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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 KNOLLES.

LONDON
Impensis G. Bishop.
1606.
TO MY MOST ESPECIALL

good Friend, Sir Peter Mauwond; Knight
of the Honourable order of the Bath.

R., gathering matter to continue the lues of the Turkifh Emperours, but finding nothing heath to worthy the writing, more than matters common: such having been the policies of latter times, as to keepe secret the reasons and certaine knowledge of the doings of great Estates, that is some of the most wise, mightie, and Honorable, sitting at the helmes of Commonweales, doe not shew the way, posteritie will be defrauded of the most 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 seeth best for the good of the Christian Commonwealth. The Sarafin Historie also not to be performed without the light of their owne Chronicles, and the stories of many other countries by them conquered and possessed; a more famous and mightie people, and ollonger continuance than the Turkis, and the inftant 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 to many yeares spent in the former (and the beginning of this, which you have long since seene) I doubt (if it please God I liue to performe it) I muft write it shortly, as I did the generall Historie to my Liues. In the meane time hauing had some leiuire, and loath to bestow good hours evil, 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 forms of Commonweales, and such other worthie matter, as is here by the Author let downe, you will alfo to see by what lawes and cuftomes 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 auftient purtie thereof, for religious sinceritie, wisdom, power, & equall vpright justice, excelleth all the laws of men that euer yet were, and a knowledge best befitting the noble gentrie of this land. To make an end, the whole labours of my life have been and euer shall be comfortable to me, when they may pleafe you, to whom I have 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 the many great and deep deuices of worldly wifedome, for the maintenance and preferring of humane societie (the ground andstay of mans earthly blisse) the fairest, firmest, and the best, was theframing and forming of Commonweales, wherein people of all estates, sort, and callings, being comprehended, are by many orderlydegrees so united and combined together, as that the great are therein onely honoured, and yet the meanest not neglected, andthey in the midst betwixt both, of both according to their places duly respected and regarded; whereof proceedeth the mutual exchange of all kind and friendly offices, the fairest bond of all good and well ordered Commonweales: every man so fondling that which unto him in private belongeth, well unto himselfe aduised, together with the common good, wherein every private mans 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 device thereof were accounted more than men, or at leastwise (as indeed they were) of farre more wifedome and disposition then 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 almoft quite contrarie meanes, aiming at one and the self-same markes, (viz. the quiet common good) to attain thereunto, framed divers and farre different forms and fashions of Commonweales: some of them gining the Soueraignetie unto the people in generall, some unto the Nobilitie alone, and some others (better aduised then the rest) unto one most royall Monarch: which both by reason and experience being found the best, is not onely of the more ciuile nations, but even of the most barbarous people of the world (taught as [would 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, ease, or ornament of the ciuile man in particular, so much is by the great and learned wits of all ages fet doone, and by writing to all posteritie commended, as may well content eu'n curiositie it selfe; yet of this so great, so worthie, and so profitable an argument as is the nature, forms, and essence of all sorts of Estates and Commonweales (wherein the strength and power, not onely of all the most mightie and glorious kingdomes and monarchies that euer yet were, are, or shall bee, but even the good and welfare of all knowfull humane societie euer also redted, and a knowledge onely proper unto kings and princes, and such other herosall minds) so few have written; as that it may seeme right strange in so many worlds of yeares, scarce one to have 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 they which excelled both in the one and the other, viz. wealth and learning both, suffered themselves to be so overwhelmed 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 most critical an object; or else that for the difficulties of the matter it selfe they abstained to meddle therewith. Which unto the ancient 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 More (sometimes Lord Chauncellore of this land) all men of great fame and learning (and besides them not many men, 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 pass'd 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 never was, either yet ever shall be) rather than any true shape or fashion of such a perfect Estate and Commonwealth, as bath 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 conceptions, was never yet any Commonwealth framed, neither yet any great matter from their most absolute imaginations drawn, for the boose and profite 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 memoriale line for ever) but only that the strong opinion conceived 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 endorses of some others of our times, no lea, yea and happily better acquainted with the studies and affairs of Estates and Commonweales than were they. For if the true value of things bee to be deigned by the necessary and profitable use thereof, I see not what should let, but that the six books of Lu. Bodin de Repub, whereto bee (being himselfe a most famous Civitian, and a man much employed in the publicke affairs both of his Prince and Country) so orderly and exactly proficeth all forms and fashions of Commonweales, with the good and euill; the perfections and imperfectiions incident into the same, and in many other matters and questions most necessary to be knowne for the maintenance and preservation of them, may well be compared, yea and happily not without cause also preferred before any other of them, which have as yet taken that so great an Argument upon them. Which bookes by him for the common good of his nativitie country one, first written in French, (and seuer times printed in three yeares space, a thing not common) at such time as that mightie Kingdome began after so long and bloodye ciuile warses againe to take breath, were by him afterwards for the publicke benefit of the rest of the Christian Kingdomes and Commonweales turned into Latin also: which to doe he was the rather moved, for that (as he himselfe faith) at the time of his employment here in England, he certainly understood one Olybias a Frenchman, privately in noble mens houses in London, and another likewise in the University at Cambridge, with great obscuritie and difficutie there to interprete those his bookes of a Commonwealth, then written in French only: which was as much as in him lay to make the same common unto all men, the chiefe scope and drift of him in the whole worke being to make the subjectis obedient unto the magistrates, the magistrates unto the Princes, and the Princes unto the laws of God and Nature, which his so good and Christian
To The Reader.

Hian an intent and purpose in some part to further, I out of those his French and Latine copies have into our owne vulgar translated that show here seft: seeking therein the true fence and meaning of the Author rather than precisely following the strict rules of a nice Translator, 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 possibly 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 deferuedly impugned, as namely by Serre and Ferrier, both Frenchmen, by one Frankberger a Germane, Albegra an Italian, and by Porroutius his pamphlets cenfured; yea, and that some few points thereof were by some Preachers also in France with greater zeale than judgement found faults with: Sufficeth it that Serre after he had with good leave both written and said what he could, was by the French king his expresse and just 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 increaseth, and their writings scarce hearkened after. So that in defence of him, as also of this my Translation, 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 not so to put vp the matter: Satis opinor, meae scripta, & vitae ante- actae rationes, ab improborum contumelia vindicabunt: I suppose (said he) my writings, with the course of my fore-passt life, shall sufficiently defend me from the reproch and slander of envious and malicious men. And so wishing such as of themselues 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; commending my selfe with these mine endeavours to thine upright and favourable cenfure, and thee unto the Almightyes protection,

I in briefe bid thee most heartely farewell.
A SYMMAARIE TABLE OF ALL THE CHAPERS CONTAINED IN THE SIX BOOKES 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 Commonwealth. 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 Commonwealth. Chap. 6.
Of them that are under protection, and the difference betwixt Allies, Strangers, and Subjects. Chap. 7.
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FINIS.
Chap. I.

What the principal end is of a well ordered Commonweale.

Commonweale is a lawfull government of many families, and of that which vnto them in common belongeth, with a puissant fueraragia. This definition omitted by them which haue written of a Commonweale, wee haue placed in the first place: for that in all arts and actions, it beho- ueth vs first to behold the end, and afterward the means to attaine therunto. For a definition is nothing else than the very end and scope of the matter propounded, which if it be not well and surely grounded, whatsoever you build thereupon must together and in a moment fall. And yet oftentimes it falleth out with many, that hauing propounded vnto themselues certaine ends, yet can they not attaine vnto the end by them defired; no more than the vnskillfull archer who shooteth farre and wide from the marke he aimed at, whereas he which shooteth markeman-like, although he misse somewhat the marke, yet shal he shoot neerer than he, neither shall he want the commendation of a good archer, hauing performed what a skilfull archer should haue done. But he which knoweth not the end of the matter he hath in hand, is as farre from the hope of attaining the end, 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 vs 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 betwixt the fame, and the great assemblies of robbers and pirats, with whom we ought not to haue any part, commerces, corporation, or alliances, but vter enmity. And therefore in all wise and well ordered Commonweales, whether question be of the publike faith for the more saftie to bee giuen; 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 controversie and differences of Princes amongst themselues; robbers and pirats are still excluded from all the benefits of the law of Armes. For why? Princes which governe their Stares by their owne lawes, and the lawes of nations, haue alwayes divi- ded their lust and lawfull enemies, from these disordered, which fecke for nothing but the vter ruine and subjection of Commonweales, and of all ciuitall societie. For which caufe, if ranke some promised vnto robbers for a mans redemption, bee not vnto them...
acquainted, 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 hee would take from him his life, to deceive him of the reward promised; or yet violate the publike faith and security with him, who of himself offered himselfe 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 pirates & robbers, as is to be vfed against just enemies, should open a dangerous gap to all vagabonds, to ioyne themselues vnto robbers and thieves; and afflute their capall 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 beene, who hath better deuoted to be called a King, than many of them which have carried the regall scepters and diadems, who haue 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 said to Alexander the great, that he had learned of his father no other occupation than piracie, neither from him receiued any other inheritance than two small frigots: whereas he which blamed him of piracie, roamed about neuerthelesse, and with two great armies robbed the world without controll, albeit that he had left him by his father the great and flourishinge kingdome of Macedon. Which frank speech did move Alexander, not to the revenge of the iuft reproach gien him, but vnto commiseration, with a certaine remorfe of conscience: insomuch that he pardoned Demetrius, & made him general over one of his legions. And not to go further for examples, in our age Solyman the great Sultan of the Turks, with great rewards allured vnto him Hariademus Anobarbus, Dragut Reis, & Ochial, three of the most famous pirats of our memory, whom he made his Admirals, and great commanders 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 aflute his traffique. Truly by such allurements to draw arch pirats into good order, is, and shal be at all times commendable: not onely to the end, not to make such people through dispaire
A to invade the State of other princes, but also by their means to ruinate and bring to
naught other pirates, as enemies to mankind: who although they seem to live in nearer
so much amity and friendship together, and with great equalitie to diuide the spoil,
(as it is reported of Bargasus and Vitriatus, the arch pirates) 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 spoil, to be termed a lawful division,
but a meere robberie: for that the principal point wherein consisteth the true
marke and cognizance of amity in them warueth, 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 happily together.

B Which as it may serue for a decription of a Citie, so can it not stand for a true defi
of a Commonweale, as hauing in the one part thereof too much, and in the o
ther too little: three principal things especially to bee required in every Common
weal, wanting in this decription, that is to say, the family, the soueraignty, and those
things which are common to a Citie, or commonweale: Joining hereunto also, that
this word Happily, as they understand it, is not necessarie: for otherwise vertue should
haue no prize, if the fauourable wind of prospectie still blew not in the poore thereof,
which a good man will never confente vnto. For a Commonweale may be right well
gouerned, and yet neuertheless afflicted with pouertie, for taken of friends, besieged by
enemies, and over whelmed with many calamities: vnto which estate Cicero himselfe
confeffeth him to have scarce the Commonweale of Marsells in Prouince to haue fal
at such time as it was by Caesar Cæsar triumphed vpon: which he faith to have bene
the best ordered and most accomplisht that euer was in the world, without exception.
And so contrariwise it should come to passe, that a Citie, or Commonweale,
fruitfull by fruition, abounding in riches, flourishing, and well stor'd with people, re
erenced of friends, feared of enemies, invincible in arms, strong in fortification, proud
in buildings, triumphant in glorious, should therefore be rightly gouerned, albeit, that
it were surcharg'd with all villainies, and grounded in all manner of vices. And yet neuer
theless most certaine it is, that vertue hath not a more capittall enemye, than such a per
petual sucess as they call most happy, which to joine together with honestly, is no lesse
difficultie, than to combine things by nature most contrarie. Wherefore fith that we
may without reproach want other things, as also without praise abound therein: but
that vertues we cannot without great imputation want; or be with vices polludt 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 possessions,
not to be of necessitie required vnto well ordered Cities, and commonweals: so that
he which will looke further into the matter, must as little as hee may decline from
the best or most perfect state of a Commonweale. For as much as by the godines of the
end we measure the worth and excellency, as well of Cities and Commonweals, as of
all other things: so that by how much the end of every Citie or Commonweale is
better or more heaven-like, so much is it to be deemed 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
Chancellor 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 Commonweals.
In which doing a man is not bee justly blamed, although hee fully attaine not
unto the end hee aimeth at, no more than the good Pilote, by force of tempest
driven out of his course: or the skilfull Phylistian outcome with the force of the
maladie, are the leffe esteemed: provided, that the one hath yet in the cure well

Bij governed
gouerned his sike patient; and the other in his courte, his ship.

Now if the greatest felicitie and happinesse of one citizen, and of a whole Citie, be all one and the selfe same, and the chiefe good of both confisteth in those vertues which are proper vnto the mind, and are onely conuenient in contemplation (as they which in wisdom are said to haue farre excelled the rest, haue with great agreement affirmed) it must needs follow alfo, thole citizens and people to enjoy true felicitie, which excersing themselves in the sweet knowledge of things natural, humane, and divine, referte 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 blessed and happy life of euery one in particular, we conclude, that this is the felicitie and end alfo of a Commonweale. But for as much as men of affaires, and Princes, are not in this point agreed, euery man measuring his good by the foot of his pleasures and contentements; and that those which haue had the fame opinion of the chiefe felicitie of a man in particular, have not always agreed, That a good man and a good citizen are not all one; neither that the felicitie of one man, and of a whole Commonweale are both alike: this hath made that we haue alwaies had variety of lawes, cuftoms, and decrees, according to the divers huntos and passions of Princes and gouernours. Most men thinking the life of man to be but base, if his endeavours should bee onely directed vnto necessitie, and not alfo vnto pleasure, and ornament: they would (I say) account it a miserable thing to dwell in poore cottages covered with turfe, or in strait cabins and lodges to shrowd themselves from the inuiy of the weather. But for as much as the wise man is in a fort the measure of right and wrong, of truth and falshood; or as it were an inflexible rule: and that which are thought to excell all others in justic and wisdom, with one consent affirme the chiefe good of euery one in particular, and of all in common, to be but one, and the same; we also putting no difference betwixt a good man, and a good citizen, measure the chiefe felicitie and happinesse of euery particular man, and of all men in general, by that most beautifull and to 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 necessarie vnto vertuous actions to ioyne also wealth and power: yet when he reasoneth more subtly thereof, placing the chiefe good and felicitie of man, in Contemplation. Which seemeth to have gien occasion vno Marcus Varro to say, That the felicitie of man confisteth 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 felicitie is simple; so of things double or compound, the felicitie is also double and compound. For the goodness of the bodie confisteth in the health, strength, agility, commoditie, and beautie 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 vnderstanding together, confisteth in the due obedience of our.desires vnto reason, that is to say, in the action of mustall vertues: Whereas the chiefe goddnes and felicitie of the vnderstanding and mind it selfe, confisteth in the intellecuall vertues, that is to say, Wisdom, 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 seemeth the difference betwixt good and cuill, the second betwixt truth and fallhood, and the third betwixt true holinesse and impiecie: and fo altogether containe what is to be desired, or to be fled from. In which three vertues, true wisedome confisteth, better than which God hath not gien any thing vnto man: For that it cannot be taken from vs by theft, consumed by fire, or lost by shipwrack; but is of it selfe sufficient to make men, other
A wife definete 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 citie be much more blessed
and fortunate, which increase by these vertues, if have also sufficient territorie, and place
capable for the inhabitants; a fertill 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 heauens, temperate and freth ayre, plentifull and wholesome water,
also matter fit for building and fortification, if the countrye of it selfe 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, etc. 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 live the more commodiously and better, as medicines to cure diseases,
metals wherewith convenient tools may be made for workmen, & armes for soldiers, not only to repulfe, but also to take teuenge upon the enimie and robber. And
for as much as the delights of men are inflatable, after that those things are provided for
which are necessarie, as also those which are profitable; it lusteth vs also to fecke after,
and to abound with vaine delights and pleasures, that so we may more sweetly & plea-
fantly live. And as we have no care of nurturing our children, before that they by con-
venient education being grown, becomse capable both of speech and reafon; no more
regard haue cities also for the conforming of manners, or searching after the know-
ledge 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 wifedome content to re-
pulse their enemies, and defend their people from iniurie. 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 loose and wicked men,
forseth himself with the good, and feeketh after their friendship: and afterwardes when
he feeleth himself cleane & free from those perturbations and paions which trouble and
molest the mind; and hath not set his whole hope upon his vaine pelfe, hee at great
care beholdeth the changes and chances of the world, the vnsaioldneffe and diversitie
of mens maners, their diuers ages, and conditions; some in the height of power and lo-
ueraigntie; others in the bottome of calamity and woe: he then studiously beholdeth
the mutations, rifings, and downfalz of Commonweales; and wisely ioyneth things
forepast, vnto those that are to come. After that, turning himselfe from mens affaires
vnto the beautie of nature, he delighteth himselfe in beholding the variety of natures
worke in plants, living creatures, and minerals, hee considereth of euery one of them,
their forme, their strengthe, and excellencie: yea he seeth the facefliue transmutations
of the elements themselves one into another, the singular Antipathie and contagious-
neffe of things, the wonderfull order and consent of caufes; whereby the things low-
est, are ioyned vnto the highest, they in the middle vnto both, and so in briefe all to all:
as also whereof euery thing tooke beginning, whether it returneth againe, when and
how it shall take end; what in things is mortall and tranfitory, what immortall and et-
ernal: and so by little and little, as it were with the swift wings of contemplation
carried vp into heauen, wondreth at the brightneffe of the notable starrs; the power,
placing, distance, and vniquall course of the heauenly bodies; and so the good agree-
ment and as it were most sweet harmony of the whole world, and of euery part there-
of: so rauished with a wonderfull pleafure, accompanied with a perpetuell defire to see
the caufes of all things, he is still caried on, vntill hee bee brought vnto God, the first
care, and governour of all this most faire and beautifull worke: whither when hee is
once come, he staith to search further, seeing that he is of an infinite and incompre-
henfible essence, greatneffe, power, wifedome, and beautie, such as cannot either by

B ii
tongue be expressed, or by any mind of man conceiv'd: yet so much as in him is hee 
prayfeth, extoll eth, and with great devotion honoureth, that so great brightnes of the 
diuine Maietie, which by fuch heavenly contemplation draweth him into the true 
glorie, and chiefe end of all goodnesse. For by these means men feeme in a manner 
to have obtained the moft goodly knowledge of things natural, civil, and divine, and 
the very fumme of humane felicitie and bliffe.

If therefore we judge fuch a man wise and happie, as hath not gotten store of com-
mon wealth and pelfe, but the knowledge and understanding of moft excellent things, 
and remote from the rude capacitie of the vulgar people: how much more happie 
ought we to judge a commonweale, abounding with a multitude of fuch citizens, al-
though it conteneth with strait bounds: conteneth 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 vanitie of their glory? Neither yet for 
all that doe we make that chiefe good of a man, or of a common weale, to be a thing 
confuded, or mixt: For albeit that man be compos'd of a bodie which is fraile and mor-
tall, and of a soule which is eternall and immortall; yet must it needs be confessed the 
chiefe goodnesse of man to rest and be in that part which is more excellent than the 
reft, that is to say, the Mind. For if it be true (as true it is) that this our bodie is com-
pact and framed of flesh and bones, to sette the soule; and our defires to obey reason: 
who can doubt the chiefe felicitie of man wholly to depend of the moft excellent 
verue thereof, which men call the action of the mind? For although Aristotle, accord-
ing to the opinion of the Stoiks, had placed the chiefe goodnes of man in the action 
of vertue; yet he the fame man was of opinion, that the fame action was full to bee re-
ferred vnto the end of contemplation: otherwife (as hee) the life of man should bee 
mored 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 reft.

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 blessed life in action: he afterward with great ambi-
guitie of words hath placed the chiefe felicitie of man, in the action of the mind, which 
is nothing else but contemplation: to the intent he might not seeme to hate put the 
chiefe good, both of men and commonweales, in things most contrary vnto THEMSELVES; 
motion (I say) and repose, action and contemplation. And yet hee nevertheless seeing 
men and commonweales to be full (subject vnto motion, and troubled with their neces-
sary affairs, would not plainly put that chiefe good or happinesse which wee seek after, 
in contemplation onely: which for all that he must of necessity 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 sim-
ples, as in them to put mans chiefe 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 bee understood, the moral 
vertues to be referred vnto the intellectual, as vnto their end. Now that can in no wise 
be called the chiefe good or happinesse, which is referred vnto a farther thing, better 
and more excellent than that felie: as the bodie vnto the soule, appetite vnto reafon, 
motion vnto quiet repose, action vnto contemplation. And therefore I suppose that 
Marcus Varro, who deemed man his chiefe good to bee mixt, of action and contempla-
tion; might (in mine opinion) have more aptly and better said mans life to have 
need of both: yet the chiefe 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 raife the mind of man from out of this frail and vile body, and car-
treth the same up into heaven. Yet neethertheless he it is, that a commonweale cannot
long stand if it be quite or long time deftinate of those ordinary actions which con-
cerne the preyeration of the peoples welfare, as the adminiftration and execution of
juftice, the providing of viuuals, and such other things necessary for the life of man; no
more than can a man long live whose mind is so strongly raifeed with the com-
templation of high things, that he forgetteeth to eate or drink, and doth suffereth the bodie
with hunger and thirst to perifh, or for lacke of repit to die.

But as in this fabricke of the world (which we may call the true image of a perfect
and moft absolute commonweale) the Moone, as the soule of the world, comming neeret
vnto the Sunne, seemeth to forfake this pertspital and elemantarie region; and yet after-
wards by the conjunction of the Sunne, filled with a divine vertue, wonderfully im-
parteeth the fame vnto these inferieur bodies: so also the soule of this little world, by the
force of contemplation raifeed out of the bodie, and in some sort as it were vntied
vnto the great * Sun of vnderstanding, the life of the whole world, wonderfully light-
ned with divine vertue, with that celestiall force marvellously strengtheneth the bodie,
with all the naturall powers thereof. Yet if the same, becometh too carefull of the bodie,
or too much drowned in the sensuall pleasures thereof, it shall forfake this divine Sunne;
and 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, lootheth her brightnesse and light, by
which defect many fowle monsers are engendred, and the whole course of nature
troubled: and yet if the Moone shoulde never be seperated from the conjunction
of the Sunne, it is most certaine that the whole frame of this elemantarie world should
in eight short time be dissolved and perifh. The fame judgement we are to have of a
well ordered commonweale; the chiefe end and felicitie whereof consisteth in the con-
templative vertues: albeit that publick and politciall actions of lefse worth, be first and
the fore-runners of the fame, as the provision of things necessarie for the maintenance
and preservation of the state and people; all which for all that we account farre inferi-
our vnto the morall vertues, as are also they vnto the vertues intellectuall; the end of
which, is the divine contemplation of the fairest and moft excellent obiect that can
possibly be thought of or imagined. And therefore we fee that Almighty God who
with great widsome disposed all things, but that especially, for that he appointed only
six dayes for vs to trauell and to do our businesse in, but the seventh day he consecra-
ted vnto contemplation and moft holy rest, which onely day of all others he blessed
as the holy day of repose and rest, to the intent we should imploy the fame in contempl-
ation of his works, in meditation of his law, and giving of him praises. And thus
much concerning the principal end and chiefe good of every man in particular, as also
of all men in generall, and of evcry well ordered commonweale: the neerer vnto
which end they approach, by so much they are the more happie. For as we see in par-
ticular men, many degrees of worldly calamitie or bliffe, according to the diuers ends
of good or bad that they have vnto themselves propounded; so have also common-
weales 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 alwayes bene valiant and courageous
men; but in the rest of their actions iniuft and peridious, if question once were of the
common good: for that their education, their laws, customs, and manners, had no
other scope or end than to make their people courageous to vndertake all dangers, and
painfull to endure all manner of labour and toyle, conseruing all such pleasures and

* GOD.
delights, as commonly effeminate the minds of men, and weaken their strength, referring all their thoughts & deeds, to the increasing of their state. But the Romane commonweale having flourished in justice, farre pass'd the Lacedemonians; for that the Romans, besides that they were passing courageous, had propounded also vnto themselves true justice, vnto the end they addressed all their actions. Wherefore we must so much as in vs lyeth endeavour our selves to find the means to attaine or at least wife to come so near as we possibly can, vnto that felicitie wee haue 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 betwixt a Familie and a Commonweale.

Familie is the right government of many subiects 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 seminarie and beginning of euery Commonweale, as also a principal member thereof. So that Aristotle following Xenophon, feemeth to me without any probable cause, to haue diuided the Oeconomical government from the Political, and a Citie from a Familie: which can no other wife 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 haue 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 fee the Lawyers, and law makers (who we ought as guides to follow in reasoning of a Commonweale) to haue in the same treatise comprehended the laws and ordinances of a commonweale, corporations, colleges, and families; howbeit that they haue otherwise taken the Oeconomical government than did Aristotle; who defined it to be a knowledge for the getting of goods; a thing common unto corporations and Colleges, as vnto Cities also. Whereas we vnder 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 Aristotle and Xenophon. Wherefore as a familie well and wisely ordered, is the true image of a Citie, and the domestical government, in fortn 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 doth his dutie, wee live in good and perfect health; so also where every familie is kept in order, the whole citie shall be well and peaceably govern'd. But if a man shall 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 selfe obedient vnto him; if both of them shall account of their children as of seruants, and of their seruants as of beafts, and to tyrannise over them; if children shall refuse the commands of their parents, and the seruants of their maisters; who seeth 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, learneth & refeth in the good government of familie, as it were vpon certain proper foundations:
A commonweale, it behoveth vs first to have an especiall regard and care for the good ordering and government of families.

Wee said a Commonweale to bee a lawfull government of many families, and of such things as vnto them in common belongeth, with a puissant soueraignty. By the word, Many, you may not in this case vnderstand 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 familie; be they children, or slaves, or men enfranchised, or free born men which have voluntarily submitted themselves vnto the master of the house or family, who maketh vp the fourth, and is yet notwithstanding a member of the family. But for as much as Families, Colleges, Companies, Cities, and Commonweals, yea, and mankind it selde would perish and come to end, were it not by marriages (as by certaine Seminaries, or nurseries) preferued 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 fiue persons at least to make vp an whole and entire familie. If therefore there must needs bee three persons, and no fewer, to make a College, and as many to make a familie, beside the master of the household and his wife; wee for the same reason say three families and no fewer to bee necceflarie for the making of a Citie, or Commonweale, which should be three times fiue, for three perfect families. Whereupon (in mine opinion) the ancient writers have called fifteen a people, as faith Appuleius, affering the number of fifteen vnto three entire families. For albeit that the master of the family have three hundred wiuers, as had Solomon King of the Hebrews; and five hundred children, as had Hermotimus king of the Parthians by his multitude of wiuers; or five hundred slaves, as had Cresus; 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 have many children, or servants married, having themselves children also; provided alwaies, that they be vnder the authoritie of one head, whom the law calleth father of the family, although he yet crye in his cradle. And for this cause the Hebrews, who alwaies shew the proprietie of things by their names, haue called a family whole, not for that a family containeth a thousand persons, as faith one Rabbin, but of the word whole, which signifieth an head, a Prince, or Lord, naming the familie by the chiefe thereof: better as I suppose than did the Greeks, of锨, or the Latines of familie. But what should let (may some man say) three Colleges, or many other particular assemblies without a familie to make a Citie, or Commonweale, if they be gouerned by one soueraigne command? Truly it maketh a good shewe, and yet for all that is it no Commonweale: for that no Colledge, or bodie politique can long stand without a familie, but must of it selde perish and come to nought.

Now the law faith, that the people neuter dieth, but a thousand yeare hence to be the same that it was before: although the viue and profit of any thing granted vnto a common weale be after an hundred yeares extinguished, and againe reunited vnto the proprietie, which proprietie should otherwise be vnto the Lord thereof vaine and unprofitable: for it is to be presumed, 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, by putting in of new planks, yet still retained the old name. But as a ship, if the keele (which strongly beareth vp the prow, the poup, the ribs, and tackleings) be taken away, is no longer a ship, but an euil favoured houpe of wood: even so a Commonweale without a soueraintie of power, which vnitheth in one body all the members and families of the
same is no more a common weale, neither can by any means long endure. And not to depart from our familiaritie: as a ship may be quite broken vp; or altogether consumed with fire; fo may also the people be into duers 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 vnder the same foueraigne of government, albeit that there be in all but three families. For as an Emot is as well to be called a living creature, as an Elephant: fo the lawfull government of three families, with a foueraigne of power maketh as well a common weale, as a great signiorie. So Rhagoue one of the leaft 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: fo a little king is as well a Soueraigne as the greatest Monarch in the world. So vllisse, whose kingdome was contained within the rock of Ithaca, is of Homer as well called a King, as Agamemnon; for a great kingdome (as faith Castridorte) is no other thing than a great Commonweale, under the government of one chief foueraigne: wherefore if of three families, one of the chief of the families hath foueraigne power over the other two, or two of them together over the third, or all three joynly and at once exercite power and autoritie over the people of the three families; it shall as well be called a Commonweale, as if it in it selfe comprehended an infinite multitude of citizens. And by this means it may chausen, that one familie may sometimes be greater and better peopled then a common weale: as was well said of the familie of Eumilius Tubero, who was head of a family of sixeeene of his owne children, all maied, whome he had all under his power, together with their children and seruants, dwelling in the same house with him. And on the contrary part, the greatest Citie or Monarchie, and the best peopled that is upon the face of the earth, is no more a common weale or citie, than the leaft. Albeit that Aristoite, the citie of Babylon (whose circuit in a square forme was so great, that it could scarce on foot bee gone about in three dayes) was to bee called rather a nation, than a common weale, which ought not, as he faith, to haue more than ten thousand citizens in it at the moost: as if it were any aburditie to call an infinite number of nations, and dwelling in divers places, gouerned by one foueraigne command, by the name of a Commonweale. By which meane the citie of Rome (more famous than which was never any) should not dester the name of a Commonweale, which at the foundation thereof had not above 3000 citizens; but in the time of Tiberius the Emperor, had cessen in it fiftenee millions, besides an hundred and ten thousand others dispersed almost throughout the world: not accounting the flaves, 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 confederat cities, or free nations, who had their Commonweales in foueraigne diuided from the Roman Empire. Which foueraigne of government is the true foundation and hinge whereupon the state of a citie turneth: whereof all the magistrats, lawes, and ordinances dependeth; and by whose force and power, all colleges, corporations, familys, and citizens are brought as it were into one perfect body of a Commonweale: albeit that all the subjectes thereof be enclosed in one little towne, or in some strait territorie, as the commonweale of Schwiz, one of the leaft of the confederat Cantons of Switers; not so large as many farms 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 twentie seven provinces from the vttremost part of Inde, vnto the sea of Hellefpondus: or as is now also the Common-
commonweale of the Ἐθιοπιανος, wherein are fiftie provinces, which Paulus without reason calleth kingdome; albeit that they have not but one king, one kingdom, one Monarch, one Commonweale, under the pufiant foueraignty of one and the fame Prince whom they call Negus.

But beside that foueraignty 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 paltures, 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 every man to vse, or both together. That is also a great commonweale which ariseth of colleges and corporations of companies, as also of benefits both guen and receiued. For otherwise a Commonweale cannot be so much as imagined, which hath in it nothing at all publick or common. Although it may so be, that the greatest part of their lands be common vnto the citizens in generall, and the least part vnto every one of them in particular: as by the law of Romulus called Agrarius, all the lands of Rome, at that time containing eighteen thousand acres, was diuided into three equall parts, whereof the first part was assigned for the maintaining of the sacrifices; the second for the defaying of the necessarie charges of the commonweale; 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 lands may be diuided, it cannot possibly bee, that all things should bee common amongst citizens; which vnto Plato seemed so notable a thing; and so much to be wished for, as that in his Commonweale he would have all men's wines and children common also: for so he deemed it would come to passe, that these two words, Mine and Thine, should never more be heard amongst his citizens: being in his opinion 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 thing can be publick, 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 Commonweale should be also against the law of God and nature, which deeteth not onely incests, adulteries, and inequitable murders, if all women should bee common; but also expressly forbids vs to steale, or so much as to desire any thing that another man is. Whereby it evidently appeareth this opinion for the communie of all things to bee erroneous, seeing Commonweales to haue bene to that end founded and appointed by God, to giue vnto them that which is common; and vnto every man in privat, that which vnto him in privat belongeth. Besides that also such a communie of all things is impossible, and incompicable with the right of families: for if in the familie and the state, that which is proper, and that which is common, that which is publie, and that which is privat, be confounded; we shall haue neither familie nor yet Commonweale. In fo much that Plato himselfe (in all other things most excellent) after he had feene the notable inconueniences & absurdities which such a confused communie of all things drew after it, wisely of himselfe departed from that so absurd an opinion, and easily suffered 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 Maflagets had all things in common; yet they which so say, confess also every one of them to have had his pot, his sword vnto himselfe, as also must they needs have their privat apparell and garments also; for otherwise 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 soueraignitie: fo is a familie the right government of many subiects or persons, and of such things as are vnto them proper, ynder 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 fo 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 subsidized, taxe, tribute, or other extraordinary imposition. And it may bee that all the subiects of a Commonweale may live together in common, in manner of Colleges, or companies, as did in auncient time the Lacedemonians, where the men apart from their wifes and families fled to eat and sleep together by fifteen and twentie in a company: As also in auncient time in Crete, all the citiſens of all forts men and women, young and old, rich and poore, alwaies eat and dranke together; and yet for all that, euery man had his owne proper goods apart, every one of them still contributing what was thought expedient for the defaying of the common charge. Which thing the Anabaptifts in our time began to practice in the towne of Munfter, having commanded all things to be common, excepting their wifes (of whom they might have many) and their apparell, thinking thereby the better to maintaine mutuall loue and concord among them; in which their account they found themselves farre deceived. For they which admit this community of all things, are farre from this good agreement of citiſens among themselves, which they hope thus to maintaine, as that thereby the mutuall loue betwixt man and wife, the tender care of parents towards their children, and their dutifulneſſe againe towards them, and in briefe the mutuall loue of neighbours and kinsmen among themselves, is quite extinguished; all the kind bond of bloud and kindred (than which none stronger can be imagined for the friendship and good agreement of citiſens) being by this means taken away. For that which thou shouldest dearly loue must be thine owne, and that also all thine; whereas community is of the Lawyers usuall called of it selfe, the mother of contention and discord. Neither are they lesſe deceived, which thinke greater care to bee had of things that bee common, than of things that be priuate; for wee ordinarily fee things in common and publicke to be of euery man finally regarded and neglected, except it be to draw some priuate and particular profit thereout of. Besides that the nature of loue and friendship is such, that the more common it is, or vnto me diuided, the lesſe force it is of: not unlieke to great rivers, which carry great vehfels, but being diuided into small branches, ferueth neither so well back the enemy, neither for buſineſſe: in which maner loue also diuided vnto many perſons or things, looseth his force and vertue. So the lawfull and certaine government of a familie, diuideth euery priuate mans wifes and children, feruants 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 generall, that is to lay, from a Commonweale. And withall in euery well governed Commonweale we fee the publicke magistrats to haue a certaine especiall care and regard of the priuate goods of orphans, of mad men, and of the prodigall: for that it concerneth the Commonweale to haue their goods preferred vnto them to whome they belong, and that they be not embeseled.
A. Embeled. As in like case the lawes oftentimes forbiddeth a man to procure, to alienate, or to pave his own goods or things, except upon certain conditions, as also unto certaine pettions; for that the pretentation of every privat mans goods in particular, is the pretentation of the Commonweal in general. And yet notwithstanding although lawes be common to all, it is not inconvenient, but that families may have their certaine particular statutes for themselves and their successors, made by the auntient heads of their families, and confirmed vnto them by their soueraigne Princes. As we have example in the most honourable nation of the Saxons, amongst whom are many families, which vse certaine their owne privat lawes, quite differing both from the lawes of the Empire, and from the common lawes and customs of Saxonia. And betwixt the dukes of Bavaria, and the Counties Palatines there are also their particular lawes, as well for the lawfull succession in the inheritance of their houses, as in the right of the Electorship, which is in these two honourable houses, alternatue, by the auntient decrees of their predecessors: which lawes & customs the duke of Bavaria, with great instance required to haue renewed at the diet of the Empire at Aupsurig, in the yere 1555, which is not so in the other families of the Electors. Betwixt the houses also of Saxonia and Hels, are their domesticall and proper lawes * confirmed vnto them by the Emperor Charles the fourth, and Sigismund. In like manner it was decreed betwixt the houses of Austria, and Bohemia, that for lack of heirs 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 haue seene a charter of the house of Lualgranted by the King, and confirmed by the Parliamint of Paris, directly contrarie to the customs of Anjou, Britagne, 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 gue any thing vnto his coheirs, more than the moveables; with charge, that the heire male shall beare the name of Guy de Lual; or of Guionne, if the bee an infectrix, and the armes plaine. In like maner in the houses of Baume, Albret, and Rhôdez, the daughters by the auntient lawes of their ancestors, were excluded both in direct and collateral line from inheriting, so long as there were any males in what degree found; deriving as it were into their families, the law Salique, vnderto the Princes of Saucy. Such lawes of families, which the Latines had also, and called them Us familias, were made by their ancestors and chiefe of their families, for the mutual pretention of their inheritance, name, and auntient armes; which may in some sort well be suffered in some great and honourable families: which privat lawes and customs by ys thus spoken of, haue oftentimes preferred from destruction, not onely families, but whole common weals; which was the cause that in the diet at Aupsurig in the yere 1555, the Princes of the Empire after long civill warre, widely renewed the auntient lawes of great houses and families, as haueing well perceived that by that mean the Empire was to be preferred from ruin, and the state of Almaine from a generall destrution. Which for all that, is not to take place in other obtuse and particular base families, to the intent that the publick lawes, fo much as is possible, should be vnto all men common and the felde fame. For it is not without great caufe to bee suffered, that the lawes of privat families should derogat from the customes of the courtrey, so much lesse 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, contrarie 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 Albret, of Lual, and of Montmorency obtained decrete from the Parliamint of Paris, contrarie to the auntient charters of their predecessors; for that they were contrary vnto the customes of those places, when...
question was of the successions of Laval, of the Countie of Dreux, and of Montmorency, which they would make indissoluble, contrarie to the custom of the Viscomptie of Paris: For it becometh that the customes of families shoule be subiect vnto the lawes, in like manner as the heads of families are subiect vnto their foueraigne Princes. Much leffe are the lawes of families and kindreds, allowed by the decrees of the Romans, so to be suffered, leaft for the priuat the publick should be neglected: as Camillus complained with Lictor, * What (faith he) if the sacred rites of families may not in time of warre be intermitted, pleafeth it you that the publick sacrificies and Roman gods should even in time of peace be forfaken? For it was a law of the twelve tables conceived in these words, Sacred priuat Rites, firme be these for ever: which M. Tullius translated into his lawes. And thus much in generall, concerning the similitude and difference of a Common weale and Familie: now let vs discourse also of the singular parts of a Familie.

