto me to haue bene deceived, in saying, That the judge which hath the arbitrarie power to judge according to his owne mind, may if hee so pleased..
A: please judge vniuflly: an opinion contrarie vnto the law both of God and nature, and of all other lawyers also reiected: who are all of aduise, That a judge hauing arbitrary power to judge according to his owne good liking, is not to be finned, howbeit that he haue vniuflly judged: prouided that he haue therein done nothing by fraud or deceit. And by the law of Luiprard king of the Lombards, it is fet downe, That the magiſtrat shall pay fortie shillings for a fine, if he judge contrarie vnto the law, the one halfe vnto the king, & the other halfe vnto the partie: but if he shall vniuflly judge in that belongeth vnto his place and office without law, he is not therefore to be finned: prouided yet that he haue therein done nothing fraudulently or deceitfully: as is yet also obferued and kept in all the courts and benches of this realme. Howbeit that the auncient Romans thus held not themſelves content, but cauſed their judges to swaue, Not to judge contrarie vnto their owne confidence: and still before that they pronounced (tenence, the Cryer with a lowd voyce cried out vnto them, Ne se paterentur sui demiales eſse, That they would notuffer themſelves to be vniuſe themſelves; as faith Caſſiodore. And in like case the judges of Grece were wvorne to judge according vnto the lawes: and in case there were neither lawe nor decer, concerning the matter in question before them, that then they shoule judge according vnto equiti, vſing these words, Ἰνα ἴσως ἔστω. Whereunto that laying of Seneca alludeth, Melior videtur condicio bona cauef ad iudicem quam ad arbitrum quis misitat: quia illum forma includit, & certos terminos ponit: huimus libera, & nullus astricta vulculus religio, & detrabere aliquid potest & adiugere: & fententiam iuam non prout lex aut iustitia iudicet: sed prout humanitas aut misericordes impulit regere. The eſtate of a good caufe (faith He) leemeth better, if it be reffered vnto a judge, rather than to an arbitrator: for that the prefent forme of law enclosed him in, and prefertibeth vnto him certaine limits and bounds; whereas the others free confidence, and bound to no bonds, may both detract and add something, and moderat his sentence, not as law and justice shal require, but even as courtſie and pitie shall lead him. Which to great a povert the wife lawmkaers would neuer haue left vnto the judges, had it bene poſsible to haue comprehended all things in lawes: as some haue bene bold to fay, That there is no caufe which is not contained in the Roman law, a thing as impossible, as to number the sand of the seas, or to comprehend that which is in greatneſſe infinite, in that which is it felle contained within a moft little compafe, or as it were within moſt trait bounds flue vp. And therefore the court of parliament at Paris, fearing leaft men should draw into the confequence of lawes, the decrees that it should make; cauſed it to be registred, That if there were any notable doubt, or that the matter was defeuered, their decree or sentence should not be drawne into confequence, or be in any wife prejudiciall, but that it might be lawfull in like caufe to judge otherwise: & that for the infinit varietie of things doubtfull: whereby sometimes it commeth to paſfe even contrarie, or moſt unlike judgmentes to be giuen euuen of the felē fame or verie like caues, and yet both moſt iuſt: as sometimes it chaunceth two trauelers comming from diuers countries, to arrive at the fame place, by wayes altogether contrarie. Neither ought the judges or lawmkaers to joyn their reaſons vnto their judgmentes or lawes, a thing both daungerous and fooliſh, as giuing thereby occasion vnto the ſubiectes, to forge therof newe fruits and delacies, or exceptions of error, or otherwiſe to deceiue the lawes. And that it is for which the auncient lawes and decrees were moſt briefly fet downe, and as it were in three words, which to cut off all the decrees that could agaiſnt the fame lawes be imagined or deuiled. Wherefore it is a moſt perniſious thing, to gather together the decrees or judgmentes of any court, to publish the fame, without having red them in the records theſemſelves, or knowing the reaſons that induced the court to make the decree, which the judges oftentimes cauſe to bee record

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Why so many things are by the wise lawmkaers left vnto the confidence and discretion of the judge.

How it commeth to paffe, that moft contrarie or moft unlike judgmentes may be given of the fame or verie like caues, and yet both iuſt.

That the reasons of lawes and judgmentes ought not to be vnto them joined.
Few lawes made by the古代 makers.

The Frenchmen much gluyn to suits in law.

The cause of the multitude of suits in France

Few lawe, some suits, and more fees.

ded apart from the sentence or judgement least any should be thereby deceived. Howbeit that it is a thing of itself also verie daungerous to judge by example and not by lawes, such judgements being still to be chaunged even by the least and lightest varietie and chaunge of the circumstances, of the persons, or of the places, or of the times, which infinit varieties can in no lawes, no tables, no pandects, no books, be they never so many or so great, be all of them contained or comprehended. And albeit that Solon was wrongfully blamed for making so few lawes, yet Lycurgus nevertheless made fewer, yea so few as that he forbade them to be at all written, so to have them the better remembred; leaving most part of causes vnto the disposition of the magistrats. As did also Sir Thomas More Chauncelour of England, leaving in his Vitopa all penalties, excepting the punishment for adulterie, vnto the disposition of the magistrats; than which nothing can (as many think) be better or more profitably devised, so that the magistrats and judges be still chosen not for their wealth and substanse but for their vertue and knowledge. For it is most appatant even to every mans eye, that the more lawes there bee, the more suits there are about the interpretation thereof.

Wherefore Plato in his books of Lawes, forbiddeth lawes to bee written concerning the execution of the law, or concerning jurisdiction, traffique, occupations, injuries, customes, tributes, or shipping. Which although we cannot altogether be without, yet might we of such laws cut off a great part. Which is also in this realme of Frauncie to bee seene, which hath in it noe lawes and customes than all the neighbor nations; and so also noe suits than all the rest of Europe beside: which began then especially to encrease, when as first king Charles the seventh (as I suppose) and other kings after him, to the imitation of Inuflinian, commanded heapes of lawes to be written, with a whole traine of reasones for the making of the same: contrarie vnto the ancient manner of the lawes and wife lawymakers: as if his purpose had bene rather to persuade than to command lawes. And this is it for which a certaine craftie corrupt judge (whom I remember to have bene banisht for his infamous and bad life) seeing a new edict or law (whereafter he still gaped) brought to be confirmed, commonly said, Behold ten thousand crownes in fees, or as some others say, Behold more suits and heapes of gold. For why, the Frenchmen are so sharpe witted in raisyn of suits, as that there is no point of the law, no fillable, no letter, out of which they cannot wrest either true or at least wise probable arguments and reasons, for the furthering of suits, and troubling euon of the best judges of the world. Howbeit the iust and vpright judge, which shall not bee constrained to sell by retaile what others have bought in grosse, may with a right few and good lawes gouerne a whole Commonwealth: as was in Lacedemonia, and other flourishing Commonwealths to bee seene, who but with a few lawes right well maintained themselues; others in the mean time with their Codes and Pandects being in few yeares destroyed, troubled with seditions, or with immortall suits and delays. For we oftentimes see suits of an hundred yeares old, as that of the Countie de Rais, which hath bene so well maintained, as that the original parties and the beginniers therselfe are dead, and the suit yet alive: Notunlike that old woman Ptoleman, of whome Suidas speakes, who so long, and with such obstinacie of mind and delays maintained her suit, that she died before that it could be ended.

Now certaine it is, that of the multitude of laws, with their reasons annexed vnto them, and in this realme published since the time of Charles the seventh, is come the heape of suits; and so many being to be found in a thousand yeres before, as have bene within this hundred or sixe score yeares, and yeat forsooth full of reasons: howbeit that there is not one reason set downe in all the lawes of Solon, Draco, Lycurgus, Numa, nor in the Twelve Tables, neither yet commonly in the law of God it selfe. And howbeit
beit that some may say, That the infinit multitude of people which aboundeth in this realme, may help to encreas the multitude of suits; so it is; that there were a great many moe in the time of Cæsar, and yet moe than there was then about five hundred years before, as he himselfe writeth in the sixth booke of his Commentaries. And Iosephus in the Oration of Agrippa,sayth, That there were above three hundred nations in Gaule: And yet neuertheless Cicero writing vnto Trebatius the lawyer (then one of Cæsars lieutenants) meerele faith, him to have gained but a few in France to his occupation. Wherefore they which have brought in such a multitude of lawes, as thinking thereby to cut vp all deceit by the roots, and so to restraine suits: in so doing imitat Hercules, who haue cut of one of Hydras heads, see feuen others forthwith to arise thereof. For even so one doubt or fuit being by law cut off, wee see feuen others of new sprung vp, of that heape of words and reasons without reason heaped together in persuading of the law: it being indeed a thing impossible in all the bookes of the world to comprehend all the cases which may happen, and ten thousand fuites arising vpon euery reason of the law gien. So that Seneca thereof saith well, \textit{Nihil nisi videntur frigidus quium lex cum prologo: subeat lex, non suadeat}, Nothing (faith he) leemeth vnto me more cold, than a law with a prologue: let the law commaund, and not persuade: except the reason of the law be from it inseparrable. And howbeit that the Decemviri, or Ten Commissioners, appointed by the Romans to reforme the lawes, and to eestablish new, had twelue tables comprehended whatsoever could by mens wit bee foreeene: sayeing and thinking alfo them to haue therein comprifed all occurrrences that might happen: yet shortly after they found themselves faire from their account, and so many things to be wanting in hole their lawes; as that they were enforced to giue power to the Proouff of the citie, to amend the lawes; to heape lawes vpon lawes; to abrogate the greater part of the lawes of the twelue tables: and in brieue to leave vnto the magiftrats discretion the greater part of the judgements concerning mens particulair caufes or intereit. And howbeit alfo, that in respect of publike caufes, they did what they might to haue shut vp the judges within the barres and bonds of the lawes, yet so it was, that in fine they seeing the inconueniences which continually fell out in all matters, in seeking to doe equall justice to all men, according to the Arithmetical proportion, were constrained (aftet that the Popular estate was changed into a Monarchy) to make a great Proouff in the citie of Rome, to whom they gave power accordingly to judge of all the crimes committed in Rome, and within fourtie leagues round about the citie: which power was alfo giuen vnto the Proconsuls, and other gournours of provinces every one of them within the compasse of his owne jurisdiction. Now he which extraordinarily judgeth of offences, is not in his judgements bound or subject vnto the lawes, but may giue such judgement as shall seeme vnto himselfe good: protruded yet that he therein exceed not measure, as faith the law: which measure confines in the Harmonieal proportion which we haue before spoken of.

Yet such extraordinary power by the prince giuen vnto the magiftrats, whether it be for judgement, or for manning of wars, or for the gouerning of a citie, or for any thing elle doing, hath many degrees: for either his power is giuen him next vnto the prince, greater than which none can be: or else power is giuen him by vertue of his office, so that he may judge as he seeth caufe, or else may judge in such for as might the prince himselfe; which power little differeth from the highest and such as can in no wise by the highest magiftrat vnto another magiftrat or Commissioner be giuen. But if in the princes refeript or commission it be contained, That the appointed magiftrat shall judge of the caufe in question according as reason, equity, religion, or wife dome, shall lead him, or some other such meane of speech, in all these cases it is certaine, that his power...
power is fully limited and referred unto the judgment of an honest man, and the terms of equity: whereunto the prince himself ought to refer all his own judgments also. Wherein many are deceived, which thinke it lawful for the prince to judge according to his conscience, but not for the subject, except it be in matters and causes criminal: in which case they are of opinion, that the magistrat may as well as the prince judge according to his conscience: which if it be right in the one, why is it not right in the other? and if it be wrong in the one, why should it not be so in the other? When as indeed it is lawful for no man in judgement to live without equity and conscience, and that injustice like an Ape is alwayes like unto it selfe, filthy still, whether it be clothed in purple, or in a pied coat. And in judging it is one thing to be freed from the law, and another to be freed from conscience.

But if the variety of a fact in question be not knowne but vnto the prince himself, or magistrat alone, neither the one nor the other can therein be judge, but witnesse one by one: as Re (the great lawyer) answered vnto the Gouernour of Bolonial Lagraffe, who without any other witness had seene a murder done, telling him, That hee could not in that case be judge. Which telling was also given vnto king Henry the second of Fraunce, by the judges who were extraordinarily appointed to judge of divers causes at Melon, where the king having himselfe taken an Italian (one with whom he was familiarly acquainted) in a fact deuering death, committed him to prison; who some weare of his imprisonement, preferring a request vnto the judges. That forasmuch as he was not convict of any crime, neither yet so much as by any man accused, hee might therefore as reason would, be discharged and set at libertie. Whereupon Cotellus, chief judge of the court, with three other of the judges went vnto the king, to understand of him what occasion he had for the imprisonement of the man, or what he had to lay vnto his charge? Where the king commanded to bee forthwith condemned, for that he himselfe had taken him in such a fact as well deuering death, which yet hee would not discover. Whereupon the chief judge answered, Nos iurati sumus nisi seceris convertam, et ex animo nos firmiter sententias damnamus esse neminem. We are sworn (said he) to condemn no man except he be of some capital crime convicted, and according to our conscience. With which answer the king (otherwise a most courteus and gentle prince) much mused, and that the judges seemed to doubt of his fidelitie and creditt, deeply vsorrc. That hee himselfe had taken the villain in a fact deuering death. Wherefore Anne Montmorancie, Great Constable of Fraunce, perceiving the judges to be bound by their oath, to judge but according vnto the laws, and that in performing the kings command they should rather seece manquellers and murdering, than vpright judges, taking the king a little aside, persuaded him to defferre the execution of the man vntill night, lest the people might haue to be troubled with the novelty of the matter. And to the guilty partie the night following was by the commandement of the king thrust into a sacke, and in the river drowned. Yet the same king also, in a ciuill cause, heard but as a witness in the great suit about the inheritance of George of Ambois, where he was before the judges vsorne as a privat man, and his testimo ny accounted but for one. Wherefore Paulus Tertius was not without cause blamed, for that he being Pope, had caused a certaine gentleman to be put to death, who had confessed vnto him (being then a Cardinall) a lector murder by him done; which thing yet the same gentleman afterward contantantly denied him to have either said or done. Howbeit it was much better and more indifferent, the prince or the magistrat to judge according vnto their consciences in ciuill, than in criminal causes: for that in the one question is but of mens good: whereas in the other ill mens fame, yea oftentimes their lives, and whole estates is in daunger: wherein the prooves ought to bee more cleerer than
A than the day it fel Fel.

But yet the difference is right great, and much it concerneth, whether the magistrates in their judgements be bound vnto the lawes or not, or else be altogether from the lawes loose & free: for that in the one, question is onely of fact: but in the other, of law, equitie, and reaon, and especially when question is of matter of great importance or consequence, and wherein the law is to be expounded: which in antient time was giuen in Rome vnto the Great Prouofof, as we haue before said; but by the law of God was refereed vnto the High Priest; or vnto him that was by God chosen to bee soueraigne judge of the people: or in their absence vnto the Levites. Which power in the latter times of the J ewes Commonwealth (and about two hundred yeares before Christ, vnder the latter princes of the houfe of the Afmonem) was by custome, but not by law, giuen vnto the Senat of the wife Sages. As amongst the Celts our anccstours, the Priests and Druides, for that they were the makers of the factices, and keepers of the holy rites, were made alfo the keepers and guarders of Iustice, as of all other things the most sacred. The president or chiefe of which Druides (as Ammian us reporteth) still carried about his necke a precious stone, hanging downe vnto his breast, with the picture of Truth engraven in it. Which most antient custome of the Hebrewes, and of the Egyptians, even yet continueth in all Asia, and in the greater part of Africa alfo, viz. That the Priests should haue Iustice in their hand, and the Great Bishop the expouision of the Lawes, and the deciding of the most high and difficult causes. So the Great Bishops, whome the Turkes call their Muphiti, hath him selfe alone the expounding or declaring of the doubts arising of the obscure lawes, especially when question is betwixt the written Law and Equitie it fel Fel. Which expouision of such doubtfull lawes, the Roman emperours refereed vnto them selves, as proper vnto the soueraigne of their imperiall maestie. So the Persian kings had alfo their Muphi, as the fanguarie both of the publicke and privat lawes, who was still reffiant in the great citie of Tauris. So had the Tartars theirs in the famous citie of Samarcand: and the kings of Afrike euery one of them their Great Bishops alfo: who at Athens were called Neuromorphales, and in other places Thelebothete. Whereby it is to be understood, that such matters and interpreters of equitie when law faileth, ought still to be most wise and right men, alfo in most high authoritie and power placed.

And now verily if the lawes of Arithmetical Iustice might take place but euín in privat judgements onely, as when question is of the exchange of things, then no doubt should in such privat judgements be feene, but all the question should confist in fact onely: to that no place should be left for the opinion of the judge, neither yet for equitie, things being done and shut vp within most strict and strait lawes: which wee said could not be done, and if it could, yet will we forthwith shew the same to bee most vniut and absurd. But yet first let vs shew, that publicke judgements neither can nor ought to be handled or made according to the Geometrical lawes or proportion of Iustice. Which never to have bene before done, is manifest by all the lawes which carry with them amerceements or fines, which are to be found in the laws of Draco, Solon, or of the Twelve Tables: as alfo by the lawes and customes of the antient Saïens, Riputaries, Saxons, English, and French men, where almost all the penaltys are pecuniarie, and the same fines most often indifferently set downe as well for the rich as for the poore, according vnto equall Arithmetical Iustice. All which lawes were to be repealed if pecuniarie amerceements and fines were according to the opinion of Plato, after the Geometrical proportion of Iustice, to be of the offenders exacted. These words alfo, Ne magistratus multam panamue lenire licet, That it should not bee lawfull for the magistrates to mitigate the fine or penaltie: a clause most commonly annexed vnto all per.
null editis and laws; were to no purpose, but to be quite omitted, & the matter left unto the discretion of the magistrate, at his pleasure to aggravate or ease the fine or penalty. Yet that law common unto all nations, whereby it is provided, That the partie condemned not having whereunto to pay the fine due for the fault by him committed, should satisfy the same with corporall punishment to be inflicted upon him, were also to bee abrogated and taken away.

But here perhaps some man will object & say, It to bee great injustice to condemn a poore man in a fine of 65 crownes, for a foolish rash appeale by him made unto any the higher courts (as the mater with vs is) and yet to exact no greater fine for the same offence of the richest of all. For why, Geometricall proportion of Jusstice, which exacteth fixtie crownes for a fine, of him which is in all but worth an hundred crownes, requirith three score thousand crownes of him which is worth an hundred thousand crownes. For that the like Geometricall proportion is of three score to an hundred, that is of three score thousand to an hundred thousand. Thus we see the rich man by Geometricall proportion of Justisie, to be much more grievously fined than the poore: and so contrariwise the Arithmetical proportion of Justice, in the imposing of penalties and fines, to be the meanes for the rich to vndoe the poore, and all vnder the colour of Justice. Which inconveniences out auncetors foreseeing, by laws gaue leaue vnto the judges, beside the ordinarie fines, to impose extraordinarie fines also vpon offenders, if the weightinesse of the cause so require, which manner of proceeding the antient Greeks also vied, calling this extraordinarie manner of amercement or fine, as Demothenes writeth, and which is yet vied by the Roman lawes: which draweth very neere vnto the true Harmonical Justice, if by the same lawes it were permitted vnto the judges, or at leastwise vnto the soueraine courts to diminish also the fine, having regard vnto the equalitie and condition of the poore and simple, as they alwayes do in the parliament at Roan. And whereas the receivers of the fines requested of the the king, That it might bee lawfull for the judges to encrease, but not to diminishe the fines imposed vpon such as should rashly appeale. Lefore the President, and D. Amours the kings Attourney, were deputed & sent from the parliament at Roan vnto the king, to make him acquainted with divers things concerning the demaine, & generall reformation of Normandie (wherein I then was a partie for the king) and amongst other things, to request him, That it might please his maiestie, not to contynue them to condemn all such as should rashly appeale vnto the superiour courts, in the selle same fine of three score pound Paris: which vnto me seemed a thing unreasonable, hauing also in antient time before bin done, by an edict of the emperor Claudius. In which doing the true Harmonical Justice should be obserued and kept, which in part equal, in part semblable, are alike, there should be an equalitie betwixt men of the middle sort of wealth, according to the Arithmetical proportion of Justice: and a Geometricall proportion also betwixt the great lords and the poore sort: Whereof the former should in this case be left vnto the disposing of the law, and the other vnto the conscience and discretion of the judges. For there is nothing more vnjust, than the perpetuall equalitie of fines and punishments. For proole whereof let the law but lately made by king Charls the ninth concerning apparell, set for an example: whereby a fine of 1000 crownes was imposed vpon all such as should either much or little transeffe the same, without respect of any the offenders ability, age, or condition: with prohibition for the judges in any sort to mitigat or lessthen the same. Which law concerning all men in general, and yet made by Arithmetical proportion of Justice, was shortly after by the iniquit of it selfe rent in funder, and by the magistrate himselfe, as well as by other priuat men neglected. Whereas the law of Philip the Faire concerning apparell was much mote
more just and indifferent, as near approaching vnto Harmoniall Iustice: and appointing divers punishments, according to the diueritie of the offenders; as vnto a Duke, an Earle, a Baron, and a Bishop, a fine of an hundred pound, the Banaret sittie pound, the Knight and pettie Landlard sottie, Deanes, Archdeacons, Abbeys, & other clarkes, having dignities or ecclesiasticall preferments, 23 pound: vnto the other lay men offending, of what estate foever they were, if they were worth a thousand pound, was appointed a fine of twenty sittie pound: and if they were worth lesse, they were to pay an hundred shillings: the other clarkes without dignifie or promotion, were they secular or religious that offended against the law, paid the fine of an hundred shillings, as did the others. Wherein we see vnequall punishments appointed for persons vnequall, following therein Harmoniall Iustice: and yet for all that we see also equall punishments for persons vnequall, following therein Arithmeticall Iustice: and both the one and the other to mixt together, as that there of aifeth also that Harmoniall Iustice which we so much secke after. The same proportion is obtented in the law, allowing of euerie mans apparell and attire also; as where it is said, That no woman citizen should wear any chaine: also that no bourse or common person of either sexe, should wear any gold or pretious stones, neither girdles of gold, nor any crowne of gold or fluer: or any rich furres: which is not forbidden the nobilitie, and yet in them also there is some difference; as in that it is said, That the Duke, the Countie, the Baron, which hath six thousand pound land, may make themselues foute new futes of apparell in a yeare, but no more; and their wives as many: and gowmen, and clarkes, which have no dignities nor preferments, should not make them gownes of cloath about six sittie shillings the elle Paris; &c for their followers not above twelve shillings. Many other such like articles there were, and yet was there no mention neither more not leffe either of flieke or veluet, or other such like thing. So that hee which would in penall lawes particularly keepe Geometricall Iustice, in letting downe the penalties according to the equalitie of the offences, and abilitie of the offenders, shall not make penall law: For that the variety of persones, of farts, of time, and place, is infinit and incromprehensible; and such as should alwaies present vnto the judges, cases stil much vnlike one of them vnto another. So also the perpetuall equalitie of penalties according to Arithmeticall proportion, is as vniust and unreasonable, as if a Physician should prescribe the same medicine to all diseases: as is to bee seene by the lawes of the Romans concerning the charges to be bestowed at feasts & banquetes: whereby the mordeliers were equally cut vnto all even alike, and the penalty also equall without respect of rich or poor, of noble or base amongst whom euer ye had bene no hard matter to have keept the Geometricall proportion, as neetleth vnto true Iustice, every mans wealth being with them enrolled in the Censors bookes: whereas with vs at this present it were a thing most hard, or rather imposible to do, as having no Censors, by whom mens wealth might be reasonably knowne. But the Popular estate of the Roman Commonweale still fought after the Arithmeticall equalitie of lawes and penalties. Which equalitie the estate being chaunged into a Monarchie, the princes by little and little changed, and so moderated the penalties before upon the nobilitie imposed; as is by the receipt of Antoninus Pius vnto the gouvernor of one of the provinces to be seene: who had in hold a noble gentleman conuict before him, for murdering of his wife by him taken in adulterie: wherein, he willed him to moderate the penalty of the law Cornelia: and if the murderer were of base condition, to banish him for euer, but if hee were of any dignifie or reputation, that then it should suffice to banish him for a time. Now it is a notable difference in terms of Iustice, that the qualitie and condition of the person should in judgment deliuer him from death, who should othwerwise have bene
The quality and condition of the person to be in the making of penal laws, and inflicting of punishments much respetted.