CHAP. III.

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

LL. assemblies of men lawfully ioyned together, whether they be Families, Colledges, Vniversitie, or Commonweals, are kept together and prefered by the mutuall duties of commanding and obeying: for as much as that libertie which nature hath given vnto every one to live at his owne pleasure, bound within no lawes, is yet subiect vnto the rule and power of some other. All which power to command vnto others, is either publick or priuat: The power publick, is either free from law, as is theirs which hold the chiefeft place of foueraignetie; or els restrained by law, as is the power of the Magistrats, who although they command ouer priuat men, are yet themselves subiect vnto the commands and laws of others their superiours. The power priuat, consisteth either in the heads of families, or in corporations, or colledges, where all by a generall consent, or the greater part, commandeth ouer the rest. But the domesticall power is of fouere ftts: \textit{vix}. The power of the Husband vnto his Wife, the power of the Father vnto his children, the power of the Lord vnto his slaves, and the power of the head of a Familie vnto his mercenarie servants. And for as much as the right and lawful government of euerie Commonweale, Corporation, Colledge, Societie, and Familie dependeth of the due knowledge of commanding and obeying; let vs now speake of every part of commanding in such order as is by vs before set downe. For natural libertie is such, as for a man next vnto God not to be subiect to any man living, neither to suffer the command of any other than of himselfe; that is to say, of Reason, which is alwaies conformable vnto the will of God. This natural commandement of Reason ouer our affections and desires, is the first, the greateft and moft ancient that is: for before that one can well command ouer others, hee must first learn to command himselfe, giving vnto Reason the foueraignetie of command, and vnto his affections obedience: so shall it come to passe that euerie one shall have that which of right vnto him belongeth, which is the first and fairest justice that is; and that where of the common Hebrew proverbs grew, That euerie manes charitie should first begin of himselfe: which is no other thing than to keepe our affections obedient vnto Reason. This is the first law of natural command, which God by his expresse commandement established, as wee see in the speech which God had both vnto her that was the first
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 understood; first literally for the power the Husband hath over his Wife, and then morally for the command the soule hath over the bodie, and reason over affection. For that reasonable part of understanding, 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 lived as a man vnto women most kind; but so wrote, as if he had bene vnto them a sworne enemy, whereas he thought nothing lesse, all that his speech being to bee understood of mans unreasonable desires, as well declareth the wife and graue Rabbi Maymon *. But leave 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 over the Wife, as proper vnto this our question. By the name of a Wife I understand a just 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 euiu example. Neither doth this power that the Husband hath over his Wife extend vnto her that is but betrothed, vpon whom the betrothed man may not lay his hand; which hath ever 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 by 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 just marriage: I am for all that of 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 consummated, by the mutual concionunction of their bodies; which by the consent of many nations is expressly receivd, as often as question is made of enjoying of such commodities as are to be gained by marriage. But after that lawful concionunction 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 maitre of the Familie, who haue no authoritie over their wives, & much lesse over their children; which although their married father were manumifed, should yet fall into the power of their grandfather. The reason whereof is, for that a Familie should haue but one head, one maitre, and one Lord: whereas otherwise if it should haue many heads, their commandes would be contrarie, one forbidding what another commandeth, to the continual disturbance of the whole familie. And therefore the woman by condition free, marrying her felse vnto the maitre of the families sonne, is in the power of her father in law, as is also the free man marrying himselfe vnto the maitre of the families daughter, in the power of another man if he goe to dwell in the house of his Father in law: albeit that in all other things he enjoy his right and libertie. Neither feemeth 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 for taken his house and dwell with her Husband, shall not yet for all that be in the power of her Husband, but of her father: A thing contrary vnto the law of nature, which will eth, That every man shoulde be maitre of his owne house, (as faith Homer) to the end that he may be a law vnto his familie: and re-
pugnant also unto the law of God, which commandeth the Wife to forfake father and mother to follow her Husband; and also giveth power unto the Husband to confinme or breake the vowes of his Wife. Wherefore that law of the Romans is worthish abrogated, and espeially with vs: for that the cuftome 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 commandement of her Husband, and acquitt her selfe 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 inconueniences following, if the wife should not be subject to her husband, until the were fet at libertie by her father. Yet in that point the lave of all people agree with the lawes of God and nature, That the wife ought to be obedient unto her husband, and not to refuse his commands not repugnant unto honesty. One Italian Doctor there is of opinione, That the wife is not in the power of her husband: but for that of his assertion so singuler and absurd, hee hath brought neither reason nor authoritie, there hath bene none to fond to follow the fame. For it is certaine by the law of Romulus, that the husband had not only the command of his wife, but also power of life and death over her, in foure cases, without any forme of judicall proceed against her: that is to wit, for Adulterie, for suborning a child, for counterfeiting of falfe keyes, and for drinking of wine. Howbeit the rigor of those lawes were by the kindnesse 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 pradice in the time of Tiberius the Emperour; for that the husband putting away his wife for adulterie, or himselfe attained with the same crime, the offence remained vnpunished, 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 over his wife was much diminished, yet nevertheless by the oration * which Marcus Cato the Censor made unto the people in defence of the law Oppia (which tooke from women their habiliments of colours, and forbade them to weare above one ounce of gold) it appeareth that the women were at their liberties in the government of their fathers, their brethren, their husbands, & next kinsmen, in such sort, as that without their leave or authority, they could make no contract, or yet doe any lawfull act. This Cato the Censor flourished about 550 years after the lawes of Romulus: and 200 years after Vitian the Lawyert writeth, That Tutors and Gouerners were wont to be giuen to women and orphans; but when they were married, 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 divided 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, to show 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 authority; the Hebrews, Greeks, & Latines, having alwaies so vfed it, as when they say, The hand of the King; and, To come into the hand of the enemy. And Festus Pompeius, speaking of the husband bringing home his wife, vfeth the word Mancipare, a word proper vnto slaves: which word we yet vse in many our cuftomes 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 de-
clare the same. Olorus, King of Thracia, compelled the Dacians to surrender by their enemies, to seize their wives, in token of extreme servitude, &c. of the greatest reproach that he could devise to do them. We read also that by the law of the Lombards the Roman was in the same subjection that the antient Romans were, and that the husbands had all power of life and death over their wives, which they yet vied in the time of Balbus, not yet 260 years ago. And not to seek farther, what people had ever so great power over their wives as had our ancestors? The French men (faith *Cesar) have power of life and death over their wives and children, in manner like as over their slaves: and being nearer to little suspected to have wrong'd their husbands death, are to be tortured by their own kinmen, and being found guilty are to be cruelly executed, without any further authority from the Magistrat. But for drinking of wine it was much more manifest that it was cause sufficient by the Roman laws for the husband to put his wife to death, wherein all the *antient writers agree; which was not only the custom of the Romans, but also (as Theophrastus wrote) of the antient inhabitants of Marseille in Provence, and the Mileftians, who vied the same law against their wives that had drunk wine, judging that the disorder'd desires of the woman subject to wine, would also make her drunk, and so afterwards an adulteress. We are also find that the power gien vnto the husband by the law of Romulus. To put his wife to death for adulterie, without the authority of the Magistrat, was common to all Greece, as well as to the Romans. For the law of India which gave leave onely to the father to kill his daughter together with the adulterer, being taken in the deed done, and not otherwise, was made by Augustus the Emperor above five hundred years after the law of Romulus: And yet by the same law it was permitt'd unto certain 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 adulterers 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 unto death, which is vnto husbands forbidden. After that Theodora the Empresse having got the maiferie over Justinian the Emperor her husband, a blockish and unlearned Prince, when she had made all the laws 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 antient time the Athenians, excommunicating the adulterers, with the note also of infamie, as we read in the Pleas of Demoithenes: which seemeth but a thing ridiculous, considering that the note of infamie cannot take any honour from her which hath already lost the fame, and is altogether defamed: so that upon the matter there remaineth altogether unpunisht, &c. that for such a crime as the law of God *punisht with the most rigorous death that then was, (that is to say with stoning.) and which the antient 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 deferr'd not death, power is by the consent of all men gien vnto the husband to chastise his wife, so that it be sparingly done, and within measure. And to the end that husbands should not abuse the power the law gave them over their wives, they had an action against their husbands, in case of euill entreatment, or froward vlage; which was afterward by the law of Infimian taken away, and a penaltie decreed against them that had gien the cause of the seperation; which were especially grounded upon adulterie; and poisioning attempted, but nothing taken effect. Yet notwithstanding the decree of Infimian, it is by our custome permitted vnto the wife wronged or euill entreated by her husband, to require seperation. And yet for all
No action of iniuri to be ad-
mitted between a man 
and his wife, 
The hatred bet-
\ntwixt man and 
wife of all others 
most deadly.

That is no action of iniuri 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 permitteth not the husband, or any third man to have an action of felony against the wife, although she have embiedled or put to a wife her husbands moueables. But as no loue is greater than that of marriage, (as faith Antemidorus) so is the hatred of all others most deadly, if it once take root betwixt man and wife; as was well declared by Leo Embaffadour from them of Bizzance vnto the Athenians, whom when they in one great assembly had laugh'd to scorn for his small stature, Why (said he) do you laugh at me a dwarfe, seeing my wife is much leffe than my felfe, and scarce so high as my knee; who pleased, although we lie in a verry little bed, yet falling out the one with the other, the great City of Constantinople is too little for vs two? Which his pleafant speech fetted wel to the matter he had in hand, which was to persuade the Athenians vnto peace; which is no 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 divoercement (which was afterwards common to all people, and yet at this present is vfed 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 meaning to keepe the inolent wives in subjection, as also to repreffe the anger of the wayward husbands; for what woman (except she were an arrant whore) would bee so defirous of a man, as to marry an husband that without any jut or probable cause had put away his wife. Now if it shall seeme to any an unreasonable thing, to bee lawfull for a man to put away his wife, for no other cause but for that he likeythe her not, I will not greatly fhriue, either therefore departure from the law now with vs in vfe.

Yet nothing seemseth vnto me more pernicious than to contraine the parties so indif-

like to line together (except they will) to declare the cause of the divoercement they de-

fire, & also we proue the fame before the Judge: For in so doing, the honor of the one 
or of both the parties is hazarded, which should not so be if neither of them were enforced to proue the cause of the diuorce vnto the Judge. As did in ancient time the Hebrews, and yet do at this present also, as we fee in their Pandects, where is described the lawfull act of diuorce, & the bill of diuorce which Rabi Iethel of Paris gaued vnto his wife the xxix. of Octob in the yeare 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 having seenthe special procurati, & the act of him that had put away his wife in the presence of three witnesses, adioyneth thereunto these words, That he did purely and simply diuorce her, and without any cause showing, giving them both leave to marry whome they should see good. In which doing the woman was not dishonoured, but might with fafe reputation marrie with another sotable to her owne qualitie. And albeit that the Athenians admitted no diuorce, except the cause were first proued before the Judges: yet it seemed it to all good men to be a thing of great danger, insomuch that

* Alcibiades fearing the publick scandal tooke his wife openly complaining before the Judges, and carried her away home upon his shoulders. More indifertely delt the auncient Romans, in icyning no cause at all vnto the bill of diuorce: as is to be feene when Paulus Emlius put away his wife whom he confesed to be very wife, honest, and nobly defended, and by whom he had also many faire children, but when his wifes friends complaining vnto him, would needs know of him the cause of the diuorce, he shewed them his fholo, which was very handfomely and well made; and yet said he, none of you but my felle feeleth where this fholo wringeth mee. But what if the
A the cause frame not sufficient vnto the Judge? or be not well proued? is it therefore meet to enforce the partes to live together, in that societie which is of all other the straitest, having alwayes the one the other the object of their griefs stil before their eies.

Truly I am not of that opinion: for seeing themselfes brought into extreme seruitude, feare, and perpetuall discord, hereof ensue adulteries, and oftentimes murtheres and poystonings, for the most part to men vunknowne; as it was discouered in Rome, before the law of diuorcement (first made by Spurinius Carullius, about 500. yeares after the foundation of the citie) a woman being apprehended and convicted for poystoning her husband, accused other her companions in the fact; who afterward by mutuall accusations appeaiedseuentie others of the fame crime for poystoning 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 of?e and eausiness 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 diuorce. *Anastigius also suffered diuorcement, by consent of both parties, to bee made without any penaltie or punishment: which was by tufsimian the Emperour, or rather Theodore his wife forbidden. Now of that which we haue alreadie said, euery man as I suppose, may of himselfe judge which is most expedient for a Commonweale.

But what change or variety of lawes souer in such diuersitie of Commonweals, there was never law or custome that excepted the wife from the obeyance, and not onely from the obeyance, but also from the reuerence that thee oweth vnto her husband, in such sort that the law permitted not the wife to sue her husband without the leave of the Magistrat. But as nothing is greater, better, or more necessarie for the protection of Families only; but of Commonweals also, than the honest obedience of wifes towards their husbands, as faith Euripides: so befeemeth not the husband vnder the shadow of this power, to make a flawe of his wife. And wheras Marcus Varro 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 mans lawe doth call his house fellow. So Homer bringing in Jupiter reproving his wife Iuno, and seeing her rebellions, vseth great threats, but procedeth vnto no further extremities. And Cato commonly reputed to be a sworne enimie vnto women, did never beat his wife, repeting that to be as a sacrilege; but vseth to maintaine the power and dignitie of a husband, as that he had his wife alwaies at command; which he thal never do which of a maister is become her companion, & afterward her servant, & of a servant her very flawe. As was of old objected vnto the Lacedemoniats, who called their wifes their Ladies and mistres: which the Romans did also, not the priuate men only, but euery Emperour themselfes, in the declination of their Empire; who at length together with their domestical government lost also their publicke soueraigne. Albeit that such women as take pleasure in commanding their efeninat husbands, are like vnto them that hast rather to guide the blind, than to follow the wife and eeere sighted.

Now the law of God, and the holy tounge, which hath named all things according to the true nature and proprietie thereof, calleth the husband Babal; 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 wifes in wifedome and vertue, haue 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

E the authoritie and power of the husband over his wife.
there have been 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 Jliefes, 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 Campagine, where the vuiues (for the cause aforesaid) enoble their base husbands and their children; as also among the Indians in Calcut, the kings ouen yet, and the Nobilitie which they call Naires have scarce at any time their owne children inheritors of their kingdome 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 to be done either by custome or decrees; for the general agreement of almost all people to the contrary, as Herodotus hath long ago written. And therefore it is most right that the wife should follow the Condition, Country, Famillie, 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 wifes 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 authoritie so to do in the absence of her husband, or her refusing so to doe. All vndoubtfull arguments to show the authoritie, power, and command that the husband hath over his wife, by the lawes both of God and man: as also of the subiection, reverence, and obedience which the woman oweth vnto her husband, in all honour and things lawfull. Yet I doubt not, but that woman in their matrimoniall contracets have sometimes vied to covenent not to be in any thing subject vnto 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 honestie, they are not to bee observed and kept, in such fort, as that no man can there-vnto 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.

The right government of the Father and the children, consistseth in the good use of the power which God (himselfe, the Father of nature) hath given to the Father ouer his owne children: or the law ouer them whom any man adopteth for children vnto himselfe: and in the obedience, love, 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 priuatly. So the Prince (faith Seneca) hath power over his subjects, the Magistrat over privata men, the Father ouer his children, the Maister ouer his chollers, the Captaine ouer his souldiers, and the Lord ouer his flanes. But of all these the right and power to command, is not by nature given to any beside the Father, who is the true Image of the great and Almighty God the Father of all things, as faith Proclus the Academick. Plato also having first in certaine chapters set downe lawes concerning the honour of God, faith them to bee as a Presage 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 ability; and to instruct them in all ciuitie and vertue: so the children also when they are once grown
Aup are bound, but with a much more straiter bond; to love, reverence, serve, and nourish their Father; and in all things to shew themselves dutifull and obedient vnto them; and by all means to hide and cover their infirmities and imperfections, if they see any in them, and neuer to spare their lives and goods to saue the life of them by whom they themselues tooke breathing. The which bond, albeit it bee sealed with the seale of nature, and engrafted in every one of our minds, and carrie th with it a readie execution: yet for it is neuenthelesse, that to shew the greatnesse there of, there can be no greater argument, than the fift commandement of the second table, which alone of all the ten Commandements propoundeth a reward vnto 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 pruities of his Father. Neither is it manuall if wee in holy Scripture read * of the contentions and litigious of the fathers among themselfes, for the getting and foregaining 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 faith, that above all things we must haue care of the cursings and blessings that the Fathers give vnto their children: for that there is no prayer that God doth more readily heare, than that of the Father towards his children. If children then bee so straitly bound to obey and reverenc their parents? what punishment then did they that are vnto them disobedient, irreverent, or injurious? what punishment can be great enough for him which shall presume to lay violent hand vpon his Father or Mother? for against him that shall murder either of them, there was never yet Judge or law maker that could devise toment 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) done with hot yron tongs, afterwards broken vpon the wheele, and so at last (being yet aliue) burnt; yet was there no man which did not more abhorre the wickednesse of his villainye, than the horrore of his punishment, and which said not that he had defended more than he had yet suffred. 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 wife law maker should never make mention of an offence which is not at all, or but very little knowne, for fear 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 execrable, he must neither colour it by suffrence, as forgotten, neither point it out vnto the eye with his finger; but by circumstances and proposing 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 Semini, which condemneth them to death for such a crime) yet giueth it full power and authoritie vnto the Father and Mother to slone the disobedient child, so that it be done in the presence of the magistrat, to whome for all that it belongeth not to enquire of the truth thereof, or to examine the matter: which was so decreed leaft the Father should in his anger secretly 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 murtheder: for that the greatest profit of punishment is, that it be exemplatie vnto all. Another part of the law of God * wileth
lenth, 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 offense 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 sonne, whom he would have lightly corrected; and fearing least this sonne apprehended by the magistrat should die for it, ceased not even to his last gale to cry out vnto his son, by special flight to sue his life: whom for all that being afterward taken, and confessing the fact, the Judges condemned to be hanged from a high beame for a time by the feet, with a great stone about his neck, and so afterwards to be burnt quicke. We haue 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 sonne, than to complaine of him vnto the Jude: vntill that at length he in most beastly manner discharged his bellie into her pottage: with which foule fact the Judge moved, condemned him to make her an honorable amendes, and to ask her forgivenesse: from which sentence he appealed vnto the parlement of Toulouse, where the former sentence was reuerted as not just, and the sonne condemned to be burne quicke; the most wretched mother in vaine complaining and crying out against the rigour of the lawes and severitie of the Judges, protestinge that she did pardon him, and that she had not of him received any injurie at all. And Seneca speaking of a Father who but thrust his sonne out of his house; O with what griefe (faith he) doth the Father cut off his owne limmes! what sighes doth he fetch in the cutting! how often doth he mourne for those limmes cut off! and how often doth he wish to have them againe!

All this that I haue said, and the examples of fresh memorie by me produced, sette to shew that it is needful 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 autentique law, that ever was common vnto the Persians, vnto the people of the upper Asia, as also vnto the Romans, the Hebrews, the Celtes, and in vfe in all the West Indies, vntill they were conquered by the Spaniards: otherwise wee must neuer hope to fee the good orders, honour, vertue, or antient glorie of Commonweales reestablised. For Justinian the Emperour decydued vs in saying that no people had such power ouer their children as had the Romans: For we haue the law of God, which ought to be holy and immuolat among all people; wee haue the testimonies of the Histories both Greeke and Latine, whereby it is sufficiently to bee understood, the Hebrews, Celtes, and Persians to have had the same power ouer their children that the Romans had. The French men (faith Caesar) haue power of life and death ouer their wives and children, as well as ouer their flames. And although that by the law of Romulus power was giuen vnto the husband, for souete causes onely to kill his wife: yet nevertheless by the same law, full power was giuen vnto the Father to dispose of the life and death of his children, without condition or exception thereunto adiomed; and that whatsoever they got, was not theirs, but their Fathers: Which power the Romans had not only ouer their own children, but also ouer the children of other men by them adopted. Which power was about 260 years 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 set at libertie by such as had bought them, they might yet sell them againe, and so the third time. The like whereof in all points is to be found in the Westerne islands, as we read in the Historie of
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of the Indies. And yet at this present amongst the Moscouits and Tartars (whom the ancient Historiographers called the Asian Seythians) it is lawfull for the Father to sell his sonne four times, after which if he shall redeem himselfe he is for ever free. By means of this fatherly power the Romans long flourished in all honour and vertue; and oftentimes was the Commonwealth thereby deliver'd from most imminent destruction, when the fathers drew out of the Consistories their owne sonnes being Tribunes, publishing laws tending to sedition. As amongst others Cassius threw his sonne headlong out of the Consistency, publishing the law Agrarius (for the diuision of lands) in the behoofe of the people, and afterward by his owne privati judgement put him to death, the magistrates, Sergeants, &c. people standing thereat astonied, &c. not daring to withstand his fatherly authority, although they wold with all their power have had that law for the diuision of lands. Which is sufficient prove, this power of the father not only to have bene sacred and immolable, 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 magistrates and people. Also when Pomponius the Tribune of the people, had for divers causes accused Torquatus into the people, and amongst other things had charged him that he too much oppressed his sonne with country labour; so it fell out that the sonne himselfe going into the Tribune, and finding him in bed, setting his dagger unto his throat, caused him to swear to desist from further prosecuting of the accusation against his father. So the Tribune coming againe into the Consistory leaft he might seeme to vie collusion with Torquatus, whom he had before accused, now excused 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 further. 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 vowed to Jupiter, who had only attempted in offensive manner, but to touch the *most holy Tribunes bodie. For they were of opinion that domesticall justice and power of fathers, were the most sure and firme foundation of laws, honour, vertue, picture, where-with a Commonweale ought to flourish. Neither was it maruell if in the Roman

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Commonwealth we see such rare examples of reverend duty of children towards their parents, as are not els where to be read of: one I have amongst a thousand alreadie spoken of; and another such there is, as that Painters even unto these times vide thereunto embellish their Tables: that is to wit, of the daughter which secretly gave sute vnto her father condemned to be pinned to death (which sooner suffreth the healthfull man to live past the feuenth day) which act of piety the Gaoler having perceived, gave the magistrates to understand thereof; which by them reported vnto the people, not onely obtained her fathers pardon, but also found such grace as that in the selfe same place in perpetuall remembrance of the fact, they built a Temple dedicated vnto Pietie. Yea the very unreasonable beasts have a naturall feeling of this kind dutie, and are faine to feed their parents now growne weake with age: but especially the Storke, which the holy tongue * (which nameth things according to their secret proprieties) calleth Chasida, that is to say, dutifull and charitable; for so much as thee nourishest 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 vnto reason, hath by his laws acqur'd the sonne from the nourishting of his father, if hee have taught him no trade or occupation whereby to get his living. But the right instruction of children (than which nothing can be denifed more profitable
or better in a Commonweale dependeth of that fatherly power which I have before spoken of. For publick justice taketh no knowledge of the disobedientneffe & vniue-
tenentneffe of children toward their parents, neither of their other vices, which disor-
dered libertie bringeth their young years vnto, as diceing, drunkenneffe, whoredome: and albeit that punishment be appointed against such offences, yet nevertheless the poore parents carefull of their reputation and credit, neuer are to complain of their children vnto the Magistrat, neither accuse them: and yet the power to punissh them is taken from them: so that children now standing in no feare of their parents, and much leffe of God doe for most part escape the iudgement of the magistrat, who commonly puni-
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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 fure should be thereupon built. Besides that, the contention, strife, and discord, which we daily see amongst brethren and sisters, were easilie appeased and extinguished whilst the father yet lived, their marriages not taking from him this power over them: and albeit that he had fet at libertie them that were married, & departed out of his house, to keep house by themselves, (which they easilie did not) yet nevertheless the remembrance of the re-
uestend duty they ought vnto their parents for euer remained faire 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 most part betwixt the husband and the wife, betwixt brethren and sisters; yea and that more, is betwixt parents and their children: but that the wife, the children, and servants, are all loaden from the domesticall power of their ancestors. So that the fatherly power being by little & little diminished upon the declaration of the Roman Empire; so also shortly after vanished away their an-
tient vettue, & al the glorie of their Commonweal: and so in place of piecie & ciuilite, enuied a million of vices and villanies. The first staine, 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 iurisdiction, & by little and little drawing vnto them the deciding of all matters, extinguisshed all domesticall powers: which happened especially after the death of Augustus Caesar; at which time wee read the magistrats to have bene almoast alaways occupied in punishing of such as had murdered their parents. As we read in Seneca, who directing his speech vnto Nero, faith, We haue feene more murtherers of their parents executed in five yeares of thy father, than were euuer in all ages accused since the foundation of Rome. Now to him that will looke neerer into the matter, it is no doubt, but that if one or two that haue murdered their fathers haue bene executed, ten otheres haue escaped mans punishment; the health and life of pa-
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The power of fathers over their children much profitable to the Commonweale: and the same share of much interest.

How the power of life and death over their children was in Rome first taken from their parents.
A
ently appeareth, that in the time of VItian and Paul the Lawyers, the power that fathers had of life and death over their children lay then in a fort 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 complaine, if they be by their fathers disinherited, considering that in ancient time (faith be) they might put them to death.

Both of them flourished in the time of 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 Constantine the great; neither did that law of Constantine directly in express terms abrogate the old lawes: Diocleian the Emperour but a little before 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 be 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 vfe: insomuch that it was necessarie that certaine lawes of the xij. tables by long custome out of vfe, yet for all that should by a new law bee abrogated: which was done at the motion of Abutius, in whose time the fathers powre of life and death, yet kept their children with in the compass of their dutie. But when the children in the time of 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 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 only being left vnto the fathers; so that they could not alienate the proprietie, neither in any fort dispose thereof: yea and with vs not only the vse and profit of such goods, but not so much as the base vse itself being left vnto the father, which hath so puffed vp the hearts of the children, as that they oftentimes command their patents, by necessitie constrained to obey them, or to die for hunger.

But parents were wont to emancipate their children.

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though Lawyers goe farther, nueue the selfe 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, suффrian 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 beene 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 unto lawfull acts, as to redeem lands of inheritance, which the father himselfe hath solde, or to take a possession double full, or for the trade or traffique of merchandize: in which case the Judge without the kings letters royall at the request of the father may set at libertie his sonne. And albeit that Philip of Valois set at libertie his sorne John, to giue vnto him the dutchie of Normandie: yet such his emancipation serued to no purpose, no more than those which were ordinarily made: seeing that neither the giuer, neither he to whom the thing was giuen, neither the thing it selfe giuen, were subject vnto the Roman ciuill law: not that the fathers (in countries governed 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 sorne may of right defend himselfe, or withstand his father, offering him violence? Neither have 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 fondior which had onely broken the vine trunction of his Captaine, beating him by right or wrong, was by the law of armes to be put to death: then what punishment decreeth the sonne which layeth hand vpon his father? Yet some have passed further, and written that the sonne might kill his father, if he were an enemie vnto the Commonweale. But in mine opinion that is not unlawfull onely for any man to doe, but impietie also for any man so to write: for these men in so doing propound not onely pardon vnto partizides, but giue leave also vnto others to presume to doe the like, secretly encouraging them to committ so detestable a fact, under the color of the publick profit: whereas an ancient author faith, That no fault so great canby the father be committed, as that the same should with his murther be reuenged: O what a number of fathers should be found enemies vnto the Commonweale, if these resolutions should take place? And what father is there which in the time of ciuill warre could escape the hands of his murtherous child? For men know well that in such warres the weakest goeth to the wals; and they that get the vpper hand make all traitors whom they lift. And in other wars not onely are judged traitors which have giuen vnto their enemies help and couenell, but also they which have sold them armoure, come, or other victuals. As by the laws of England, to aid the enemie in any for whatsoeuer, is accounted high treason. Which points of treason I see not to be dilinguished by these interpetors of the Roman law. But by these resolutions, that is come to passe which posteritie will not beleeve: as that a banished man of Venice, having brought to Venice his owne fathers head, who was banished as well as himselfe, 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 countrie, his goods, his children, and the liberties of the cite, 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 gien a reward vnto so great and detestable a villainie. 

Henry the second the French king,rooke in good part the excuse of Maximilian king of Bohemia in the yere 1557, in that he had refused to give safe conduct vnto the duke of Wittemberg, ambaffadour for the French; confessing that it was indeed against the law of nations, but that yet nevertheless he durst do no other for disobeying of his father. Now if it be lawfull to violat the lawes of nations rather than to disobey our father in so small a matter; what iuft excuse can there be, or reason gien for the killing of ones father? Wherefore I thus refolve, That there can be no iuft cause for which a man may lawfully lay violent hand vppon 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 moft fowle and pernicious it is to allow reward for the fame, for that by pronouncing such rewards for killing of a mans father, neither brethren can be in fadetie from being murthered by their brethren; neither the nighfeft kinfmen for being flaine one by another. As indeed it chanced in the yere 1567 that Sampetra Corsie was slaine by his owne cousin germane; for which he had gien him in reward ten thousand crownes, which the Senat and people of Genua had caufed to be leued 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 over the selfe fame questions mowed by the two auncient Philosophers Antiochus and Antipater, as a place too fliperie and dangerous. Ioyning hereunto also, that the law of the Romans it selfe forbideth any reward to be propounded vnto banished men for the killing of theuees: howbeit that Adrian the Emperour would have him pardoned that had killed a theefe. Wherefore I thus conclude, That princes and law makers should meafure the power and authority of parents, according to the law of God; whether they be their lawful, or natural children, or both together; so that they be not conceited in inceft, for such the lawes both of God and man have alwaies had in detestatation.

Now if some shall obiect it to be a thing dangerous, least some furius or prodigal fathers should abuse the goods or liues of their children, under colour of their fatherly power: to him I answer, that the lawes have for such men prouided guardians, and taken from them that power over another man, considering that they have not power over themselves. And if the father be not fenecelfe or mad, hee will neuer without cause kill his sonne, seeing that he willingly chaflifeth him not though he defete the same. 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 euery thought to be free from all fraud in their childrens affaires, 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 hating flaine his sonne, is not by the law Pompeia subject to the paine of parricides: for why? the law presupmeth that he would not without good and iuft cause doe; and hath priuately gien 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 understood, that parents cannot abuse the power of life and death over their children; neither that if they could, yet would they. But happy some man will say, there have bene many which have abused the same to the vnworthy death of their children; yet bring no example thereof: Let vs grant some such to have bene: should therefore a good law giuer leave a good law vnmade for the inconveniences which some few times ensue thereof? It being a common saying 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 iuft, so natural, or so necessarie, that was not subject unto many inconveniences, So that he which
would abrogate 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 vain and 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 Arieu, that a father desiring to chastifie his sonne, whom running from him he could not overtake, hating by chance without any such purpose flaine him with a blow upon the head, with an hark clode 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 flaine his sonne, but for the space of three daies after to bee shut up together with the dead bodie of his sonne so by him flaine: 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 hurtful vnto the Commonweale: Whereunto I aunswere 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 Garges gau we to understand, who being Conful, and seeing his father a priuat man mounted on horseback comming towards him, commanded him by one of his seruants to alight, which he did, doing honour vnto his sonne, and bidding him in such sort to proceed to defend the Confuls dignite. And so farre hath it bene from wife fathers to command their children any thing that might be hurtful to the Commonweale, as that there hauie bene some of them found to have put them to death for tranfgressing the publick lawe: as first did Brutus his two sonnes, and after him L. Torquatus the Conful, who hauing caused his sonne to triumph in his camp, for vanquishing his enemies in combat, presently after caused his head to be struck off, for that he had fought with him contrarie to his commandement and contrarie to the law of armes. There is yet one obiection concerning the childrens goods, which if they should be in the full disposition 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 disinheritet, and propounding the causes of lawfull disinheritet. Houbeit 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 only 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 concience of the Judge. But after that the Pretors, who could not make any man heire vnto his father, yet by their decrees gau possession of the goods, (the force of which possession, was almost the same that it was to be appointed heire,) & that the magistratres had bound certaine definate portions vnto the children; then forthwith began the parents by little and little to be conserned 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 custom taken away) alledging that the pride and inoffensic of children against their parents was so by the feare of disinheritet 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
affentation and flatterie rather than by their kind duties prevent their fathers inheri-
tances, so ye themselves of their mutually and brotherly love: but why of we not
the same divine law * which giuen vs the father the power of life and death ouer his
children.