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bene condemned: for the muttherer saith the law ought to be put to death, it he be not a man of some dignitie and honour. And the Law Viféellis willeth that the stealers of beasts, if they bee slaine, should be call unto the wild beasts; but if they were freemen, they should be beheaded, or condemned into the mynes: but if they were of any nobilitie, it should then suffice to banish them for a time. In like fort also, that the burners of villages or houses should bee strown unto the beasts, if they were men of base condition: but if they were of any noble house, then to be beheaded, or els confined. And generally, the slaues were ever more feriously punished, than were men by statute and condition free: for these were never beaten with rods, or with small cudgels, whereas the slaues were still beaten with clubs, or els whipt with whips made of small cords. Howbeit that Plato saith, That the free Citizen ought to bee with greater severity punished, than the slave; for that as he saith the slave is not so well taught as is hee: which his opinion fauoret indeed of a Philosopher, rather than of a Judge or of a Lawyer; yea the law of God deliveth from death the master, who in too feneere correcting of his slaves, shall by chance kill him. And therefore it ought not to feeme strange, if the father were by the people of Rome openly stoned, for whipping his son with whipples as a slave, as Valerius writeth. And indeed amongst free born men, the Citizen is leffe to be punished than the stranger, the noble leffe than the base, the magistrate leffe than the private man, the grave and modest leffe than the vicious and dissolute, and the fouldier leffe than the countryman. Wee must not (sayth Laber the Lawyer) suffer a base fellow to enter an action of fraud against a man of honour and dignitie: neither an obscure and loofe prodigall man against a modest man of good government; yea the antient Romans neuer condemned any Decurion, or Captain of ten men (for what fault focue hee had committed) into the mynes, or to the gallowes. The night theee saith the law, if hee shall with weapon stand vpon his defence, is to be condemned into the mynes: but men of reputation and quality offending, to bee onely for a time banished, and souldiers with disgrace censured. Neither must wee thinke this Geometrical manner of punishing to have bene proper vnto the Romans, or to any other people in particular onely, but to have bene common almoft vnto all other people also, as namely vnto the French, the Salians, the English, and the Ripuaries: and yet must wee doe as doe the barbarous Indians, which for the same offence cut downe most grievous punishments as well for the noble as the base, without any proportion at all; and yet in the manner of the executing thereof make great difference: for of the base for they cut off their noses and ears, and for the fame offence cut off the noble mens haires, or the fleeces of their garments: a common custome amongst the Persians, where they whipped the garments of the condemned, and in stead of the hayre of their heads, pluck off the wooll of their caps.

Neither are wee to stay vpon the opinion of Aristotle, who would Geometricall justice to take place in bestowing of rewards, and divuding of spoyle: but Arithmetical justice equally to bee executed in the inflicting of punishments, which is not onely to overthrow the principles of Philosophy, which will that things contrary, as reward and punishment, should be ordered by the same rules, but also the resolution of all the greatest Lawyers and Law-makers that euer were: with whom also the Canoniasts, the Orators, the Historiographers, and Poets in opinion agree, and haue alwaies more easily punished the noble than the base for: (howbeit that the most easie punishment of all may vnto a noble man feeme most great) that so others may bee the more enflamed vnto vertue, and the loue of true nobilitie, when as they shall understand the remembrance of the infinit rewards of the vertue of most famous men, and such
A such as haue well defended of the Commonweale being also dead; yet still to redound vnto their posteritie. But here I measure nobilitie by vertue, & not by mony, the flower of youth, the princes fauour, or cattl-meannes whatsoever obtained. The antient nobilitie of M. Ennius Scavius (as faith Valerius) faved his life euin in flourishing time of the Popular estate: which respect of nobilitie was yet much better kept after the change of the eftate; for then they begun by little and little to behead the nobilitie with a sword, after the manner of the Nortenme people, in stead that the Romans before vled the hatchet in the execution of all sorts of men. And for that the Centurion sent to execute Papinian (the moft famous lawier, Traian the emperours were kinaman, and before proclaimed the defender both of the emperours and of the empire) had with an hatchet cut off his head; he was therefore sharply reproved by the emperour Caracalla, telling him, That he ought to have executed his command with a sword, as which had lesse paine, and also lesse infamie. Wherein Genuan the lawyer was deceived, who wroth more grieve to have bene in the execution with the sword than with the hatchet, Men die (faith Seneca) more easilly with no kind of death, than being beheaded with the sword. And by the fame reason and proportion of Justice, hee that wrongeth a noble man is more grievously to be punished, than hee which wrongeth a common perfon; & he which doth injuriue vnto a citizen, than he which doth injuriue vnto a stranger. For in the lawes of the Salians, if a Saxon or Frizlander had any way wronged a free-borne Sallian, he was almost foure times more grievously fined, than if a Sallian had wronged a Saxon or a Frizlander. So also by the lawes of Alphonse the tenth, king of Castile, a wrong done vnto a noble man was fined at five hundred shillings, and a wrong done vnto a common persfon at three hundred. And by the like law of Charles the Great, he that had slaine a subdeacon was fined at three hundred shillings; if a deacon at foure hundred shillings, if an aieft at five hundred, if a bishop at nine hundred; which penalties (the authoritie of the bishops being encreased) were doubled. I heere speake not of the equitie or iniquitie of these lawes, but vse them onely as examples, to heue that Arithmetical Justice by the lawes of many nations, neither hath had, neither yet ought to have place; when question is of fines and punishements; and that men of honour, and of markes, ought more easilly to be punished, and their injuries more severely revenged, than those done to the common sort: wherat they yet oftentimes grudge & murmur, and thinke themselues to be therein greatly wronged. Yet Andrew Receé a Polonian wriheet it to be a great iniquitie, That the nobilitie offending are not punished with the same punishement that the common people are; the rich as the poore, the citizen as the stranger, without any respect of degree or persons: than which nothing could bee more absurdly written, of him which would take vpon him to reforme the lawes and customes of his owne countrey and Commonweale. The like complaint was against N. Memmis Maias of the Requests in court, for that hee being by the king appointed judge in the triall of Vinew the president, had suffered the man convicted of most capital crimes to escape the punishment thereof unto due; and yet had condemned his clearke to be hanged, who had but done his maisters commande: Which king Francis understanding, merily said, Thee hee by a wicked consent to releue one another. Howbeit that Memmis a man most famous not onely in his issue, but also for his wealth, honours, vertue, and deepe knowledge in the law, is releued euen by the equitie of his sentence; whereby he depraid the said president of all his honours and goods, and afterward having cauofed him to bee most shamefully set vpon the pillorie naked, and marked in the face with an hot yron; to bee banished. But for that his clearke and domesticall-servant, and minister of such his villanies; was but a base and obscure fellow, having neither goods nor office to loose, neither much
regard of his good name, he could not otherwise worthily be punished than by death, having so well deserved the same. Whereas he had beene his flawe, he had bene more to have bene favoured, for that then he muft of necessitie have obeyed his master. Neither had the president bene so grievously punished, had he not being a judge, vnto his most base and corrupt dealings: Ioyned also most shamefull forgerie and extortion, and that in the administration of justice, which he had as then in keeping. For this pretogatious hath always by our ancestors bene referred vnto the nobles, and such as otherwise are in honourable place: That being for any offence or crime condemned to die, they should not therefore be hanged, for the infamie of the punishment; wherein all writers agree. Howbeit that concerning other punishments they are not all of one opinion, Seneca (as we said) accounting hedging for the easiest: and the Hebrewes in their Pandæcæs, in the Title of Punishments, appointing stoning for the most grievous; the second burning, the third beheading, and the fourth strangling. Howbeit that they deeme him most infamous, and by the law of God accursed, which is hanged on the tree.

And in this Bartholus (the famous lawyer) is decreed, saying, That the manner and custom in France, was to hang the noble or gentlemen condemned: and that that punishment was not there accounted villainous or infamous, seeing that in his time (which was in the reign of Philip the Long, about the yeare of our Lord 1318) the nobilitie of France was as famous and as honourable, as the nobilitie of any place of the world. Yet true it is, that the noble man which is a traytor vnto his prince, deueth to be hanged; so to be more grievously punished than the base companion; who offendeth not so much as he, as not to strictly bound to prefervew the life and estate of his prince. For the more a man is obliged and bound in fidelity vnto his prince, the more grievously he is to be punished about the common person: Viri fortissimi (saith Cicero) speaking of Catilina the rebel: acerbioribus suppliciis cinem permittitum quan acerbissimum hostem coercendum patat, Vothy men (saith he) judge the dangerous citizen to bee with greatest punishment chastised, than the cruellest enemye that is. And therefore Linie saith, the fugitive traytors during the Carthaginian warre, to have beene more severely punished, than the fugitive slaves: and the Roman traytors more sharply than the Latines, who were then full beheaded, but the Roman traytors hanged. Howbeit that in all other offences the Romans were more easily punished than others: For Scipio Africanus (saith Florius) caused the Roman fouldier not keeping his ranke, to bee beaten with a vine, but other fouldiers with a truncheon or cudgell of orderd wood: the vine (as saith Plinie) being the dishonour of the punishment.

Yet whereas we saide, That the punishment of noble men ought to bee more easie than the punishment of the base and obscurest for, that so others might bee the more fixtred vp vnto vertue; it is a common opinion, and almost of euery man receiued: but not yet altogether true. For that in right Geometrical proportion, the noble man for his offence having lost his honour and reputation, is as grievously indeed punished, as the base companion that is whipt, who cannot indeed of the honour and reputation which he hath not, loose any thing: as children and women are no leffe hurt with a soft ferula, than are the strong with cudgells or whips. And therefore Scipio commanding the Roman fouldiers to be beaten with the vine; even for the same cause for which he commanded the Latine fouldiers to be beaten with cudgells; followed therein the equallitie, or rather the Geometrical proportion of punishment. For which cause Galba the emperor caufed the Gibbet to be painted white, and far higher than the rest, to leffen the paine of a citizen of Rome, complaininge that hee should bee hanged as other theecues were: howbeit that he had poisoned his pupill. So ifa Phyitian or an Apothecarie shal paylon a man, he is more grievously to bee punished than if another man had
O F A COMMONWEALE.

A had done it. And so in the same proportion of justice, the judge which doth injure, the priest which committeth sacrilege, the notary or regifter which committeth forgerie, the goldsmith which coyneth false money, the guardian which rauieth his pupill, the prince which breaketh his faith and league; and generally whomsoever offendeth in his owne vocation, and in such things as whereof he is himselfe a keeper, ought to be therefore the more grievously punished than others; for that his offence is therein the more grievous. And therefore Metius the Dictator of the Albanians, was by the commandement of Tullus Hostilius, with fourt horses drawne in pieces, for having broken his faith with the Romans. And Solomon being caused his lawes to be published, and sworn by all the Athenians, appointed the Areopagites to be the keepers and interpreters thereof; and if they should breake the same, to pay therefore a statute of gold of the weight of themselves. Now had Aristotle himselfe never so little a while bene a judge, or looked into the lawes of his countrey, he would never have written, That the equal Arithmetical Justice were to be obtained and kept in the infecting of punishments: but that in all things, and especially in matters of punishments, the Geometrical proportion of Justice were much better and more tolerable; as nearer vnto the Harmonical Justice which we seek after, being partaker of both. Neither by this Harmonical proportion is more favour shewed vnto the noble than vnto the base, howbeit that vnto many it seeme contrarie. For to procne it be, that a rich man and a poore being guiltie of the same crime, the rich man is in shew more grievously fined than the poore: howbeit that in truth the one is not more heauily fined than the other, but both of them indifferently according to their wealth and abilitie. There is with ys a most autentique law extant, whereby the poore common persons which make refiltance against the magistrat commanding them to be apprehended, are fined at three forre shillings: but the noble man at a thousand and two hundred. And for that money is more plente in one place than in another, and in this our age than in ancient time, wise lawmakers have bene constrained to change their pecuniarie punishments or fines, according to the varietie of times & places. In the flourishing time of the Roman Commonweall, & namely under Traian the emperor (who is reported to have extended the bounds of that great empire fartheft) he was by the law accounted a poore man, which was not worth fiftie crownes, that is to lay a crowne of gold. Which decision of the Romans, the Hebrewes in their Pandects following, have forbidden all them that are so much worth to begge. The custome of Francia in many places, call him a poore man, who with two or three witnesses of his owne parheit, hath sworn himselfe to be poore.

But when the lawes of the Twelve Tables were made, the pooretie of men was so great, as that he was accounted a right rich man, which was worth a pound of gold. And therefore the Decemviri by those lawes set downe a fine of twenty five Asles, or small pieces of brasse, for him which shoulde with his hift give any man a blow vpon the face: which was an heauie penaltie (as the world then went) for that it was by

B Tables which the wealth of the world was abrogated, and order taken, that from thencethforth every man should esteeme the injury vnto himselfe done, yet with power still refereed vnto the magistrat, to do therein as should seeme vnto him reasonable.

Vv u iiij Whereas
Wherewith it was then plainly perceived, and knowne Arithmetical proportion not to be good in the impofing of penalties and fines. So also by the ancient customes of the Normans, he that stroke a common person with his fist, was fined at a shilling; but he that stroke him with his open hand, was to pay the fine of five shillings: but were he a gentleman that had received such injury, he was not to retende the fame by law, but by force of armes and combat: whereby it often times came to passe, that hee which had before received the injury, was also in the quarrel, flaine, without any punishment therefor, and that by the suffurance of the law. The like we may say of the Athenian law, which condemned him in an hundred crownes fine, which should presume to cause a galliard to be daunced in the Theatre: which *Demades* the Orator well knowing, yet to make his plays which he gave vnto the people more gratious, amongst the mutitians brought in also vpon the stage a dauncing trull there to daunces yet before the entered, paying the aforesaid fine of an hundred crownes by the law let downe, which was indeed nothing else but a moekerie of the law, and a cause for others also to treat both it and the rest vnder foot. *Whereby* inconveniences the Polonians to avoid (for that almost all the penalties of their lawes are fines in money) alwaies joyue vnto their lawes these or like words, *Lex hae quis penalis est annua eft*, This law for that it is penall let it be but for a yeaare in force.

But beside these chaunges of penalties and fines, some others have beene contrained to chaunge such penumatic penalties or fines into corporall, yea even into capitall punishments also: and that especially when the countrey greweth rich, so that men begin to contente the fines, or that the offence groweth too common: in which cases the Hebrew lawyers are of opinion, that the penalties of the lawes are to bee encreased, and punishment with rigour executed. And therefore the lawe of the Britons appointed theeues to be hanged, yeelding therefore this reason, *Ne cum angustatur multitudo, Leaft the multitude of them should be encreased*. An vnjust law indeed, and the reason thereof foolish; and such a law as by the antiquitie of it selfe is almost growne out of vfe, for that it hath no distinction either of place, or of the equalitie of the persons offending, or of the age, or of the sexe, or of the time, or of the felonie committed; but punisheth all felones alike. *When as in all executions of punishments, the lighter offences are the more lightly to be punished, yea and oftimes also pardoned: as only in respect of age, the indiffernt and equall law would that men should in all judgements pardon youth, or at leaftwise more easily punish it*. So ought the judges also more favourably to chastisie women than men: either for that their passions are more vehement than men, or that for want of reason, discretion, and learning, they are lesse able to governe their affections; or for that they be more tender and daintie, and therefore haue the sharper feeling of punishment than men. *Which beeing fo, a man may deeme the law of the Venetians vnjust, which for the first felonie committed, condemneth the woman to be whipt, and marked with an hoat yron; and after that her hand cut off; and for the second offence, to haue her nose and lips cut off: whereas the man by the same law, and for like fact, is to lose but one of his eyes and his hand*. *By which law women, contrary vnto equitie, are more feuerely punished than men: & the means whereby to get their living being taken from them, they both haue more occasion to steal than before whilest they had their limmes*. Wherefore better it were according to Arithmetical Justice (howbeit that in matters of penalties it be vnjust) to punish them both alike: or else according to Geometrical Justice, which committeth much neeter vnto the true Harmonical Justice, which hath regard in particular to all the circumstancies concurring. But that law and judge is verie vnjust, which more feuerely punisheth the tender and feeble, young folkes or women, the fieldy or old, than the
A strong and justie. And in briefe, all lawes carrying with them penalties certaine, and such as it is not lawfull for the magistrat according to the exigence of the cause, to moderate or aggravate, are vniust. Wherein even the wisest and best experienced may well be deceived, if they have not this Harmonicall Justice still before their eyes. For where is there in the world so great wisdom, so great justice, such a number of learned lawyers, as in the court of parliament at Paris? who yet without any restriction or limitation at all, published a law against falsifiers and forgers, made by king Francis the first, whereby capitall punishment was appointed for forgerie, whether it were in ciuill or criminall causes, without distinction of forgers, judges, clearke, notaries, fouldiours, or plaine countrye men. Which law for all that by the wise commissione of that court is since growne out of use: howbeit that the penalty thereunto annexed yet remaineth to terrifie forgers withall: whom for all that the court punishteth with arbitrarie punishment, according to discretion, and not according to the rigour of the law, in such sort as that scarcely one of ftreis is condemned to die. For why, the same court shortly after perceived the intolerable inconuenienccs and absurdities, which that law drew after it, punishing with death him that had falsified but the leaft seedle of an hundred shillinges, as well as him that had falsified the decrees of the court, or the kings seale, or borne false witnesse to condemne the innocent: as also for a meer ciuill cause, where question were but of five shillinges: and all without regard or difference of persons. Neither is the law of Venice any better or vpright, which appointeth no lesse punishment for falsifying and forgerie, than the cutting out of the tongue: without any distinction of the manner of the forgerie, or respect of the degree, sex, or age of the offender, or other circumstances whatsoever. But the law of Milan saueth more of equitie and Harmonicall Justice: for it willeth, That he which forgeth or falsifieth an act, or beareth false witnesse in a matter which exceeded not twentye crownes, shall for the first time be condemned in foure times the value, and three dayes shamefully to be carried about with a paper myter upon his head: and for the second time to haue his hand cut off: and for the third time to be burnt. But if the cause exceeded twentye crownes, and so vnto the summe of five hundred, that then he shoulde for the first time haue his hand cut off, and for the second time be burnt. But if fo be that the matter exceeded five hundred crownes, that then the judge for the first time might deale with him according to his discretion, but that for the second offence the forger should be burnt. Wherein both the Geometricall & Arithmeticall proportion of justitie are in some sort mixt, as in the measure and proportioning of the fine: but without any regard of sexe, age, or condition, which it becommeth a lawmaker especially to haue marked. The law of God (of all other lawes the best) commandeth the man conuict of false witnesse bearing, to endure so much losse himselfe, as he would have done hurt unto the other: as if he would by his false witnesse take from another man an hundred crownes, hee shoulde be forced himselfe to pay the false fame summe: or if hee went about by his false testimony to take away another mans life; that he himselfe shoulde therefore loose his owne life: as for the rest they were referred unto the conscience of the judges. Neither is it enougb for this equalitie of punishment to aunfwer as did Dracon the Athenian lawgiver, who being asked, Why he appointed death as well for stealing of an apple, as for killing of ones father: aunfwered, That he would haue appointed a more grievous punishment for killing of a mans father, if he had knowne any punishment worse than death. But Lycurgus left all kind of punishment, yea and that concerned every man else as well in publike as in priuate judgements, vnto the discretion of the magistrats: whom he doubted not to excell in all fidelite and integritie, so long as they should keepe his lawes and customes: but yet haply fearing that in restraining of the magistrats power vnto the
The wife law of Adrian the emperor.

Offences how they are to be weighed and punished.

Judges and Philosophers diversely do consider offences.

Arithmeticalall fortune or not to be wifd in the punishing of offences.

The unreasonable law of the Venetians for the punning of thefts.

The astonishing bonds of lawes and penalties, should so fall into such absurdities and difficulties of judgements, as we have before spoke of: and wherewith they are in Popular states, but especially in Itacie, much troubled. By the law of the Venetians hee that shall stricke any man, as that he shall draw blood of him, is therefore to pay twenty five pound: but if he kill him, he is therefore to be hanged. Which law if it might every where take place, how many men should we find like unto Reratius, who yppon such a price would soundly battell and bastinado such as they liked not of, as they met them. But how much more wilily did the emperor Adrian in like case take order, appointing him that went about to kill a man although indeed he killed him not, to bee therefore worthy of death: and yet that he which had indeed slaine a man, without any purpoe so to have done, should be therefore acquited. For that offences are to be weigh'd according to the wil and purpofe of the offendor, and not according to the event of the fact: howbeit that the purpofe and enduent is more easily to be punished, than the effect and deed itself; and the conceit of a villanie lesse than the villanie itself done: wherein all the diuines with the lawyers agree. Howbeit that in truth here more greuishly offendor be condemned against almightie God, which perswaded another man to do a villanie, than he which doth it: for that beside the wickednesse first by himselfe conceived, he leaueth also the lively impression thereof of engravien as it were in another mans hart: whereas he which of himselfe doth amitie, carried headlong with the force of luft or anger, seemeth fearlessly to have bene willing to have done it: and hee which hath against her will enforced an honest woman, whom hee could not otherwise perswade, yet leaueth her soule and spirit pure and cleane. But judges doe one way punish and confin of offendors, and Philosophers another: they punish such offendors and transgressions onely as are sensibly to be seene, and which a man may as it were with his finger touch, and such as trouble the common teft and quiet: but these men (viz: the Philosophers) enter even into the most secret thoughts & cogitations of mens minds: wherein Sir Thomas Moore, sometime Chauncellour of England, is also deceived, who maketh the intent equal to the effect: and the will vnto the deed done.

But if an offence be not onely intended, but effectado also, and fo the effect ioyned vnto the intent, we must not in the punnishing thereof wse Arithmetical proportion of justice: as in the law of Milan, hee that shall without the citie steale the value of a crowne or more, is therefore to be put to death; but if lesse, the punishment is left vnto the discretion of the judges: and yet for all that in this realme he is punnished with death as a theefe which hath by the high way robbed any man, whethre hee had money or none: as I haue indeed seene one hanged for taking but eightene pence from a traverler by the high way. The Roman lawes command notable thecieus and robbers to be hanged, and left hanged vpon the gibbet: which then was accounted the most grieuous punishment: but they then by the word Latro, understandd him whom we call an Assas, or Murtherrer, which killeth men vpon the high way: but for him which but robbeth passeengers, the law callet him Graffatorem, and willeth him also to bee condemned to death, but yet not hanged as the murtherrer. Which wee haue here the more precisely set downe, to note the errour of Accursius and some other the learned lawyers, who call him also Latromen, or a robber, whom the Latines call Furem, or a theefe: making them as it were all one: and hauing in part therein gian occasion for men to punish thecieus with more grieuous punishment than haply were meet and convenient, viz: with death.

The like absurditie is seene almost in all the lawes of Itacie: as in that of Venice concerning theft, which willeth to put out one of his eies which shall steale any thing worth aboue five pound, vnto ten; and from ten vnto twentie, to put out one of his eyes, and
to cut off one of his hands: and from twenty vnto thirteene to put out both his eyes, and from thirteene to fortie to loose his eies & an hand: but if he shall steale above the summe of fortie pounds, then to be punnished with death. An unreasonable law truly, not onely for the rigour and hardnesse thereof: and the confused manner of the perfoons so to be equally punnished, but even in this respect also, that he which hauing the means out of a great maffe of gold, to steale a thousand pounds: and yet conteneth himselfe with fiftie, shall therefore be punnished with death: and hee that breaketh an empytie chest, with an intent to have taken away a great summe of money if he could, shall yet escape unpunished. The same punishments almost are also set downe by the law of Parma. Yet hath it oftentimes seemed vnto me a thing right strange, why some which vse to secure punishment against theeuers: yet punished murders but by fines in money. For we see plainly, that the paine of death is too cruell to reuenge a simple felonie, and yet not sufficient to restraine the same: and yet the punishment of him that doth both rob and kill, to be but like: in which doeing he hath, more fieretie to commit the mutther, as also more hope to conceal the same. So that where the punishment for theft and murder is alike, there it is more fiefetie to kill a man, than simply to rob or steale. And yet more strange and absurd are the lawes of the Polonians, the Danes, the Swedens, and Mofcouists, and especially the law of Cajmir the great, King of Polonia, which for the fine of thirtie crownes, acquiteth one gentleman that hath slaine another: and if he haue maimed him in an arm or of a legge, then to bee acquited for fiftie crownes. But if a base fellow shall kill a gentleman, the fine is double, and if he shall kill a base or common person, the fine is but ten crownes, without any other corporall punishment, although he had laine in wait to kill him. Which impunitie for the killing of men being suffered, or rather by law allowed, innumerable murders thereof ensued. Howbeit that afterwads the kingdome encreasing in wealth, the penalties of the law was doubeld in the raigne of Sigismund the first, and order taken, that the murderer being apprehended, should besides the fine be also kept prisoner in the common gaile for a yere and fix weckes. But that which was in that law worst of all, and the head of all mischieue, was, that after three yeares the offender might prescribe against the murder by him committed, whatsoever it were: neither could the lord which had slaine his vaull farmer (whereof they call Kenston) be therefore either ciuilly or criminally called into question or sued. For a like edict or law made at Milan (at such time as the Torrefans held that Seigneuries) whereby it was decreed, That a gentleman might for a certaine fine be acquited for the killing of a base or common person: the common people therewith enraged, tyle vp all in a mutiny, & hauing driven out the nobilitie posseffed themselves of the Seigneuries. As for the author of the law Napes Torrefan, he by them caste in prifon, there misetribly diewn eaten vp with lice, and that worthyly, for hauing therein so much contemned the law of God, which forbideth to have pitie upon the wilfull murderer, commaundung him to be drawne eu'n from his Fasten alter and put to death; yet leaving vnto the discretion of the magistr at the manner of his execution, according to the greatnesse of the murder committed; to the end that the equallitie of capital punishment common to all murderers by Arithmetical proportion of justice should so by Geometricall proportion be moderated, hauing respect vnto the circumstancces of the place, of the time, and of the persons, which are infinit. For man right well knowe, that he which wilfully killeth a man (as lying in wait for him) is more grievously to be punished, than he which killeth a man in his rage and chaoler: and hee which killeth by night, more than he which killeth by day; and he which paysoneth a man, more than he which killeth him with the sword: and the murderer by the high way worse than those: as also he that shall kill a man in a facted place, more than in a prophane: Equalitie of punishment for vnt equal offences, the occasioun to have the greater offences committted.