We have before saide, fathers to have had that power of life and death ouer them
also whom they had adopted: in like manner as they had ouer them whom they had
in lawfull matrimonie begotten: and although the lawes of adoption were by the new
lawes of Justinian almost abrogated; yet I thinke no man doubteth but that the law of
adoption was of so auntient right, & so common also almost vnto all people, as that it
did neceffe to be againe called into vs. We see the most auntient people to have had
it in singuler estimation: as we read Jacob himselfe to have adopted Ephraim and Ma-
nafer * his nephews, (albeit he had twelue children yet living, who had diuers others
also) and gave them part of the land which hee had by force of armes conquered.
Which to have bene before also in vs with the Egyptians, is manifest by Moses,
whome the kings daughter * adopted for her owne. We see also Thesus to have
bene solemny adopted by Egeus king of Athens, who made him his successor in the
State, albeit he was but his base sonne: After which time all the Athenians which
had base children by Athenian women, were constrained to adopt them, and to caufe
them to be registred as their lawfull children, and to leave them their part and por-
ton of their goods as they did vnto the rest of their children. For why? they account-
ted none a bastard but him that was begotten of a father or a mother, being a stranger;
albeit she was a woman of neuer so great honour: As alfo all the people of the East
made little or no difference betwixt the children that they had by their wives and their
handmaids. For Isacc 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 drin-
ken out of his fathers house the child begotten by the handmaid, * lefte 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 prerogative as the rest
that were begotten 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 faith Tacitius) had euery one
of them but one wife. Thus having confirmed the matter by course of historie, it fol-
loweth by consequence 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 then of mete 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 ouer them. Which seueritie of the lawes was yet
moderated in the reigne of Theodosius and Arcadius. And afterward it was ordained
by the Emperor Zeno, that such base children should be accounted for legitimat, by the
marriage of their father afterwards enliving with their mother. And that more is, An-
naeus decreed that all bastards should by adoption be reputed legitimat: but first In-
stinus, and after him Justinian abrogated that decree, and shut the gate against bastards,
to the end that euerie man should desirye to have lawfull wives and children; and that
auntient houses, and the rights of succesions and inheritances should not bee altered
and troubled by the adoption of bastards: the rights of adoption neuerthelesse yet
still remaining, which had bene receiued to supple the defect of nature; and whereof
the auntient Romans had had so great esteeme, as that the adoptive fathers had the
same power of life and death ouer their adoptive children, that they had ouer their
owne: which was the true cause that women could not adopt children before the edict published by Doodleus, considering that they themeselves were in the perpetuall power of their parents, husbands, or nearest kinsmen: as also in Greece it was not lawful for them to adopt, as writeth the Orator Iheus. So the right of adoptions, ennobled by the Romans (and especially after that they had extended the frontiers of their Empire more than euer before) other people also had it so much the more in regard: the Gothes, (I say) the Germans, the French, the Saliens; as we see in the laws of the Ripuaires, where they use the word Adjatavit for adopter; holding their adoptitue children in the same degree that they did their owne naturall and lawfull children, in the right of their succession into their inheritance: For by the auntent cunstome of the Romans they were both indifferently called vnto their fathers inheritances as his heirs. For so we read in Caiusiodorus, that Theodorisc king of the Gothes, adopted the king of the Heules: and that Leitprand king of the Lombards adopted the sonne of Charles prince of France, by cutting his haire, although he had sonnes of his owne in lawfull marriage begotten: as did in auntent time Misipus king of the Numidians, adopting Igurthus his bafe sonne, albeit he had two lawfull children of his owne, and leaving his kingdome equally divided amongst them three: when as yet the first and chiefe cause of adoptions was to suppleie the defect of nature: so that he to whome nature had altogether denied children, or at least wife male children, might by the authoritie of the law hauet that defect supplied. As Scipio Africamus hauing no more children but Cornelsis the mother of the Gracchi, adopted the sonne of Paulus Emillius, afterwards called Africamus the younger, whom he left the inheritor of his name only, but of his goods also. And so also Cesar the Dictator, hauing no children of his foure wifes, more than Iulia, which was married to Pompeius, adopted Octavius his fifters sonne, whom by his will he made heire of three parts, with charge that he shoulde beare his name: whereby his owne fathers name was taken away, and hee knowne by the name of his adoptitue father. And he againe hauing no children but Iulia (whome he called the Impostume of his house) adopted Carius and Lueius his fifters sonnes bought at home of their father Agrippa, according to the auntent manner: who afterward dead also without issue, he adopted Tibarius, who adopted Caligula: so did Claudius adopt Nero, vnto whome Balba succeeding without children, adopted Piso before his armie, whose cunstome was afterwards kept in the adoption of * Aureliam the Emperor: as would Inimian the Emperor have adopted Cofro king of Peritia, which he refrused; supposing (though yet fallly) the way vnto the Empire to bee by that mean shet vp.* We read alio that the Emperor Neros for lacke of children adopted Traian; & he Adrian; who afterward adopted Antoninvs Pius; and not contented to have adopted so good a man, charged him also whilst he yet liued, to adopt Elius Verus, and Marcus Aurelius, surnamed the Philosopher, to the intent the Empire should not want the most vettuous Emperours that euer were. But this last having begot Commodus heire apparent to the Empire, (but the most vittious man that might bee) was about to have adopted another more worthie of the Empire, had hee not bene otherwise persuadde by his friends. For that almoost no man yved to adopt others, if he had legitamit children of his owne. For which cause Claudius the Emperor was euil spoken of, for being persuadde by the inticement of Agrippina his second wife, he had adopted Nero her sonne, hauing sonnes and one daughter by his former bed, who were afterwards slaine by Nero. But to loose straungers which are infinite, and to come to our owne domestical examples: Lewis duke of Aniou and brother to king Charles, was for want of heire adopted by Ioane (who of her incontinence was in reproach called Lupa) who in the right of that adoption left vnto him the kingdome of Naples,
Naples, having rejected her nephew Alphonso 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 Ioane the younger queen of Naples for want of children. And at the same time as it were, that is to say, in the year 1408, Henry duke of Pomeran was adopted by Margaret D’wolmar queen of Denmark, Sweden, & Norway, to succeed her in the same kingdoms. And not long after, Henry the first king of England was adopted, not by Charles the first but distracted of his wits, but by his wife: who by her new son in law, caused Charles her own son to be denounced incapable of the Crowne, altho’ it that he were a right wife and virtuous Prince. But Iustinian the Emperor, willing to remedy such abuses, ordained that adoptive children should not otherwise fail to enjoy the inheritance of their own naturall or lawfull fathers; for that their adoptive fathers would oftentimes upon small occasion cast them off againe, whereby it came to pass 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 only mark of adoption, which taken away, nothing more remained. Now it were much better to prohibit adoptations to them, which had some either natural or legitimat: & in case they had none, that the adoptive children should succeed in all the right of their own naturall and lawfull children. Truely by our custome it is lawfull for exerci 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 gien or bequeathed unto the adoptive sonne, than to him that is a meer stranger: and yet that the father might for all that receive the profit of the adoption; whereof Scipio Africanus the Great, in his time complained in the Oration which he had unto the people of his Censorship: as also after the publication of the law Iulia Pappia, which gave great priuileges unto them which had children; they which had none adopted some (to have the benefit of the lawes, to be capable of some Magistracie or office) and in short time after they had once gained that they fought for, cast off 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 bee made Tribune of the * people, but having got that office, caused himselfe presently to bee at libertie by his adoptive father: Whereby the Senate understanding, decreed that from thenceforth they which were adopted should not enjoy the priuilege of any publick office: neither that any man should vnder the colour of such children as hee had adopted obtaine any magistracie or honour vnto himselfe; neither hinder substition 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 selfe to be reuoked when the donatour had any children, either naturall 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

Sonne added vnto the lawes, testaments, or other lawfull acts was to be extended vnto them whom we adopt: all which deceits it is good to cut off, and yet not to extinguish the right of adoptations; and at the least 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 Familiar, concerning the power of a father over his children, and of their mutuall duties. Now let vs likewise speake of the third part also.
He third part of the government of a Familic dependeth of the power of the Lord oues his Slaves, and of the Master ouer his servants; 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 fo of the greatest part of them that are in subjection in the Familic, men call all the whole household a Familic; or else for that there was no greater means to gather wealth than by Slaves and servants, which the Latines call Famulius; the auncients not without cause have called this multitude of Slaves and servants a Familic. And Seneca willing to show of what moderation a Master ought to be toward his Slaves, faith our ancestors to 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 needfull here to reason of the power of Lords and Masters ouer their Slaves, and of the profits and disprofits which may redound vnto a Commonweale, if slavery should againe be called into vfe: a question of great moment not for Families and societies only, 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 (whome men call a Slave to punishment) or one which hath for money departed with his libertie, or hath paid away his libertie, as did in auncient time the Almans: 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 prifoner in warre was Slave vnto the vanquisher, who was not bound to put him to his ranfome, if it were not otherwise agreed vpon; as it was in auncient time in Greece, that the Barbarian prifoner 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 Polouians, * where it was decreed by the States, That all enemies taken prifoners in just wars, should remaine Slaves vnto the vanquishers, except the king would pay two Florins for euery head. But he that had paid the ranfome of any prifoner, was bound to fett him at libertie, having againe received his money: otherwise he might keep him, not as his Slave, but as his prifoner; according to the most auncient law of the Greeks, which from them derived vnto the Romans, was afterward in vfe with all nations. As for debtors, prifoners vnto their creditors, although it were lawfull by the law of the twelue Tables, to diuide them in pieces amongst their creditors, giving to some more, some leffe, according to the proportion of euery 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 sell, chop, and change his children, yea and take away their lives also, but yet could not take away their libertie: for the good and noble hart would alwayes rather chuse to dye honestly, than unworthily to fetue as a base Slave. And that is it wherefore the law of the twelue 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 diuided in pieces amongst his creditors, neither by them for his debt be detainted, yet ref truing vnto the creditor power to eife vpon his goods, or
Of A Commonweale.

A for by other way of justice to come by his debt, so as he law he might by reason: which law continued firme and inviolate 750 yeares, vnto the time of Drucefian, who caufed 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 thieves or pits, or by false titles are sold for slavcs, they continue nevertheless free, and in tearn of right may do all lawfull acts. As for other domestical seruants, which for wages or without wages do their seruice, they cannot by contract or agreement whatsoever, doe any thing prejudicial to their libertie: neither in receivin any legacie vpon condition be it never so little seruice: neither can the flawe himfelfe when hee is manumitted, proufe vnto his lord that hath fet him at libertie, any thing prejudicial vnto his libertie, other than the servitudes ordinarie & agreeable vnto all such as are enfranchised. And this is it for which the Arrefts of the Parlament of Paris have oftimes frustrated the contracts of seruants free borne, which have bound themselves vpon a paine to serue certaine yeres: which nevertheless they yet do in England & Scotland, where the maifters after the terme of seruice expired, comming before the Judges of the places, enfranclise their seruants, & give them power to weare their caps; which was the eminent marke of a flave newly enfranchised, vnto his maifters head vntill his hair were grown: which gaue occasion vnto Brutus after that Caesar was flaine, to caufe certaine mony to be coined * with the imprifon 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 Mithridates, 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 albiet that domestical seruants be not slaves, and that they may do such acts of libertie as free men may, bee it in judgement or out of judgement; yet are they not as simple mercinarie men which labour for their daries wages, ouer whom he that hath hired them hath neither power nor command, nor any manner of correction, as the maifters hath ouer his domestical seruants, who owe seruice, honor, and obedience vnto their maifters, fo long as they are in his house, and may with moderate discretion chastife and correct them. For domestical seruants ought to reverence their maifters, and do them all honest seruice and duties: whereof, for that they have a mutual comporrment one of them towards the other, and belong vnto morall discipline, we will not in this place reason.

But as concerning Slaves, there are two great difficulties, not yet resolved vpon: the one, Whether flauerie be natural & profitable to a Commonweale, or contrarie vnto nature, and vnprouitable? the other, What power the lord of right ought to have ouer his flawe. Concerning the first point: Aristotle is of opinion that the felitude of slaves is of right natural: and to prove the fame, W e see ( faith he ) some naturally made to serue and obey, and others to command and gouerne. But Lawyers, who measure the law not by the doubts of decrtes of Philosophers: but according to the common sense and capacitie of the people, hold felitude to be directly contrarie vnto nature; and do what they can to maintaine libertie, still entertaining such things as are offeure and doubtfull (whether it be in the lawes, or testaments, in covenants, or judgements ) so in favour of libertie, as that they give no way either to lawes or to testaments: And it so be that the force of the lawes be fo great and to plaine as that they may not suare from them: yet do they proeit that but offeure of the lawes to displeafe them, calling it hard and cruel. But of these two opinions wee must chaufe the better. Now many reasons there be to proeit that felitude is proouitable vnto the Commonweale, and also agreeable vnto nature: For euery thing that is contrarie vn.
to nature, is of no long continuance: and if you would force it against nature, yet will
it of it selfe againe returne vnto the naturall course thereof; as is plainly seene in all
natural things. But servitude semeth to have taken the beginning thereof immediately
after the generall deluge: and even so loone as any forme of a Commonwealth
was to be seene, and so hath alwaies euer since continued: and although servitude in
those latter times was left off, for about three or foure hundred years, yet is it now
againe approv'd, by the great agreement and content of almost all nations: yea the
people of the West Indies, which are three times greater than all Europe, who never
heard speech of the lawes of God or man, haue alwaies bene full of flaues; neither hath
there bene any Commonwealth in the world, which hath not had flaues in it: yea the
holiest men that euer liued haue vied them: yea and that more is, in every Commonwealth
the lord had power over the goods, the life and death of his flae, except some few,
where the Princes and lawmakers haue something moderated this power. Now
like it is not, that all people and nations in euerie place, so many kings and princes, so
many lawmakers (men for their vertue and experience most famous) would with so
great content, and so many worlds of yeares, haue received flaues, if it had bene a thing
repugnant vnto reason and nature. And what can be more agreeing vnto cuttie and
natural reason, than after victorie obtained, to faue them whose haue thauk taken pri-
soners in juist warre, to give them meat, drinke, and cloathing, &c with great charitie
to releue them: & for so great benefits to exact of them only their servcie & labor? is it
not much better than in cold blood to kill them? And this was the first beginning of
flaues. 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 bodies;
is it not better and more cuttie to haue them kept to labour in the publicke works? whereof such were also called servuants to paine, another kind of servitude. In like sort,
he that shall vniuely lie in wait for another mans goods, life, or flae; what doubt is
there but that he is a verie theefe and robber, and defeuereth death? Then is it not con-
trarie vnto nature, to faue him for labour, in stead of putting him to death: for the word
Servant, commeth of fauing, albeit that some vnskillell Grammarians reprehend In-
finitian in so saying. Now if it were contrarie vnto nature, that one man should haue
power of life and death over another, there should be neither kingdoms nor figno-
rices, which were not contrarie vnto nature, seeing that kings and monarches haue the
same power over their subiects, be they lords or flaues, if they once fall into any capi-
tal crime.

These arguments haue some good shouw to proye that servitude is natural, profitable,
and honest, but it may well be answered. I confesse that servitude is well agreeing
vnto nature, when a strong man, rich and ignorant, yeeldeth his obedience and servcie
vnto a wife, discreet and feeble poore man: but for wife men to ferue fools, men of un-
derstanding to servie the ignorant, and the good to servie the bad: what can bee more
contrarie vnto nature? except a man should thinke it reasonable for a wife counsellor
to be ouertault by his foolish Prince; or a better and temperat servuete to bee governed
by his bedlem and rioutous Master. As for them that thinke it a charitable courtesie, in
vniute warres to haue faued the lies of their prisoners whom they might haue killed,
it is the charite of theeuets and pirats, who brag themselves to haue gien life vnto
them whom they have not depreied of life. For oftentimes it commeth to passe in
vniute warres, (as are for most part those that are made by the mightie) that good men
are most miserably and shamefully enforced to servie the wicked. And if the vanqui-
shed haue wrongfully and without caufe (as theeuets) made warre, why then put they
them not to death? why take they not of them exemplatie punishment? why take they
them
them then vnto metie, seeing that they are theues. As for that which is said, That semetimbe could not have continued so long if it had bene contrarie vnto nature: true it is in things meteely naturall, which according to their naturall proprietie follow the immutable ordinance of God: but having guen vnto man the choice of good & euill, it channeth oftentimes to the contrarie; him to chufe 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 fellie; in such sort, that there was never so great impietie or wickedde, which hath not bene esteemed for vertue and godliness. Let one example sette 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 eoutered the same with the vallie of piecie and religion: as yet vnto this our age they of Peru and Braflies doe, and certaine other people vpon the river of Plat; vnto which so prophanie sacrifies our auncenctors for all that with great devotion reported. With like piecie and devotion on the Thracians also vfed to kill their fathers and mothers, growne weake with age, and so afterwards did eat them, to the end they should not languishe with sicknes, nor being dead become meat for worms; as they aunvtered the Perisian king. Neither muft we say that there were none but the auncient Gauls that sacrificed men; which indeed they did vnto the time of Tiberius the Empoyr: for long time before, the Amorit and Ammonns vfed to sacrifie their children: neither was it a solemnitie among the Barbarians onely, as generally among the Seythes (as Plutarch writeth); but also among the Greeks (in whom ciuitie not onely refrst, but even from whom it was vnto all other nations derivet): for Achilles (as Homer reporteth) sacrificed vnto his dead friend Patroclus with the slaughter of men. Themisiscles also in the Perisian warre, sacrificed three men; as did the Perisian king at the same time twelue: neither could Jupiter Licius (as is reported) be otherwise appeased but by the slaughter of man, led by the ambiguities of an old Oracle, and of the Greeke word se, which without accent signifieth either Light, or a Man. Tullus deteathed our auncenctors, for that they sacrificed with mans blood; but that he spooke as an Orator, and as best serued his cause; for M. Varro attributeth it to all the people of Italie: as also the manner of vowing in the sacred spring time to haue bene, that whatsoever man or beast was that yeere forborne should be sacrifieth. A man might alse bring for example* Tephe general of the armie of the Israelites, who is reported to haue sacrificed his daughter vnto almighty God, much about the same time that Agamemnon king of the Greeks sacrificed his daughter Iphigeneia* (whereas some well learned men hauve made Tragedies) although that he sacrificed nothing vnto God but the virginitie of his daughter; 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 piecie and devotion: which prooue well that we muft not mesure the law of nature by mens actions, bee they neuer so old and inueteret: neither thereof conclude, that the servile estate of slaves is of right naturall: as also much leffe to attribute it to charitie, or to courteue; that the people in auncient time faised their prisioners, taken in warres, whom they might haue slaine; to draw a greater gaine and profit from them asfrom beasts. For who is hee that would spare the life of his vanquished enemie, if he could get a greater profitt by his death than by sparing his life? Of a thousand examples I wil produce but one. At the siege of Jerusalem vnder the conduct of Persia, a Roman coudier hauing found gold in the entrails of a Jew that was slaine, made his companions therwith acquainted, who forthwith cut the throats of their prisioners, to see if they had also swallowed any of their crownes; so that in a moment there were slaine* about twentie thousand of those* telesph. in bello Indiano.
that. For example, of that service: but how I pray you, are they nourished? and for what service doing? Cato the Censor (reputed the best and wisest man of his time) after that he had drawn all the service and profits he could from his slaves, even until they were grown crooked with age, so that he could wring nothing more from them, let them then to fall to such as would give most for them, to draw yet from them the very price of their blood which yet remained in them, lest he should be enforced to nourish them for nought, now grown impotent with age, or else be fain to kill them, or to let them at liberty; in such sort that the poor slaves in recompense of all their service made, were drawn to the galloways by their new masters: not yet so happy as Pallas her mule in Athens, which grown old went about whether the lift unhalted, no man daring in her old age to load or charge her. And whereas there is nothing more holy or more natural given by God vnto mankind, than marriage; yet so it is, that it was not permitted vnto slaves: yea in case that a free man taken captive had a child lawfully begot by his wife; if the father died in the hands of the enemy, although the mother returned into her liberty, yet nevertheless was the child reputed illegitimat.

What shall I relate of the execrable and profuse filthiness of both sexes, which the poor slave's heretofore were, and yet are enforced to endure and suffer? But as for cruelty showed upon them, it is incredible that we read, and that a man might speake of, if but the thousand part thereof were written: for Authors would thereof say nothing, if good occasion were not gien; and we have not the histories of the moft civil people that ever 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 fear they should be lost, or that they should set fire on the houses, or otherwise kill their masters. Now as for exterme light offence of the slave, except he were of great price, it was so rigorously punished, as that to have broken a glasse was vnto him death: as for example, the Emperor Augustus being at supper in the house of Publius Pollio, it chanced one of the slaves to break a glasse, who having done no other fault but that (as faith Seneca) was forthwith drawn vnto a pond of Lampreis, which were fed with mans flesh: whereas the poore slave crying out, fled vnto the feet of Augustus, entreating him, not for his life, but that he might not after he was put to death be eaten vp of those fishes, for hee found himselfe worthie of death for the glasse he had broken; but the common opinion was, that the foule of the drowned neuer passed ouer into the * Elysian fields; or els that it died together with the body: as Seneca writ of his companions falling to Alexandria, who in a tempest sodainly risen, 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 otherwise to be in daunger to be drowned together with the bodie: so much the poore slave feared to be eaten vp of the fishes. But Augustus moved with compassion (as faith Seneca) pardoned the glasse, causing all the rest of the glasse to be broken, and the pond to be filled vp. Yet Dion the Historiographer, reporting the same historie, saith that Augustus could not obtaine pardon of Pollio for his slave, neither to have commanded the pond of Lampries to have bene filled vp, than which nothing was more precious amongt the Romans: which for all that leemeth to have bene more probable, seeing that Seneca confellect 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 Flaminius a Senator of Rome, caus'd one of his slaves to be flaine, for no other cause but to gratifie and please his Bardache, which...
which said that he had never seen a man slain. Now if it clausened the master to be slain in his house, by whomsoever it was, all the slaves that at the same time were under the same roof, were put to death, and so the mothers and sons. As chance at the murder of Pedainsus, great pretor of Rome, when question was made of putting to death all his slaves, following (as faith Tacitus) the ancient custome, the common people being for the most part men enfranchised, fell in mutiny, for that they knew well the master was but one, & yet nevertheless there must be put to death 400 of his slaves, all innocent of the fact: nevertheless the master 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. I let passe the murthering of slaves, enforced to kill one another in the lift, or to be borne with wild beasts, so to give pleasure unto the people, and to breed in them a contempt of death. And although the law Petronia had forbidden slaves without cause to be cast unto the wild beasts; yet it was never observed, no more than the edict of the emperor Nero, who was the first that appointed commissioners to hear the complaints of slaves; and after him the emperor Adrian ordained that inquisition should be made against such as had maliciously without cause slain their slaves: howbeit that long time before they were culpable as murderers, 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 fly unto the images of the gods, or of the emperors. For neither the temple of Diana in Rome, which king Serius (himselfe the sonne of a slave) had appointed as a sancluarie 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 Ptolemee at Cyrene; neither the temple of Diana at Ephesus, 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 unto the temple of Diana, was againe restored unto his master, being before sworne not therefore to entreate him again; but if the cause of his flight were just, then was he taken from his master and made servant unto 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 capittal punishment into 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 even of high treason. Insomuch that as Seneca writeth, a certaine Senator fearing to bee bewrayed of his slave, craned pardon of Tiberius for that he had but bene about to touch his chamber pot with a ring upon his finger, wherein the image of Tiberius was engraven. In such sort, that the images of the emperours, but especially of tyrants were as slaves to entangle the magistrates in, who oftentimes secretely murdered their slaves, for hauing recouer'd unto the images, so soone as they were returned thesame. But the law of God had therefore much better provided, appointing euerie mans house for a sanctuarie unto the slave flying from his master, forbidding to restore him againe unto his master whilst he was yet in scollar. 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) neuer punish their seruants or children but in their rage, and that as if they were their enemies. Thus we see the liues of masters not well afitured against their slaves; and the liues of slaves much lesse against their masters. For who could afiture himselfe of his liue, or of his goods in the time of the tyrannie of Sylia, who had proposed thrittie Seftteries 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 proscrib'd? In which feate the citizens were, vntill
till that three thousand of them being slain, and to the state in a manner againe appeale a certaine slave yet presented vnto Sylla the head of his lord & master, whom Sylla for doing according to his promise set at libertie, but by and by after caufed him to be cast headlong from the rocke Tarpeia. At such time also as perfecution 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 feare of perfecution once ceasing, the lords and masters themselues 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 themselues together: all histories being full of seditious rebellions and wares. 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 slaves they could make, they could not prevent but that three thousand slaves rise in rebellion vnder the conduct of Spartacus, who in battell outthrow three armies of the Romans. For it is most certaine, that in euerie 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 Caius the Senator, whereby he persuaded the Senat for the confirming of Sylla his decree: We haue at home (said he) whole nations of slaves much differing among themselues in manners, fashions, language, and religion. And namely C. H. Crassus alone had fivce hundred slaves, who daily brought in vnto him the profit of their gainfull arts and trades; besides them whom he employed in his ordinarie and domestike servise. Milo also in one day at libertie 300 slaves, least they should have bene put to torture to depose concerning the death of Cloadius Tribune of the people. And that multitude of slaves was it for which the Roman Senate, destrous to put a difference in the habit of slaves, to the intent to haue them knowne from free men: one of the gratest Senators diffluated the same, showing the daunger like to ensue thereof, if the slaves shoulde begin to enter into the number of themselues; for that so they might easily dispatch themselues of their masters, for the easinesse of their rising into rebellion, and the difference of their habits, vnto 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 auncient time, except such of them as were villainous and fuddie knaves, who were therof called Stigmatics; who at any time being manumifed, could for all that never enjoy the full fruit of their libertie or the priuilege of citizens: marking the rest vpon their armes. And this was it for which the Lacedemonians seeing their slaves to multiply exceedingly above the citizens (for the hope their masters gaue 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 wares: whom so preffed out, they forthwith caufed to be all in one night slain, and that so sodainly and secreety,as that no man knew what was become of them, more than they which had the doing of the matter.

Now this feare that Cities and Commonweals had of their slaves, was the cauie that they never durft suffer them to beate armes, or to be enrolled in their musters, and that vpon 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 ouerthrow of Cannas manumifed 300 of his slaves, able bodies. Howbeit that Florus wright, That armes were giuen to 8000 slaves; which we also read
A to have bene done in the confederat warre. But Cleomenes king of Lacedemonia finding himfelfe unable to withftand the multitude of his enemies, as also of his flaues, his citizens being for the moft part flaine; in his fo great necessitie proclaimed libertie to al fuch flaines as were able to pay fiftie crownes for their heads: in which doing he provided himfelfe both of fouldiers and money. Yea not fo much as the effeminate people of Asia vfed their flaines in warres, except the Parthians, who might not by their lawes manumifte their flaines, whom they made almost as much of as of their children: whereby they grew into fuch a multitude, that in their armie wherewith they put to flight the power of M. Antonius, consisting of fiftie thoufand men, there was but 4500 free men, as we read in Iuftin: yet had they no caufe to rebell, being of their matters fo well entreated. But as other people, they were fo mistrustfull of their flaines, as that sometimes they would not have them to fentence in their galleys before they were enfranchifed: as did Auguffus, who at one time fet at libertie twenty thoufand to fentence him in his galleys. And for feare they had left they should confpire together againft the state, to keepe them alwaies bufied in other mechanical arts, Lycurgus amongst the Lacedemonians, and Numis Pompeius in Rome, forbade their owne citizens to vfe any manuall occupation: And yet they could not to well provide, but that euery there was some one or other desperate man, who propounding libertie vnto flaines, still robbed the State. As Vitius the Pirat, who made himfelfe king of Portugall: Cinnas, Sparratus, Tacfarminas, and Simon the fon of Cerfon, captain of the Lewes, who all of baie companions made themfelves great lords, by giving libertie vnto the flaines that followed them. And the ciuill warres yet continuing betwixt Auguffus and M. Antonius, was not to be feene but fugitive flaines flit on the one fide or the other in fuch for, as that after the diſcommiffion of Sex. Pompeius, there were found thirtie thoufand flaines which had taken part with him, whom Auguffus caufed to be apprehended through his dominions, and by a prefixed day to be againe reduced vnto their matters, commandinge the reft to bee hanged that had no matters 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 foone as Homar one of Mahomet's lieuenants, had begun to raffe warre in Arabia, and promifed libertie vnto the flaines that fhould folow him, he drew such a number after him, that in few yeares they made themfelves lords of all the Eft. The fame of which libertie, and the conquests made by those flaines, fo encouraged the flaines of Eureope, that they began to take vp armes, firft in Spaine in the yeare 781, and afterward in France in the time of Charlemagne, and of Lewes the godly; as is to bee feene by their Edicts then made againft the conspiracie of flaines. And after that alfo Lothaire the fonne of Lewes, having loft two battles againft his brethren, called the flaines vnto his aid with promise of libertie: who afterward gaue the ouerthrow vnto their matters in the yeare 852. When siodainly this fire took fuch hold in Germanie, where the flaines having taken vp armes, so troubled the state of the German princes and cities, that Lewes king of Almain was constrained to raffe all his forces to subdue them.

E And this was the cause that the Christian princes by little and little released their vfeuitude, and enfranchifed their flaines, referring onely vnto themfelves certaine feruices, and the auncient right of succession; if their enfranchifed flaines fhould chance to die without issue: a cuftome yet in vfe in all the lower Germanie; as in many places in France, and England alfo. For as yet many remembrance of bondage remaine in the Christian Commonweale; as is to be feene in the lawes of the Lombards & Ripuaries whereby flaines could not have their iuft libertie, or alienate their goods, vntill they had bene twice manumifte: and oftentimes the lord or master joyned vnto the act of in- franchifement, That it was done for the health of his foule. For they which firft laid the
foundation of the Christian Commonweale, had nothing in more regard, than to find the means how Christian slaves might be set at liberty: so that in hope thereof many of them oftentimes became Christians; & their masters for the health of their souls were content fo to enfranchise them. We also read in the Histories of Africk, how that Paulinus bishop of Nolo, after he had sold all his goods to redeeme Chriatian slaves, at last (which a man would wonder at) sold himselfe also vnto the Vandales for his brethren. And hercelf came the manumission of slaves made in churches before the bishops. Whereof, in the raigne of Conflantine the Great, ensued such a multitude of poore and needie men, who had nothing but their libertie to liue vpwn (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 request of the bishops. Hereof S. Basil in his sermons complaineth, that the cities and gronings of the poore and weake were in the Churches confounded and mingled with the songs and prayers of the Priests. Much about which time Iulian the Apostata in despite of the Christians exhorted the Pagan bishops by the example of the Christians to the building and endowings 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 fo exposed and left vnto the world, should be slaves vnto them that had so nonifhed and brought them vp. And not long after, Valens the Emperor by an Edict gaue power to euerie man to take vp the vagrant and idle persons, and to cause them to serve them as slaves: forbidding also and that vpon paine of death, any to goe into the woods or deserts there to liue as Hermits; of whom he caufed a great number which had contrarie to his Edict so gone out, to be executed; to the intent to cut off idlenefs, and to draw euerie man vnto labour. But after that Idolatry began to decay, and the Christian religion to encrease, the multitudes of slaves began also to diminifh; and yet much more after the publishing of the law of Mahomet, who set at libertie all them of his religion. To the imitation of whome, the Christians also fo frankly set at libertie their slaves, as that all servitude and slauerie seemed in that age to have bene thrust vp with the Wett Indians, wherein the Christians had taken off from their necks all bondage, about the yere 1250: yet for all that, there were slaves in Italie in the yere 1212, it is evidente, as well by the laws of William king of Sicilie, and Frederick the second Emperour; as also by the decrees of the bishops of Rome, Alexander (I say) the third, Urban the third, and Innocentius the third, concerning the marriages of slaves, which the Lawyers call Contubernia, or keeping of companie together: which Alexander was chosen Pope in the yere 1158, Urban in the yere 1185, and Innocentius in the yere 1188. Whereby it is evidente the Christian Commonweale to have bene deere of slaves since the yere 1250, or there about. For Bartholus who flourished in the yere 1300, writeth that there were no slaves 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 calle the Abbot of Panormo had learned of Bartholus, he thought it a thing well worth the noting. Neuertheless we read in the Histoire 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 have before faid: and yet at this present the subiects 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 therefor: and if so be that they kill another man's subject, then are they acquitted by paying ten crowns: 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 Denmark, Sweden, and Norway. But it is more than 400 years agoe, since that Fraunce suffered in it any true slaves: For as for that which we read in our histories, that Lewis Hutin, who came to the crown in the yeare 1313 (the selfe same time that Bartholomew liued) set at libertie all slaves for money, to defray the charges of his warres; that is, as I take it, to be underfoot of manumitted men, which we call Mort-maines, whome we even yet at this present see to be set at libertie by the kings royall letters patents, from that bond of seruitude whereby they are prohibited to marrie a wife, or to alienat their goods out of the territorries of their Patron. So also we are to understand the edict of Charles the first the French king, wherein in cities euery 70 families, in country villages euery hundred families, and euery 200 heads of slaves were charged with a man at armes; which they should not have done if they had beene in the possession of another man, & accounted as another mans goods. So it is also to be understood that is written of Humbert Dauphin, who at the same time by one edict enfranchised all the slaves of Dauphine, and commanded the same to be enrolled in the publick acts and lawes of the countrie. The same curtseyed Theobald count of Blois towards his slaves, in the yeare 1435. To this also belongeth that which wee read of Sagerius abbot of the couenant of S. Dionys, who set at libertie his manumitted slaves, so that they changed their dwelling. And also the auncient decree of the Parliament of Paris, whereby it was permitted to the bishop of Chalons, by the consent of his Chapter, to enfranchise his slaves. Charles the eleventh 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 Barbonois, in the yeare 1549. By whose example also the duke of Saouy did the like in all his countries, in the yeare 1561. All which we see done in the great favour of libertie. Whereas otherwise the Prince, of his owne lawfull power could not enfranchise another mans slave, and much leefe the magistrat, what intercession forer the people should make: neither could he so much as give unto him that was by another man enfranchised, so much as leaue to wear a ring of gold, without the consent of his patron: For Commodus the Emperor 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 have it any thing prejudicial unto the Patron, that his enfranchised slave had obtained of the prince this priuilege, albeit that the prince had restored him to the state of a free borne man: which was a far greater matter than to have obtained the priuilege to wear a ring of gold: which albeit it belonged unto the prince onely to grant, yet so it was without the least in the time of Tertullian, that the patrons had in a manner got that power unto them selves, givng them for their enfranchised slaves a ring of gold, and a white gowne, in stead of yron gues and whips, causong them to arriue to sit downe at the table with them, and to beare their name: And at last Tullian himselfe by a generall edict restored all them that had bene slaves 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 were not: for in this realme he must of necessitie obtaine the prince his letters patents, which haue 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 flature; which letters were wont to be both requetailed and obtained without the leave of the patron: who for all that may lay hands vpon such goods of his enfranchised flave as were got before he was set at libertie whereasouer 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 testaments bequeath them upon whom they please. I have seen the lord of the White Rocke in Galcongate claim to have not only a right over his manumitted servents, and also that they were bound to trimme his vines, to till his grounds, to mow his meddows, to reap and thresh his corn, to carry & recarry whatsoever he should command them, to repair his decayed house, to pay his ransome, 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: vntil all which the aforefaid serventes his manumitted people yeelded, sauing vnto the last, which by a decree of the Parlement of Tholouze was cut off, as prejudicial vnto the right of libertie. Truly they whom the Polonians call Kintons, are not compelled to do their patrons so great service; but yet suffer things much gricerous: for that any man may kill them for the small payment of ten crownes, and their lord may doe for nothing. And in former time it was lawfull amongst the Indians by all meanes to tyrannize vpon their servents, which were in number infinit, yea and to kill them also; vntill that Charles the 1f for a law which he made commanded then all to bee free. But in Fraunce, although there be some remembrance of old seruitude, yet is it not lawfull there to make any slawe, or to buy any of others: Inform much that the slaves of strangers to foone as they set their foot within Fraunce become franke & free; as was by an old decree of the court of Paris determinded against an ambassador of Spain, who had brought a slawe with him into France. And I remember that of late a Genua marchant having brought with him vnto Tholouze a slawe whom he had bought in Spaine, the hoafe of the house understanding the matter, persuadde the slawe to appeale vnto his libertie. The matter being brought before the magistrates, the marchant was called for; the Attorney general out of the records showed certaine auncient priuiedges gien (as is faide) vnto them of Tholouze by Theodosius the Great, wherein he had granted, That slaves soone as they came into Tholouze should be free. The marchant alleging for himselfe that he had truly bought his slawe in Spaine, and so was afterward come to Tholouze, from thence to goe home to Genua, and so not to be bound to the lawes of Fraunce. In the end hee requisted that if they would needs deale so hardely with him, as to set at libertie another mans slawe, yet they should at leaft restore vnto him the money hee cost him: whereunto the Judges assented, That it was a matter to be consider'd of. In the mean time the marchant fearing least he should loose both his dutifull slawe and his money also, of himselfe set him at libertie, yet covenenting with him that he should lenue him so long as he lived. Yet for all that, those priuiedges which they of Tholouze boas to have bene granted them by Theodosius, seeme not to have bene so, seeing that Narbona a true Colonie of the Romans, and the most auncient that was in Fraunce, Leitor, Nyfmes, Vienne, Lyons, Ailes, Romans, and many others, which were also Roman Colonies, no nor Rome it selfe the verie seat of the Empire, had not any such priuiedge. And thus much concerning the enfranchising of slaves.

But now here might any man say, How be it so that the Mahometans have enfranchised all the slaves of their religion, which hath couete in all Asia, and almost in all Africa; with a good part of Europe also; and the Christians haue semblably done the like (as we haue before shewed:) how commeth it to passe that yet the world is so full of slaves and slauerie? For the Jews may not by their lawes haue any slawe of their own nation, neither by the lawes of the Christians may they haue any Christian. Truely all in that sence from the law of God: For the law of God forbidde any slawe to be
be made by the orde 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 to a poit with an aule: truely it adjugeth the debtors vnto the creditors,and suffereth the Iewes to bee fold for poertie: yet the same law comman-
deth them at the feuenth yeare to be set at libertie. And although a man have entra-
iled himselfe, and suffered himselfe to be thurf through the care with an aule, in somuch
that he be bound to perpetuall servitude: yet nevertheless all the interpreters of
the law affirme, That in the yeare of Jubile ye shall againe recouer his libertie, except he
had rather againe serue thanne become free. But such bond-slaues as were borne of
those kind of slaues which had of their owne accord given themselves into bondage,
they were in the fifth yeare to be set free: at which time the law by the sound of
trumpet denounceth libertie vnto all manner of slaues. Yet doth the law permit them
to have strangers of another nation and religion than their owne, in perpetuall bond-
dage; and that their posteritie and nephews might vise the same right against stra-
ngers,that strangers might against the Israelites: than which kind of slaues
Julian the Emperor wroth none to have bene better. You see (faith he) how willingly the
Syrians ferue other nations: and contrariwise what a loue of libertie is in the people
of the Celtics. But the Iewes 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-
sumcised them: which thing Trajan by a speciall law forbad: and albeit that they had
yielded vnto their lords or maisters religion, yet nevertheless they enforced them
still to serue: Whereas by the law it was provided, that such strangers as being cir-
sumcised had receivd the law of God, should enjoy the same priviledges and benefits
that the natural citizens did. The same law (faith it) shal be vnto the stranger the citizen.
That is it that God by the Prophet Ieremie complaineth of: Slaves not to be set at lib-
bertie according to the law: and therefore a most heauie bondage to hang over the
maisters heads from their enemies. Hereupon also Philip the French king draue the
Iewes out of his kingdome, confiscating their goods, for that contrarie vnto the law
they circumcised Christians, and tooke them vnto themselves into bondage for slaues.
The like decrete we see the Mahometans to vse, whose manner is to circumcise and to
instruct in their religion such Christians as they have taken in warre, or bought of
pirats, or at leaftwise their children, whomne nevertheless they compell to serue with all
their children and posteritie. Whereby example the Portingals following, compell the
bondmen whom they have bought out of Afrique, to abjure the Mahometan religion,
and instructing them in the Christian religion, cause them nevertheless with their
children and offspring to serue them in perpetuall slavietie: so that now whole dores
of slaues are fold and that openly in all parts of Portugall, as if they were beasts. In like
manner the Spaniards having brought the Negros vnto the Christian religion, keep
them nevertheless and all their posteritie for slaues. And albeit that Charles the first
had by a generall edict made in the yeare 1540 set at libertie all the slaues of the West
Indies, nevertheless a sedition there rising through the coutousnesse and insolencie of
them that were in greatest power, Gonzales Pizzaro governorm of that province revolted
from Charles: whose poyert when Lagoasa had discomfited, and for publike example
had causd him to be beheaded together with the chiefes men of that rebellion, hee ac-

cording to the edict, set at libertie all the slaues; yet with condition, that they shold
still serue their patrones. And yet for all that it could not be brought to passe, but that
Lagoasa returning into Spaine, those late enfanchised men fell againe into their slave-
tie; and especially for the profit which their lords and maisters were in hope to haue by
the seling of them: to the imitation of the Portugals, who first called in againe Servu-
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 Italy. For now a good while ago Africa and Asia, and the EASTERNE part of EUPRO
also have accustomed to nourish and bring vp in every citie, stocks of slaves, in like man-
ner as if they were beasts, and of them to make a great marchandise and gaine. For
within this hundred yere the Tartars (a kind of Sacythian people) in great number with
fire and sword entering into the borders of Moscouia, Lituania, and Polonia, carried
away with them three hundred thousand Christians into captivitie. And not long
age euin in our memorie, Simon Bafi, having taken the Ile of Gozo neere vnto Malta,
led away with him 6300 Christians, and all the inhabitants of Tripolis in Barbarie,
which he sold in Gracie. So that it is not to be maruelled that the captaine of the
Turkes IANIZARIES, and either of his Chauncellets (whome they call Cadelequiets) vse
custodie one of them at their entrance into their office to receive of the prince three
hundred slaves. For as concerning the Turkes Pretorian fouleds, and those youths
which are taken from the Christians as tribute, and are called tribute children, I never
accounted them for slaves; seeing that they are enrolled in the princes familie, and
that they alone enjoy the great offices, honours, prieffhdoms, authoritie and honour;
which nobilitie extendeth also vnto their nephews in the fourth degree, and all their
posteritie afterward being accounted base, except by their vertue and noble acts
they maintain the honoure of their grandfathers: For the Turkes almost alone of all
other people measure true nobilitie by vertue, and not by ducet or the antiquitie of
their stocke; so that the farther a man is from vertue, so much the farther hee is (with
them) from nobilitie.

Wherefore seeing it is proued by the examples of so many worlds of years, so ma-
ny inconueniences of rebellions, seruile wares, conspiracies euerions and chauniges to
haue happened vnto Commonweals by slaves; so many murtheres, cruelties, and deser-
table villainies to haue bene committted upon the persons of slaves by their lords and
masters: who can doubt to affhme it to be a thing most pernicious and daungerous to
haue brought them into a Commonweale; or haue caus’d them off, to receive them
againe? Now if any man shall say, That the rigour of the lawes may by for-
bidding, and seueret punishment moderat the crueltie of masters ouer their slaves: I
What law can there be more just, more strong, and indifferent, or better than the laws
of God, which had so wisely provided as to forbid to chastifie slaves with whipps (which
the Roman lawes permitted) and whileth the slave to be enchanchieth, if his master shal
breake any lim of him? which law Constantine the Emperor afterward approv’d.
But who shall proceede the suiter againste the lord for the death of the slave? who shall
heare the complaint? who shall exact due punishment therefore? shall he that hath
nothing to do therewith? considering that tyrants hold it for a rule in policie, That one
cannot be too seueret vnto his subjects, so to keepe them low and obedient. But the
Spaniards (sone will say) entreat their slaves courteously, teach them, and bring them
vp, yea and that much more kindly than they do their hired seruans: and they againe
on their part feuite 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
courious than they at the fist; as generally all beginnings are pleasing: so also it is
most certaine, That there is no greater loue, than the loue of a good slave towards his
lord: provided that it meet with an humor agreeing with it selfe. For which cause the
law of God (in mine opinion) hath so wisely prooued that no man should feuite a per-
petuall seruitude, but he which having seru’d seven yeares, and so well tafl’d the humor
and disposicion of his master or creditor, had conuenience to bee his slave for ever. But
sith
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faith there are so few men one like vnto another; and contrariwise the varietie and natural disposition of them infinit, what law gier can vnto them all prescribe one generall edict, law, or rule. The antient proverb, which faith, So many flaues, So many enemies in a mans house, sheweth right well what friendship, faith and loyalty a man may look for of his slaves. Of a thousand examples of antiquitie I will recite but one, which happened in the time of Iulius Caesar, who reporteth, That a slave seeing his lord abeen, barred the gates, and having shamefully abused his mistresse, bound her, took his masters three children, and so going vp to the highest place of the house, seeing his master coming home, first cast downe vnto him vpon the pavement one of his children, and after that another: the woeful father all dismayd, and fearing least hee should throw downe the third likewise, with prayers and tears besought the flave to spare him that was yet left, promising him forgivenes, for that hee had alreadie done, and libertie also if he would but save that third. Which his request the flave yielded, vnto, vpon condition that he should cut off his owne nose; which he chose rather to doe, than to loose his child. But this done, the flave neuertheless cast downe the third child also; and so at last, to take that revenge of himself, which his lord thought to haue done, cast headlong downe himselfe also. And not to be tedious, I omit poyfonings, murders, burnings, and many other mischiefs oftentimes euerie where done by slaves. But these inconueniences, you will say, are counteraulied and recompened with other mutuall profits; for that by receiving in of slaves we cut off the infinit number of vagabonds and bankrupts, who after they haue detoured al, would pay their creditors with bills; & that by that means might be driuen away such a multitude of rogues & naughtie doers, which eat vp whole towneis, and as drones sucke the hony from the bees: ioynie also vnto this, that of such idle mates, theues and pirates furnishe themselues; besides that, famine and euil provision for the poore, draw into towneis all populer disease: for the poore we must nourish and not kill, although it be in a fort to kill them, to refuse to nourish them (as faith S. Ambrofe). These reasons beate some fowle of truth. For as concerning debtors, if they be not able to pay, God his law commandeth them to be adjuished to their creditors for seuen yeares, but yet not into perpetuall bondage: howbeit that the law of the twelue tableis, practised in all the West Indies, and in the greatest part of Atricke, will that they remaine still prisoners vnto the creditors, vntil they be fully satisfied. For they which haue taken away from debtors in ciuil cases the benefit, to leaue vnto their creditors all such goods as they had, and command them to be commited not to their creditors, but to prioues, as the Turkes doe; seeme to me to take away not onely from the creditors, but also from the debtors, all power to kepe themselves, yea and their liues also, as taking from them the meane for them to travell, and to gaue to acquit themselves. But as for theues and pirates, there was never in any time more than when the multitude of slaues was encreased: For that the slave not able to endure slauerie, and at length breaking from his master, was alwaies constrained to be a theefe or a pirat, not being able to endure his master, neither to shew himself being marked, not to liue hauing nothing to liue vpon. A better example whereof cannot be than that of Spartacus the senfor, who at one time assembled out of the vetric bowels of Italie three score thousand slaves; when as at the same time aboue foure-score thousand pirats with nine hundred faiel ships were roving ouer all the Mediterannean, and had with so great forces taken 400 cities vpon the sea coaste; as that the Roman Empire was both by land and sea as it were beset with theues and robbers. But the wise law gier is not hee that driueth robbers out of the Commonwealth, but he that suffreth them not therein to enter: which may easilie bee done without that direfull slauerie, so dreadfull vnto states and cities; by erecting in euery towne and ci-
tie publick house for poore children, where they may learne diuers trades and occupations, as they do in Paris, Lyons, and Venice, and other well governed towns, where Seminaries of Artizans are brought up to the great benefit of the Commonwealth. But in such places as wherein slaves are now already 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 gain by, and delighted with the sweetness of idleness and libertie, would take no pains: 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 bene a good servant: I say that to be an opinion euill grounded, although it be right ancient: for there is nothing that doth more discouragement and overthrow, and if I may so say, a baflardise a good and noble mind, than feruitude; or that doth more abate the natural majesty of good natures to command over others, than to have bene once a slave. Salomon also the master of wisdome faith in his Proverbs, That there is nothing more intollerable, than when a slave is become a master, or a handmaid a mistress: which he referreth not only vnto a more milific fence; as when out intemperate defires beare rule ouer our reason: but vnto him also which sodainly pasheth from one extremitie to another, as from senitute to com- mand. But if it be true that reason and the law of God is alwais and euery where to take place, and that it was not that vp only within the bounds of Palestine: why should not that law so profitably & so wisely made by God himselfe, concerninge flauerie & libertie, stand in force, rather than that, which was by mans wisdome devised? Howbeit that the Tartars (which are by many thought to bee descended from the ten tribes of Israel) haue alwaies enfranchised their slaves at the end of seuen yeres: yet with condition that they should depart out of their country: which condition was first by Papinian (the great lawyer) received, but afterwards by him againe receiv'd: but being joyned vnto enfranchisements, is accounted as if it were not written at all. And thus much concerning the power of a master ouer his slave, and whether slaves are to be sufficated in a well ordered Commonwealth. But now that we haue sufficiently, & yet also as briefly as was vnto vs possible, entertain'd of a Familie, & of all the parts thereof, which is the foundation of the whole Commonwealth: let vs now likewise also speake of a Citizen & a City.

CHAP. VI.

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 City, and of a Commonwealth.

Hat we haue before saide concerning a whole Familie, and euery part thereof, containeth in it the beginning of all Commonwealths. And as foundations can of themselves stand without the forme of an house, before the wallis be builded higher, or any roofe laid vpon them: so also a Familie can of itselfe be without a Citizen or a Commonwealth: and so can also the master of a Familie vse his power and command ouer his household without depending of the power of any other man: as they lay there are many such families in the frontiers of the kingdomes of Fes and of Marocco, and in the West Indies: but a Commonwealth can no more be without a Familie, than a Citizen without houses, or an house without a foundation. Now when the master of the Familie goeth out of his owne house where he commandeth, to entertain and traffick with other heads of
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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 fellow-like with others, leaving his family to enter into a City, and his domestical affairs to entreat of publick; and in stead of a lord calleth himself 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 familie 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 vnto the one side, made the other to become vnto them slaves: and amongst them that overcame, he that was chosen cheefe and captain, vnder whose conduct and leading they had obtained the victorie, kept them also in his power and command, as his faithful and obedient subjects, and the other as his slaves. Then that full and entire libertie by nature giuen to every man, to live as himselfe best pleased, was altogether taken from the vanquished, and in the vanquishers themselves in some measure also diminished, in regard of the conquerour: for that now it concerned every man in privat to yeeld his obedience vnto his chiefe soueraigne; and he that would not abate any thing of his libertie, to live vnder the lawes and commandment of another, lost all. So the word of Lord and Servant, of Prince and Subject, before unknowne vnto the world, were first brought into vse. Yea Reason, and the vertic light of nature, leadeth vs to beleue very force and violence to haue giuen course and beginning vnto Commonweals. And albeit that there were no reaon therefore, it shal be hereafter declared by the undoubted testimonies of the most credible historiographers; that is to say, of Thucydides, Plutarch, Caesar, &c also by the laws of Solon, That the first men that bare rule, had no greater honour and vertue, than to kill, murther and rob men, or to bring them in slavery. Thence be the words of Plutarch. Yet haue we more also the wintrall of the sacred history, where it is said, that Nimrod 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 also Ptole the Jew, and Josephus by their testimonies confirme, viz. Nimrod by his wealth and power to haue first exercis Fed tyranny. Wherein it appeareth Demosthenes, Aristotle, and Cicero, to haue mistaken themselves, in following the errour of Herodotus, who faith, That the first kings were chosen for their justice and vertue; and haue heretofore signified vnto vs I wot not what heroicall and golden worlds: an opinion by me by most certaine arguments and testimonies elsewhere refellet; seeing that the first Cities and Commonweals, long before the time of Abraham were full of slaves: as also not long agoe the Western isles did swarme 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 yeare yeares that the people of Gaoga in Africa had neuer felt or heard of any king or lord whatsoever, vntill that one amongst them a travellor had in his trauell seene and noted the majestie of the king of Tombut: and thereupon conceiving a desire to make himselfe a king also in his owne countrey, he at first to begin withall, killed a rich marchant; and to possess'd of his horses armes and merchandize, divideth them amongst his neere kinsfolks and friends, acquainted with his purpose; by whose aid he by force and violence subdued now som, and after others, killing the richest, and eaving upon their goods: in such fort that his sonne became rich with the robberies of his father, made himselfe king, whose successor hath so continu'd after him in great power, as we read in Leo of Africa. 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 seue 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 sovereignite 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 wives 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 some that a man may lay, that euerie Citizen is a subject, some small part of his libertie being diminished by the maistrie 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 lay of a stranger, who comming into an other mans cognitio, is not receivd for a Citizen, having not any part in the rights and pruileidges of the Citie: neither is to be 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 Cicero 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 confpired 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 thepropriety of words, the forme of speech still remaining: for the Greeks have called their enemies not ex quo, as men making warre vpon them; and strangers not, which signifyth not pilgrims (as faith Acurius) but strangers, be they another mans subiects, or themselves soueraigne in their owne country.

Now amongst them whom we said to be subjectes into publick empires and soueraigne power; some are naturall, some are naturalised; and of them which are natural, some are free borne, some are slaves, and those 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 countrie, and natural subjectes. For the request of Demosthenes the Orator, which he made unto the people after the great overthrow at Cherronesa, That all the inhabitants of Athens, as well the enfranchised as others, might be accounted Citizens; was rejected and denied, for scarce leaft the enfranchised men (of whom there was a great multitude) should become lords of their estate, and with the number of voices 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 foreseen the matter, and thrust the multitude of the enfranchised men, before dispersed amongst all the tribes, into four tribes apart by themselves; to the intent that one and thirtie tribes of the free borne men and auintient Citizens, might still with the number of voices preside: for they counted not in Rome their voices by the poll, as in auintient time they did at Athens, and now doe also at Venice; but by degrees and centuries, in the assembles of their great estates; and by lines or tribes, in their lesser estates. And for that it to great a matter was without sedition done by the only wifdome 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 dispersed the enfranchised and naturalised Citizens (the issue of slaves and strangers).
Wherefore, which and for. Wee So citifens, which was againft the ciuill warre betwixt Marius and Sylla, at which time the people at the motion of Pub. Sulpitius made a law, That the enfranchised Ci-
tifens should from that time forward be againe diuided amongst all the tribes, which was the first and principal cause of the ruine of that Commonweale. Wherefore as of flaues some are borne, some are made, lo also of Ciufens some are made, some are borne: the natuual Ciufen, is he that is free of that wherein he is borne; whether he be borne but of one of his parents a Ciufen, or of both of them Ciufens. True it is that of a\n
The natural ciufen.

But in the time of Pericles five thousand of them were sold flauers, who had born the countenance of Ciufens. And Pericles himfelfe hauing lost his children that were right Ciufens, made request vnto the people, That his fonne might be enrolled among the Ciufens, which fonne he had begot at Athens of his wife being a ftraunger. Wee also read that the Romans made a Collonie of fouere thousand Spaniards, whome the Romans had begot of Spanish women, for that they were not true Ciufens. But afterward it tooke place that he should be a Ciufen whose father was a ciufen: and in many places it is sufficient for the making of a ciufen, that his mother was a ciufen. For the place maketh not the child of a ftraunger (man or woman) to be a ciufen: and hee that was borne in Africk of two Roman ciufens is no leffe a ciufen, than if hee had bene borne in Rome. Now the made or naturalized ciufen is he who hath submitted himselfe vnto the souueraigne of another, and is so receiued into the number of ciufens. For the ciufen of honour onely, who for his merits towards the Commonweale, or of speciall faveour hath obtained the right and proueledge of a ciufen, cannot of right bee called a ciufen, for that hee hath not put himselfe vnder the power of another commaunder.

Wherefore of many ciufens, be they naturals, or naturalized, or els flauers enfranchi-
sed (which are the three meanes that the law giueth to become a ciufen by) is made a Commonweale, when they are gouerned by the prouifant soueraigne of one or many rulers: albeit that they differ among themselfes in lawes, language, cuftomes, religi-
sions, and diuertifitie of nations. But if all the ciufens be gouerned by the felioame lawes and cuftomes, it is not onely one Commonweale, but also one very ciuie, albeit that the ciufens be diuided in many villages, towne, or provinces. For the endoufoure of walls make not a cite, (as many have written) no more than the walls of a house make a familie, which may consist of many flauers or children, although they bee farre distant one from another, or in diuers countries, provided that they bee all subieete vnto the command of one head of the familie: So lay we of a Cite, which may have many towne and villages, which be the same cuftomes and fashions, as are the Bailiwicks, or Stewardships of this realme: And lo the Commonweale may have many cities and provinces which may have diuers cuftomes, and yet are neverthelesse subieete vnto the commu

The endoufoure of walls make not a cite, but the government of the ciufens under the same lawes; although they dwell in diuers countrie, or provinces.

The enclofure of towns make not a ciuie, but the government of the ciufens under the same lawes; although they dwell in diuers countries or provinces.
command of their soueraigne lords, and vnto their edicts and ordinances. And it may also be that euery towne and citie may haue certaine priviledges in particular, which are not common vnto them of the suburbs; and the suburbs alfo may haue certaine prerogaties which are not common vnto the villages, not to the inhabitants of the open countrie; who are yet utterelieffe subiects of the fame Commonweale, and citizens of their citie; yet are they not for all that burgesles: 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 subiect, who hath the right of a corporation, or college, or certaine other priveledges, which are not common alfo vnto the burgesles. I haue saide the naturall subiect, for that the subiect naturallised although hee dwell in the towne, and enjoy the right of a burgesse, is yet called in many places a burgesse: & the other is called a citizen, who enjoyeth a certaine particular priveledge proper vnto free borne citizens. As in Paris there is none but naturall citizens, and borne in Paris, that can be Prouost of the marchants. And in Geneva a burgesse cannot be Syndic, or Senator of the pruie counsell of xxv, which a citizen may well be: which is also vfed amongt the Swifies, and all the townes of Germaine.

And thus much brieely concerning the difference of subiects, citizens, burgesles, 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 haue seene, which haue vfed these definitions, it is needfull by lawes and by examples to make plaie that which I haue before saide, being otherwise of it felle obscure. For we oftentimes see great quarrells and controverteries to arise as well betwixt princes, as citizens of the same towne or citie amongst themselves. For not understanding the difference of these words, yea they from whom we ought to expect the true resolutions of these things, are themselves oftentimes farre wide, mistaking a citie 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 faie high houses, 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 betweene a Commonweale and a citie: saying alfo, That is it not a citie if all the citizens dwell not in one and the felle same place: which is absurditie in matter of a Commonweale; as Julius Cæsar in his Commentaries well declareth, saying, That euerie citie of the Heluetians had fourfe villages, or cantons. Where it appeareth that the word Citi, is a word of right or jurisdiction, which signifieth not one place or region, as the word Towne, or Citie; which the Latines call Vrben of Prvo, 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 faied to have caried the thing out of the citie, neither to have offended against the law. Yea the doctors go farther, saying, That hee hath not done contrarie vnto the law, that hath transported the thing forbidden into any other citie or towne subiect vnto the same prince. And albeit that writers oftentimes confound both, taking sometimes the one for the other, as the Greeks oftentimes vse the word πόλις for τόπος, and the Latines the word Cittas for a towne, a citie, or the right of citizens, for that the general which is the citie, comprehended in it the particular, which is the town: yet so it is, that they abusd not the word civitas for the places, as we see that Cicero hath well kept the propriete both of the one and of the other: for the word
A signifieth as much as doth with the Latines urbani, for that the inhabitants of towns are commonly in their behauiour more ciuill and gracious, than are the peasants or rude country men: for the word ciuillis, which we call ciuilli, was not of the ancient Latines receivd for urbani, that is to say courteous, or after the manner of the citie. And leaft 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 forded also with people, and furnished with plentie of all things neceffarie to liue withall, & yet for all that be no citie, if it haue not laws and magiftrats for to establisht therein a right government (as we haue faid in the ift chapter) but is more truely to be called an Anarchie than a citie. And so contrariwise it may be, that a towne may be in all points as accomplisht and haue the right of a citie, and of an vniverfitie, and well ruled also with lawes and magiftrats; and yet nevertheless shall it not be a Commonwealth: as we fee the townees and cities subjicct vnto the feignorie of Venice, which are no Commonwealths no more than the townees in the provinces subjicct and tributarie vnto the citie of Rome were of antiquent time no Commonwealths, neither enjoyed the right or privillidge of Commonwealths; but the citie of Rome it selfe onely, which had great priculedge and prerogatiues against them all in generall, and againft every one of them in particuler: albeit that the lawes speaking, of the other townees, doe oftentimes vfe this word (Citie) but that also vnproperly, for Trajan the emperour writing to Plinie the younger, Proconsul of Asia, denueth the citie of the Bithynians to haue the right of a Commonwealth, in being preferred before other pruict ereditos in the right of a pledge, and that truely. For why? that was proper vnto the citie of Rome, and to them to whom they had espacially giuen this prerogatiue, as was onely the citie of Antioch in all the Roman Empire. So wee fee that a towne may be without a citie, and a citie without a towne, and neither the one not the other of necesiuitie a Commonwealth: and that more is, one and the same citie may fell bee kept in the whole and entire ifate of a citie, the walls thereof being laid flat with the ground, or it quite abandoned by the citifens; as did the Athenians at the comming of the Perifian king, vnto whom they left their towne, putting all themswedes upon the sea, after they had put their wives and children in fafetie amongst the Trezenians; following therein the counsell of the Oracle, which had answered them, That their citie could not be faued but by woodden wals: which Themiftocles interpreted, That the citie (which signifieth in the lawfull bodie of citifens) could not be faued but by ships. In like manner it happened alfo vnto the inhabitants of Megalopolis, who understanding of the comming of Cleomenes king of Lacedemonia, all voyded their townee, which for all that was no ifte a towne than before; yet was it then neither citie, nor Commonwealth: in foert that a man might say, That the citie was gone out of the towne. So spake 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 Caesar, said thus, Non est in parietibus republica. The Commonwealth is not in the walls. But forasmuch as it had in it two forts of partakers, and that the citifens divided into two parts had themswedes vnder the protection of two diuers heads, they now seeme of one Commonwealth to have made two. Wherefore by these words Citie, Towne, Commonwealth, College,Court,Parith, Famillie, are signifieth the right of these things. And as oftentimes it hath bene judged that the church being without the walls of the citie, and the parifhioners within the citie, that they should enjoy the right of citifens, as if the parifh were within the compaffe of the walls: so alfo it is to bee judged of a citie. Neither let it seeme vnto any man strange, that I stand something the longer vpon this matter; if he but remember what importance the lacke of knowledge of these
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 theereof being bruited abroad, the Carthaginensians sent their ambassadors to Rome, to yeld themselues vnto the mercie of the Romans, and to requir the Senat not unworthily to rafe 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 resolued vpon, That for the safety of the Roman empire Carthage should bee destroied; as well for the oportunitie of the place, as for the naturall perfidiousnesse of the Carthaginensians themselves, who had now alreadie made warre vpon the allies of the Romans, rigg'd up a number of ships contrary to the agreement of peace, and secretly flitt'd vp their neighbour people vnto rebellion. The matter thus resolued vpon, the Carthaginensian ambassadors were sent for into the Senat, vnto whom answer were given by the Conful, That they should continue in their faith and fidelitie vnto the Senat and the people of Rome, and in pawne thereof to delier vnto the people of Rome three hundred hostages and their ships: in which doing they should haue their citie safe, with all their rights, priuileges and liberties, that euer before they had enjoyed. With this answer the ambassadors returned merrily home. But by and by after commission was given vnto Scipio Africannus the younger, To go in all hault with a fleet to Carthage, and with fire and fword to defroy the towne, fauing the citizens and all other things els that they could carrie out of the towne. Scipio ariving in Africke with his armie sent Centurion his lieutenant to Carthage, who after he had receiv'd the promis'd hostages together with the Carthaginensian ships, command'd all the people of Carthage to depart out of the towne, yet with free leau to carrie out with them what they would, and to build them a citie futhre off from the sea, or elsewhere to thier best liking. With this strait command of the lieutenant the Carthaginensians alonifie, appeal'd vnto the faith of the Senat, & of the people of Rome, saying, That they had promis'd them that their citie should not be rased: to whome it was answered, That the faith given vnto them by the Senat should in all points be kept; but yet that the citie was not rased vnto the place, neither vnto the walls of Carthage. So the poore inhabitants were constrain'd to depart and abondon the towne vnto the fire, which was set vpon it by the Romans, who had not had it to good cheape, had the ambassadors before vnderstood the difference betweene a towne and a citie. As oftentimes it changeth that many embassadors ignorant of the law of armes, and of that which right is, do even in matters of state commit many groffe faults. Although that Modestinus writeth, That Carthage was no more a citie after it was rased; and that the fire and profite left vnto the citie, was in this case extinct above an hundred yeares before: but hee was in the same errour wherein the ambassadors of the Carthaginensians were, vnto whom all their rights, prerogatives, and priuileges were resistent. The like errour was committed in the agreement made betwixt the Cantons of Berne and Friburg, in the yeare 1505, wherein it was agreed, That the amittie and alliance betwixt those two Commonwealths should be for ever, and so long to endure as the walls of both the cities should stand. Neither are we to flay vpon the abufe which is ordinarily committed, or vpon the acts of greatest importance of them, which call, one and the same thing a towne, a citie, and an vniversal: as some fay of Paris, and certaine other places, calling that the citie which is contained in the Isle, and the vniversal the place wherein the colledges 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 diuers priuileges graunted vnto
A vnto them by divers kings; and the vniuersitie the bodie of all the burgesses of Paris together: but the citie the coniunction or ioyning together of the towne it selfe and the libertyes, as also of the servants of the same, lyes and customes, that is to say the coniunction of the proueship and of the countie of Paris together: which abuse is growne, for that of auntient time all the towne was not but the ile inuironed with walls, and the river about the walls, so as we read in the Epistle of Iulias, gouernour of the Weft 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 gouernment, of giving of voices in the consultations of the people, whether it be in matters of gouernment, or affaires of the state. This is the definition of a citizen which Aristotle hath left vnto vs by writing, which he afterward correcting himselfe saith it not to have place put in the popular state only. Now he in another place himselfe confesseth that definition not to be good which is not generall. Small apparence also is there in that he faile in another place, The noble to be more a citizen than the base, and the inhabitant of the towne rather than the plaine countrye peasan; and that as for the yong citizens they are yet but grownge as noounces, 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 never receiuethe diuision; neithir containeth it in any thing more or lesse than is in the thing defined. And yet yet neuertheless that description of a citizen that Aristotle hath giuen vnto us he can not be true and lame, not being applyd to be applied even vnto the popular estate, seeing that in the Athenian estate it selfe which had no pece for the libertie and authoritie of the people, the fourth ranke or degree of citizens being more than three times as great as all the rest of the people, had no part in the offices of gouernment, nor in judgements. So that if we will receive the definition of Aristotle, we must needs confesseth, that the greater part of the natural burgesses of Athens, were in their owne Commonwealthes strangers, vnfit the time of Pericles. And as for that which he saith, The noble to be alwaies more citizens than the base and vnnoles, is vertue, not onely in the popular estate of the Athenians, but also in the popular Commonwealthes of the Swifles, and namely in Strasbourg, where the nobles ( in the qualitie of nobles) have no part in the offices of state and gouernment.

Wherefore it is better and more truly faid of Plutarch, That they are to bee called citizens that enjoy the rights and privileges of a citie. Which is to be understood according to the condition and qualitie of euerie one; the nobles as nobles, the commoners as commoners; the women and children in like case, according vnto the age, sex, condition, and defects of euerie one of them. For should the members of mans bodie complain of their estate? Should the foot faile to the eye? Why am I not I eat aloe 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 wars, what slaughters of citizens would arise even in the midde 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 privileges that the nobilitie did; neither could it otherwise be appeased than by the meanes of the fable of the members of mans 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 command, from the offices of priesthood, and from the augureships; communding the same to be bestowed vpon such ones as were descended from them whom he himselfe had chosen into the Se-

Who indeed be citizens.
The divers sorts of citizens in Rome.

The First Book

... and this new people having vanquished their neighbours, enforced many of them to abandon their own country and customs, to become inhabitants and citizens of Rome, as they did the Sabines. Afterwards having vanquished the Tusculans, the Volsci, 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 laws or customs; who for that cause were not called citizens, but municipes (as who should say, Men made partakers of their immunities) yet indeed left esteemed and honoured than the Romans themselves, albeit that their estate were united unto that of the Romans. As we see that Cato descendeth of the ancient familie of the Sergians in Rome, and to a natural Roman, by way of disgrace objected to M. Tullius Cicero, That he was but a new vppart of Apirnas. And that was the cause that many municipal towns chose rather to vse the Roman laws then their owne, to become true citizens of Rome, until the time of Titius the emperor, who utterly took away the very shadow of the popular libertie which Augustus the emperor had yet left, having removed the popular assemblies from the people unto the Senat; at which time the municipal towns of Italie refused the prueledges of the citie of Rome, whereas the emperor Adrian matruelled (as faith And. Gallin) but without cause, for that they seeing the popular honours and offices to be all in one mans bestowing, they thought it now better to vse their owne laws than others.