An unreasonable law for the punishament of murder.

Hainous offences to deserve more grievous punishements.
prophanè: and before his prince, more than in any other place: (which is the only irre-remissible case, by the laws of Polonia) & he that shall kill the magistrate executing of his office, more than if he were a priuate man: and he that shall kill his father, more than he which shall kill the magistrate: and he which shall kill his prince, more than all the rest. Of which variety of cases aristeth an incredible variety of capitall punishments to bee upon the offenders inflicted. The same we may say also of such persons as are will under the guard and protection of other men, of whom they cannot possibly be aware; as the pupil of his tutor, the wife of her husband, the sicke patient of his physician; the guest of his host, be he what his faith is; and in cases the murderers are still more grievously to be punished. As in like case the breakers of houses, and they which by ladders clime into houses by night, deserve to be more severely punished than such as shall steal in, the doors standing wide open. And therefore in Tartarie and Moscouie the least theft of all is punished with death: for that there are but few townes and houses for them to keepe themselves and their goods in. And in the West Indies, before the comming of the Spaniards, the theefe was still alieue upon a sharpe stake impaled, for whatsoeuer theft it was. For why, all their gardens and traffs are bounded about but with a thirld, beyond which to passe was accounted a great crime: and yet greater than that it was to breake the thirld; and that in secket also than openly and in every mans sight. Howbeit that in other crimes, as whooredom, adulterie, incest, and such other like, the offences publicly committed, are more severely to be punished, than such as are in secket done: for that the euill example and scandaIl thereof, is worse than the offence it selfe. Wherein both the diuines and lawyers all agree.

All these circumstances, with a million of others like of divers sorts, cannot all after one fashion be cut, or by the selfe same law be judged, according to the unequall equalitie of Arithmeticall Justitie: neither can they in speciall lawes and articles bee all comprehended, were the volume of the law never so great: for as is in Geometricall Justitie requisite, which leaueth all into the magistrats discretion, without any law at all. And yet for all that is this Geometricall Justitie leffe vniust than the other, which leaueth nothing vnto the power and authoritie of the judge, more than the examination of the fact, and the numbering of a sort of beames, as at Athens: or of tables of divers colours, with letters of abolution or condemnation set vpon them, as at Rome: or of certaine balles and lots, as at Venice: without any power to judge at all. For why, it is the law, and not the judge, which appoineth the same punishment for all: of which equalitie of justitie aristeth the greatest injustitie, some such being condemned, as defended much leffe than the penalty of the law being euall vnto all: and some others againe acquitted, which deferred ten times more: besides that, sometimes also divers mofl vnlke crimes some great, some leffe, and some almost none at all, are under one law pass'd, and so with the selfe same paine punished. As by feuen articles of the Salique law, robbers, poisoners, adulterers, burners of houses, and such as haue flaine or fold a natural French man, or haue digged vp the bodie of the dead, are all condemned in the selfe same fine of two hundred flullings. Which law altogether overthroweth the foundation of justitie, grounded especially vpon that, That the punishment should still be euall vnto the offence done. Which the aumtients declaied by this word, αριστοτέλειον, that is to say, The law of Retribution, or of euall punishment: which first written in the law of God, set downe in the lawes of Solon, transcript into the lawes of the Twelue Tables, commanded by the Pythagorians, practis'd by the Greeke and Latine cities, and for the antiquitie thereof recurent: is yet by Plutarchus, Aristoteles and many others, without luft caufe impugned; they too grossely taking these words of the law, Α τουτον ευς γινομαι, for a tooth, for a tooth.
A tooth, a hand for a hand, and an eye for an eye. For who is so simple, as to think, that he which hath maliciously put out his eye which had but one, to suffer the like if but one eye be therefore taken from him also? Wherefore he is to bee quite deprived of his sight, that is to say, required with like: which cannot be, but by putting out of both his eyes: except the blind man may otherwise be satisfied. As was decreed by the people of Locris, at the request of one which had but one eye, which his enemie threatened to put out, upon the penalty therefore to loose another of his owne. Wherefore then to render like for like, is to make him also starke blind, who had made another man blind. So that to require like with like, is indeed nothing els, but to punish offences with punishments answerable vnto them: that is to say, great offences with great punishments, meane with meane, and so little offences also lightly: which they also meant, when they said, A hand for a hand, a tooth for a tooth, and an eye for an eye. And to the ancient Hebrewes, the best interpreters of God his law, have understood it, expounded it, and also practised it: as is in their Pandects to be seene, in the Title of Penalties. Yea Rabi Kanau denieth the law of like punishment to have any where in the cities of the Hebrewes taken place, in such sort, as that he should have an eye put out, which had put out another mans eye: but the extimation of the eye put out, was vuly by the discretion of the judges in money valued. For proofe whereof let it be, that before the law of like punishment, there was a law, whereby it was ordained, That if two men fighting, one of them should hurt another, but not yet vnto death, hee which had done the hurt, should pay the Phyficians for the healing thereof. But to what end should he so pay the Phyfian, if he which did the hurt were in like sort to be himselfe wounded? It should also thereof follow more absurdly, that many delicate and tender persons, in receiving of such wounds as he had giuen to others, should thereof themselves die and perish. Besides that also, he which had the harme done him, having loeft his hand wherewith he should get his living, if the others hand were also to be for the same cut off; he so wanting his hand wherewith to get his living, might haply be starke. Wherefore such a litell expositon of the law of like punishment, by Aristotle and Faunus deuided, is not vain and deceitfull. But Aristotle who so much blameth the law of like punishment, is himselfe in such errors entangled as he sought to eschew. For he saith, That in punishinge of him which hath deceived his companion, or committed adultery, we are not to respect whether he were an honest man, or an euill liuer before or not; but to punish the offence with Arithmeticall equalitie, or Commutatiue Iustice, as hee termeth it. But what indiffenerate equalitie shall that be of the same punishment, if it shall by Arithmetical proportion be inflicted vpon persons of qualitie and condition so farre unlike? Or what Shoemaker is so ignorant or so foolish, as to shape one fashioned shoofor of the same left, to every mans foot? Creditors also in time equall, but in the summe of their debt unequall, are of the goods of their broken debtor to bee paid by proportion Geomettical: as if thirtie crownes be made of the goods of the broken debtor; he of the two creditors to whom there is but an hundred crownes due, shall receive ten crownes; whereas the other creditor to whom there is two hundred due, shall receive twenty: who if they were by Arithmetical proportion to be paid, should each of them receive fifteene. And yet in this case question is but of a meer euill parti- cular caufe refting in exchange; which in the opinion of Aristotle, is alwayes by Arithmetical proportion to be ordered: which is not onely in this case here propounded fall, but even in all other also, wherein question is of that which vnto every man properly belongeth, as we shall forthwith declare. Yet where Aristotle saith in punishing of offences no regard ought to be had, whether the offender were good or bad: it sufficiently deweth him to have had no knowledge of the order and manner of
judgements, or of judiccall proceedings. For why, nothing is more diligently enquired after by the judges, than what the former life of the partie accused hath beene. Neither is it any new matter, when as the Perisians, long before Aristotle\'s time, not only enquired after the whole lives of them which were accused (as yet they still doe) but if their good defects were greater than their offences, they fully acquired them also: as Xenophon wrieth. And for the fame cause the thefse taken in the third theft, is almost every where condemned to die, howbeit that the third theft be much lesse than the first: and so he which hath the more often offended, is more feuerely to be punished than he which hath more seldom gone aften. Wherein Aristotle is againe deceiued, in that he demeth a stolne thing ought by Arithmetical proportion to bee made euene with particular interest of him from whom it was taken or stolne. Whereas the lawes of Solon, the lawes of the Twelve Tables, and the emperours by their lawes, condemne him which hath stolne any thing, to restor[e] the double or the treble, yea and sometime fourefold the worth of the thing stolne, beside the perpetuall infame thereof ensuing. Yea the law of God willeth, That for an one stolne, restitution should bee made fivefold vnto him from whom he was stolne: both for that a more profitable beast is not by God giuen vnto man, as also for the necessitie there is to leaue such beasts o[e]t times in the field: where they roaming vp and downe, haue for their more affurance the greater penalty set vpon them being stolne: and hereunto some other people haue joyned corporall punishment, yea euene vnto the paine of death.

And not to speake of criminal causes onely, but of meete civill causes also, one in the false name ta
t a
gath the cause, &c in another place loofeth the fame: one hath interest for his debt, and another hath nothing: and amongst them which shall in the same case have interest, some one shall pay ten times so much as another: which for that they bee matters common vnto all such as haue any experience in judiccall causes, there need not many examples; one therefore shall suffice for the manifesting of the matter. A Lapidarie breaketh a diamond which he by covenant should have enchaed in a ring; he is bound to pay the price of the stone be it never so great, yea although hee therein have vfed no fraud or deceit, but euene for that onely that hee rooke it vpon him to do it as a workeman: whereas yet had he bene a man of another condition or occupation, hee should not haue paid the price of the precious stone so broken, except hee had before taken the danger thereof vpon him, or by fraud or deceit broken the stone.

Now all the lawes both antient and new, with the common course and experience of judgements, teach vs that Harmonical proportion of justice ought as well to take place when question is but of privac mens right and interest, and so in pure civill causes, as well as when question is of penalties and fines: as also that Arithmetical equalitie and proportion is therein most of all vniust. And therefore Justinian the emperour publishing the law concerning vflie, ordained, That the nobilitie should not take aboue fife in the hundred, the marchants eight in the hundred, corporations and colleges ten, and the rest six in the hundred: and particularly that none should exact of the husbandman above fife in the hundred. Which law let it feeme in Aristotle his judgement vniust, yet doth it carrie a good shew of that Harmonical justice which wee seeke after, tempered of Arithmencall and Geometrical proportion: Arithmetical equallitie being therein obserued amongst the noble men, who are all vnder one article compos'd, the great, the meane[ster, and the leaft: the marchants in another both rich and poore; and the countrey men in another article, howbeit that they much differ one of them from another: and the rest of the subjectts all in another article beeing of divers qualities and conditions also: And then the Geometrical proportion shewing it felle betwixt the nobilitie and the marchants, betwixt the marchants and the colleges, and againe
against a certaine of the other subjects compared among themselves, and with their superiors. And this proportion of Harmonicall Justice is also in some sort kept, and yet cut somewhat short by the law of Orleans, established by Charles the ninth at the request of the people: whereby the debtor condemned for money too long detained, is bound to pay after eight in the hundred intereat into marchants, and into other lesse; but into husbandmen, persons hired, and all sorts of labourers, the double of the money due: both the chief points of which law is now grown out of use, howbeit that it was with the greatest content of the counts published. For why, that which concerns every private man's right and interest, consisteth in matter of fact, & not in matter of law; as Paulus the lawyer most wisely answered, which his one reason hath even by the root overthrown all the long discussions of all the interpreters, so divers and to unlike themselves, concerning every private man's right and interest: all which inquisition the emperor had thought himself to have beene able to have comprehended under one law. And therefore that which roucheth every private man's right, and interest how farre it concerneth him, is by our laws wisely left into the discretion of the judges, for that it can no more certainly by positive law be defined or set downe, than can the great Ocean sea into a small channel be enclosed or shut vp. But yet the inequality is much greater in the law of Venice, which forbiddeth to take interest either in commodities or in money, above fix in the hundred: which although it be a thing tolerable, and is called of the Latines &c. uenetus, or, Civill interest: yet is that law not so long agoe made, now againe grown out of use, and not either publike or priuaty kept: for that it in every respete containing Arithmetical equality, regardeth not the most unlike condition and qualitie of persons.