Thus we see two sorts of citizens differing in prueledges, that is to wit, the Roman, citizen, and the municipal or country citizen. Now the third sort were the Latines, who had at the beginning three score towns, but were afterward augmented with twelve Latine Colonies, who after long warres made peace with the Romans upon condition, That they should live after their own manners and customs, and yet should be made citizens of Rome, who soever of them should remove his dwelling into the citie, having yet left behind him some lawfull issue at home in the country. Yet when many of them fraudulently abused this agreement, & gave their children vnto the citizens of Rome in adoption, or vnder the colour of feritude, to the intent that by them forthwith againe let at libertie, they might in a moment enjoy the liberties and prueledges of the citie; order was taken by the law Claudius, 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 so is that to be vnderstood that Boetius wrieth, The Romans sent into the Latin Colonies, to have left the liberties of the citie: as also that which Titus Livius faith, The Roman Colonies sent to Puteoli and Salerni by the decree of the Senat, to have bene no more citizens: which is not further to be vnderstood, or extended, but to their right for ginning of voices, by that meanes 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 prueledge to see Senators of Rome, and therefore called them selves Brethren vnto the Romans: howbeit that the Auvergnats tooke vnto them the same prueledge & 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 bloody, vslng the same laws, magistrats, 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 brightness of the
the sunne, and of the honours and offices which were divided among the citizens and inhabitants of Rome: insomuch that the inhabitants of the Roman Colonies at Lyon, Vienne, and Narbon, thought themselves very happy to have gained but the priuileges of the Italians, who were of ancient time the allies and confederats of the Romans, enjoying the honourable freedom of citizens, and yet without chaunging either of their owne laws or customes, or loosing any point of their liberties. And so much as the Romans, holpen by the strenght & power of their friends and allies, had subdued divers other nations, and yet suffered not those their friends and companions to be admitted to sue for the honours and honourable offices in the city; 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 receuied, the libertie of the cite of Rome was by the law Iulia grunted vnro * all Italians, 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 jurisdictioun, and all of them different. And that is it for which Titius Lutius faith, Item inde &c Romanis Colendi socios, ex quibus alios in ciuitatem, atque aequum ius accepissent: alios in ea fortuna haberent, ut soe effe quam ciues maliuent. \*\*\*\*\*\* Now since that time the manner of the Romans was to honour their fellows, of whom some they tooke into the cite, and into like freedom with themselves: other where they had them in that estate, as that they had rather to haue them their fellows, 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 braffe in Lyon. Quidergo ? Num Italicius Senator provinciali potior est? What then? Is an Italian Senator better than the provincial Senator? As if he would have saide them both to haue bene Senatours alike. And yet the same emperor excluded the Frenchmen which had obtained the freedom of the cite of Rome, from fuing for the honours or offices the where. W hereby is better to be understood 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 freedom of the Latines: 4 of Allies, 6 of them that were enfranchised, and 260 tributaries. And albeit that the Latines were so straitly allied into the Romans, as that they seemed to be verie citizens; yet euening the office that they were not so, it is to be well gathered by that sayling of Cicero: Nihil acerbus Latinus ferre solitos esse, quam id, quod pervaro accidit, a Consulibus inberi ex urbe exire,\*\*\*\*\* The Latines vied to take nothing more heauily, than that which but verie seldome times happened, To be commanded by the Consuls to void the cite: for as for other straungers we read, them to haue ofteentimes been driven out of the cite. In briefe, such was the varietie of priuileges and prerogatives amongst them which were contained within the Roman empire, besides their confederate and free people, as that almost no one thing was so proper vnto the Roman citizens in generall, as that the magistrats and gouernours might not proceed in judgement against them in matters concerning their life and libertie, without the peoples leaue. Which prerogativie was by the tribunitiall law Iulia granted to all the citizens of Rome, after that the people had expelled their kings, and was called, The holy Law, being ofteentimes after resuited and confirmed by the Valerian Consul lawes, at divers times made by the Consuls Publicus, Marcus, and Lucius, of the tribunitiall familiie of the Valerians: and laff of all by the Tribunitiall law Sempronius, and Portia, where to meet with the proceedings of the magistrats, and gouernours, who encroachd on the jurisdiction of the people, and proceedd ofteentimes against the people, without yeelding thereunto, there was the penaltie of treason annexed vnto the law; for that those lawes were ofteentimes broken by the magistrats. And at such time as Cicero was about to haue commannded
the Roman citizens priie to the conspiracie of Cæline to be strangled in prifon: Cæsar defiring to difluade the matter in the Senat, said, Our auncetors imitating the manner of the Grecians, did punifh and correft their citizens with stripes; and of men condemned tooke the extreamest punishment: but after that the Commonwealth was growne strong, the law Pontia and other lawes were prouided, whereby for men condemned banifhment was appointed. Which law Cicero hauing tranfgreffed, was therefore not onely driven into exile, but also procribed, his house (as it seemed to be worth fiftie thoufand crownes) burnt, and a temple built in the plot thereof, which the people at the motion of Clodius their Tribune, commanded to be confevated to Libettie: wherewith the magiftrats terriffed, durft not but from that time forward with lesfe fureftie proceed against the Roman citizens, yea even after that the popular fate was changed. And that is it for which Plinie the younger, Proconfull of Aflia, writing to Trajan the emperouer, concerning the assemblies made by the Chriffians in the night, to the dilquiet of his jurifdiction: I haue (faith he) many in prifon, amongft whome there are certaine citizens of Rome, whom I haue put apart for to fend them vnto Rome. And S. Paul at such time as he was drawne into queftion, as a feditious perfon, and a troubler of the common quiet: fo foone as he perceived that Felix the governor would proceed to the trial of his caufe, he required to fee fent vnto the emperour: faying, That he was a citizen of Rome, for that his father being of the tribe of Benjamin, and borne at Tarfe in Caramania, had obtained the right of a Roman cetizen: Which fo foone as the gouernour vnderftood, he furreased to proceed any further in the matter, and fent him to Rome, faying, This man might have bene fet at libettie, if he had not appeared vnto Cæsar. Whereas otherwise, if he had not bene a citizen of Rome, the gouernour would have proceeded in the matter, feeming the country of Paleffine was before brought into the forme of a province. As in like cafe Pontius Pilat, gouernour of the fame countrey, was constrained to condemn Chriff Iefus as a tributarie subiect of his province, wherefor all that he seemed to have bene willing to have delinued out of the hands of his enemies, and from all punifhment, if he could well in so doing have avoided high treafon, which the people threatened him with: Which the gouernour fearing leaft he should ferme to have any thing therein offended, fent the whole prouefle of the matter vnto Tiberius the emperour (as faith Tertullian.) For if the municipall magiftrats of the Iewes had had ouer-raine power and jurifdiction, they would not haue fet him back againe vnto the gouernour, crying That he had deferved the death, but that they had not the power to proceed thereunto against him. For the municipall magiftrats of provinces had not any jurifdiction, more than to commit the offenders into aske keeping, for feare of the present danger, and to receive cauptions, or to give poiffion, and fometimes to appoint tutors vnto poore orphans: but in criminal caufes, had no power or authoritie, neither over the cetizen of Rome, neither over the stranguer or provinciall subiects, or other others that were enfranchifed, but onely over their flaves, whom they might at the uttermoft but with stripes correct. For as for the jurifdiction given to them that had the defence of townees, they were established by Valentinian three hundred and fiftie yeares after. Whereby it is to be gathered, all power and authoritie for the execution of justice to have bene given to the Roman gouernours, and their lieutenants in their provinces, and taken from the reft. For they but deceiue vs, which thinke the Iewes priets, for the qualitie of their priesthood to have made confience to condemne to death our Saviour Chrifi Iefus, as if by their religion they had bene hindered fo to do; and hereupon have concluded, That churchmen ought not to give judgement that caried with it the execution of blood: which proceeded of the igno-
thereof this was the greatest and chiefeft priuledge proper to the citizens of Rome: That they could not by the magistrates be punished either with death or exile, but that they might still from them appeale; which libertie all the citizens of Rome enjoyed. The other Roman subjectts which had not this priuledge, were not called citizens; yet thereof followeth, 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 slaves; 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 verie absurd thing to say, That the naturall subject in his owne countrey, and under the obedience of his foueraigne prince, were a stranger. And that it is for which we have said. That the citizen is a franke subject, holding of the soueraignty of another man. But the pretogaties and priuedges that some haue more than others, make them to call some of them citizens, and others tributaries. Yet we read that the emperour Augustus was so jealous of these priuedges, that he would never give the right of a Roman citizen vnto French men, for any request that his wife Livia could make vnto him; yet for that, not refusing to eafe them from paying of tributes: neither liked he well of it, that his vnkle Caesar had together & at once given the freedome of the citie, vnto that legioun which he had raised of Frenchmen, and in generall to all the inhabitants of Noucome; and blamed also M. Antonius, for that he had for mony fold the freedome of the citie vnto the Sicilians. Neuertheless the succeeding princes kept not with so great devotion the rights and priuedges of the Roman citizens. Antonius Pius by a generall edict gaue the freedome of the citie of Rome vnto all the citizens of the Roman empire (slaves alwaies excepted) that so the citie of Rome might be the common countrey of all nations. Wherin hee seemed in a sort to imitate the example of Alexander the Great, who called the whole world but one citie, and his citie the chiefest thereof. But Antonius contented himselfe with the Roman world. And albeith that the citie, or rather the grant of the immunitie of the city seemed so to be communicated vnto all, yet were the priuedges of citizens diuers, some alwaies enjoying more than others; as is to bee seen not onely in the Commentaries and answeres of the great lawyers, which flourished after Antonius Pius, but also in the edicts of other princes. For Severus more than fiftie yeres after Antonius was the first that gaue the priuledge 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 priuedges made not the subject, 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 armes for the defence of the Commonwealth and others: and that vpon paine of their goods, their blood, and life. For otherwise if the largenesse of pretogaties and priuledge
famous citizens.

For after what time that libertie was obtained of Aufften, as we read in Lruts, which league was called, the treaty of Combrugia. What manner of league that was made betwixt the Valesians, and the five 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 case 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 subject of the other citie, without any new choyce or special letters of his naturalization or enfranchisement. But the freedom of any citie gruen for honour sake vnto any, bindeth no man vnto the command thereof; but him which forfaketh the dwelling place of his nativity or citie, that 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,subject 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 petition to bee a citizen, a stranger, and an allie; it may well be said that the privileges make not a citizen, but the mutuall obligation of the foueraigne to the subject, to whom for the faith and obedience he receieth, he oweth justice, counsell, aid, and protection, which is not due vnto strangers.

But some may say, How can it then bee, that the allies of the Romans, and other people gouerning their estate, were citizens of Rome (as those of Marcellas and of Aussun?) Or what is that which T. Tullus crieth out: O the notable laws, 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 the multitude of citie muft also needs have diversities of lawes: not that any citizen can against his will be thrust out, or against his will be detained in the citie. For these are the foure foundations of our libertie. Every man to bee mafter both of keeping and of leaving of his right and libertie in the citie. And yet he the same man, before had faid it to be a thing granted vnto all other people, that euerie man might be a citizen of many citie: with which errore (faith he) I my selfe haue seene many of our citizens, ignorant 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 recovered the same. Thus much hee.

But first to that which he wrieth concerning the Athenians, that law of Solons was long before abolished, which admitted not a stranger to the freedome of a citizen of
of Athens, except he were banished out of his own country: at which law Plutarch wondereth above 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 priuileges of a citizen of Athens, and that popular prerogative which the people had, except he were bound vnto the command and lawes of the Athenians. But he which is against his will detailed vnder the command of a strange citie, hath without doubt lost the right of his owne citie: which can in no wise be applied vnto those kings whome 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, he well agreed, 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 command of another citie. As Pomponius Atticus borne in the citie of Rome, being a Roman citizen, and of the honourable order of the knights, who for his love towards the Athenians, was thereof called Atticus (and vnto whom three of the Roman emperours referred the beginning of their dissent) refused the freedome of the citie of Athens offered him by the Athenians; least (as faith Cornelius Nepos) he should have lost the freedome of the citie of Rome: which is true in regard of the true subjects and citizens; but not in the citizens of honour, which are not indeed subjects: neither in respect of them which are citizens of divers cities, under the power of one and the fame prince, a thing lawfull vnto all even by the Roman law. For although one may be the flae or vaill of many mailers or lords, yet can no man be the subject of divers foreigne princes, but by the mutual consent of the princes; because that these are vnder no man command, as are they vnto whom the use is by turne done by flaeus, who may by the magistrates be enforced to sell their flae, except the ferule labours, which cannot at once be done to them all, be by turns done by the flaeus. And this is the point for which we oftentimes fee warrs betwixt neighbour princes, for the subjects 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 obedience of both two, are ordinarily invaded and preyed vpon by both the one and the other. As the country of Wallachie hauing exempted itself from the obedience of the Polonians, hath become subject vnto the Turkes; and afterwards submitting itselfe vnto the kings of Polonia, paid tribute nemetteleffe vnto the Turk, as I have learned by the letters of Stanilauus Raffael Ketzoski sent to the ennifiable of France, bearing date the 17 of August 1533. Nemettelleffe there are many people vpon the frontiers, which haue set themselves at libertie, during the quartels of princes, as it is come to passe in the low country of Leige, of Lorraine, & of Burgundie: where there are more than twelve subjects of the French king, or of the empire, or of Spaine, who have taken vpon them the foreigneprince. Amongst whom Charles the fift reckoned the duke of Bouillon, whom he called his vaill: and for that he was his prisoner in the yeare 1556, at the treaty made for the deliueraunce of prisoners, hee demanded an hundred thousand pound for ransome; for that he called himselfe a foreigne prince. But there are well also others beside the duke of Bouillon: & to go no further than the marcheffe of Burgundie (which is called, The forbidden country) six princes have foreigne power ouer their subjects, which the mutual wars betwixt the French and the Burgundians haue by long precription of time brought forth. And in the borders of Lorraine, the counties of Lune & of Alpremont haue taken vpon them the right and authority of foreigneprince. Which hath also happened vpon the borders of England and Scotland, where some particular men haue made themselves great commanders within this twenty or thirty yeres, against the ancient agreements. For, for to meet with such
fuch enterprises, the English and the Scots had of auncient time agreed, That the
Barable ground,(that is to say a certaine part of the countrey so called, vpon the fron-
tiets of both realmes,being fite miles long, and two miles broad) shou'd neither be cil-
led,built,or dwelt vpon; howbeit that it was lawfull for both people there to feed their
cattell: with charge that if after the fumne setting, or before the fumne rising, any of
their beafts were there found, they shou'd be his that fo found them: which was one
of the articles agreed vpon by the fates of Scotland, in the yere 1550, and sent to Hen-
rie the fecond the French king,as was by him prouid. But where the foueraigne
lords are good friends,as the Swifters of the countrey of Lugan, and the other territo-
ries which belong in common to all the lords of the league, whether they send their of-
cicers euerie Canton by turne: there the sufest are not reputed to be the sufest of
divers foueraigne, but of one onely, which commandeth in his order; in fuch fort
as that one of them seeke not to encroach vpon the others. Whereof rife a fediti-
between the feuen Cantons Catholick, and the foure Protestant, in the yere 1554,
the Catholicks desiring to chaffe the inhabitants of Lugan and Lonver, who had fe-
parated them from the church Catholike: and the Protestant hindring them to do,
and were now vpon the point to have taken vp arms the one againft the other, if the
Cantons of Glaris, and Appenzell, who allow of both religions, had not together with
the ambaffadour of the French king, interpoft themfelves, and fo pacified the matter.
Now therefore the full and entire citizen or sufieft of a foueraigne prince, can bee no
more but a citizen of honour of another feignorie. For so when as we read that king
Edward the fife gaue the freedome of citizens vnto all the inhabitants of bale Britaine;
that is to be understood for them to enjoy the libertys, exemptions and freedoms,that
they of the countrey enjoyed. So fay we alfo of the Bernois, and the inhabitants of
Genua, who call themfelves by their treaties of alliance, Equall, and by their letters
Combourgeys. For as for that which Cicerofaith, That the citizens of Rome might
at their pleafure leave their freedome of citizens, to become citizens of another cite: no
thing was vnto them therein more lawfull, than that was in like cafe vnto all other
people lawfull alfo: and that especiallie in a popular eflate, where euery citizen is in a
manner partaker of the maiftie of the state, and doe not easily admit strangers vnto
the freedome of citizens. As in Athens, where to make a stranger free of their cite,
there muft of necessiety 6000 citizens, by their voices in fecter given consent therunto.
But in fuch places and countreys as wherein tyrants rule, or which for the barrenneffe
of the fole, or intemperature of the ayre are forsaken by the inhabitants; not onely the
citizens, but euery the strangers alfo are oftentimes by the princes of fuch places prohib-
bitted to depart, as in Molcouia, Tartaria, and Ethiopia: and that for much the more,
if they perceiue the stranger to be ingenious and of a good spirit, whom they detaine
by good defects, or els by force, if he would depart: in fuch whereof hee muft buy, or
deate, or right well deferve of the Commonwealth, that shall get his freedome of a citi-
zen amongst the Venetians or Ragusian, or fuch other free fates. And altho'gh that
by the Roman law euery man might give vp his freedome; and that in Spaine it is
free for euery man to remove elfwhere, and to be enrolled into another cite, fo 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 maiftie and power to keepe their citizens at
home. And therefore princes in making of their leagues, protest that they will not re-
ceive any the sufest or va.ffals of their confederats into their protection,freedome, or
privelages, without their exprefle consent. Which is conformable vnto the auncient
clause of the Gaditane confederatiion reported by
* Cicer: Ne quis sederatorum a populo Romano citius recipiatur, nisi sit populous fundus factus esset: id est ancior. viK. That

* Cicer in orat.
none of the confederats shou'd of the people of Rome be received 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 confederat citie, & therefore could not contrarie to the league, by Pompeius be made a citizen of Rome without the consent of the confederats. The same Cicero wrieth also in the leagues of the French with the Romans to have bene excepted; That none of them shou'd of the Romans be received for a citizen. The same laws we yet at this present vte. For although that the Swiflers are with vs joined in a most strict bond of amity & friendship: yet neuertheless is the same clause conceived in that league, which was with them made in the yeare 1520. And againe at such time as the five lesser Cantons of the Swiflers made a league of alliance and amity amongst themselves, it was excepted, that no citizens of the confederats should be received; or if they should define the freedome of another citie, they should not otherwise obtaine it, except they would dwell in the country, 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 country without leave, as in England, Scotland, Denmark, and Sweden, the noblemen dare not to goe out of their country without leave of the prince, except they would therefore loose their goods: which is also obferved in the realme of Naples, by the custome of the country. As also it was forbidden by the emperor Augustus to all Senators to goe out of Itacie without his leave, which was alwaies right strictly looked vnto. And by the ordinances of Spaine it is forbidden the Spaniards to passe out into the West Indies; without the leave of the king of Spaine: which was also of aumtient time forbidden in Carthage, when Hannibo their great captain had first discovered the isles of the Heptarides: And by the decrees of Milan, it is not lawfull for any subject to receive the freedome of any other citie; or to enter into alliance or league with any other princes or Commonweales, without the express leafe of the Senat of Milan. And that more is, we see oftentimes that it is not permitted vnto the subject to much as to change his dwelling place, albeit that he depart not out of the seigniorie and obedience of his souereigne prince: as in the dutche of Milan, the subject comming to dwell in the citie of Milan, or within a certaine circuit of Milan, must first have leave so to doe; and also pay vnto his prince three duckers. We also find that it was in aumtient time forbidden the Bithynians (subjecte vnto the Romans) to receive any other subjectes into their towne, or to give vnto them the freedome of a citizen, as they oftentimes did, to decline the jurisdiction of others, or to cause them of paying of customes and tributes due: in which case the law commaneth, That he which hath so changed his dwelling should bare the charges of both places: which was also decreed by the kings, Philip the farte, John, Charles the fift, and Charles the seuenth; Howbeit that the decrees of Philip the long would, That the proud or bailiff of the place, asfifited with three burgeliers, should receive into the freedome of their citie, whoseuer of the kings subjectes as would, provided, That within a yeare and a day he shou'd in the same citie into which he removed, buy an house of the price of 60 foules Paris at the lease; and to signifie the fame by a servante, vnto the lord vnto whome the jurisdiction of the place wherein he dwelled belonged; and after that, that he should dwell in the same citie whereinto he was received for a citizen, from the first of November vnto the 24 of June; and yet paying the like tax or tribute that he did before he removed, so long as he dwelde in that new freedome; and without declining the jurisdiction for any futt 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 lawfull for no man to forfake his nativ country; and much leffe for them which are enroled and tied to the foyle, whom we call Mort-maines, who of auntoent time might not change their dwelling place without speciall leave. And to generally a man may stay in tearemes of right, That the freedome of a citizen is not lost, not the power of a prince ouer his subject, for changing of the place or country; no more than the vaissall can exempt himselfe from the faith and obedience hee oweth vnto his lord; or the lord without iust cause refuse to protect and defend his vaissall, without the consent of one to the other, the bond between them being mutuall & reciprocally. But if the one or the other haue giuen their expresse or secret consent; or that the subject forakeing his prince, hath yelded himselfe vnto the protection of another prince, by the suffERENCE of the first, without contradiction, he is no more bound vnto the obeisance that he oweth him: neither can otherwise than as a stranger afterwards returne into the former citie. For princes oftentimes by large gifts or pruileges draw into their counties ingenious strangers; whether it be to weaken their neighbour princes, or for the better instruction of their owne people, or to encrease their wealth and power, or els for their immortall fame and glorie which they hope to get in making the townes and cities by them built, more renowned with the multitude of citizens and plentie of all things. So Theseus by proposing the libertie of the cities to all strangers, made the citie of Athens most famous of all the cities of Greece. So Alexander the Great by granting of great pruileges, leaft the city by him built at the mouth of the river Nilus (which he after his owne name called Alexandria)the greatest, and best trade of all the cities of Egypt. So king Lewis the eleuenthe gaue the pruileges of the citie of Bordeaux to all strangers whether they were friends or enemies (except the English)so that they dwelt within the town. So Franciss the Great, founder of the citie by him built at the mouth of the river Sevanna, which they call The Port of Grace, proponing 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, not such a multitude of citizens, had not Richard king of England proponed vnto strangers all the immunities granted vnto the citizens: so that they had dwelt ten yeres in the citie: which place of time for the obtaining of the libertie of the citie, most part of the Swiflers and Germand, indifferently proponed to all strangers: a thing well agreeing with the Roman lawes. True it is that more or leffe time is required in one place then in another, according to the commodiousnesse of the place, or the greatnesse of the pruileges. As in Venice to obtaine the grant and pruileges of a simple citizen (without hauing any other interest in the state, except in certaine meane offices) a man must haue dwelt foureteene yeres within the citie: They of Ferrara were content with ten yeres, so that the inhabitants had all the meane while borne the name burthen with the citizens. And yet it sufficeth not to haue dwelt in another manes country the time predefined in the customes, to obtaine the freedome of a citizen; if the stranger do not demand the citizens right and freedome, and be thereunto 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 hauing staid the prefixed time in another mans country, without hauing obtained letters of naturalizing, is yet capable of testamentary legacies: they in that agree in favour of testaments, and especially of charitable legacies giuen vnto poore strangers, who are alwaies as much to be favourd as the widdowes and orphans. But to obtaine the full right and pruilege of a citizen, it sufficeth not to haue dwelt the time appointed by the decrees and ordinances of the place, if a man have 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 receiving: 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 yeelded vnto the Numantines; and the other to the Samnites, for that they had without the commandement of the people made peace with the enemies; left not therefore to bee citizens of Rome: because they were not receiued by the enemies. Which question for all that could not yet be fully decided, for the different opinions of Bruths & Scæulae betwixt themselves. For when the Consull yeelded 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 lovt the right of a citizen of Rome, being refued by the enemie: howbeit that in truth he was not onely deprifed of the right of a citizen, but also made a slave of the enemies: by the decree of the people, for hauing without their leaue caputtulated and treated of peace with the enemies: and ought to have bene againe restored by the people. Neuerthelesse the milder opinion of the Senat interpreted that the deprifing of him of his freedome was conditionall, as in case that he were of the enemie receiued. But if to be that a stranger doth even against his will retaine the rights of his owne citie, when as hee yeelded himselfe vnto the power of another prince, by whom he is refued: much more doth he retaine the same when he requireth not the right of a strange citie: and then when it hath bene offered him, hath refued the same: and much leffe if he have not bene preferred vnto the strange prince, neither hath of him required letters of his naturalizing, 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 refolved 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 think he ought not to enjoy the same; saying, That regard is to be had to the place of his long dwelling: but I am of opinion (if mine opinion may take place) That hee ought neuerthelesse to enjoy the priuledge of a free citizen, if he haue not by content of his prince expressly renounced it, or else done some fact contrarie to the dutie of a natural subject. Neither am I alone of this opinion: For the the court of parliament of Paris, by decree made the xxiii of June, in the year 1544, adjudged that a French man hauing dwelt five yeares in Venice, continued yet still subject to the French king, and was receiued vnto the succession of his next kinrmen: hee hauing in the meanse time done no harme against his countrey, neither committed 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 secret consent it ought to hurt no man, being esteemed as no content in things pre-judicial, except it be by word or deed plainly expressed: especially when wee may otherwise interprete the mind of him that hath not declared the same. 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 alwayes dwelt in Spaine, & expressly renounced the place of his birth) being come into France there to make his perpetuall residence, ought to enjoy the pruileges of a citizen, without letters of his naturalizing? Neuerthelesse I am of opinion that he is a stranger, for the reasons before alleged, and that he ought not to enjoy the pruilege of a citizen; suavie vnto the prince to reforme it; if it shall so seeme good vnto him. And if a stranger which hath obtained letters of his naturalizing out
of his owne countrey, and yet will not there dwell, he looseth 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 naturalising, and were retired out of his realme home. For by our customs he that will get the freedome of a citizen, must obtain the princes letters to that purpose, and having 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 privileges to judge of the definition of a citizen, there shal bee five hundred thousand of definitions of citizens, for the infinit diuersitie of the prerogatives that citizens have one against another, and also of 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 inofience of Tyrants. As in Florence many citizens required Cesnno 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 fitte strangers to sue for the freedome of the citie, putting them in hope of the great offices and commands: whereby it was brought to passe, that from those fitte citizens so made, he extorted fitte thousand crownes, confirmed the authority of the new citizens gotten by deceit, and thereby brake the power of the conspirators against him. So in auncient time the Venetians empowe(re)ed and brought low by the waives against the Genowayes, and fearing the rebellion of many subjects, with a few of the great states, sold the right and princelude of a gentleman of Venice vnto three hundred citizens, so to strengthen themselves 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 maketh the citizen: which is the essential all difference of a citizen from a stranger, as for other differences they are casuall and accidentarie: as to have part in all or certaine offices or benefices; from which the stranger is debarred as it were in enerie Commonweale. As for offices it is elate.

And although the Bishops of Rome haue of long time attempted to give all benefices to all men as of right, yet haue princes oftentimes rejected those ambitious deccrees of the Popes. I except the kings of Spaine, of all other 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 bestowed vpon strangers. And so in Boulongne 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 Swisser haue faire 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 publicly borne, and they that vse them to be cast in prison. And by the lawes of the Polonians also even from the time of Cesnire the Great, vnto the raigne of Sigismundus Augustus, strangers were kept faire from all benefices; which thing also the Germans by covenants of late wreted from the Popes: in which covenants they of Mets were also comprised, and so also 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 pricelude 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 beare: as in auncient time in Athens the strangers payed a certaine speciall tribute.
tribute for the right of their dwelling place, which they called suntior: whereas the citizens were free from all impositions. But the most notable privilege that the citizen had above the stranger, is, that he had power to make his will, and to dispose of his goods, according to the custome; 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 now new law in France, as the Italians complain, but a thing common also unto the kingdom of Naples, of Sicille, and all the East, where the Grand Signior is not only heire vnto the strangers, but also to his Timariots, for their immouables; and to his other subjects for the tenth. As in ancient time in Athens, the common treasurie received the first part of the inheritance of strangers, and all their slaves 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 Diodes faith, The Egyptians and Romans to have suffered the heires of strangers to succeed them: he spoke 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 himself in his own cause to guide men to understand that the decree of banishment made against him at the sute of Clodius 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 sundered? 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 hereratie goods of strangers, whome they had received into their protection, being left at Rome, which they called, The right of application. And that is it for which they fied in Rome, That the right to make a will and testament was only granted to a citizen of Rome. Whereby it is plain that right of application, or of Albinage (as some call it) to have beene most ancient, 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 euer kept: For he gaue leave to all strangers dying within the compasse 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 euer in Germany it selfe nothing, and much lesse in Italie, where strangers are much worse dealt withall than in France. For by our custome it is permitted vnto the stranger to get in this realme all the goods movable and immovable that he can, and them whilst he yet liueth, to sell, give, exchange, or dispose of by contracts made with men yet living, according to his owne pleasure; and for a small sum of money, as for some twentie or thritie crownes paid into the common treasurie, to obtaine letters of naturalisation, and the right of a citizen; so that he may by his will give legacies, or appoint such an heire as himself pleareth. 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 propriety, as in the duchie of Ferrara it is a formal custome. And that more is, by the custome of Perouze, it is forbidden to transfer vnto a stranger not onely the propriety, but euen the possession of any immouable.
And the custom of Milan it is not permitted unto the stranger, so much as to have the use and profit of any thing immovable, and that upon paine of confiscating the reenew with the inheritance; forbidding inheritors also to marry with strangers, upon like paine of confiscating their goods. And that which more vniust is, it is not lawfull for the creditor being a stranger, to take his deutors inmouables or land, for default of payemt assigned vnto him, but that he must within the yere againe cleare his hands thereof; which causeth the creditor oftentimes to sell his land vnder-foot; or for little, especially if the natural inhabitants fear or loue the debtour. And not long since, by the ordinance of the emperour Charles the fift, all strangers are embarred from the succession of the subjests 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 inmouables vnto strangers, neither the value thereof, neither directly, or indirectly: See now the good entertainement that strangers haue in Italie; whereof they have no occasion to complains of Fraunce, seeing that in England the subjests cannot pawn their lands vnto their creditors being strangers: whereof the ambassadors of foreigne nations have oftentimes complained to have reason of their debters: yet suffer they the next of kinne to enjoy the goods and money of the stranger. The contrarie whereof is done in Lituania, Moscouia, Tartaria, and all the Turkish empire: in which place the goods of strangers dying there, are confiscat in like manner as in Fraunce: where nevertheless it is permitted to strangers if they die out of Fraunce, to make a will, and to appoint his children borne in Fraunce his heires, so that their mother be not a stranger. And as for the claue commonly joyned vnto the letters of their naturalisation: Modo heredes sint Regnicole, the judges haue so interpreted it of strangers dwelling in Fraunce; who are preferred before them that are neeter of kinne dwelling out of the realme, in the succession of the naturalised stranger: for otherwise it is requisite to make the strangers children to succeed, for that they were borne in France, and of a free citizen, or natural subject. But the children of strangers borne in France, enjoy their fathers inheritance, not by will, which is not lawfull for strangers to make; but as from him dying intestate, if their mother be a free woman when the inheritance descendeth. And more than this, it is granted by our kings of an extraordinat bountie vnto such marchant strangers as frequent 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 Gienne. But as for them of the low country of Henault & Artois, of the townes of Amiens, Cambay, & Turnay, they are in the same fate that citizens be, for 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 shoule 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 prieces, now ever since the time of Lewter the younger, and more solemnly confirmed by king Charles the eight: which a few yeares agoe were lent to king Charles the ninth: (by Dancay the French ambassadour, vnto the king of Denmark) to be by him renewed. And yet this priciele granted vnto those marchants, extendeth not vnto other strange marchants, which have obtained the right of citizens, as hath bene adjudged by the prueie counsell. Of which so many and so great pieucles, by our kings granted vnto strangers, our marchants could obtaine none in all Grecia, Asia, or Africa. For in our time when as Crete a rich marchant of Tours, dining, had left behind him almoast two hundred thousand townes, nothing thereof came
A. Into his nearest kindred, all the same being by the Turkish emperor given to Abraham the chief of the Viceroy of the Abbasides.

There is yet another difference (besides those we have already spoke of) betwixt citizens and strangers; for that citizens by the ancient law, may for fake their goods, leaving them in satisfaction unto their creditors, which the stranger may not do; for otherwise it should be lawfull for strangers, for their advantage to sucke the blood and juice of the suffect, and afterward to pay them with papers, although there be not fewer of these bankrupts than of them that forfake their goods. This also a citizen differeth from a stranger, that the stranger in every place before he can plead in action, either real or personal, must put in caution for the payment of that which shall be adjudged. Which caution our citizens, except they have before plaid bankrupt, or forfake their goods, are not bound to performe. But in a personal action, whether the defendant be a citizen or a stranger, he is not bound to put in caution to pay the thing that is adjudged, as was in anent time determined, as well in the court of Rome, as in the court of Paris. But the same court hath departed from the opinion of our ancients, and adjudged it to be a thing reasonable, that the stranger, 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 common to all people, that is to wit, the right of marke against strangers, which hath no place against the suffect, for which cause the emperor Frederick the second, sent backe unto the states of the empire, those which demanded the right of reprisall against the suffect of the empire. And in briefe the stranger might be driven out of the country, not ouely in time of warre (for then we difmiss the ambassadors themselves) but also in time of peace, lest the natural suffect manners should by the euil companie of strangers be corrupted: for which one cause Lycurgus seems to have forbidden the Lacedemonians his suffect without leave to depart out of his kingdom, or to have the vfe of gold or siluer, as the East Indians of China forbid their suffect upon paine of death from receiving of strangers; so to meet with the enterpris of the stranger, might make against another mans estate. Wherefore Cicero well foresew what harmes hang (as it were) ouer our heads from strangers, when as he wri, They do euil which forbid strangers their cities, and cast them out, as with our ancients Pennus, and of late Papus: For by such strangers, who for the most part are banished men, the good manners of the natural suffect are corrupted. But if warre be proclaimed against the prince, the stranger may be determined as an enemy, according to the law of armes: whereas otherwise he might not be faied, if he had not otherwise bound himselfe, by contract, or by some offence, by him committed.

Now if the stranger shall against the will, or without the consent of his owne prince, submit himselfe vnto the power of another prince, and be of him also receiv'd for his suffect, yet hath his owne prince fill for ever power over him; and authorize to lay hands upon him as upon his fugitiv servant; yea although he come as an ambassador sent from his new prince. For so the emperor Thesodorus the Great pronounced by the tyrant to be a rebel vnto his majestie, and cast in prison his ambas- 

D.assadors, being suffect to his power. So the emperor Charles the first did the like against the ambassadors of the duke of Millan his suffect, whom he detained prisoner, at such time as he underfoold the duke his master to have entred into league with the other princes; and to have proclaimed warre against him. And howbeit that the news thereof came into France, Granmellan, Charles his ambassadour, was by the kings commandement there likewise imprisoned, yet was hee forthwith againe delivere, so soon as it was vnderstood that the ambassadors and heralds of France, England, and

G. Venice
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: see that the Romans did with greater severitie punish the fugitive subject, than they did the verie enemy. And the deceit excused that the Imperialis could find to excuse the murder done upon the pertons of Runcion and Fregusin the French ambassadors toward the Turke, was, That the one of them was a Spaniard, a naturall subject of the emperors, and the other a Genoway under his protection, both lent in the servitie of his enemy; the bruit being given out, that they went to raise new warres against him: howbeit that the emperour would not acquitt the murder, but promised to do justice upon 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 fovereigne, albeit that he become a foreign prince in another mans country: no more than Philip Barbarus a slave, who being for his vertue become Pretor of Rome, being pursued and challenged by his master, 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 fovereigne, 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 queenes of Scots; for not obeying of which her command, she confiscated their goods, for that contracie to the customes of that realme, they had without leave departed out of England, and married contratie to the queenes commandement. For the subject where soever 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 country, giue any thing vnto his wife, contracie to the commandement of his prince, or the customes 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 use mutuell requests one towards another, either to call home their subjects, or to enforce them to obey, in such places as where in they have not power to command: or else by mutuell denouncing of their griefes themselves to lay hand vpon strangers, vntill that they doe obey them. For when the marquesse of Roetlin, who had the tuition of the duche of Longueville, was vnsed vnto to suffer the controversy of Neufchatel to be decided before the judges of the court of Requests at Paris: the lords of Berne rewoked the caufe, 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; leauing the particular differences of Eugenie country, which are in number infinit. As for the differences of subjects amongst themselves, there are in many places no fewer, or happily more than betwixt the subjects and the strangers (whereof we have much spoken before) as not onely of the difference of the nobilitie amongst 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 fex, age or state of eugenie 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 subject: whereof wee have infinit examples in our lawes. As also the societie is good and available, where some of the associats have part in the profit, and yet bear no part of the losse. And that is it for which we see the division of citizens or subjects into three estates, that is to say, the Spiritualitie, the Nobilitie, and Commonalty, which is obserued al-
most in all Europe. And before this to generall a diviſion, there be other more spe-
ciaill 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 raffle menie. And our aunent Gauls had their Druides, their Chinalrie, and the vulgar people. In Egypt the priests, the soldiours, and the artizans; as we read in Diodorus. Also the aunte law giuer Hippodamus, divi-
ded the citizens into soldiours, handie craftes men, and labourers; &c hath without cause bene blamed by Aristotles; as we read in the Fragments of his ordinances. And albe-
it that Plato enforced himselfe to make all the citizens of his Commonwealth equal in all rights and prerogatives; yet so it is, that he diuided them into three states, that is to wit, into Gouernours, Soldiours, and Labourers: which is to show that there was never Commonweale, were it true, or but imaginarie, or the most popular that a man could think of; where the the citizens were equal in all rights and prerogatives, but that al-
ways some of them 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 us 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 generall extendeth unto all subjects which are under the obeyance of one foueraigne prince or seignorie; as we haue said, That the prince is bound by force of armes, and of his lawes, to maintaine his subjects in sute of their pottes, their goods, and families: for which the Subjects by a reciprocall obligation owe vnto their prince, faith, feuection, obeyance, 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, vnto his lord; but yet that is after his owne foueraigne prince, to whom he is a bound Subject; the fouldior also oweth obeyance and succour vnto his captain; and by the law defuereth 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 protection towards his adherents, but only an honourable and reuerent respect of the adherents towards their protector, who hath taken vpon him their defence and protection, without any other impeachement of the majestie of the adherents ouer whom the Protector 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 foueraigne 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 Protector is to content himselfe with the honour and acknowledgement of his adherent, seeing that of all duties of cortesie, none is greater, than as euery man standeth in most need of helpe, so to give him the greatest relief; neither of so great kindness to accept any other reward than thanks: for if hee covenants for any thing

How in treaties of peace, princes are said to be one of them in the protection of another.