And howbeit that in the particular contracts and controversies, and exchange of things, that Arithmetical proportion of equalitie be best to be liked; yet is it not even therein always obseruyed and kept, the very country men and labourers, by a certaine natural reason well deeming, that they ought oftimes to take lesse for their hire of the poorer than of the rich, howbeit that they take as great paines for the one as for the other. So the Surgeon which taketh of the rich man five hundred crownes to cure him of the stone, haply taketh of the poor man no more but five: and yet for all that in effect taketh ten times more of the poor man than of the rich: For the rich man being worth fiftie thousand crownes, so payeth but the hundred part of his goods, whereas the poor man being but worth fiftie crownes, paieth five, the tenth part of his substance. Whereas if we should exactly keepe the Geometricall or Arithmetical proportion alone, the patient should die of the stone, and the Surgeon for lacke of workes stature: whereas now by keeping the Harmonicall mediocrity, he goeth well with them both, the poor man cured with the rich, and the Surgeon for gaining wealth; and the other their health. After which proportion even the judges themselves have vied to exalte their paines, and therefore to demand their honourable fees: which we see to have always bene lawfull for them to doe, so that therein they exceed not measure. As

I remember it to have happened unto a certaine Prouost of Paris, whose name I will easily make out, who for adjudging the lawful possession of a litigious benefice, having for his owne fees set downe thirteene crownes, whereas his duetie was but three, and appeale therefore by the partie grieved made vnto the higher court, was thither sent for; where he being by Randemot President of the court hardly charged for the wrong by him done: aunswered, That it was a good fat benefice that he had given sentence for: and that forasmuch as he did many such things for poore men without any fee at all, that it was but right and reaon that the richer when they came should make him an amends therefore in paying of his deeper fees. Whereunto the President pleasantly said,
said, Him in so doing to serve them as his Taylor did him, who took of him twice as much for the making of him a velvet gowne, as he did for making of him one of cloth. So the law of Milan, which appointeth, That the Judge may for his fee take the hundredth part of the value of the suit, so that hee exceed not two hundred crownes, would seeme vnto Ransomet vniust: euery corrupt judge so without any proportion at all, extorting from all men, what he law good. For that such the suit may be for a slight matter but of ten crowns, as that therein oftentimes more pains is to be taken by the judge than in a suit of ten thousand crownes: the merchante so still gaining by the rich, what he looteth by the poore.

Wherefore both in making of laws, and in deciding of causes, and in the whole government of the Commonweale, we must still so much as possible is, observe and keepe that Harmonicall proportion, if we will at all maintaine equitie & iustice: wherein we must either be right hard for vs in the administration of iustice, not to doe great wrong. As both the law of inheritance, which adjudgeth all vnto the eldeft, whether he be noble or base, of autentique time vied by Lycurgus in the inheritances of the Lacedemonians, and with vs in the countrey of Caux. Leffe vniust, and yet vniust too, is the law which giueth all the noble mans inheritance vnto his eldest son; and an annuitie of the third or of the fift part vnto the younger brethren, for them to hauue during their, liues as they doe at Amboife and Anion; and yet dealing therein more fauourably with the women, who hold that vnto themselves in proprietie, which the younger brethren haue but for teartme of life. Neither is the cutlome of the Germans much leffe vniust, who hauing abrogated the old law, whereof Tacitus maketh mention, diuide the inheritance equally amongst their sonnes, making the eldeft and the youngest both equall in the succession of their inheritance, according vnto Arithmetical proportion, without any difference of persons at all. But how much more vprightly and justly hath the law of God dealt herein? which following the Harmonicall proportion of iustice, giueth onely vnto the sonnes the land, and vnto the daughters part of the mueables, or money to marry them with; to the end the houses should not by them be dismembrad: and amongst the males alloteth two parts vnto the eldeft, and to the rest euie each of them a part: and the father dying without heires male, the fame law commendeth the women to diuide the inheritance indifferently amongst them, and yet to marrie with the next of their house or tribe, that the land might not bee carried out of their flocke and kindred. Wherien Geometrical proportion is to be seeene betwixt the eldeft and the rest, as also betwixt the males and the females: and Arithmetical equallitie betwixt the younger brethren, as amongst the daughters also. So when it is saied by the law of God, That he which hath deferved to bee chastified or beaten, shall be punished according to the fault by him committed; yet is it by the same law forbidden to give him above fortie stripes. Which law is made according to Harmonicall iustice: For why, it is left vnto the discretion of the judge, after such a proportion, to judge vnto fortie stripes, according vnto the equallitie of the persons and of the offfences committed: Wherin the Arithmetical equalitie is also seeene, in that it is forbidden the magistrat to exceed fortie stripes, the certain number by the law appointed. Wher- in he that hath the more offended, and yet hath not deferved death, is no more punished in this respect of fortie stripes, than he which hath leffe offended. Whereof the law yeldeth this reason, leaff the partie condemned, lamed with many stripes, should so become unprofitable both vnto himselfe and the Commonweale. For that it might have bene obiected, That he which more grievously offended, was the more grievously also to have bene punished, even above the said number of fortie stripes: Howbeit that indeed it is better to lye within a measure, than through too much severitie to do
A any thing unitly, which vnto vs is a certaine argument drewne from the law of God,
That the true justice, and the fairest government, is that which is by Harmonicall proportion maintained.

And albeit that the Popular estate more willingly embraceth the equall laws and Arithmetical Justice: and the Aristocraticke estate contrariwise longeth better the Geometrical proportion of justice: yet so it is, that both the one and the other are for the pretention of themselves constrained to intermingle with themselves the Harmonical proportion. Whereas otherwise the Aristocraticall Seigniorie excluding the common people farre from all estates, offices, and dignities, nor making them in any part parrakers of the spoyles of their enemies, nor of the counties conquered from them; it cannot be that the estate can so long stand, but that the common people being never so little moved, or newer so small occasion presented, shall revolte, and so change the estate, as I haue by many examples here before declared. And therefore the Venetian Seigniorie, which is the most true Aristocraticke (if euer there were any) government it fell Aristocratically, bestowing the great honours, dignities, benefices, and magistracies, vpon the Venetian gentlemen, and the meaner offices which have no power belonging vnto them, vpon the common people: following therein the Geometrical proportion of the great to the great, and of the little to the little. And yet to content the common people, the Seignorie hath left vnto them the estate of the Chauncellour, which is one of the most worthy and most honourable places in the citie, and perpetuall also: and more than that, the offices of the Secretaries of the estate also, which are places very honourable. Yea moreover an injurie done by a Venetian gentleman vnto the laft inhabitant of the citie, is right feerely corrected and punished: and for a great sweeneffe and libertie of life giuen vnto all, which favoureth more of popular libertie than of Aristocraticall government. And that more is, the creation of their magistrats is made part by choyce, and part by lot: the one proper vnto the the Aristocraticke government, and the other vnto the Popular estate: so that a man may well say, that the estate of that Seigniorie is pure and simply Aristocraticke, and yet somewhat governed by Proportion Harmonicall, which hath made this Commonweale so faire and flourishing.

B Now we haue oftentimes said, and must yetagaine say (for that many haue vppon this rocke suffered shipwracke) that the estate of a Commonweale may oftentimes be the same with the government thereof, but yet more often quite different from the fame. For the estate may be Popular, and yet the government Aristocraticall: as in Rome after the kings were druen out (wee saie) the estate of that Commonweale to haue bene Popular, so that then all the soueraigne rights were in the power of the whole people in generall; and yet the manner of the government of that citie and Commonweale to haue bene from the Popular government most farre different. For that the Senators alone enjoyed the great benefices, honours, dignities, and places of command, all the wayes and entrances thereunto being by the nobilitie holden fast stopped against the commonalty, yea and that so straitly, as that it was not lawfull or permitted for any of the common sort to marry with any of the nobilitie; either for any noble woman to marry but with some one of the nobilitie, but the noble still marrying with the noble, & the base with such as themselves were: and the chief and principal voyces which were giuen in their greatest assemblies of estate, and most regarded, were still taken by their wealth and yeares. So that the estate being then Popular, and the manner of the government Aristocraticall, according to Geometrical proportion, the people oftentimes revolted from the nobilitie: neither was the estate ever quiet from cuill tumults and seditions, vntill that the common people had by little and little

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O F A C O M M O N W E A L T H .
got to be partakers also in the greatest benefices, honours, offices, and places of command, that were in the Commonweale: and that it was permitted them also to alien themselves in marriage with the nobilitie, as also to have their voyces as well as they.

And so long as this Harmonical government (that is to say intermingled with the Aristocratische and Popular estate) continued, the Senate yet bearing the greater sway, so long that Commonweale flourished both in armes and lawes; but after that the government (through the ambition of the Tribunes) became altogether Popular, and as the heavier weight in a balance overweighed the lighter, all then went to wracke: no otherwise than as when the sweet harmonie of musicke being dissolved, and the harmonical numbers altered into numbers of proportion altogether equall and like, therof followed a most great unpleasant and soule discord: the like whereof there raised amongst the citizens never ceased, vntill that the estate was quite thereby changed, and indeed vterly outthrownne. So may wee also judge of all other Commonweales; neither have wee thereof any better example than of the popular estates of the Swiflers, which the more that they are popularly govern'd, the harder they are tobe maintained, as the mountainye Cantons, and the Grifons: whereas the Cantons of Berne, Bafil, and Zuricke, which are govern'd more Aristocratically, and yet hold the Harmonical meane betwixt the Aristocratike & Popular government, are a great deale the more pleasing, and more tractable, and more afluured in greatnes, power, armes and lawes.

Now as the Aristocratike estate founded vpon Geometrical proportion, and govern'd also aristocratically, giueth vnto the nobilitie and richer fort the estates and honours: and the Popular estate contrariwise grounded vpon Arithmetical proportion, and govern'd popularly, equally deuideth the monies, spoyles, conquests, offices, honours, and preferments vnto all alike, without any difference or respect of the great or of the litlle, of the noble or of the base and common person: So the royall estate also by a necessarie consequence framed vnto the harmonical proportion, if it be royally ordered and govern'd, that is to say, Harmonically; there is no doubt but that of all other estates it is the fayreft, the happiester, and most perfect. But here I speake not of a lordly monarchie, where the Monarch, though a natural prince borne, holdeth all his subiects vnderfoot as slaves, disposing of their goods as of his owne: and yet much lesse of a tyrannical monarchie, where the Monarch being no naturall Lord, abuseth neuertheless the subiects and their goods at his pleasure, as if they were his verie slaves; and yet worse also when he maketh them slaves vnto his owne cruelties. But my speach and meaning is of a lawfull King, whether he be so by election, for his vertue and religion, by voyce choisen, so as wasNuma; or by diuine lot, as was Saul; or that he haue by strong hand and force of armes, as a conquereor got his kingdome, as haue many; or that hee haue it by a lawfull and orderly succession, as haue all (except some few) who with no lesse loue and care saueoureth and defendeth his subiects, than if they were his owne children. And yet such a King may neuertheless if he will, govern his kingdome popularly and by equall Arithmetical proportion, calling all his subiects indifferently without respect of persons vnto all honours and preferments whatsoever, without making choice of their deserts or sufficiencie, whether it be that they be chozen by lot or by order one of them after another: howbeit that there bee few or rather no such monarchies indeed. So the King may also governe his estate or kingdome Aristocratically, bestowing the honorable estates and charges therein with the distribution of punishments and rewards by Geometrical proportion, making still choice of the nobilitie of some, and of the riches of others, still rejecting the base poorer fort, and yet without any regard had vnto the deserts or virtues of them whom hee
A he so preferred: but only vnto him that is best monied or most noble. Both which manner of governments, howbeit that they bee euill and blameworthy, yet is this Aristocratique and Geometricall proportion of governement much more tolerable and more safe, than is that popular and turbulent governement, scarcely any where to be found, as neeter approching vnto the sweet Harmonicall governement. For it may be, that the king to allure his estate against the intirection of the base common people, may have need to strengthen himself with the nobilitie, which come next vnto his qualitie and condition, than both the base artificers and common fort of people, vnto whom he cannot defend, neither with them we have any societie at all, if he will in any good fort maintain the maieftie of his royal estate and soueraignty, as it seemeth he must of necessity do, if he shall make them partakers of the most honourable charges of his estate and kingdom. But such an Aristocratique kind of governement is also euill and dangerous, not vnto the common people only, but euin vnto the nobilitie & prince also: who may so still stand in feare of the discontented vultur fort, which is always farre in number more than is the nobilitie or the rich: and having got some seditious leader, and so taking vp of armes, commeth the stronger part, and so sometimes revolting from their prince, driveth out the nobilitie, and fortie themselves against their princes power: as it happened among the Swiflers, and in other ancient Commonweales by vs before noted. The reason whereof is evident, for that the common people is not bound by any good accord either with the prince, or with the nobilitie, no more than these three numbers 4, 6, 7: where the first maketh good accord with the second, that is to say, a sort: but the third maketh a discord, the most irksome and displeasing that may bee, marrieing wholly the sweet content of the two first, for that it hath not any Harmonicall proportion either vnto the first or vnto the second, neither vnto both together.

But it may be, and commonly so is, that the prince ginneth all the greatest honours and preferments vnto the nobilitie and great lords, and vnto the meaner and bafer fort of the people the lesser and meater offices onely: as to be clearkes, serjeants, notaries, petty receuers, and such other meane officers of towne, or of some small jurisdicctions. Wherein he shall so keepe the Geometrical proportion, and Aristocratique governement. Which manner of governement for all that is yet faultie, howbeit that it be more tolerable than the former Popular Arithmetical governement, as hauing in it some equall and semblable proportion: For as the office of the Constable is proper vnto a great Lord, so is also the office of a Serjeant vnto a poore base fellow. But forasmuch as there is no sociable bond betwixt the prince and the potter; so also is there not any similitude betwixt the office of the Great Constable and of a Serjeant: no more than there is amongst these foure numbers dipoled by proportion Geometricall disjunct, 3, 6, 5, 10: where the two first have the same reason that the two last haue, and the reason of the first vnto third, is that of the second vnto the fourth: yet the reason of the second vnto the third is discordant and different from the others, and so disjoyneth the extreme ones, which so maketh an absurd and foolish discord. And so also are the orders of citizens and subjectes, disioyned one of them from another, so that no fault or faire band can bee found amongst them. For that the nobilitie thinketh it an indignity for them to bee bufied with the small offices of the comminallie: and the common people againe take it in euill part themselves to be excluded from the greatest honours of the nobilitie. As in Rome it was not otherwise lawfull for any of the nobility, whom they called Patricij, to use for the Tribuneship, but that first he must renounce his nobilitie, and become a commoner: for as then the Consulship belonged.

XXX III

Only
The reasons why the Consuls and Tribunes were always at variance in Rome.

The royal estate governed harmonically, the fairest and most perfect, once granted unto the people, they forthwith let their weapons fall, and all the sedition & tumults before common betwixt them and the nobilitie ceased: For why, the common fort thought themselves now equal with the best, wherein the welfare of that citie confisted: whereas otherwise the force of the furious multitude could by no violence have bin withstood. For what the proportion was of the Consulship vnto the Tribune-

ship, the same the proportion was of one of the nobilitie vnto a commoner: & againe, the same respect was of a noble man vnto the Consulship, that was of a commoner vnto the Tribune-

ship, in Geometrical similitude. But tots as much as it was not lawfull neither for a noble man to obtaine the Tribune, neither for a commoner to enjoy the Consulship, the people was disoyned from the nobilitie, and a perpetuall discord betwixt the Consuls and the Tribunes still troubled the citie: in such sort, as in these numbers thus placed is to be seene, 2, 4, 9, 18: wherein are found two eighties by Geometrical proportion distant, and which yet mixed together make the most hard discord that is possible, by reason of the disproportion which is betwixt 4 and 9, which is intolerable, and marreth all the harmonie. So was there also almost a perpetuall discord betwixt the nobilitie & the people, vntill that the Consulship, the Cenforship, the Pretorship, and the chiefe Benefices, excepting some few, were communicado vnto the people also: Whereas might it with the same moderation have bene lawfull for the nobilitie to have obtained the Tribune also, yet so as that the number of the commoners in that societie of the Tribunes might yet still haue bene the greater, and the nobles not enforced to renounce their nobilitie: no doubt but that the estate so Harmonically governed had bene much more affered, better ordered, and of much longer continuance than it was, by reason of the sweet agreement of the citizens among themselves, and that Harmonical mixture of the offices and places of authoritie and command in the estate and Commonweale: as in these four numbers by Harmonical proportion coniunx, is plainly to be seene, 4, 6, 8, 12: where the proportion of the first number vnto the second, and of the third vnto the fourth, is a Diapente, or a fifth: and againe the proportion of the first vnto the third, and of the second vnto the fourth, is a Diapason, or an eight: and the proportion of the second vnto the third, a Diatessaron, or a fourth: which with a continuall proportion joyning the first with the last, and the middle to both, and so indeed all to all, bringeth forth a most sweet & pleasant harmonie. But it was so farre off, that gentlemen of auncient houses were in Rome receiued into the Tribune (if they at first renounced not their nobilitie, and causeth themselves to be adopted by some base commoner) as it was for the base commoners to aspire vnto the Consulship: which they never did, except they had before obtained the greatest honours of the field, as did Marius; or else by their eloquence, as did Cicero; or by both together, as did Cato the Cenfor. Which yet was a matter of such difficultie, as that Cicero bowled of himselfe vnto the people, That hee was the first new man (now they then called him a new man, who the first of his house and familie had obtained honours) who of them of his ranke had obtained to be Consull: and that the people under his conduct had cut in funder and for ever after laid open for vertue that honourable place, which the nobilitie had before with strong garrisons holden; and by all meanes that vp. So that it ought not to be seene strange if the Commonweale were then troubled with the seditions of the people, when as in such a multitude of the common fort, so few of them euen in Cicero his time aspired vnto those so great honours, the nobilitie of great and auncient houses commonly still enjoying of them.

Therefore it becommeth a good governour in a Popular or Aristocratique estate, and especially a wife king in his kingdom, to use Harmonical proportion in the government.


A

government thereof, sweetly intermingling the nobilitie with the communitie, the rich with the poore; & yet neuertheless with such discretion, as that the nobilitie still have a certaine preheminence above the base communitie. For why, it is good reason that the gentleman excelling in deeds of armes and martiall provewe, or in the knowledge of the law, as well as the base common person, should in the administracion of iustice, or in the manning of the wars, be preferred before him. As also that the rich in all other respects equall vnto the poore, should be preferred vnto such places and estate as haue more honour than profit: and the poore man contrariwise to enjoy those offices and roomes which have more profit than honour: both of them fo rettling reasonably contented, he which is rich enough seeking but after honour, and the poore man after his profit.

B

For which caufe and consideration, the wife Roman Proconsull Titus Flaminii taking order for the Thevisalian Commonweale, left the government and fouraignie of the towne and cities by him conquerd, vnto them of the richer fort and of best abilitie; wisely deeming, that they would be more carefull for the pretention and keeping of them, than would the poore, who hauing not much to loole, had no great interest therein. Now if two or three magistrats were to bee choosen, it were better to joyn a nobleman with a commoner, a rich man with a poore, a young man with an old; than two noblemen, or two rich men, or two poore men, or two young men together; who oftentimes fall out into quarrels betwixt themselues, and to hinder one another in their charges: as commonly it happeneth betwixt equals. Besides that, of such a coniunction of magistrats of diuers estate and condition (as we now speake of) should arise this great profit, That every one of such magistrats would secke to maintaine the prerogative & right of them of their owne estate and such as themselues were: As in our fouraignie courts, and in other corporations and societie also, by our customes composed of men of all forts, we see iustice and right to bee commonly better, and more uprightly vnto every man admindistred, than if they wholly consisit of noble men, or of clergie men, or of any one estate alone.

But now in cuill societie there is no meane better to bind and combine the little ones with the greater, the base with the noble, the poore with the rich, than by communicating of the offices, estates, dignities, and preferments, vnto all men; as well the base as the noble, according vnto euery mans vertues and defects, as we haue before declared. Which defects both now are & euer were of most diuers fort & condition: so that he which would stil give the honorable charges and preferments of the estate vnto verious and religious men onely, should vterly ouerthrow the whole Commonweale: for that such vertuous and deuout men are alwaies in number much fewer than the cuill and wicked, by whomse they might easilie be overcome and thrust out of their government. Whereas in coupling the poore vertuous men (as I haue said) sometime with the noble, and sometime with the rich, howbeit that they were deuoid of vertue; yet so neuertheless they should selee themselues honoure, in being so joined with the vertuous, mounted vnto honourable place. In which doing all the nobilitie shall on the one side reijoyce to see euery base nobilitie receiued, and a place for it left in the Commonweale, together with men excelling in vertue and knowledge; and all the baier fort of the common people on the other side rauished with an incredible pleasure to seelthemselues all honoure, as indeed they ate, when they shall see a poore Phy-stitutione, or Chauncellour of a great kigndome; or a poore sauoldier to become at length Great Constable: as was seene in the perfon of Michael D' I Hospitall, and Bertrand Guescheling: who both of them, with many others, for their noble vertues were worthily exalted euue vnto the highest degrees of honours. But all the subjectts griene and take it in euick part, when as men neither for the honour of their houe, not for any their

C

Judice better admindistred by magistrats of diuers fort & condition, than by men all of one estate and degree.