To protect others is a thing most honourable.
thing farther, he looeth the name of a Protector. For as he which lendeth vnto another part of his goods or traffell, if he receive any gaine or profit thereby, he is no more to be called a lender, or that his doing to be termed a lending or pleasuring, but a mere mercinariae gaining; so he which hath liberally promised to doe any thing for another man, is without any hire by the law bound to accomplis his promise: and the reason is, for that vnto duty no hire is due. Neither is there any band of promise stronger, 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 dittrefsed against the violence of the wicked. And that is it for which Romulus, founder of the citie of Rome, setting in order the state of his subiects, to keep them all at peace and quietie among themselves, assigned vnto every one of the hundred gentlemen, or Senators, that he had chosen to be of his priuie counsel, a certaine number of his other meane subiects, to be by them maintained under their protection and safegard; holding him accursed and execrable, who should leave the defence of any his adherents. And the Cenfors marked them with the note of infamie, that had forsaken their adherents. The law also of the xij 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 writeth, The clients to have given 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 enfranchised: who albeit that they be both called clients or adherents, yet is the bond of the enfranchised greater towards their patrons that set them at libertie; than is that of the free borne clients, who had no patrons but advocats, who defended the caufes of their clients. Howbeit with vs the patrons exact money of their enfranchised clients, the better to beflowe their daughters, which is like enough to haue come from the Romans vnto vs. Now when that forren people saw the Roman clients or adherents to be safe from the injurie and oppression of the more mighty, not onely every particular man, but men euen generally, yea whole cities and provinces yeelded themselues into the protection of the Senators. For so the house of the Marcellus had in their protection the citie of Syracusa, the Antonies had likewife the citie of Boulongne la Grave: and so others afterwards tooke upon them the protection and defence of others also. Yea the strangers in like case, that frequented the citie of Rome, had also their protectors, who by the law of application or patronage, tooke vnto them whatsoever the stranger dying in the citie possessed. And of these same Romans that filled France with the multitude of their Colonies, it is like this law of protection, which of the advocats and not of the clients, they call the law of Anoison, or Anoerrie to have taken beginning. 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 libertie be againe reduced into flaverie, 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 reverence their protectors or advocats, and to do them mutuall kindnesse, but not servile servitude or labour: neither if they have done any thing to deceiue, their patrons do they therefore loose their libertie: beside that the patrons sustaining may by the law take part of the goods of their enfranchised clients: whereas the advocats, 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 difference
A rence betwixt them. For the vassal bound with all fidelity to honour and reueurence his lord, to helpe him being in danger, and to do him all the kindnesse possible: and whereas it be that he shall decline his lord, disgrace him, perfidiously abate him, or giue him the lyce: hee by and by looeth therefore his fea, which e Cheathunto his lord by the right which the lord hath against his vassal in such case: whereas from the vndutiful or vnkind client, or adherent, nothing can at all be taken. Moreover if the vassal hath without any exception giuen his faith vnto his lord, or acknowledge no man greater than him; whether he be vowe, or not, he is bound vnto the subiection & command of him the same his lord and prince: whereof he cannot be said to be discharged, albeite that he never so much renounce his fee: whereas the client or adherent standeth not in those teares, being in nothing subiection to his advouat or protector. The vassal also whether he be a king or pope, or whatsoever els oweth faith and fealty vnto the lord of whome 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 fealty and command of his more mightie advouat or protector. In briefe the right of a vassallage seemeth in a manner to be but new, and before the comming of the Lombards into Italie vnknowne: whereas the law of protection is most aumtient: and before the time of Romulus who borrowed it of the Greeks: for it was long before vfed in Thesallie, Egypt, Asia, and Sclavonia, as we read in aumtient writers: that so the weaker might be the faier from the violence or inuie of the more mightie. The vassall also receieth inheritance and fees of his lord, from whose fealtie and obeiance which he oweth vnto him, he cannot bee exemped: albeite that the foueraigne prince should raie the fee of his vassal depending of him into a countie, dutchie, or principallitie, as hath beene adjuudged 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 interpret them whom he calleth Soldarios et denotors, to be vassals; seeing that hee hath made no mention of their fee, without which they cannot be, joyning thereunto alfo, that they were indeed true and naturall subiects for that their lives, their goods, and their persons, were confecrated vnto their lord: which is the truue marke of subiection, which the vassalls owe onely vnto their foueraigne prince, not in the qualitie of vassalls, but in the qualitie of natural subiects, who ought to runne the same fortune with their prince, and to live and die for him if need bee, albeite that the vassall bee more specially bound, than the other subiects.

C All which things tend to this purpose, that it may plainly be perceiued, what and how much difference there is betwixt the rights of patronage, vassallage, and protection, which we see to bee of many for the likenes of amongst themselves confounded. For the vassall and the adherent owe their fidelitie vnto their lord and protector, and the one of them are reciprocally bound vnto the other, albeite that the lord be not bound by express word to giue his oath of fidelitie to his vassall, as the protector ought to his client or adherent, and so solemnly to keepe all the treaties of protection. The lord and the vassall also ought to deliuer solemn letters of their mutual obliging of themselves the one to the other: like as the protector and the adherent, are bound to giue letters of protection the one of them to the other: but especially if one foueraigne prince upon a league made, receive another foueraigne prince into his protection, which are to be enioved either of the princes dying. For the right of protection be longeth not vnto the heires, except the same be in the league so compitshed: 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 professe his protection, & to have the league renewed. But to make more manifest the matter of protection betwixt foueraigne princes, whereof
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 between great princes, is nothing else but the confederation and alliance of two princes, or soueraigne lords, wherein the one acknowledgeth the other for superiour; whom he bindeth himselfe to observe and reuerence, and into whose protection he is receiued, so to be the safer from the injuria of some other more mightie: also when the subject of a prince receiues himselfe into the territorie of another prince, he is like: wise in his protection, in such sort, 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 pursueth him, but of him into whose territorie he hath fled: as was judged by the law of armes at the interparle of peace, which was betwixt the French king & the emperor Charles the fis, in the yeere 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 maintayned 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 contraire might be faied: for albeit it was not permitted to pursue or take ptye in another mans territorie, yet it is lawfull hauing raisd it in his owne territorie, to putte it into another mans ground: which yet suffereth this exception. If the lord of the ground forbid him nor fo to do: as did the lord Grey, gouernour of Calais and Guines, who comming in the time of the purstue, was faide to haue taken the flying Spaniards into his protection, although that they were carrie 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 submitting himselfe vnto another soueraigne prince, loseth the right of his owne soueraignty, and whether he become subject to the other? For it seemeth that he is no soueraigne, acknowledging a greater than himselfe. Yet whether 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 originall of the Pandects of Florence, which hold, That soueraigne princes who intreate of alliances acknowledge the protector to bee greater than themselves, are not yet for all that their subjectes. I doubt not (faith the law) but that allies, and other people v sing their libertie are not strangers vnto vs, &c. And albeit that in the treaty of confederates and allies, by vnequall alliance, it be expressly faied: That one of them shall respectively regard the maiestie of the other; that maketh not that he should bee therefore his subject, no more than our adherents and clients are leffe free than our selves; although they be not equall with vs, neither in goods, power, nor honour. And the ordinarie clause inferred into the treaties of vnequall alliance in these words, Contra maiestatem conferarum (that is to say, courteously to preferre the maiestie of the greater) importeth no other thing, but that between 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 subjection, but the superiority and prerogative of honour. And the more cleerly 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 compound wars begun for feignories or for persons, or to redresse the injuries and displeasures of one of them against the other, or for traffick 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 vnequal: 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 receiueth the other into protection, and both the one and the other is bound to pay a certaine petition, or to give certaine succours; or else owe neither petition nor succours. As for allies by alliance equal, which the Latines call *Aequus fidei*, the qualitie is yneddithread, when the one is in nothing superior unto the other in the treaty: and that the one hath nothing aboute the other for their prerogatvye of honour, albeit that the one must do or give more or lesse 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, traffick, and hospitality, to harbour the one with the other, and to trafficke together with all kind of marchandize, or some certaine kindes onely, and at the charge of certaine importes agreed upon by the treaties. And both the one and the other alliance is of two sorts, that is to wit, defensive one, or offensive, and offensive; and yet may be both the one & 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 so 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, realme with realme, and one man with another man; as were in ancient times the kings of France and Spaine, and the kings of Scotland and France. And that was it for which the ambassadours of France auffwered Edward the fourth, being driven out of the realme of England, That the king could not give him aid, for that the alliances of France 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 feignories*: which words are as it were in all treaties expresst. But these treaties ought also to bee published in foreigne courts or parliaments, and ratified by the states, by the consent of the Attorney general, as was decreed in the treaties made betwixt king Lewes the eleventh, and Maximilian the arch duke, in the yeare 1482. The third sort of alliance is that of neutrality, which is neither defensive nor offensive, which may be betwixt the subjects of two princes being enemies; as those of the Franche-countie have alliance of neutrality with the house of France, and are aulfured in time of warre: in which alliance was also comprimed the country of Bafsigny, by the decree of Bade in the yeare 1555, in confirming with the king the renuption of the neutrality 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 France, and the lords of the leagues.

And thus much for the generall diuision of all the treaties which are made betwixt princes, under the which are comprehended all the particular alliances. For as for the diuision of the Roman ambaßadors, at the enterprase of peace betwixt them and Antichrist the great, it is very short. *Lusus laxit, Tris sunt Genera fæderum, unum cum bello victis dicentur leges: alterum cum pares bello aequo fidei in pacem & amicitiam veni-
rent: tertium cum qui hosiles nonquam fuerunt in amicitiam sedere coeunt, qui neque di-
cvant neque accipiant leges. There are (as) three kinds of leagues or confederati-
ons: one, when as laws and conditions are appointed to them that be in bateell ou-
come: another when men in warre equall come together in like league into peace &
friendship: the third, when as they which neuer were enemies, by league ioyne in ami-
tie, who neither give nor take lawes. All the others, which are neither fubiefts nor al-
lies, are either coallies, or enemies, or newters without alliance or hostilite, who all ge-
nerally, if they be not fubiefts (be it allies, coallies, enemies, or newters) are strau-
gers. The coallies are the allies of our allies, which are not for all that our allies, no-
more than the companion of our affociat is our companion; yet when thefe eithet in gen-
erall or in speciall tarmes, are alwaies in all leagues comprised. As the lords of
the three confederats of the Grifons, the antient allies of the Swiffers, were in express
xes comprised in the tretie of alliance made in the yere 1531, betwixt king Fran-
ces the first of that name, and the Swiffers, in qualite of coallies. But in the yere 1550
they were allies vnto the house of France, and comprised in the tretie of alliance re-
enewed betwixt king Henrie and the Swiffers, in qualite of allies by alliance equall, in
like degree and penion with the Swiffers, that is to wit 3000 pound, for euerie league
or confederacie, to take away the partiallitie that was betwixt the one and the others.
For although the Swiffers were allied with the league of the Grifons, by alliance equall
by the tretie made betwixt the Grifons and the feuen little Cantons, in the yere 1498:
so it was yet never theleffe that they constrained the lords of the leagues of the Grifons
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 Swiffers, in the yere
1565, for no other cause, (as said the Grifons) than to make the Swiffers to know that
they were their equalis in alliance: but the truth is, that the emperour pratiied vnder
hand, and gaue euen thousand crownes vnto certaine of the moft factious of the Gri-
fon, to make head, as they confessed afterwards being put to torture, and were con-
demned in a fine of euen thousand crownes; as I have learned out of the Commentaries
and letters of the French ambaffadours, which then was sent vnto the Grifons: We ha-
e had also example of them of Geneva, who were comprised in the treties of alliance
made betwixt the house of France and the Bernois, in whose protection they then
were; and so were since the yere 1527, vnto the yere 1558, that they exempted them-
selfes 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 defenfif and offenfif towards and against all per-
sions without exception, are of all others the straifleft and strangest: so also there is no
alliance more vnfit or weaker, than the simple alliance of commerce and traffique
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, leaff their fubiefts should riotoufly 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 vied particular treaties, & granted certaine special priveleges &l libertyes: as
in the tretie of commerce or traffique betwixt the house of France & the port towns of
the Eafterlings, & the Milanois with the Swiffers; wherein they are by the treaties of
commerce bound to delimiter a certaine quantitie of graine, at a certaine price expressfed
in the said treties, which the French ambaffadours would oftentimes haue broken, for the
doubt that the Swiffers made to enter vpon the Milanois; enemies vnto the French, for
fear the transportation of corne shuld haue bene forbidden which when the gouernor
of Millan had done, in the yere 1550, the Swiffers were vpon the point to haue made
alliance
alliance defenfive with the Millanois, or at leaftwife to haue had them excepted amongst the confederats as newers. The force of which league was, that fuch as were in the fame league excepted, could not become prisoners to any the confederats; when as yet for all that ftraungers, although they were no enemies, were by the law prisoners to them that tooke them: For fo Pomponius writeth vnto Quintius Mucius: For (faith he) if we haue neither friendship nor hoptialitie, nor league of amitie with any nation, thefes truly are not enemies; yet what thing foeuer of ous falleth into their hands becommeth theirs; infomuch that a free man borne of ours, by them taken, becommeth their flave; and fo likewife it is, if any thing come from them to vs: thus much he. But this law we now vfe noe, for regard of that cutefe which ought to bee be twixt man and man. But by the name of enemies we understand them vnto whom we, or they vnto vs, haue publickly denounced warfare; or els without any denuntiation haue of fact made warfare vpon vs: as for the rest they are to be deemed of, as of theueres or pi- rats, with whom we ought to haue no focietie or communitie. In autuent time alfo there was a treate of alliance to have iustice done them in a ftraunge cite, as we read in the books of the Grecians; but at length by the great confent and agreement of all na- tions, the port of iustice hath by little and little bene still opened, as well to strangers as to citizens.

But in etuerie alliance, league, confederation, or commendation whatsoever, it behoveth that the lawes of maiftie be vnto euerie prince or people refreued safe and untouched: for otherwife the one should fall into the power and mercie of the other; as the weaker offtentees are by the power & might of the strongere enforced to receive lawes; which is not fo in the treaties of alliance equall: wherein even little cities are in the indifferen- lawes of leagues equall vnto moft mightie kings and people, being not bound either to obferue the maiftie of their mere mightie confederats, or to give them place. As a man may fee in that treate of alliance made betwixt the kings of Persia, & the fignoe- tie of Thebes: For albeit that the Persian empire was bounded almoft with the fame bounds that the course of the fume was, vi. from the riage of Hellefpondus vnto the remotefte parts of India; and that the cite of Thebes was enclosed but in ftratt 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 prerogatue of honour; that is not to be understood onely, that hee ought to be the chiefie allie, as was Lwes the eleuenth the French king with the Swiffters, who did him that honour above the duke of Sauoy, who was before the chiefie: For always the fouveraigne prince be he never fo little, in alliance equall, is maiftier in his owne house, and holdeth the first place above all other princes comming into his countrie: but if the protector himfelfe come, he is the fift both in fittinge and all other honours.

But here might one fay, Why should allies in league defenfive & offentive againft all without exceotion, vifing the fame cuftomes, the fame lawes, the fame state, the fame diets, be reputed ftraungers one to another? Wee haue hereof example of the Swiffters, who are allied amongft themfelves, with fuch alliance as I haue faid, since the yeare 1315; yet fay I neuertheeffe that fuch alliance lettefeth nor, but that they are ftil ftraungers one vnto the other, and make not that they are one citizens to the other. We haue alfo hereof example of the Latines, and the Romans, who were al- lies in league defenfive and offentive, vifed the fame cuftomes, the fame armes, the fame language, and had the fame friends and enemies: Whereupon the Latines maintaine- ned, that it was and ought to be one and thefelie fame Commonweale; and therefore by their ambafladors demanded to have their part in the eftate & offices of Rome, as had the Romans themfelves. Si societas (fai they) equatio inris eft, socialls exercit. mones.
The First Book.

The illis est quo duplicite utres suas; cur non omnia equitantur? cur non alter ab Latinis Conful datur? peri pars virum, ibi & imperi pars e t. And immediately after, Venum popule, sonam rempublicam fieri equum e f. Tum Conful Romanus. Audi Jupiter haec seclera: peregrinos Consules, & peregrinum Senatum in tuo tempore, &c. If societie (fai d they) be an equalitie of right, if they haue their allies armie, whereby they double their strength: why then are not all things made equal? why is not one of the Confuls chosen of the Latines: where part of the strength is, there should also part of the government be. And immediately after, It is but right that there shoulde bee but one people and one Commonweale. Then fai d the Roman Conful, Heare o Jupiter these villanies, strange Consuls, and a strange Senat in thy temple, &c. So hee calleth them strangers which were allied unto the Romans with the strongest alliance that was possible to deuide, insomuch that they seemed to be all of one and the selfe same citie. Yea Fefius teacheth vs the Municipalis (or enfranchised men) not to haue bene citizens: whose words we haue thought good here to set downe: Municipalum id genus hominum dicitur, qui cum Romam veniit, neque cines Romani effent, participes tamen sucrunt omnium rerum ad manus fungendum omne cum Romani ciuius, praterquam de suo fragio ferendo aut magistratu capiendo: sicet fuerunt Fundani, Formiani, Cumani, Aerrani, Lannui, Tyfculani, qui post aliquot annos eius Romanis effecti sunt. Also modo id genus hominum dicitur, quorum ciaitit omnibus in citate Romana venit, &c. Aricini, Cerites, Anagnini. Tertio desinitur quod ad Romanam ita sequuntur: Municipalia effent sicut sub fruens coloni, &c. Tiburts, Prænestini, Pisani, Arpinates, Nolani, Bononienses, Placentini, Saturini, Lucenfes. That kind of men (faith hee) is called Municipalis, who comming to Rome and being no citizens, were yet partakers of all things together with the Roman citizens, except in giving of voices, and bearing of offices; as were the Fundani, the Formiani, the Cumani, the Aerrani, the Lannui, and the Tyfculani, who after certain yeares were made citizens of Rome. And otherwise that sort of mens is so called also, whose whole citie came into the citie of Rome: as the Aricini, the Cerites, and the Anagnini. And thirdly they who so came into the citie of Rome, as that the Colonies of euery citie were accounted Municipalis; as were the Tiburts, the Prænestini, the Pisani, the Arpinates, the Nolani, the Bononienses, the Placentini, Saturini, and Lucenfes.

Now many doe to bee in the fame errour, as that the Swifflers for like reafon are all but one Commonweale: and yet it is most certaine that they be thirteene Commonweales, holding nothing one of another, but euery one of them having the foueraignty thereof divided from the rest. In former time their countrey was but one member of the German empire, governed by the emperours deputie. The first that rebelled were the inhabittants of Schwits, Vri, and Vindetal, who treated of alliance both defensive and offensive, in the month 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 foueraigne prince over him. And afterwards in the yeare 1322 alliance was made of foure Cantones, which were called the foure townes of the wood, &c. Vri, Schwits, and Lucerne. And in the yeare 1351, Zurich entered into alliance with those foure. And in the yeare 1352, Zug was also received with those five; and the yeare following Berne. And afterwards in the yeare 1393, was made the treaty of Sempach (after that the nobilitie of the Swifflers was by the commonaltie defconfitte and overthrown there in they of: Zurich, Lucerne, Berne, Soleure, Zug, Vri, Schwits, Vindetal, and Glarus, entered into alliance defensive and offensive; which they renewed in the yeare 1481. Basili was also receuied in the yeare 1501: Schaffhuyle also and Apenzil in the yeare 1513, Mulhouse in the yeare 1520, Rotwill in the yeare 1519. The Valesians also.
A in the yeare 1528, with whom beside the auncient treatie, a particular treatie was made between them and the Bernois for league defensive: Bernone also entred into league offensive and defensive with the Bernois, in the yeare 1532, after that they had exempted themselves out of the power of Basili their soueraigne prince: All which treatys of alliance, the abbat of Orbe, ambassadour for the French king vnto the Swiffers, hath let me see. Whereby a man may not only note the pluralitie of Commonweales, but the diuerfitie of alliances also. For they of Bern may summon the three little Cantons of Vri, Schwits, and Vndertaud, 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 one: and the three little Cantons of Schwits, Vri, and Vndertaud, 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 Swiffers, except the Rhatians, them of Geneva, and the Valesians, are holden euerie yeare: and whatsoeuer is decreed by the greater part of the ambassadours of the cities, bindeth them all in particular, and the lesse part of the whole in common. The laft that entred into the league vnder the protection of the Bernois, were they of Geneva. All these allies, confedzrats, and coalizies, made two and twenty Commonweales, with the abbat of St. Gal a soueraigne prince: all seperated in soueraignty, and euerie one of them having their magiftrats apart, their state apart, their burrfe, their demaine and territorialt apart. In briefe, their armies, their cre, their name, their money, their scale, their assembles, their jurisdiction, their ordinances in euerei estate diuided. And if one of the Cantons of themselues get any thing, the rest haue no part therein: as the Bernois haue more giuen to vnderstand: For since they entred into the league, they haue joyned vnto their owne domestical government little lees then fortie towns, vpon whom they leue men and money, and giue vnto them lawes: ouer which the other Cantons haue no power at all: as was judged by Fraunces the first, the French king, by them chouen arbitrator in this matter. They of Basil also, when in the yeare 1560 they had lent fiftie thousand crowndes vnto the French king, they tooke the Canton of Soleute to themselues in caution: but hauing by the common aid of all the Cantons taken in the bailiwike of Lugan, with certaine other lands beyond the mountains, euerie Canton by turne one after another, sent thither their magiftrats and go- vernours, for the administration of justice: that fo vnto euery Canton of the Swiffers might be referred their right and due. The townes also of Bad, where they commonly hold their yeerelie assembles or diets, is common vnto eight Cantons, which after the victorie of Sempech joyned in league together. It is also (as I suppose) well known vnto all men, how that they are not all of one and the same religion, but to bee therein diuided, and had therefor oftimes taken vp arms one of them against another, if the French king had not wisely provided therafter: as well for the sincere loue 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 Fraunces seemeth almost wholly to depend.

But vnto manie it may seeme, that they altogether make but one estate, considering that, that which is decreed in their diets in common, bindeth euerie one of the Cantons, and the lesse part of them all: as the euene Cantons Catholike gaue well vnder- stand vnto the foure Cantons Protestants, at the diet holden in September, in the yeare 1554, infomuch that the common country situate beyond the mountains, diuided in religion, and governed by the magiftrats that euerie Canton sended thither by turne; it chanceth that the euene Cantons Catholike caused them of the common countrey to bind themselves not to change the religion Catholike: and fo 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 entered into arms, had not the ambassadour of France kept in between them, and wisely pacified the matter: yet for all that with this prouiso, that the common subiects 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 catholique should neuerthelesse redeliver the letters obligatorie of the common subiects. By which meanes their differences were againe well appeale. Whereunto the cantons of Glaris and Apenzel serv'd in good stead: who indifferently received both the one and the other religion, and made as it were an equall counterpoise between the one of them and the other. So that it appeareth that the greater part of the cantons bindeth the life, and euerie one of them in particular. Ye and that more is, none of the cantons may have alliance with any prince whatsoever without the whole consent of the rest. As the cantons protestants hauing made alliance with Philip the Landgrave of Hessen, and the seigniorie of Strasburg, in the yeare 1532, were by the rest of their allies enforced againe to depart from the same. As in like case the cantons catholique were compelled to renounce their new alliance made with the house of Austria. And albeit that the five cantons catholique Lucerne, Vri, Schwits, Vndertwald, and Zug, had made alliance with Pope Pius the fourth, for the defence of their religion; yet could they not with any rewards (were they neuer so great) be endured to renew the same with his successors. But when treaty was had, for alliance to bee made betwixt Francis the first, the French king, and the Swisses, nothing more letted the same, than the opposition of the cantons protestants; who before instructed in the new religion, and perverted by the earnest sermons of Zuinglius their preacher, who affirmed it to be unlawfull for them to fetre straunge princes in their walettes, preuailed so much, that his followers and country men would no 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 Schaffuile, with the catholique cities, joyned themselves unto the French, not in league of friendship onely, but in guing of their aid also: when as for all that, they of Zutic and Berne, in the yeare 1553, forbade their subiects upon paine of death to serve the French king in his walettes. And the same yeere the governours of the canton of Vndertwald, requested by the cardinal of Trent, That by their leane hee might leue certaine men in their country; forbade their subiects in generall, upon paine of death, and confiscation of their goods, to go to serve any other prince than the French king: which are all unoubted arguments to shew, that among the Swisses there are as many Commonweales as there are cities or cantons. In like case the three confederate cities of the Grifons, which consist of fitte companies or fellowships, have their governments divers one from another; and yet as oft as they have their assemblies, the greatest citie of the Grifons vieth to send the other to eight and twenty deputies, the second twenty foure, and the last fourette: with power, that whatsoever the greatest part of these their deputies shall agree vpon, in matters concerning their common societie, shall bind euery one of them in particular: and sometimes also in matters of greater importance all the people assemble themselues. Wherefore they are deceived, which of these three cities would make one Commonweale. For common assemblies and meetings, common damaines, common enemies and friends, make not the same Commonweale; no not although they have the same bourse, or certaine common treasurie: but the soueraigne power that euerie one hath to command or restrain their subiects: 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 same familie.
A. The same opinion we may have of the alliance contracted betwixt the Romans and the rest of the townes of Italie, combined in league both offensif and defensif, against all men without exception: who yet neuertheless were diuers Commonweales, divided both in their assemblies and soueraigntye. The like we may say of the league of the freuent townes of the Amphictioniques, who had their meetings and soueraigntye divided: to whose example most of the townes and seignories of Greece afterwards entered into the same league and confederation, for the deciding of their controversies: and euerie yeare euerie seignorie sent their ambassadours and deputys unto the common estates, where the greatest affairs, proceedings, and differences, betwixt the princes and seignories, were determined by their deputies, whom they called Myriois: by whom the Lacedemonians were condemned to the seignorie of Thebes, in the summe of thirtie thousand crownes: and for not obeying the decree, were condemned in double thereof: for that contrarie to the treaty of peace, they had surprized the castle of Cadmea. The Phocencies 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 so euill 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 shewed himselfe 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 neuertheless there were almost as many diuers 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 arbitratours: which neither the Lacedemonians, nor the Phocencies had done, neither could against their wills be of right thereunto enforced. Yea the Phocencies to giue the Amphictioniques to understand that they had no power ouer 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 Phocencies, and to ruinat their state: and in recompence thereof obtained the place and privilege of the Phocencies: the Lacedemonians being also excluded out of the league of the Amphictioniques, for having givn vnto them succours. The like league almost we also find to have bene amongst the amontant Gaules, as is to bee seen in the Commentaries of Caesar, where he faith, That Vercingetorix chosen their general, caueth all the states of Gaul to be assembled. And alfo the lords of Autun, of Chartres,of Gerioye in Auvergne, and of Beauois, held nothing one of them of another; and that the seignorie of Bourges was in the protection of Autun, and those of Viron in the protection of Bruges, and so consequently the other townes in like sort: yet so it was, that all the princes and seignories passed their differences by the decrees and judgements of the Druides vnto whose censure if they refused to obey, they were by them excommunicated, and to euerie man stung, as men of all others most detestable. And yet is it most manifest that these Commonweales which I have spoken of, had their soueraigne divided one of them from another, the territories of their cities certainly bounded out, and every one of them their owne proper state and maieftic.

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

\[\text{Of A Commonweale.}\]
was not at the first but of three cities, divided in estate, assemblies, and soueraignty: a
lies by alliance equal, both defensive & offensive: who having the same enemies & the
fame friends, yet at the beginning kept every one of them vnto themselves the majesty of
their owne citie. But being troubled with continual warres, and enforced to hold
their often assemblies, they by little and little became so straitly united together, that in
fine they became but one Commonwealth compos'd of many: and in tract of time
drew vnto their estate all the townes and cities of Achaia and Morea, they all remaining
still the first name of the Achaens. As it happened vnto them of the league, whome
they call Swiflers; for that the canton of Schiwts, the leaf of all the rest, was the
first that revolted, after that they had flaine their governor. And as the Achaens were
called the correctors of tirants, so also the Swiflers (to their great praise) carried this title
of honour. The townes also of the kingdom of Naples, after the masacre of the Pi-
thagorians, being much troubled, and not knowing vnto whome to have recourse,
cast themselves into the protection of the Achaens. But the author and meanes of all
these cities, to make one and the same Commonweale, was \textit{Aratus}, who procured it
to be decreed by the estates, That euerie yer-e one chief general should bee chosen to
command in their warres, and to govern their estates: and hee was prince of the
Achaens, that is to say, the first that called together their assemblies. And whereas
before euerie city sent their ambasadors and deputies with instructions vnto the as-
semblie of the Achaens (as the Swiflers vfe to doe) there to give their voyces delibera-
tative: \textit{Aratus} brought to passe, that the assemblie of the ambasadors and deputi-
es so sent, should make choice of ten principal men, whome they called Demiurges,
who alone had voices deliberative, and power to refulge, to determine, and decide mat-
ters of state: the rest of the ambasadors and deputies, having onely voyces consul-
tiaue. These two points gained, there by little and little grew vp an Aristocraticall
Commonweale, in head of duets particular Monarchies, Aristocracies, and popular
Seignories: many tyrants partly for loue, partly for feate, being drawne thereunto.
Now all the spoyle of the enemies, and conquests made by the generals, were not any
one cities, but belonged to them all. So that at length such was the union and content
of the confedartes, that all the townes of Achaia and Morea being made subject, vni-
ted, and incorporat vnto the state of the Achaens, vfe the same lawes, the same right,
the same customs, the same religion, the same tongue, the same language, the same dis-
cipline, the same manners, the same money, the same weights and measures, as faith Po-
hbius. The kings of Macedon entred also into this league: yea the two \textit{Philip}, \textit{Ant-
gonus}, and \textit{Demetrius}, were chosen chief captains of the Achaens, holding never-
theless their realme separated apart from the seignorie of the Achaens. And the Ro-
mans knowing well that they could not possibly conquer Greece, the league of the
Achaens standing whole, gave commandement vnto \textit{Gallus} their Proconsull, by all
meanes possible to doe what he might to break the same; which hee not in value at-
tempted. For divers cities complaining vnto the states, that vnder colour of a league
and alliance equally, they had taken from them the managing of their estate and sou-
eraignitie; and assuring themselves of the aid of the Romans, revolted from the commu-
nitie of the Achaens: to meet wherewith, and to lay the other cities from doing the
like, \textit{Aratus} obtained commission from the states to enforce against these rebels: af-
ter which the cities before revolted, put themselves into the protection of the Ro-
mans; yet with prouizo, that their estate and soueraignty should remaine vnto them
still. But when the power of the Romans feemed vnto the rest of the Achaens insu-
cible, they for the safegard of their libertie, entred into amite with the Romans also;
yet with condition, That the Lacedemonians, whome the Romans had in a manner
drawne...
drawn from the state of the Achaean, should from thenceforth be under the protection and power of the Achaean, except in case concerning the life or goods of a Lacedemonian citizen, wherewith the Achaean might not meddle. Which was by the Romans most subtly done: that so there might still be matter of perpetual discord and civil war betwixt the Lacedemonians and the Achaean. For if the Lacedemonians had been altogether in power of the Achaean, they had with their wealth greatly augmented the strength of the associates; 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 wonned valour, have recovered their ancient Commonwealth also. The like deceit they vied also against the Etolians, which was another estate and league divided from the Achaean, composed of three cities, who had also their estate, assemblies, & soueraine diuided; but in fine, following the example of the Achaean, they of three Commonwealths allied with assurance equal, both defensive and offensive, established one Aristocratical Commonwealth, managed by the states of the three confederats, & by one common Senat, wherein was president one chief captain every yeare chosen. The like we may lay of the three and twenty cities of Lycia, which established one Aristocratical Commonwealth, like unto that of the Achaean; seeing that the deputies of the greater cities had in their general assemblies three deliberative voices, the meaner citizens two, and the rest but one; as faith Strabo: and moreover out of the estates they chose a captain general, whome they called the Lycaire, and to the other magistrates and judges of all the cities also. Other alliances also and leagues there were of the thirteen cities of Ionia, of the twelve cities of Tuscanie, and of the fourte feuen cities of the Latines: strongly made by alliance equal, both defensive and offensive, holding their assemblies of their states euerie yeare, and choosing also sometimes (but not euer) a chief captain or general, especially in time of warre: and yet nevertheless the soueraigne of euerie citie continued in the estate of it selfe, as doth the Swizers. For albeit that the cite of Rome was entred into league with the Latines, and that Serius Tullius, and Tarquin the proud king of Rome, had bene chosen chief captains of the league of the Latines; yet so it is neverthelesse, that euerie citie kept still the assemblies and soueraigne thereof: and yet the kings of Rome lost nothing thereby of their majestie. Now it seemeth at the first show, that such leagues of cities were like unto those of the Achaean: 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 show to bee no monarchie, but a pure Aristocratic, composed of the princes of the empire, of the seuen electors, and the imperiall cities. Yet this is a thing common to all confederat cities, that in time of warre they have vied to make one general captain, euerie yeare to be chosen, or els once for all. For as the magnific of the Achaean 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 strange princes, as Henrie of Lutzemberg, Alphonse the tenth, and Charles the first, kings of Castile; who although they were soueraignes in their owne realmes, were yet nevertheless subject to the empires, as captaines in chiefe. For as a captain in chiefe, being not soueraigne to them that have chosen him, maketh not of the league to bee one Commonwealth: so also he changeth in nothing the estate and union of the empires whereunto he is called.