D

Diuers forts of defects, and that vertuous men onely are not to be preferred vnto the honourable places and charites of the Commonweale.
their virtues noble, but rather for their loose and lewd liues infamous, shall be placed in the highest degree of honour and command: not for that I thinke it necessary the unworthy citizens or subiects to be altogether kept from all offices & places of command (a thing which can in no wise be) but that even they such unworthy persons may bee sometimes capable also of certaine offices; provided always that they bee in number but few, that their ignorance or wickednesse may not take any great effect in the estate wherein they are. For we must not onely give the purse vnto the trustiest, armes vnto the most valiant, judgement vnto the most vpright, censure vnto the most entire, labor vnto the strongest, government vnto wise, priesthood vnto the devoutest, as Geometrical Iustice requireth (howbeit that it were impossible so to doe, for the feare of good and vertuous men:) but we must also, to make an harmonie of one of them with another, mingle them which haue wherewith in some fort to supply that which wanteth in the other. For otherwise there shall be no more harmonic than if one should separate the concords of musique which are in themselves good, but yet would make no good confent if they were not bound together: for that the default of the one is supplied by the other. In which doing, the wise prince shall let his subiects in a most sweet quiet, bound together with an indissoluble bond one of them vnto another, together with himselfe, and the Commonwealth. As is in the foure first numbers to bee seen: which God hath in Harmonicall proportion dispoyled to shew vnto vs, that the Royal estate is Harmonicall, and also to be Harmonically governed. For two to three make a fift; three to foure, a fourth; two to foure, an eights; and againe afterwards, one to two, maketh an eight; one to three, a twelfth, holding the fift and the eights; & one to foure, a double eight, or Dispafor: which containeth the whole ground and compass of all tunes and concords of musique, beyond which he which will passe vnto fine, shall in so doing marre the harmonie, and make an intollerable discord. So may one lay of a point to a line, as also of the plaine superficies, and of the solid bodie also of any thing. Now the soueraigne prince is exalted above all his subiects, and except out of the ranke of them: whose majestie suffether no more division than doth the violet it selfe, which is not set nor accounted among the numbers, howbeit that they all from it take both their force and power. But the three estates stand orderly disposed as they are, and as they alwayes have yet beene in euery well ordered Commonwealth, viz. the Ecclesiasticall order first for the dignitie which it beareth: & the prerotagiae of the minifterie and function thereof to towards God, being yet composed both of noble and of base. Then after them follow the_Martiall men, in whose profession all the rest of the subiects in some sort rest: which order and estate is also composed both of the noble and vnoble. And in the third and last, are let the common people of all sorts and vocations, as schollers, marchants, artificers, and labourers: euerie one of which estates having part and interest into the offices and honourable charges of the Commonwealth, with great respect and regard still to bee had vnto the merits and defects, as also vnto the qualitie of the perions, there may therof be formed a pleasant harmonie of all the subiects among themselves; as also of them altogether with their soueraigne prince. Which is also declared, and in some sort figured even in the nature of man himselfe, being the vertue true image of a well ordered Commonwealth: and that not in his bodie onely, which still hath but one head, and all the rest of the members apply fitted theueto; but euen in his mind also, wherein Understanding holdeth the chiefe place, Reason the next, the Angrie Power desirous of revenge, the third,
A third, and brutifh luft and defire the lat. Whereof the mind or understanding like unto the vitie in numbers indiifible, pure, and simple, is of it selfe free from all conver- tion, and from all the other faculties of the foule apart separated and divided: the angrey power with desire of reveuge resting in the heart, representeth the fouldiours and other martiall men: and fensual luft and defire resting in the liver vnder the midriff, beroke- neth the common people. And as from the liver (the fountaine of bloud) the other members are all nourifhed, fo husbandmen, merchants, and artifcers doe give vnto the reft of the Subiects nourifhment. And as many men for lacke of understanding, liue like beast, smoued with that only which is present and before them, without mounting any higher vnto the contemplation of things intellectual and divine, whom the fa- cred scriptures call also beasts: even fo also the Aristocratie and popular Common- weales without understanding, is to fay, without a prince, are in some fort able to maintain and defend themfelves, though not long: being indeed about to become much more happie if they had a foueraigne prince, which with his authoritie and power might (as doth the understanding) reconcile all the parts, and fo vnite and bind them faft in happinesse together: for why no government is more happie or blefled, than where the reasonable soule of man is governed by wifedome, anger and defire of reveuge by true valour, luft by temperance; and that understanding beare the rule, and as it were holding the reines, guideth the chariot, whereafter all the reft follow whether foueret he will lead them: for so all honestie, all the luftre of vertue and dutie shall everly where flourish. But when the power and command of understanding beaten downe and quite ouerthrown, anger as a mutinous and vntru fouldion, and intemperat luft as a turbulent and feditious people, shall take vpon them the govern- ment, and fo invading the state, shake wifedome and understanding, and thrust it out of place: euery Commonweale muft needs even like the powers of the soule and mind needs so fall into all manner of reproch and filthinesse of vices. So that nothing is more like vnto a well governed Commonweale, than that moft faire and fit comparion of the soule and the powers thereof, there being therein fo eftablifhed a moft Harmonical proportion of fuites, which giveth to euery part of the soule that which vnto it of right belongeth. The like whereof we may fay also of the three eftates of a Commonweale, guided by Wifedome, Fortitude, & Temperance: which three mor- ral vertues vnitcd together, and with their king, that is to fay, the intellectual and con- templative vertue, there is thereby eftablifhed a moft faire and Harmonical forme of a Commonweale. For that as of vitie dependeth the vniton of all numbers, which have no power but from it: so also is one foueraigne prince in euerie Commonweale necel- farie, from the power of whom all others orderly depend. But as there cannot be good musicke wherein there is not some discord, which muft of necessity be intermingled to give the better grace vnto the Harmonie (which the good Mufitian doth, to make the content of the fourth, the fifth, and the eight, the more pleafing and tunable, some discord running before which may make the content much more sweet vnto the ear); as do also cunning cooke, who to give the better taffe vnto their good meates, floure therein with certaine difhes of harpe and vnafteric faucers; and as the cunning painter, to grace his picture, and to give a better show vnto his brighter colours, flill shadoweth the fame with blake, or some other darke colour (for that the nature of all things in the world is fuch, as to loe the grace, if they taft not sometime of dis- grace; and that pleafure always continuing becommeth vnafterie, daungerous and vnpleafant): So also is it necelfarie that there should be some foole amongst wise men, some vnworthy of their charge amongst men of great experiences, and some euill and vituous men amongst the good and vertuous, to give them the greater luftre, and to make
make the difference known (even by the pointing of the finger, and the light of the
eye) betwixt virtue and vice, knowledge and ignorance. For when fools, vitiouis, and
wicked men, are contemned & defpifed, then the wise, vertuous, and good men receive
the true reward and guerdon for their vertue, which is honour. And it seemeth the an-
tient Greekes in their fables, to have aptly shadowed forth vnto vs that which wee have
spoken of these three kinds of Iustice, giving vnto Themes three daughters, viz. iu-
ma, opimia, ripurn: that is to say, Priefte Law, Equittie, and Peace: which are referred
vnto the three forms of Iustice, Arithmeticall, Geometricall, and Harmonicall: how-
beit that peace which shadoweth forth Harmonicall Iustice, is the onely scope and
fumme of all the lawes and judgementes, as also of the true Royall government: so as
is Harmonicall Iustice the end both of Arithmeticall and Geometricall government
also.

But these things thus declared, it remaineth for vs to know (as the chief point of
this our present discourse) Whether it be true that Plato faith God to governe this
world by Geometricall proportion: For that he hath taken it as a ground, to shew that
a well ordered Commonweale ought (to the imitation of the world) to be governed
by Geometricall Iustice: Which I haue shewed to be contrarie, by the nature of the
vniuitie, Harmonically referred vnto the three first numbers: as also by the intellec
tuall power, compared vnto the three other powers of the soule: and by a point compared
to a line, a plaine superficies, or other solid bodie. But let vs goe farther, for if Plato had
looked neerer into the wonderfull Fabrique of the world, hee should have marked that
which hee forgot in his Timo, viz. The Great God of nature to haue Harmonically
composted this world of Matter and Forme, of which the one is maintained by the
helpe of the other, and that by the proportion of equalitie and similitude combined &
bound together. And for that the Matter was to noe use without the Forme, and that
the forme could haue no being without the matter, neither in the whole vnperfec
neither yet in the parts thereof: he made the world equall to the one, and semblable to
the other: equall vnto the matter whereof it is made, for that it comprehended all: and
semblable or like vnto the forme, in such sort as is the Harmonicall proportion com-
posed of the Arithmeticall and Geometricall proportions equall to the one, and sem-
blable to the other, being one of them seperate from another vsuperfluous.

And as the Pythagorians factificed the great factifice Hecat
ombe, not for the sufferdure of the right angle, which de-
pended of the two sides (as many thinke) but for having in
the selfsame figure found the equalitie and similitude of two
other figures, the third figure being equall vnto the first, and
like vnto the second: so do we also owe the immortal everla
thing factifice of praiue and thankgiving vnto almightie God,
for that he hath by an admirable bond of Harmonie, bound
together this world of matter and forme, equall vnto the one, and like to the other:
equall indeed to the matter, so that there is nothing thereof wanting, or yet superflu
ous: but yet like vnto that everlasting forme, which he the most wise workeman had
in his mind before conceived, before he made that so great and excellent a worke: as
we read in the holy Scripture.

And as for the motion or mowing of the celestiall Spheres, we see that God hath
made one motion equall, which is the swift motion of the superiour Sphere: and an-
other vnquad, which is the motion of the Planets (contrarie vnto the former:) and the
third the motion of Trepidation, which containeth and bindeth together both the
one and the other. And so if we should enter into the particular nature of other world-
ly creatures also, we should find a perpetuall Harmonicall bond, which vnieth the extremees by indissoluble means, taking yet part both of the one and of the other. Which coherence is neither agreeable vnto Arithmetical nor Geometrical, but euery proper vnto the Harmonicall proportion onely: wherein the sweeteffe of the consent consisteth in tunes aptly mixt together: and the harf discorde, when as the tunes are such as cannot fiuely be mingled together. So we see the earth and stones to be as it were joined together by clay and chalkie, as in meane betwixt both: and foo betwixt the stones and mettals, the Marcafites, the Calamines, and other diuers kinds of mineral stones to grow: So stones and plants also to be joyned together by diuers kinds of Corall, which are as it were stonie plants, yet hauing in them life, and growing vppon roots: Betwixt plants and liuing creatures, the Zopophytes, or Plantbeasts, which liue feeling and motion, but yet take life by the roots whereby they grow. And againe betwixt the creatures which liue by land onely, and those which liue by water onely, are those which they call Amphibia, or creatures liuing by land and water both, as both the Beuer, the Otter, the Torte, and tuch like: as betwixt the fishes and the souls are a certaine kind of flying fishes: So betwixt men and beasts, are to bee seene Apes and Munkies; except we shall with Plato agree, who placed a woman in the middle betwixt a man and a beast. And fo betwixt beasts and angels God hath placed man, who is in part mortall, and in part immortall: binding also this elementarie world, with the heavens or the celestiall world, by the æthereall region. And as a discord sometimes (as we said) giuen grace vnto the sweeteffe Harmonie: so God also hath here in this world mingled the bad with the good, and placed vetuues in the middest of vices, bringing forth also certaine monstres in nature, and suffering the eclipses and defects of the celestiall lights: as also the Surt reasons in Geometrical demonstrations: to the end that theore of might arise the greater good, and that by such means the power and beautie of Gods works might be the better knowne, which might otherwise haue bene hid and folded vp in moft thicke and obscure darkenesse. And therefore it is, that God hauing hardened Pharaoes heart, which the wife Hebrewes expound to be the enemie of God and Nature, faith thus vnto him, Excitau egote ut demonstrarem in te ipsa potens- tiae meas, vixit ut decesserat et tota terrarum orbe gesta, a me omnium una commenorlatione pra- dicatamur, I have shewed thee vp (faith he) that I might in thee declare the force & glorie of my power, that fo all my acts might with one report of all men bee praised throughout the whole world. And these things truly belong vnto the most true report of the things then done in Egypt: but there lieth hidden therein a more diuine meaning than that, concerning the great Pharsa, the worker and father of all michtie, whom the sacred Scriptures declare by the name of Lewiathan: and yet in this all the diuines agree, this of all others the greatest enemie of God and man, to bee still by the becke, word, and power of God, kept in and restraine: and all the force and power of those michties and euils by him and his wrought (which we so much both fre and manuell at, and without which the power of the good should neither bee, neither yet be the same to be nothing but that which is holy and cleane from all filth and wickednesse: in such sort, as that that little staine of euils here shall much more profit than hurt. Whereof Augustine speaking, faith well, Qui Deum immortalem villam multa de- decem perfperarum negat, nisi maius bonum confequi certae fires. Who denieth that the immortall God would euer suffer any euill or wickednesse to bee done, but that hee most certainly knoweth a greater good to ensue thereof. Wherefore as of Treble and Bafe voyces is made a most sweet and melodious Harmonie, so also of vses and vertues, of the different qualities of the elements, of the contrarie motions of the celestiall
The Sixt Booke

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stall Spheres, and of the Sympathies and Antipathies of things, by indissoluble means bound together, is composed the Harmonie of the whole world, and of all the parts thereof: So also a well ordered Commonweale is composed of good and bad, of the rich and of the poore, of wisemen and of fools, of the strong and of the weake, allied by them which are in the meane betwixt both: which so by a wonderful disagreeing concord, joyn the highest with the lowest, and so all to all, yet so as that the good are still stronger than the bad; so as hee the most wise workeman of all others, and governour of the world hath by his eternall law decreed. And as he himselfe being of an infinit force and power ruleth over the angels, so also the angels over men, men over beasts, the soule over the the bodie, the man over the woman, reason over affection: and so every good thing commaunding over that which is worke, with a certaine combining of powers keepeth all things under most right and lawful commands.

Wherefore what the unitie is in numbers, the understanding in the powers of the soule, and the center in a circle: so likewise in this world that mightie king, in unitie simple, in nature indivisible, in purtie most holy, exalted farre above the Fabrike of the celestiall Spheres, joyning this elementarie world with the celestiall and intelligible heavens; with a certaine secure care preferueth from diffraction this triple world, bound together with a most sweet and Harmonicall consent: vnto the imitation of whom, euerie good prince which wiseth his Kingdome and Commonweale not in safetie onely, but euen good and blessed also, is to frame and conforme himselfe.

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Laus Deo unius & trino in secula seculorum. Amen.

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