A General chosen by many Cities or States in League together, maketh not them that have chosen him subject to the unity of the same Commonwealth.
to the king of Denmarke, 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 strange 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; anoching themselues not onely to bee chief captains and magistrates, but even monnarchs also; which whether it be fo 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 ambaffadors vnto the Swiflers, to the end they should not receive Grombach, nor the conspirators his adherents, banished out of the empire: which thing, when the emperour seemd by his letters rather to command than to requesst; the Swiflers (a free people) were therewith not a little moued. And before that also Morlet Mofa ambaffador for the French king vnto the Swiflers, certifed the king, How that the gouvernor of Milan (as hauing tuch charge from the emperour) had forbidden the cardinal of Syon to enter into league with the French king; for that he was a prince of the empire: of which his command the cardinal made no great account, but without regard of his prohibition made alliance with the French king; from whom he receiued twelve hundred pounds pension yearly. True it is, that in all the leagues of the Swiflers with forren princes, the empire is alwaies excepted, if there be not thereof express mention made. And for that caufe Guicke the kings ambaffador to the Swiflers 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 yere 1521. For the Germans grounded themselues vpon a maxime, in vertue whereof the emperour Sigismund caufed the Swiflers to take vp armes against Frederick of Austria, to the prejudice of the alliance made with the house of Austria: presupposing that the empire was superiour vnto the Swiflers, and that in all treaties of alliance, the right of the superiour is still to be excepted, although there be thereof no express mention made. Which is certain, for as much as concerneth the lawes of maieftie, but the Swiflers confesse not that the emperour hath any superiouritie over them, and much lese the emperour, subiect to the states of the empire. It is also true, that by the treatie made betwixt the eight auntient cantons, there is an express clause, whereby the cantons of Zurich, Berne, Schwits, and Vndernalden (as hauing sometime bane part of the German empire) declared, That for their part they entended to comprehend in that treatie the maieftie of the facted empire, the right whereof they purpoled not to prejudice by that treatie of alliance. And within a few yeres after, the cantons of Zurich, Berne, Lucerne, Vri, and Glaris, in the name of all the cantons of the Swiflers, sent their ambaffadors to obtain the confirmation of their auntient prueleges, of Ferdinand, then holding a diet of the states of the empire, at Ausburg. And by the treaties of alliance made betwixt the facted empire and the cities of the cantons, it is expressly articulat. That they should not giue any aid vnto any strange prince, to make warre vpon the territorie of the empire; as I haue learned by a copie of the letters of the emperour Charles the sifi, written to the lords of the cantons; whereby hee complaineth, That their subiects joyned with the forces of the French king, had entred upon the territories of the empire, contrarie to the express renouf 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 subiects, who had invadde the territories belonging to the house of Austria, contrarie to the hereditarie alliance made betwixt the princes of the house of Austria and the Swiflers, in the yere of Grace 1467, and renewed in the yere 1501, in which league, hee the See of Rome, the Pope, and the empire, are excepted: and a yere-
And the next day, the emperor, laboured by all means to make agreement with the Swillers, that the dukes of Millan, with the kingdoms of Naples and Sicily, might be comprised in the hereditary treaties of alliance, made with them for the house Austria: which the Swillers flatly refused to grant in the year 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 unto the edicts of the empire, or of the emperor; in that they would not accept even of a German prince by the emperor 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 confederat cities, without any regard had to the prouision of the pope, or confirmation of the emperor 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 laws of armes, question might be made, Whether it be lawfull for subject, to entreat of any particular league or alliance among themselves, or with other forten princes, without the leave or consent of their owne soueraignes? Such alliances, and especially with strangers, princes have vied to embatte, for the evil consequences that might ensue thereon: and namely the catholike by express edicts hath forbidden all his subject to do. And at such time as Lewis d'Iffrance, duke of Orleans (he which was slaine at Paris) was charge with many matters, nothing was more grievously objected against him being slaine, than that he had secretly entered into league with Henry duke of Lancaster. Yet for all that the princes of the empire think it lawfull for them to do; and for their owne safety to enter into league of alliance, both among themselves, and with other foreign princes, so that it be done without the prejudice of the German empire. For whatsoever leagues are by them otherwise made, are void and of none effect. But when the empire is excepted, the emperor himself is not therefore excepted, as hath oftimes been understood, but cause of the German princes made with Henry the second, the French king, at Chambort, for the defence of the German empire, against the emperor Charles the fifth, in the year 1552. In which league they acknowledged king Henry for their superiour, promising utterly to refuse his majestie; and so by their common consent made him general of their warres, calling him the protector of princes, and of the libertie of the empire. And in the year 1553 they like alliance both defensive and offensive was made betwixt the king of Sweden, the marques Alemborg, the duke of Brunfitch, the duke of Cleve, the prince of Orange, the countie Aigueumont, and divers other imperiall towns on the one part, and the king of Denmarke, the duke of Saxenie, the landgrave of Hesse, the duke of Holste, the duke of Bautyc, the town of Nuremberg, the
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Yea, the emperor Charles the fifth himself made particular alliance with the duke of Bavaria, and other the catholicke princes, to chuse his brother Ferdinand, king of Romans. And a little after also the league of Franconia was made betwixt the house of Austria, the duke of Bavaria, the three bishops of Franconia, the archbishop of Salzburg, and the cities of Nuremberg and Ausberg. And Ferdinand also king of the Romans, for the catholicke religion sake made a particular league with the bishop of Salzburg against the protestants, in the yeare 1556. We haue seene also the league which was called The league of Suezia, to haue made alliance offensive and defensive for 40 yeares, without excepting any thing saue the empire. And the like league also betwixt the Sea townes, which they call the Vandales, that is to Witt, Lubec, Hamburgh, Vitamare, Rotfoc, Brefme, Suid, imperiall townes, chusing for their chiefe captain, Adolph, vnce to the king of Denmarke, who was not any way subject to the empire. Yet in all these leagues was euert excepted the majestie of the German empire. Ye that more is, the nobilitie of Denmarke entred into a league defensive with Sigismund Augustus king of Polonia, & the town of Lubec, against the king of Denmarke himselfe: greater treason then which none could have bene deuided, if the king of Denmarke had the highest power over his people, and were an absolute soueraigne: of which matter, and of all the law of armes were in due place reason: but first it behoueth vs to speake of majestie, or Soueraigne.

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CHAP. VIII.

Of Soueraigne.

Aiestie or Soueraigne is the most high, absolute, and perpetuall power over the citizens and subjectes in a Commonweale: which the Latines call Majestatem, the Greeks ἐπικράτειαν, κυριαρχίαν, the Italians Signoria, and the Hebrewes שלום, that is to say, The greatest power to command. For majestie (as Feftus saith) is so called of mightinesse. For so here it behoueth first to define what majestie or Soueraigne is, which neither lawyer nor politick philosopher hath yet defined: although it be the principall and most necessarie point for the understanding of the nature of a Commonweale. And forasmuch as we haue before defined a Commonweale to be the right government of many families, and of things common among them, with a most high & perpetuall power: it resteth to be declared, what is to be understood by the name of a most high and perpetuall power. We haue faied that this power ought to be perpetuall, for that it may bee, that that absolute power over the subjectes may be given to one or many, for a short or certaine time, which expired, they are no more than subjectes thesmelues: so that whilst they are in their piuant authoritie, they cannot call themselues Soueraigne princes, seeing that they are but men put in trust, and keepers of this soueraigne power, untill it shall please the people or the prince that gave it them to recall it, who alwaies remained fealed thereof. For as they which lend or pawn vnto another man their goods, remaine still the lords and owners thereof: so it is also with them, who giue vnto others power and authoritie to judge and command; be it for a certaine time limited, or to great and long time as shall please them; they themselues neuerthelesse continuing full sealed of the power and jurisdiciton, which the other exerçe by way of loan or borrow.
A king. And that is it for which the law faith, That the governour of a countrye, or lieutenant of a prince, if his time once expired, gueth 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 letter: for otherwise if the high and absolute power granted by a prince to his lieutenant, should of right be called Soueraignite, he might vie the fame against his prince, to whom nothing was left but the bare name of a prince, standing but for a cipher: so should 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 priuate men, the person of the prince is alwaies to be excepted; who neuer gueth so much power vnto another, but that hee always keeps more vnto him selfe; neither is ever to be thought so depriv'd 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 precaution, concurrence, or execution: from whom he may also take the power given them by virtue of their commision or institution, or suffer them to hold it so long as shall please him. These grounds thus laid, as the foundations of Soueraignite, wee conclude, that neither the Roman Dictator, nor the Harmoite of Lacedemion, nor the Elfinet of Salonicke, nor he whom they cal the Archus of Malta, nor the antient Baily of Florence, (when it was gouerned by a popular state) neither the Regents or Viceroys 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 committed, can be accounted to have the same in Soueraigny. And albeit that the antient Dictators had all power given them in bell fort that might be (which the antient Latines called Optima Lege) so that from them it was not lawful to appeall, and upon whose creation all offices were suspended; yt untill such time as that the Tribunes were ordained as keepers of the peoples libertie, who continued in their charge no withstand the creation of the Dictator, who had free power to oppose them selves against him; so that if appeall were made from the Dictator, the Tribunes might assemble the people, appointing the parties to bring forth the caufes of their appeall, & the Dictator to stay his judgement; as when Papirius Cursor for the Dictator, condemned Fabius Max. the first, to death; and Fabius Max. the second had in like manner condemned Mnatus, both Colonels of the horfemen, for that they had fought with the enemie contrary to the command of the Dictator; they were yet both by appeall and judgement of the people acquited. For so faith Livi, Then the father of Fabius fard, 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 suppos'd; neither had any thing more than a simple commision for the making of warre, the reprefing of sedition, the reforming of the state, or instituting of new officers. So that Soueraignite is not limited either in power, charge, or time certaine. And namely the ten commissio- ners esthablished for the reforming of cultomes and lawes; albeit that they had absolute power, from which there was no appeale to be made, and that all offices were suspended, during the time of their commision; yet had they not for all that any Soueraignitie; for their commision being fulfilled, their power also expired; as did that of the Dictators. So Cinimmatus hauing vanquifhed the enemy, forthwith difcharged himselfe of the Dictatorship, which he had not had but fifteene dayes, Servilus in eight dayes, Mavresius in one day. And the Dictator was also named, not by the Senat, nor the people, neither by the magistrats, or requett made vnto the people, nor by any laws which were always necessarie to the creating of officers, but by an interrex, or a king

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created for a time, borne of honourable blood: for why, it was not enough for him to be a noble Senator onely, 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 aunswere as Cicer did, That it was neither Dictatorship nor law, but a most cruel tyranny; whereof for all that he discharged him selfe the fourth yere after he was made Dictator, when as he went with the blood of the citizens had quenched the flames of the civil warres; having yet still in the mean time referred vnto the Tribunes their free power to oppose themselves against his authoritie. And although Caesar fottie years after had invaded the perpetuall Dictatorship together with the libertie of the people, yet left hee vnto the Tribunes of the people, their power to oppose themselves against his proceedings: but when as before, Pompeius being Confull, the verie name of the Dictatorship was taken out of the Commonweale, and Caesar, contrarie to the law of Pompeius, had procur'd him selfe by the law Seruia, to be created Dictator, hee was by the conspiracie of the Senators flaine in the middelt 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 manage their estate and entire governement: shall wee therefore say him or them to haue the state of Soueraignytie, when as hee onely is to bee called absolute Soueraigne, who next vnto God acknowledgeth none greater than himselfe; wherefore I say no Soueraigne to be in them, but in the people, of whom they have a borrowed power, or power for a certayne time, which once expired, they are bound to yeeld vp their authoritie. Neithet is the people to be thought to have depriv'd it selfe of the power thereof, although it haue been an absolute power to one or more for a certayne time: and much more if the power (be it gien) 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 give 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 whose the Soueraignytie resteth, are to give account vnto none, but to the immortall God alone.

But what if such absolute power as we have spoken of, be given to one or more for nine or ten yeares? as in auitent tyme in Athens the people made one of the citizens their Soueraigne, whome they called Archon. I say neuertheless hee was no prince, neither that the Soueraignytie of the state resteth in him: albeit that wee 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 given to one or more, for a yere, with condition not to give any account at all for their doings: For so the Cniids every yere chose 60 of their citizens, whome they called Amyrones, that is to say, Men without imputation, with such Soueraignytie 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 all that, that the Soueraignytie of the state was not in them, seeing that they were bound at the yeares end to restore againe vnto the people, the authoritie they were put in truft withall; the Soueraignytie full remaining with the people, and the execution thereof with the Amyrones, whome a man might well call Soueraigne magistrats, but not simple Soueraignyties. For the one was the prince, the other the subiect; the one the lord, the other thetenant; the one the proprietarie and seifed of the Soueraignytie, the other neither proprietarie nor possified thereof, neither holding any thing thereof, but as a leffer or keeper in truft.

The same we may say of the Regents of Fraunce, created for the infancie, subiecte, or absence of the king, whether the edicts, mandates, and letters patents, be signed and fea-
led with the figure and seal of the Regents, and in their name (as they did before the law of Charles the fitth the French king) or else that it be done in the name of the king, and the mandates sealed with his seal: for in that there is little or no difference at all: seeing that whatsoever is done by the attorney, the lord allowing the same, may well be thought to be done by the lord himself. Now the Regent is the true protestor of the king and of his kingdom: for to the good county Theobald called him himself Procuratorum regni Francoruni, that is to say, Protestant of the kingdom of France. So when a prince giveth absolute power, to a Regent, or to a Senat, in his presence, or in his absence, to govern in his name, albeit that the edicts or letters of command go in his or their name, yet is it always 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 fitth in these words: Senatus Mediolanensis positatem habeat constitutiones principis confirmendi, inquirendi, tollendi, dispensandi, contra statuta, habitationes, prerogationes, restitutiones faciendo, &c. A Senat non prooccari posset, &c. Et quicquid faciet, parem est habeat, ut sit principis fundamentum ac decremen effectum. Non tamen positit delictorum veniam tribuere, aut litteras falsas conditium reis criminales dare. That is to say, The Senat of Milan hath power to confirm the constitutions of the prince, as also to confirm the same, to annul them, to dispense with them contrary to the statutes, to make enablers, prerogatives, and restitutions, &c. No appeal shall be made from the Senat, &c. And whatsoever it shall do, shall have like force as if it were done or decreed by the prince: yet may it not grant a pardon for offences committed, or give letters of safe conduct unto parties convicted. This power almost infinite, is not given unto the Senat of Milan and Naples, in any thing to diminish the majesty of the king of Spaine; but altogether to the contrary, to caze him of his care and pains; joyned heretofore also, that this power how great soever it be, is to be resouked at the pleasure of him that gave it.

But suppose that such great power be given to a king's lieutenants, or the governors of a country for term of his life, is not that a foueraigne and perpetuall power? For otherwise if we should interpret that only to be a perpetual power which shall never have end, there should be at all no foueraigne, but in the Aristocraticall and popular state, which never dieth except it be utterly rooted out. Or if we understand the word Perpetuall, in a monarch for him and his heires, there should be few perpetuall foueraigne monarchs, seeing there bee but few that be hereditary; so that they which come to the crowne by way of election, should not be foueraignes: wherefore we must understand the word Perpetuall, for the term of the life of him that hath the power. Now if the foueraigne and annual only, or which hath a certaine prefixed and limited time to rule, chance to continue his gouernment so given him, beyond the appointed time; that must either be by the good liking of him that gave the power, or els by force: if by force, it is called tyrannie; and yet nevertheless the tyrant is a foueraigne as the violent possession of an intruder is in nature a possession, although it be contrary to the law, and they which had the possession before are so therof dispossessed: but if such a magistrat continue his foueraigne power by the good liking of the superior that gave it him, we will not therefore say that he is a foueraigne prince, seeing that he holdeth nothing but by sufferance; and that a great deale the lesse, if the time be not limited, for in that he hath nothing but by commissione during pleasure: and he that so holdeth his power, is neither lord nor possessor thereof. Men know right well, that there was never greater power given to magistrat next unto his prince, than that which was of late yeares granted to Henrie of Fraunce, Duke of Anioun, 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 it was soueraigne, in so much as he was called Lieutenant General for the king, so long as it shall stand with our good pleasure, joyned vnto it in his letters patents: which we declareth a power but during pleasure, which power of lieu tenant (as of all other magistracies) ceaseth in the presence of the prince.

But what shall we then say of him to whom the people haue giuen absolute power so long as he liueth? In this case we must distinguish: If such absolute power be giuen 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 to the people hath voluntarily disseised and dispose it felte of the soueraigne power, to seake and linuest another therein, having on him: and vpon him transported all the power, authoritie, prerogatives, and soueraigne things thereof: as if a man shold by pure gift deliuer vnto another man the proprietie and possession that vnto him belonged: in which case such a perfect donation admitteth no conditions. In which sort the regall law is by the law yeit faiid to haue bene 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 giue all their power vnto any one so long as he liueth, by the name of a magistrate, lieutenant, or governor, or onely to discharge themselves of the exercit of their power: in this case he is not to be accounted any soueraigne, but a plaine officer, or lieutenant, or regent, or governor, or guerdon and keeper of another mans power. For as the magistrate, although hee make a perpetuall lieutenant, and hath no care of his own jurisdiction, leasing the entire exercit thereof vnto his lieutenant, yet for all that, it is not in the person of the lieutenant that the power lyeth to command, or judge, neither the exercit and force of the law: but if he pass (beyond the power vnto him giuen, it is to none effect: if his doings bee not ratified, liked, and approv’d by him that hath giuen the power. And for this cause king John of Fraunce led prifoner into England, after his returne thence, solemnly ratified all the acts of Charles the Dolphin, his eldest sonne, made regent in his abesse, to strengthen and confirm the fame, so farre as should be convenient and needfull. Be it then that a man either by commision, or instituion, or by delegation, for a certaine time, or for ever, exerciseth the power of another man: he that so exerciseth this power, is not therefore a soueraigne, although that by his letters of commision or deputation he be not called a protector, lieutenant, regent, or governor: no not, albeit that such power be giuen him by the autions and lawes of the country, which should be much stronger than election. As by an autentick law amongst the Scots, the entire government of the kingdome was committed vnto him that was nearest of blood vnto the king in his minortie, and under the age of xxx 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 yong king, by his nigh kinmen affecting the kingdome: for which, Cæsar thought it lawfull for a man to become villanous.

Now let vs prosecute the other part of our propounded definition, and show what these words, absolute power, signify. For we said that vnto Maiestie, or Soueraigne belonged an absolute power, not subject to any law. For the people or the lords of a Commonwealth, may purely & simply giue the soueraigne and perpetuall power to any one, to dispose of the goods and lues, and of all the state at his pleasure: and so afterward to leave it to whom he list: like as the proprieate or owner may purely and simply giue his owne goods, without any other caute to be express’d, than of his owne meere bountie; which is indeed the true donation, which no more receiveth condition, being
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 chiefe power giuen 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 inueting 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 kinsmen of the dead king, which they thinke best of (provided that he be either his fonne or his nephew) and hauing placed him in a throne of gold, the bishop (after a solenme song sung according to the manner of their auncestours) turning his speech vnto the king, in the name of the people, faith thus, We pray thee, and charge thee to raigne ouer vs: to whom the king aunswereth, If you will have 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, Looke vp vnto heauen and acknowledge almightie God, the king of the whole world: and behold also this table whereon thou sittest below: if thou rule well, thou shalt have all things according to thy harts desire; but if thou forget thy dutie and callling, thou shalt be cast head-long downe from thy high feast, and disposed of thy regall power and wealth, bee brought so low, as that thou shalt not have so much as this board left thee to set vpon. This said, 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 it hath no condition annexed thereunto, other than is by the law of God and nature commanded.

The forme or like forme of inueting we may also see to happen sometimes vued in realmes and principalities, defending by succession. But the like is not to that of Carinthia, where yet at this present neere vnto the citie of St. Vitus, in a medow is to be feene a marble stone, whereunto a countrey peasant vnto whom that office of right belonged, kept vp, hauing vp vpon his right hand a blacke cow, and on his left a leane 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 apparelled in red, and his ensignes displayed before him: all in good and seemly order, except the new duke himselfe, who is apparetled like a poore shepheard, with a sheepchoke in his hand: whom the crowne vpon the stone seeing comming, crieth aloud in the Slavonian tongue, Who is this (faith he) that commeth 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 free borne? is he worthe of that honour? and withall religious? Then is, faith the people, and so shall hetherafter be. Then the peasant guiding 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 solenme manner done, he putting off his shepheards apparell, and attired like a prince, goeth vp to the stone againe, and there receieth the homage and oath of fidelitie of his vaftals and subiects. True it is, that in auntient time the duke of Carinthia was the emperours greatest Huntman: but since that the empire fell into the house of Austria, wherunto that dukedome belonged, both the name of the Great...
Huntsman, and the old manner of inuesting the duke grew out of vse, and the duchies
of Carinthia, Stiria, and Croatia, with the counties of Cilia, and Tirol, remaine anne-
xed unto the dukedom of Austria.

As for those things which are reported concerning the inuesting of the king of Ar-
tagon, they are long since growne out of vse; but this we haue heard them to have
wont to bee done: The great magistrat of Arragon, whom they call the Chief Ju-
stice, thus said unto the king: we which are unto thee in vertue nothing inferior, and
in power greater than thy selfe, create thee our king; yet with this condition, that one
amongst us shall still have more power and command then thy selfe. Wherein he is
deceiued that to writeth, the king to have bene then chosen of the people; a thing that
never was there done. For sanctius the Great by force of arms drove the Moore out
of the dukedom of Arragon, after they had seuen hundred yeares possesed the same:
after which time his power of both Sexes, held that kingdom by inheritance. And
also Peter Belloga, who most exactly wrat the dukedom of Arragon, denieth
the people to have any right in chusing the king; but when the line of the king vitrily
faileth. That were also a new and more absurd thing, that the king of Arragon should
have leffe power than the fates of Arragon. Seeing that the fame author Belloga faith,
That the fates might not assemble themselves without the kings express command-
dement; neither being assembled, might depart without leave guen them from the
king. That were also more absurd and ridiculous, that such speech should bee vnd
by the magistrat, vno him that was now crowned, sacered, and received a king by right
of succession, who also placed and displaced the fame great magistrat whenoeuer hee
lift. For the fame author writeth, Martin Didato the greatest magistrat, to have bene
placed in that office by the queen of Arragon, in the absence of Alphonfus her husband,
king of Arragon and Sicilia; and also by her againe discharged of the fame office.
And albeitt that by fuffere of the king, that great magistrat or justice of Arragon,
determineth of the processe and controversies betwixt the king and his people: as it is al-
fo in England sometime by the high court of Parliament, and sometime by the magi-
strat, whom they call the Lord Chief Justice of England; and by all the judges of
this * realme, and in all places: yet neuertheless fo is it, that the great justice of Ar-
tagon, and all the estates remaine in full subiection to the king, who is no wayses bound
to follow their advice, neither to consent to their requerments, (as faith the fame docto-
which is generall to all estates of a monarchie, as faith Oldard, speaking of the kings of
France and Spaine, who haue faith he absolute power. Yet true it is, that none of
these doctours tell vs, what absolute power is. For if wee shall say, that hee onely hath
absolute power, which is subiect vnto no law; there should then bee no soueraigne
prince in the world, seeing that all princes of the earth are subiect vnto the laws of
God, of nature, and of nations.

So to the contrarie it may be, that some one subiect may be dispenced withall, and
abolished from all the laws, ordinances, and customs of his Commonweale, and com-
mandement of the magistrat; and yet be neither prince, nor soueraigne. Example
we haue of Pompey the great, who was dispenced withall from the laws for fume yeares,
by expresse decree of the people, published at the requent of Cæcilius the Tribune;
at such time as extraordinarie power was given him to make warre against the pirats:
neither is it any new thing or straunge thing to dispence with a subiect for his obe-
dience to the laws, seeing that the Senat sometimes did dispence without the contreft
of the people: vntill the law Cornelia published at the requent of a Tribune, whereby
it was ordained, That no perfon should be exempted out of the power of the laws, nor
dispenced withall by the Senat, if he had not at the least the content of two hundred
Sena-
Senators. For by the law of the twelve tables, it was forbidden upon paine of death to graunt any prinacie but by the great affembles 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 moe, or all lawes, is for all that alwaies in the subiection and obeyance of them which haue the foueraignty: yea although he bee for euer absolved 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 general, he oftentimes propounded quetions vnto the people, as if the people, and not Augustus, should make the lawes: and at the chusing of magistrates, would make the citizens by the hands, that so hee might commend them that stood for the offices vnto the people. But it behoueth him that is a foueraigne not to be in any fort subiekt to the commaund of another: which thing Tiberius wisely meaning in these words, stafen in the Senat concerning the right of foueraignty, saying that the reason of his doings were no otherwisse to be manifestely, than in that it was to be giuen to none: whole office it is to giue laws vnto his subieckt, to abrogate lawes unprofible, and in their stead to esstablish other: which hee cannot do that is himselfe subieckt vnto lawes, or to others which have commaund over him. And that is for which the law faith, That the prince is acquitted from the power of the lawes: and this word the Law, in the Latine importeth the commaundement of him which hath the foueraignty. Wee also see that vnto all edicts and decrees there is annexed this clause, notwithstanding all edicts and ordinances whereunto vve have derogated, and do derogate by these presents: a clause which hath alwaies bene joyned vnto the antient lawes, were the law published by the present prince, or by his predeceffors. For it is certaine, that the lawes, ordinances, letters patents, privieleges, and grants of princes, haue no force, but during their life, if they be not ratified by the expresse consent, or at least by suffrence of the prince following, who had knowledge thereof, and especially of the privieleges. As when Bartolus was sent ambassadour vnto Charles the fourth, the German emperour, for the confirmation of the privieleges of the cite of Perouge, hee obtained the same, yet with condition, That they should so long haue force, vnsill they were re-uked by the succeeding emperours: vnto whom for all that, no prejudice could have bene done, although that clause had not bene put to: which was the cause, that Michael Del. Hospital chauncelour of Fraunce, constantly refused, yea euens at the request of the queene, to seale the privieleges by Charles the ix.granted vnto S. Maut des Foffez, for that they carried with them a perpetuall enfranchiment and immunitie from taxes, which is contrarie to the nature of personall privieleges, and tended to the diminishing of the power of his succeffours, and could not be giuen vnto corporations or colleges, which live for euer, but for the life of the prince that granted them onely, although the word (perpetually) were thereunto adionned. Which for all that if they were giuen vnto corporations or colleges, by a popular or Aristocraticall state, must needs bee for euer, or at leastwise fo long as that popular or Aristocraticall state should continue. And for this cause Tiberius the emperour, succeffour to Augustus, would not that the privieleges granted by the dead emperours, should bee of any effect, if their succeffors had not confirmed them: when as before the privieleges granted by princes, if they were not limited vnto a time certaine, were accounted as giuen for euer. Wee also see in this reallme, that at the comming of new kings, colleges and corporations require to have their privieleges, power, and jurisdiccon confirmed; yea the vrite parliaments and foueraigne courts, as well as other particular officers.

If then the foueraigne prince be exempted from the lawes of his predeceffors, much lesse should hee be bound vnto the lawes and ordinances he maketh himselfe: for a
man may well receive a law from another man, but impossible it is in nature for to give a law vnto himselfe, 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 confertee potest, quae a voluntate promittentes statum capiat*, There can be no obligation, which taketh State from the meere will of him that promiteth the same: which is a necessarie reason to prove evidently that a king or soueraigne prince cannot be subject 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. Wee 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 diuine maiesty, making warre against God, vnder the greatnesse of whome all monarckhes of the world ought to beare the yoke, and to bow their heads in all feare and reverence. Wherefore in that wee find 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 maiestie or soueraigntie, and had almost brought vnder him the power of all the Chrustian emperours and princes, said him to be indeed a soueraigne that was able to detonat from the ordinary right (which is as I vnderstand it, from the lawes of his countrey) but not from the lawes of God or nature. But further question may be, Whether a prince be subject to the lawes of his countrey, that he hath sworn to keepe, or not? wherein wee must distinguish. If the prince sweare vnto himselfe, that he will kepe 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 conuenions, if the covenants be such as from which they may by law shrikke, although they be both honest and reasonable. But if a soueraigne prince promis by oath to keep the lawes which he or his predecessors haue made, he is bound to keepe them, if the prince vnto whom hee hath so given his word haue therein any intrest; yea although he haue not sworn at all: But if the prince to whom the promis was made haue therein no intrest, neither the promis nor the oath can bind him that made the promis. The like we say, if promis be made by a soueraigne prince vnto his subiectes, 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 predecessors; but to the iust conuenions and promisses that hee hath made, be it by oath, or without any oath at all; as shoulde a privat man bee: and for the same causes that a privat man may be releuved from his vnjust and unreasonable promis, as for that it was too grievous, or for that he was by deceit or fraud circumstanced; or induced thereinto by errour, or force, or iust feare; or by some great hurt: even for the same causes the prince may bee restored in that which toucheth the diminishing of his maiesty, if he be a soueraigne prince. And so our maxime resteth, That the prince is not subject to his lawes, nor to the lawes of his predecessours: but well to his owne iust and reasonable conuenions, and in the obseruation whereof the subiectes in generall or particular have iurest. Wherein we see many to be deceived, which make a continuelion of lawes, and of a princes contracts, which they call also lawes: as well as he which calleth a princes contracts paschonarie lawes: as they termeme them in the state of Artagon, when the king maketh any law at the request of the people, and receiueth therefor any money or subsidie; then the Artagonians say that the king is vnto that law bound,
bound, but not to vnto other lawes; and yet neuerthelesse they confesse that the prince may derogat from the fame, the caufe of the law ceasing: which to bee true, as it may by reason and authority be confirmed, so was there no need of money, or of oath, to bind the soueraigne prince, if it concerned his subiects (to whom he had promis’d) to haue the law kept. For the word of a prince ought to bee as an Oracle; which looth his dignitie, if his subiects haue to eull an opinion of him, as not to beleue him except he sweare; or else to be so courious, as not to regard his promis’ except therefore he receiue money. And yet neuerthelesse the maxim of righ till standeth in force. That the soueraigne prince may derogat vnto the lawes that hee hath promis’d and sweorne to keepe, if the equitie thereof seal’d, and that of himself without consent of his subiects; yet true it is, that a general obfcurce or doublefull derogation, in this cafe suffiseth not, but that there must bee a derogation in words speciall. But if there bee no probable caufe of abrogating the law he hath promis’d to keepe, he shall doe against the duty of a good prince, if hee shall go about to abrogat such a law: and yet for all that is he not bound vnto the covenants and oathes of his predeceffours, further than standeth with his profit, except he be their heir. And for this caufe 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 strangeers, contrarie to the promise made by James the fift, king of Arragon, in the yeare 1265, in the moneth of August, and confirmed by king Peter, in the yeare 1356, who swore vnto the eflates neuer to chaung the money; in recompence wherof the people had promis’d every one of them euery euene yeares to pay vnto him a marueld, if they were in goods worth fiftenee matuaries. Now the kingdome of Arragon descendeth by inheritance vnto the heirs, both males and females; but the effect of the contract betwixt the prince and the people ceasing, as the subfidie 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 subfidie vpon them imposed.

We muft not then confound the lawes and the contract of soueraigne princes, for that the law dependeth of the will and pleasure of him that hath the soueraignty, 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 parties, so that the one partie may not flite 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 faid: which the subiects cannot do among themselves, if they bee not by the prince releu’t. The soueraigne princes also well aduised, will never take oath to keepe the lawes of their predeceffours, for otherwise they are not soueraignes. But then might some man faie, Why doth the German emperour, who hath a preheminence above all other Christian kings, before he be crowned sweare betwixt the hands of the archbishop of Cullen, to keepe the lawes of the empire, the golden Bu!, to establish justice, to enuenge the pope, to keepe the catholike faith, to defend the widdowes, the fatherlesse, and poore? What forme of oath, wherewith the emperour Charles the fift bound himselfe when he was crowned, cardinal Caietan is faid to haue lane 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 soueraignty over the princes electours, nor over the eflates, as we haue in due place declare. And if a man faie, That the kings of the Epirots in amittent time sweare, that they shou’d raigne well and orderly according to the lawes and censoms of the countrey, and the subiects also on their part sweare to defend and maintaine their lawes.

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A The word of a prince ought to be as an Oracle.
B The reason of the law ceasing, the law is itselfe ought also to cease.
C Soueraigne prince, as bound unto their lawes, may yet by their contract bind themselfes unto their subiects.
D Whether Soueraigne princes well advis’d, ought to bind themselfes unto their lawes of their predeceffours.
E

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king, according to the lawes and customes of their countrey: I lay yet notwithstanding all these oaths, that the foueraigne prince might derogat from the lawes, or frustrate and disannul the same, the reason and equitie 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
Henrico Regnante 32 tri. Calend. iunij. Ego Philippus Deo propiciante max. futurus Rex Francorum, in die ordinationis mea promitto coram Deo & sanctis eius quod omniumque de nobis commissis canonicum privilegium, & debita legem atque suibiam confessurus, & debenda aoainante Domini quantum potero exhibebo: ficut Rex in suo regno omniumque Episcopo & Ecclesie sibi commissi per regnum exhiberet debitum: populo quoque nobis credito, mea defensionem legem in suo iure confissetem, poffa ac autoritate concessurum. &c.

The booke of Iulian Eriugis, Anno 1058, in the xxxij. yeares of the raigne of Henrie the first, the fourth of the calenders of June. I Philip, by the grace of God forthwith to become king of France, on the day of my inuoeting, do promie before God and his Saints, that I will kepe canonicall priuileged, with due administration of law and justice, to effect one committed to our charge: and by the help of God to the uttermost of my powre defend them, in such manner as a king in his kinglydome ought of right to giue vnto euery bishop & church committed vnto him: and by our autorticte to grant vnto the people committed vnto vs, the execution of the lawes remaining in force.

Wherefore Henrie the first, is by the grace of God, and promie well and duly to governance my subiects committed to my charge: and with all my powre to doe them judgement, justice, and mercie. Which semeth to haue bene taken from the prophet Hieremie, where he saith, I am the great eterneul God, which do judgemen, justice, and mercie, and in which things I take singular pleasure. Which forms of oaths shew plainly vnto the eye, that the oaths 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 foueraigne prince to kepe the lawes, more than so farre as right and justice requesteth. Neither is it to be found that the auncient kings of the Hebrewes tooke any oath: no not they which were anointed by Samuell, Hezias and others. But some take a more precie oath, such as is the oath of Henrie the third king of France, and of Polonia. Ego Henricus Rex Poloniae, &c. Iuro Deo omnipotenti quod omnia iura, libertates, privilegia publica & priuata inuri communis non contraria, Ecclesiae principibus, Baronibus, nobilibus, ciuitibus, incolis, per me predeceflores Reges, & quaesumque principes Dominos, Regni Poloniae inuius concessae, & quae in interregno decreta sunt servabas, iniqui omnia incolis more maiorum reddamus. As si quidem (quod abst) Sacramentum meum violaveru nullum nobis incolae Regni obedientiam prehaverit tenenorum, &c. si Deos adiuvat. &c. I Henrie king of Polonia, &c. Swearde vnto Almighty God, that I will kepe all the lawes, liberties, publick and priuate priuileges, not contrary to the common lawe, justly graunted vnto churches, princes, barons, noble men, citi- tens, or inhabitants, by the kings my predeceflours, or whatsoever other princes, lords of the kingdome of Polonia: as also all such things as were decreed in the time of the vacancie of the kingdome: and that I will administer justice vnto all the inhabitants of
of this kingdom, after the manner of our anecestours: 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 helpe vs. But this forme of oath fauoureth not of rayall maeftie, but the condition of a meaner prince, such an one as (amongst others) is chief in a Commonweale.

But touching the lawes which concern the state of the realme, and the establishing thereof; forasmuch as they are annexed & visitted to the crowne, the prince cannot derogat from them, such as is the law Salique: & albeit that he do, the successor may alwaies difannul that which hath bene done vs to the prejudice of the laws royally, upon which the soueraine maeftie is stayed & grounded. Yet might one say, That Henry the 5, king of England & France, marrying Katherine of France, father to Charles the 7, took an oath to keep the high court of parliament in the liberties & soueraignie therof; and to cause justic to be administred in the realme, according vs to the customes and lawes thereof. See the words of the decree agreed upon for to make him successor unto the crowne of France, the xxij of May, in the yeare 1420. I say they caueth him to take such an oath, for what he was a stranguer come to a new kingdom; from which the lawfull inheritour was excluded by a decree of the Parliament of Paris, given for default and contumacies; for the muteth committed vpon the person of John duke of Burgoigne, 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 concern not the establishing of the state of the realme, but the right of men in privity, they have not vfed to have bene with vs otherwise chauenged, but after generall assemble of the three estates of France well and duly made; or of euery balliwick in particular: not for that it is necessarie for the king to rest on that advice, or that he may not do the contrarie to that they demaund, if naturall reason and justice so require. And in that the greatnesse and maeftie of a true soueraigne prince, is to bee knowne when the estates of all the people assembled together, in all humilitie present their requets and supplications to their prince, without having any power in any thing to commaund or determine, or to give voice, but that that which it pleaueth the king to like or dislike of, to commaund or forbid, is holden for law, for an edict and ordinance.

Wherein they which have written of the duty of magistrats, & other such like books, have deceived themselues, in maintaining that the power of the people is greater than the prince; a thing which oft times caueth the true subiects to revolt from the obedience which they owe vnto their soueraigne prince, & miniftre matter of great troubles in Commonweals. Of which their opinion, there is neither reason nor ground, except the king be capture, furious, or in his insanitie, and no needeth to have a protector or lieutenant appointed him by the suffrages of the people. For otherwise if the king should be subiect vnto the assemblies and decrees of the people, hee should neither bee king nor soueraigne; and the Commonwealth neither realme nor monarchie, but a meere Arisitocratic of many lords in power equall, where the greater part commaneth the leffe in general, and every one in particular: and wherein the edicts and laws are not to be published in the name of him that ruleth, but in the name and authoritie of the states, as in an Aristocraticall Seignorie, where hee that is chiefe hath no power, but oweth obedience vnto the commandements of the seignorie: vnto whom yet they all and euery one of them faigne themselues to owe their faith and obedience: which are all things fo aburd, as hard it is to say which is furthest from reason: So when Charles the eighth, the French king being then but about xiiiij. yeres old, held a parliament at Tours, although the power of the parliament was never before not after so great as in those times, yet ReU, then speake for the people, turning himselfe

Laws royall which concern the State of the realme not to be infringed by a soueraign prince

Parliaments inspire not, but most of all have the maeftie and greatnesse of a soueraign prince

The parliaments of France.
himselfe vnto the king, this beginneth his oration, which is yet in print extant. Most high, most mightie, and most Christian king, our naturally and only lord, we your humble and obedient subjectts, &c. Which are come hither by your command, in all humilitie reverentce and subjection, present our felues before you, &c. And have giuen me in charge, from all this noble assemblie, to declare vnto you the good will and hartie desire they have with a most firme resolution and purpose to serve, obey, and aid you in all your affaires, commandaments and pleasures. In briefe, 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 loyaltie. The like speech almost we fee was also vfed in the parliament at Orleans, vnto king Charles the ninth, when he was yet but fcarce eleven yeares old: Neither are the parliaments of Spaine otherwise holden, but that a greater obedience & a greater loyaltie 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 fcarce full xxv yeares old. The aunfwers 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 ordain; and such other like aunfweres, importing the refull or content of the prince: yea the subfide that the subiects pay vnto the king of Spaine, they call feruice. Wherby it appeareth them to be deceived, which fay that the kings of Aragon cannot derogat from the priuelidges of the fates, by reafon of the priuelidges giuen them by king James, in the yeare 1260, and confirmed in the yeare 1320. For as the priuelidges was of no force after the death of the king, without the confirmation of his succifours: so also the fame confirmation of the rest of the kings following was necessarie, for that by the law no man can callaigne ouer his equals. And albeit that in the parliaments of England, which haue commonly bene holden euermie third yeare, there the fates feeme to haue a verie great libertie (as the Northern people almost all break thereafter) yet so 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 eftates by a common confent had refolved (as they gaue the queene to vnderftand) not to entreat of any thing, vntill the had first appointed who should succeed her in the crowne; She gaue them no other aunfwere, But that they were not to make her graue before she were dead. All whose refolutions were to no purpose without her good liking: neither did she in that any thing that they required. Now also the eftates of England are neuer otherwise assembled (no more than they are in this realme of Fraunce, or Spaine) than by parliament writts, and expreffe commandements proceeding from the king. Which showeth verie well that the eftates haue no power of themselues to determine, command, or decree any thing; seeing that they cannot so much as assemble themselues; neither being assembled, depart, without exprefse commandement from the king. Yet this may feme one ipeciall thing, that the laws made by the king of England, at the request of the eftates, cannot bee againe repealed, but by calling a parliament of the eftates: Which is much vfed and ordinarily done, as I haue vnderftood by M. Dale, the English ambaffadour, an honourable gentleman and a man of good vnderstanding, who yet affured me, that the king received or refected the law as seemed beft vnto himselfe: and stooke not to difpose them of his pleafure, and contrarie to the will of the eftates: as wee fee Henry the eight to haue alwaies vfed his proueigne power, and with his onely word to haue difanulled the decrees of parliament: albeit that the kings of England are not otherwife crowned, but that they must sweare imoluaty to keepe the lawes and customes of the land: which how that oath is to be vnderstood, I refertte you to that which wee haue before reported. But here might some object and fay, That the eftates of England suffer not any extraordinary
Of A Commonweale.

Arie charges, and subsidies to be laid upon them, if it be not first agreed upon and conten
ted unto in the high court of parliament: for so it is provided by an antiquent law of Ed
ward the first, king of England, wherewith the people as with a buckler hath bene often
tentimes seene to defend it selfe against the prince. Whereunto mine aunt were, 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 rafle taxes upon
the people, no more than to take another man's goods from him; as Philip Commines
wilyly shewed in the parliament holden at Tours, as we read in his Comentaries: and
yet nerertheless if the necessitie of the Commonweale be fitch as cannot stay for the
calling of a parliament, in that case the prince ought not to expect the assembly of the
states, neither the consent of the people; of whole good foreright and wilde none, next
unto God, the health & welfare of the whole state dependeth: but concerning all sorts
of taxes and tributes, more shall be paid in place convenient. True it is, that the kings
of England, since the time of Henrie the first (as we read in Polidore) have as it were al
ways accustomed every third yeare to demand of the people an extraordinary subsi
die, which is for the most part grante with. As in the parliament holden in April, in the
yeare 1570, the queen of England by the consent of the estates, drew from them five hundred thousand crownes (as the like whereof is sometime also vfed 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 have power to con
demne, as king Henrie the first was condemned by the estates, to be kept prifoner in the
Towre of London. I say that this was done by the ordinarie judges of England, the
lords spirituall and temporall of the upper house, at the request of them of the neath
house; who presented also a bill of request to the upper house, in the yeare 1573, tend
ning to the end, that the earles of Northumberland, and Westmerten, & other con
spirators, might be declared to have incurred the paines contained in the lawes of the
land, made against them that were guilty of treason. Which sheweth well that the
estates in bodie together have neither power not jurisdiction, but that the power is
with the judges of the upper house, as should be, if the parliament of Paris alisfted by
the prince and peers, should be from the estates in bodie together seperated to judge of
themselves of great matters.

But yet there remaineth another difficultie to resolue vpon, concerning the afore
said estates of England, who seemed to have power to command, resolue, and decide
of the affaires of state. For queene Marie having assembled them for the pasning of
the articles of agreement concerning the maritgne with king Philip: after many dif
putes and difficulties proposed, in fine, the conclusion of the trate was made the se
cond day of April in the yeare 1554, in forme of a decreee conceived in the name of the
estates, in these wordes: The articles aforesaid, and that which dependeth thereof, seen
and confidered of by the estates assembled in parliament, holden at the palace of
Westminister, it hath bene faid, That concerning the disposition and collation of all be
nefices and offices, they are refereed unto 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 royaltie and foreraignetie of her said realmes, countries, lands, and lub
ieets, absolute, after the confirmnment of the marriage; so that the said prince shall not
pretend by the way of the courtesie of England, any claim to the crowne or fore
raignetie of the realme, nor to any other rights, preheminences, or authorities: That
all mandats and letters patents that 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 seal, shall be available: but being not signed by the said queene, shall be void and

Polydor, in hist. Anglor.,
to none effect. I have willingly set downe the ratification at large, to show that the soueraigne wholly without division 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 been called into some doubt, after the death of the queene: or in her life time, by the magistrats and officers of the realme, opposing themselues against her. Wherefore we conclude the majestie of a prince to be in nothing altered or diminished by the calling together or presence of the estates: but to the contrary his majestie 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 reject their subjects, grant, and passe many things, whereunto they would not otherwise yield their consent, if they were not outcome by the requests, prayers, and just grievances of the people, afflicted and vexed oftentimes without the knowledge of the prince, who yeelded many things vnto them all, which he would deny vnto them in particular; or at least wife not so easily grant them: either for that the voyces of euery 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 himselfe, and foueraigne power, the feare of religion, or his owne good disposition, admetteth their just requests.

So see the principall point of soueraigne majestie, and absolute power, to consist principally in giuing laws vnto the subjects in generall, without their consent. And not to speake of straunge countries, we haue oftentimes seene in this realme of Francee, certaine generall custome abolisht by the edicts of our kings, without the assembling or consent of the estates: when the injustice of the same is plainly to be seen: as the custome of this realme, commonly vied in euery place, concerning the succession of mothers vnto the goods of their children, hath bene chaunged without assembling of the estates, either in generall 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 bee condemned in charges also, was dismanallied by edict without assembling the estates. And the generall custome which forbad to receiue the testimonie of women in cuill caufes; was abolisht by the edict of Charles the firit, without calling together of the estates. For it behoueth that the soueraigne prince shoule haue the lawes in his power, to chaunge and amend them, according as the cafe shall require; as faith the lawyer Sextus Celsius: even as the master pilot ought to haue the helme alwayes in his hand, at discretion to turne it as the weather or occasion requirith: for otherwise the ship might oftentimes perish before hee could take aduice of them whom hee did carrie. Which is a thing necessity, not onely vnto a soueraigne prince, but oftentimes vnto a magiftrat alfo, the necessitie of the Commonweale so requiring, as we haue saide of Pompey, and of the Decemviri. And for that cause Augustus after he had ouerthrown Marcus Antonius at Actium, was by the Senat abolisht from the power of the lawes, albeit that he as then was but chief of the Commonweale, and no soueraigne prince, as we haue in due place declare. And after that Vespasian the emperour was also exempted from the power of the lawes, not by the Senat onely, but onely by the exepetive 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 estate, should have the power of the laws vnder him; then it is more expedient for the governour in an Arisocraticall estate; and necessarie for the people in their popular estate: for the monarch is diuided from the people; and in the Arisocraticall state, the lords or governours are diuided from the commonaltye 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 soueraigntie on the one part, and the people on the other; which causeth the difficulties which are betwixt them for the rights of soueraignty, which collapse in the popular estate. For if the prince or lords which hold the estate be bound to obserue 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 estate, seeing that the people make but one bodie, and cannot bind it fellc vnto it selue. But, Why then (will some say) did the people of Rome sweare to keepe the lawes? That was first begun by Saturnus the Tribune of the people, that so he might the more straitly bind the Senators to the lawes by him made: which Dio Iosephus writeth to have bene afterward done in all lawes. But it is one thing to bind all together, and to bind euerie one in particular; for so al the citizens particularly sweare to the obseruation of the lawes, but not all together; for that euery one of them in particular was bound vnto the power of them all in general. But an oath could not be giuen by them all: for why, the people in general is a certaine vniuerfall bodie, in power and nature diuided from euery man in particular. Then againe to say truly, an oath cannot bee made but by the lefwer to the greater, but in a popular estate nothing can bee greater than the whole body of the people themselves. But in a monarckie it is otherwise, where euery one in particular, and all the people in general, and (as it were) in one bodie, must sweare to the obseruation of the lawes, and their faithfull alledgeance to one soueraigne monarck; who next vnto God (of whom he holdeth his scepter & power) is bound to no man. For an oath carrieth alwaies with it reuerence vnto whom, or in whose name it is made, as still giuen vnto a superiour: and therefore the vassall giueth his oath vnto his lord, but receiueth none from him again, 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 upright, before the Confuls sitting solemnly sweare to the keeping of the lawes? That feemeth to have beene fo done by him for two causes, the one, for that having gotten the Confulship, together with his principall, he sweare as the Confuls did at their entrance into their Confulship; as also al the new magistrates did the first of Januarie, after they had sacrificed in the Capitol: The other reason was, for that the Roman emperours at the first had not any soueraigne power, but were only called princes, that is to say, the chiefemen in the Commonweale; which forme of a Commonweale, is called a principallie, and not a monachy: but a principallie is called a certaine forme of an Arisocraticie, 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 understood, 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 arisitng about their honour and greatnesse; hee to lay their strife, rap out this verse, taken out of Homers Iliades:

Kij
And it misset but a little (as faith Suetonius) but that hee had euene then chaunged his principality into a monachie, and set a crowne vpon his owne head. For in a principallike the prince or chiefe magistrat, who is aboue the rest, is yet no foueraigne; as we shall hereafter shew in the Commonweals of the Venetians, and of the Germans. And albeith that many of the Roman emperors, had taken vpon them the foueraiginct, and by dukes sleights wrastled from the people their libertie: yet neuerthelesse it was no mautaill if Traian, one of the best princes that euerm liued in the world, aswe (as is aforesaid) 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 obseruing of them: but neuer one of the emperours before him to sweare to the obseruing of the lawes. And therefore Plutarch the younger, who in a panegiricall oration, let forth the praiyes of that most worthy prince, speaking of the oath of Traian, crieth out in this fort, A great novelty (faith he) and neuer before heard of, hee sweareth by whome wee sweare. And after that in the declaration of the empire, Theodorie desirous to gaine the fauour of the Senat and people of Rome, followed the example of Traian, as we read in Caupidore, Ecce Traiani nostri clarum seculm reparamus exemplum: iurat obis per quem iuratis, Behold (faith he) we renew the example of our Traian, famous through all ages; he sweareth vnto you, by whome you owne feluces sweare. And like it is, that other princes have vfed the same custome, of taking the like oath at their coronation, although they have the foueraignite by the right of succession. True it is, that the kings of the Northerne people take such oathes as derogat from their foueraignite: As for example, the nobilitie of Denmarke withflood the coronation of Frederick, in the moneth of August, in the yeare 1559, vntill that he had solemnly sweonne that he should not put any noble man to death, or conficcat his goods, vntill he were iudged by the Senat, and that all noble men should have iurisdiction & power of life & death over their subiects, without appeale; and that the king should have no part in their fines or conficcat of their goods, and also that the king should not giue 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 drawnne out of the mouth of Frederick this mans grandfather, at such time as he made warre against Chriftierne king of Denmarke (who was driuen out of his kigdome, and after long banifhment returning, at length died in prifon, wherein he had liued twentie fuyereyes) and was afterward confirmed by Chriftierne father of Frederick, who toke the same oath. And to the end hee should not violat, or breake the same, the nobilitie to that purpose created a league with the towne of Lubeck, and Sigismundus Augustus king of Polonia, who also himsell feemes not to have much more power over his owne subiects than hath the king of Denmarke over his.

But of two things the one must be: that is to wit, the prince that sweareth to kepe the lawes of his coutrye, must either not haue the foueraignite; or els become a perillred 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 lawes, but also necesofarie for him to alter or correct them, as the infinit variety of places, times, and persons shall require. Or if wee shall say the prince to be still a foueraigne, and yet neuerthelesse with such condition, as that he can make no law without the advice of his counsell or people; he muft also be dispersed with by his subiects, for the oath that hee
A he hath made for the iniolat observation of the laws; & the subiects againe which are obliged & bound vnto the lawes, be it in particular, or in generall, haue also need to be dispensed withall by their prince, for feare they should be perierued; fo shall it come to paffe that the maieftie of the Commonweale, encling now to this side, now to that side, sometimes the prince, sometimes the people bearing swayne, shall haue no certaintie to reft vpon : which are notable absurdities, & altogether incompatible with the maieftie of absolute soueraigne, & contrarie both to law & reafon. And yet we fee many, euen them that thinke themselues to fee more in the manner than others, which maintaine it to be most necessarie, that princes should be bound by oath to keep the laws & customs of their country. In which doing they weaken & overthrow all the rights of soueraigne maieftie, which ought to be most facted & holy, & confound the soueraigne title of one soueraigne monarch, with an Aristocratie, or Democratie: whereby it commeth to paffe, that many princes, seeing that power to be taken from them, which properly belongeth vnto them, & that men would make them subiect to the laws of their country, dispencie in the end, not only with those their country laws, but euen with the laws of God & nature, making account of them all alike, as if they were bound to neither, but of both discharged. But to make all this manner more plaine to be vnderstand, we will by examples make manifest that before said. Wee read it thrice repeated in Dan. that by the customs of the Medes & Persians, the lawes by their kings made, were immutable & irrevocable; & 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 vnewed him, that the edict by him made could not by the law of their country be revokd: whereunto when the king euin against his will (as should seeme) had assented, Daniel was accordingly condemned vnto the beafts, & so calld vnto the hungry lions. If then the greatest monarch vpon earth could not derogate from the lawes by himselfe made; the grounds of maieftie & soueraigne by vs before laid, must needs faile: & that not onely in a monachie, but in a popular state also: as was that of Athens, whereof Thucydides speaking, sheweth that the waare of Peloponnesus 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 violatcd: whereupon the Lacedemonians sent their ambaffadours to Athens, to requeft the Athenians, that that law might be againe repealed. Whereunto Pericles then in greatest grace & autoritie with the people, answered the ambaffadours, That by the expresse lawes of their auncetfours, the lawes once made and confirmed by the people, & so hanged vp vpon the common pillar, might neuer be taken away. Which if it were so, the people was bound not to their owne lawes onely, but euen to the lawes of their predecessors also. And that more is, Theodosius the emperour would not that the lawes by himselfe made, should be of any force, except they were confirmed by the generall decreee of the whole Senat. In like maner 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 expressly laid, That the king shall vnder take no waare, nor other thing whatsoever of great importance, concerning the high estate of the Commonweale, without knowledge thereof given vnto the knights of the order, so to haue and vse their advice and counsell. And for that cause, as I suppose, the edicts of our kings are of none effect, vntill they be read, publisht, verified, and reglifhed in parliament, with the consent of the great Attorne generall; and the approbation of the court. And in England it is by sometyme custome receiued, that lawes concerning the state of the Commonweale should

B Examples to prove that lawes once made and e stablisht, may not by them that have the soueraigne be againe changed.

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

The reasons, although they seem probable, yet are they not sufficient to prove the rule concerning Sovereignty before by vs set downe, not 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 detested against the life of Daniel: who grieving to see a man for his wisdom and roynall destitute honourable, and yet a stranger, to be in greater grace and favour with the king than themselves, and exalted in their country in degree next unto the king, made that false allegation of the strength of their lawes against him, with whose accusation the king deceived, or else to prove if Daniels God could cause him from death, caused him to be cast into the hungry lions. But having in him seene the wonderfull power and mercie of God towards his servaunts, he gave Daniels enemies to bee deuoured of the same lawes: wherein the end well shewed, the king to have bene above the lawes of his country. In like sort Darius Memnon at the request of a young Jewish lady reueoked the decree whereby he had appointed all the nation of the Jews to be utterly rooted out. As for that which Pericles answered unto the embassadours of the Lacedemonians, he therein respected not 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 which hee was laid to the Lacedemonian embassadours, That the edicts once hanged upon the pillars, might not be taken away: which his sophification the embassadours returned unto him againe, with a Lacedemonian quip, saying, That they desired not to haue the edict taken away from the pillar, but only the table turned. For if the lawes of the Athenians had bene immutable, why had they such variety, and infinit multitude of lawes, which they were wont to establishe at the continual motion of their magistrats; & to abrogate the old, that so the new might take place? But that Pericles therein abused the Lacedemonian embassadours, it is manifest by the oration of Demosthenes against Leptines, who had preferred a request unto the people, to the end that by a perpetuall and irreconcilable edict it might from that time forward bee forbidden upon paine of death, to present any request unto the people for the obtaining of any priviledge or exemption, and the like paine to bee inflicted upon him that should so much as speake for repealing that edict. Wherein Demosthenes hardly withstood Leptines, &c so wrought the matter, that his request was received, having manifestly shewed the people by consenting to this law, to be disposed not only of the prerogative that it had to grant exemptions and priviledges to such as should well defence of them, but also 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 received; as one may see in all the orations of Demosthenes: but yet that never letted, but that the new and profitable lawes were still preferred before the old vnjust lawes. And in like case the generall edict, wherein it was decreed, That the offendors fined once adjudged and set downe by the people, might not in any wife bee forgiven or abated; was yet many times remoued, and that once in favour of Pericles himselle, and another time in favour of Cleomides and Demosthenes, who by due degrees judgements of the people, had bene euerie one of them condemned in a fine of & thirtie thousand crownes. They lay also in this realme of France, the fine once being paid, be it right or be it wrong, is never againe to be restor'd: and yet we see oftentimes the contrarie, and the same to bee againe
A againe recovered. It is then a formalitie which is and hath alwaies beene in euerie 
Commonwealth, that the law makers to give vnto their lawes the greater weight and 
authoritie, ioyne thereunto these words of couete, Edicto perpetuo & irrenovable fan-
cemus, &c. By a perpetuall and irrenovable decree we ordaine. And with vs in the be-
ginning of euerie law, Vniuersi prefentibus & futuris: which words are added to the 
eternal memorie of polettie, leaft the law shoulde by any be infringed. And the more 
to shew the difference of the lawes, such as be made for perpetuities, 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 theo of the Greekes 
and Romaines, who in making their lawes, commonly vnd to ioyne therewith this 
claufe, Vt nec per Senatum, nec per populum, lex infirmari pojst: That the law might not 
either by the Senate or the people bee weakened: which wordes if they imported a 
perpetuall and irrenovable decree we ordaine. Why did the people almoft in the same moment that it had established a 
law, againe abrogate the same. Concerning which matter, Cicero writing vnto his 
friend Atticus: Thou knowest (sayth 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 bad vnto this claufe: Vt nec per Senatum nec per populum 
lex infirmari pojst: for other wise (sayth he) one should never see law repealed, seeing that 
there is no law which carieth not this claufe with it; from which men yet doe ordinarily de-
rogate. Thus much he. Which is yet more plainly to be vnderstood out of the Ora-
tion of Fabius Ambatus 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 alledged the law of the twelve Tables in these words, Quod 
postremum infit populos id ratum esse, What the people shall last decree, let that stand 
for good.

So we see the Medes, the Persians, the Greeks, the Latines, to have vnd the same 
forme and cautions, for the eftablishing of their edicts and lawes, that our kings doe: 
who vnto the lawes by them made, oftentimes ioyne this claufe: Without that there-
from can by vs, our successors be derogated. Or els, without regard having vnto any de-
rogation, 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 almoft alwaies subiect vnto the latter edicts and derogations. And therefore Solon 
did wisely, who would not bind the Athenians to keep his lawes for ever, but conten
ted himselfe to have them kept for an hundred yeres: and yet neiuer the lesse he yet li-
ting, 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-
liament, 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 Theodosius, which 
Balbus enterpreeted not to be a thing so much of necessitie, as of courtse: as that is al-
so a speech well becominge soueraigne maietie, for a prince to profeffe himselfe bound 
unto the lawes of himselfe, that raigneth. And certainly there is nothing better, or 
more becominge a prince, than by his deeds and life to confirme those lawes which hee 
himselfe hath made: for that is of greatest force, for the honour and obedience of the 
made.

B
But what if a prince by law forbid to kill or to steal, is he 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 such sort as that they cannot be from the same exempted, either by the Senat, or the people, but that they must be enforced to make their appearance before the tribunall fear of almightie God: For God taketh a stricter account of princes than of others, as the master of wildorne Solomon himselfe a king, hath most truly written. Whereunto we agree, that saying of Marcus Aurelius, who for his desire of knowledge, was called the Philosopher: The magistrats are judges over private men, princes judge the magistrats, and God the princes. This is the opinion of a great prince, esteemed of all other the wisest, unto whom we will joine the third, Antigonus king of Asia, who hearing a flattering fay, that al things were lawfull for kings: Yea, faie he, forbarbarous kings and tyrants. The first that vied this kind of flatterie, was Anaxarchus towards Alexander the Great, whome hee made to beleue, That the goddesse Jumile, was still at the right hand of Jupiter, to shew that princes could do nothing but that was right and just: Of which their injustice 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 antoull. But how much more truly did Seneca faie to the contrarie, Cesarium omnium licet, propter hoc minus licet, When all things are vnto Cesar lawfull, even for that ate they leffe lawfull. And therefore they that generally saie, that princes are not subiect vnto lawes, nor 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 special exemption to appeare, as men saie in matters of prinseleges. So Dionysius the tyrant of Sicilie, said to his mother, That he could dispence with the lawes and customes of Syracusa, but not with the lawes of nature. For as the contracts and testamants of privie men, cannot derogat from the decrees of the magistrats, nor the decrees of the magistrats from the princely customs, nor the princely customes from the general lawes of a soueraigne prince: no more alfo 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 & lawes which they propounded vnto the good liking of the people, commonly annexed this clauze, Si quidius non est E. E. L. N. R. eius est leges nihilem rogatur, that is to faie, If any thing were therein contained that was not just and reasonable, they by that law requested nothing. But of all others they are most absurde, 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 diuised, for which we ought to break the lawes of God? And hereof proceed such paradoxes as this, That he whom the Pope hath dispensed withall for the lawes of God, is sufficiently asurred before God: which how true it is let others judge.

There refleth yet another objection, by them objected which with more reason examine matters. If princes (saie they) be bound vnto the lawes of nature, that is to saie, of vpright reason; and that cuill lawes be (in all things) agreeable vnto right and reason,
But is enquired for that. For and for. So fed and but. albeit wealle, but nei-
where umo. But And That and For it no.

eont, it muft needs thet of follow, that the prince is also bound vnto the civil laws. And to that end they allege that saying of Prussia vnto Theodosius the emperor, Tanum gib lisit quantum per leges licebit. So much is lawfull for thee to do, as thou maifie by law doc. For the plainer aunswering of which doubt, we muft thus distinguish: That the lawes of a foueraigne prince, whereby question is made, conctene either that which is publick, or privaie, 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 els of that which is neither of both. And that I call honest, which is agreeing vnto the equitie of nature; vnto which naturnl equitie it is manifest all princes to be bound, seeing that which nature teacheth, is altogether comprehended in the law of nature, whetenvto every prince is bound to obey: neither is such a law to bee called a ciuile law, albeit that the prince caufe it to bee publishe, but rather the law of nature. And with so much the more reafon, when the law is both honest and profitable. But if that which is by law commanded, bee neither honest nor profitable, although of such things there ought to be no law; yet may the prince bind his subiects vnto those lawes, whereunto he is not himselfe bound, if they have no dihonneur or dishonelftie toynd with them. For there bee some things honest, some things dihonest, and some in a meane betwixt both. But if profit repugne against honestie, it is good reafon that honestie should take place. As ArieLides the iuft, to whom Themisioles was commanded to communcat his deuice, aunswered, That the counfell of Themisioles was profitable to the Commonweale: but yet in his judgement dishonest: the Atheniens hearing so much, equired no farther after the matter, but decreed that his profitable counsell to be reiectet. But here when we rea-

son of a Commonweale, we muft speake according to the common manner; which our speech is not to be examined according to the subtiltie of Philofophers: for they fet downe nothing to be profitable which is not honest, neither any thing to bee honest which is not iust: but that old custome is growne out of vfe, so that of necessitie 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 him-

efelle is not by that law bound, although his subiects be, so that nothing bee therein contained contrarie to the lawes of God and nature: and such lawes the prince may at his pleafure abrogat, or from them derogat, and in stead of them make others, either more or lesse profitable: for things honest, iuft, and profitaile, 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 uprigh 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 subiect to breake the lawes of his prince, vnder the colour of honestie, or iustice: as if the prince in time of famine, forbid the carrying out of viuitals a thing not only profitable to the Common-

weale, but oft times alio iust and reafonable he ought not to giue leave to some few to carry the out, to the prejudice of the common state, & of other marchants in particular; for vnder the colour of profit that these flatterers and flatteringe marchants carrie things, many good marchants suffer losse, and all the subiects in generall are famished: and yet nevertheless the famine and dearte ceafting, it is not yet lawfull for the subiect to transgrefs the edicts of his prince, and to carrie out viuitals, vntill the law forbidding the fame, be by the prince abrogated, no not though there seeme never so great occasions for the transgresing of the law: as that now the citie is full of viuital, and all other things necessearie: and that the law of nature perswadeth vs to giue reliex vnto differti-
fed strangers, in letting them have part of such good things as it hath pleased God to send encrease of more in one country than in another: for as much as the power of the law that forbiddeth, is greater than the apparent equity, the show whereof everie man might pretend to his desires, except the prohibition in the law be directly against the lawes of God and nature.

But so sometimes things fall out, as that the 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 subiects, except his guard and garrison, fouldeors, upon paine of death to carry weapon, so to take away the seares of mutterers and seditions; he in this case ought not to be subject to his owne law, but to the contrarie, to be well armed for the defence of the good, and punishment of the enim. The same we may say of other edicts and lawes also, which concern but some part of the subiects; which edicts and lawes are called pricelges, and are just in respect of certain persons, or for a certain time, or place; or for the variety of punishments which depend alwaies of the lawes; albeit that the forbidding of offences is proceeding from the lawes of God and nature. Vnto which edicts and lawes the princes are not any way bound, further than the natural justice of the same hath place; which ceasing the prince is no more therunto bound, vntill the prince have abrogated the same. For it is not only a law of nature, but also oftentimes repeated amongst the lawes of God, that we should be obedient vnto the lawes and ordinances of such princes as it hath pleased God to set to rule and raigne ouer vs, if their lawes and decrees be not directly repugnant vnto the lawes of God and nature, whereunto all princes are as well bound as their subiects. For as the vaffall oweth his oath of fidelitie vnto his lord towardes & against all men, except his soueraigne prince; so the subiect 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 contracts by him made, bee it with his subiect, or with a straunger: for seeing he is the warrant to his subiects of the mutuell convention and obligations that they have one of them against another: for how much more reason is he the debtor of justice in his owne fact, and to be bound to keep 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 everie man his right. Which puteth mee in remembrance of a resolution concerning the vpright dealing of princes, worthy to be engraven in letters of gold, in their lodgings and pallaces; which is, That it ought to bee accounted amongst things which by chance seldom 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 just 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 subiects, 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 releueed than his subiects, 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 particular
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 yeald; yet was it not lawfull for the prince so to doe. Whereby it is well to be perceived, the doctors of the Canon law to erre, and to be deceived, who deny a prince to be bound to his owne conuenions or agreements, otherwise than with a naturall bond: for that say they, every bond is proper unto the ciuill law; which their error is to be removed: For who can doubt, but that the bond is of the same nature with the covenent? Wherefore if the covenent be natural, and common to all nations, the bonds and actions arising thereof must needs consequently be of the same nature also. But no covenent almoft, neither any obligation or bond can be defuited, which is not common both unto the law of nature and nations. But let vs graunt some covenants to proceed from the mete ciuill law; yet who dare to deny a prince to be more straitly bound even unto such ciuill covenants, and promises, than are the privat subjectes 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 almoft all the learned lawyers are of opinion and accord. And what maruell? seeing God himself is bound vnto his promises. For so he plainly protesteth with the prophet Hieremias; Call together vnto me (faith he) all the people of the earth, that they may juge between 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 subjectes? whereat we need not to maruell, seeing that out of the same fountain is sprung, that no lesse strange position: that a prince may of right, without any just cause enrich himselfe, as another man losse: an opinion repugnant vnto the lawes both of God and nature. But how much more vprightly was it of latejudged in the court of Paris, that the prince might give his interest vnto the partie condemned; but not the interest of another man. And that in confiscations creditoris are by right first to be preferred. The same court also by another decree 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 conforme the resolutions which wee before have set downe, concerning the absolute fouraignete. And Philip of Valoys, by two testaments which he made in the yeare 1347, and 1350, (which are in the treasuries of France in a coffe, intituled The testaments of kings, number 289) gaveth a claue and derogation vnto the lawes of his countrey, from which he protested himselfe to be discharged, as not vnto them bound. The like protestations he also vseth, when hee gave vnto the queene his wife certaine treasuere, and privat lands, contract 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 emperor thought it not good for himselfe in like case to vfe the like libertie in his Commonweale, but being willing to giue 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), considering that he was long time before in all other things dispenced with from the lawes) to the intent the better to assurre his gift, so that he was not a fouraigne prince, as we have before shewed. For otherwise hee had not bene any way bound so to doe; as it was in most strong tearmes judged by a decree in the court of Paris, in the case of Philip the secon, the French king. That he was not bound vnto the customes of the ciuill law, at such tyme as they which were next of kinde would have redeemed of him the countrey of Guynes: howbeit that many both thynke 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 ancients 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 Vnitieties, the kings have always declared, That their purpose was to have the civil and canon laws in them publickly professed and taught, to make vie thereof at their discretion, but not that the subjects should be any way bound therunto, lest they should seem to derogate from the laws of their own country by advancing the laws of strangers. And for the same cause Alaricus king of the Gothes, forbid uppon pain of death, any man to allege the Roman laws contrary to his decrees and ordinances. Which Charles de 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 Alaricus decreed or done, but that whichuer wise 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 decreed of the court of Paris, whereby we are expressly forbidden to allege the laws of the Romans, against the laws and customs of our ancients. Yea the kings of Spain also have upon capittall paine forbidden any man to allege the Roman laws, in confirmation of their own laws, (as Oldred writeth.) And albeith 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: & therfore much lesse the prince himself, who thought it a thing dangerous to have his judges bound unto strange 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 Spain forbade the Roman laws to be at all taught in Spaine, as Polybates writeth: which was more straitly provided for by king Alphonse the tenth, who commandd the magistrates and judges to come unto the prince himself, as often as there was nothing written in the laws of their country concerning the matter in question. Wherein Baldis is mistaken, when hee writeth the Italians to bee bound to the Roman laws; but the French no otherwise than in farrer as they should seeme vnto them to agree with equitie and reason. For the one are as little bound as the other; howbeit that Italie, Spaine, the countries of Provence, Savoy, Languedoc, and Lyonnais, vse the Roman lawes more than other people: and that Frederike Barbarossa the emperour, caused the books of the Roman laws to be published and taught: the greatest part whereof had yeut no place in Italie, and much lesse in Germanie. But there is much difference between a right, and a law: for a right still without command respecteth nothing but that which is good but ypright; but a law importeth a commandement. For the law is nothing els but the commandement of a souetaigne, yking of his souetaigne power. Wherefore then as a souetaigne 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 Pindaros) all kings and princes are subject. From which we are not to except either the pope or the emperour (as some pertinace flatterers do) saying, That those two vix, the pope and the emperour, may of right without cause take vnto themselves the goods of their subjects. Which opinion the Canonicis themselves, the interpreters of the popes law detest, as contradicte to the law of God: whereunto for all that they joine this cuius 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 they against them that be weaker than them selves, which the Gertmans most rightly call, The law of theeues 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 law: 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 commanded, 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 steal. For pouerie commonly causeth theeues to seek after other mens goods: but they that maintaine such opinions, show the lion his claves, and arm the prince so instru&ed, so pretend vnto his outrages, this goodly shew of Law and Justice: who by nature naught, & made worse by instruction: so proning to be a tyrant, makeno 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, hee quickly breaketh out from couetousnesse to vniust confinacions, from luft to adulterie, from wrath 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 & pestillent opinions, perverting justice, causeth the fine to runne before the accusation, and the condemnation before then judgement. Howbeit it is an incongruitie in law, to say that a prince can do any thing which is not agreeing with honestie: seeing that his power ought alwaies to be measured with the foot of justice. For so said Plutarch the younger unto Traian the emperour: Ut enim felicitatis est posse quantum velis: sic magnitudinis velle quantum possis. As it is (faith he) in thy happynesse to be able to doe what thou wilt; so becometh it thy greatnesse, to will what thou maitst. Whereof may be gathered, that a prince can do nothing that is fowle or vniust. It is also euill done: so faith, that a foueraigne prince hath power by violence to take away another mans goods, to rob, to commit adulterie, or to do cuill, seeing that so to doe, is rather an impotency, or fucheenes, proceeding from a weake mind outcome with impotent luft 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 lighting & breathing image) hath prescined vnto the euerlasting lawes of nature: neither may he take from another man that which is his, without luft cause, whether it be by buying, by exchang, by confiscation, by league with friends, or peace made with enemies, if it cannot otherwise bee concluded than by priuat mens loffe: whose goods princes oftentimes permit the enemies to enjoy, for the genetall welfare of the subiects and of the Commonwealth: howbeit that many be not of this opinion, but would that euery man should keepe his owne, and that no publique diminution should be made of any priuat mans goods: or that if publique necessity so required, it were againe to bee made good by the whole state: which opinion I like well of, if conveniently it might so 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 becometh priuat men without grudging to forgive unto the Commonwealth, not onely their priuat displeasures, and injuries receiued from their enemies, 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 recompenced with the publique
publique profit: and this law doth all people vse, that in conclusions of peace, not only publick things are recompened with publicke, and privat things with privat: but both with the mutuall profits and detriments of both: And yet I see many great matters of both laves, both to be, & to have bene of opinion, in that those leagues where in it is excepted, that no question should be made of the losse on both sides received, such exception should be void, neither to be any thing prejudiciall vnto privat men: howbeit that we vse it otherwises; for in the peace of Peronne, made for the deliuerance of Lewes the x) the French king, prisoner vnto Charles earle of Burgundie, it was in one article provided, That Seigneur de Toris should not execute the sentence of the court of Paris against the lord of Saneus. And therefore is Thrasibulus (and that not unworthyly) commended, that hauing ouerthrown and driuen thirtie tyrants out of the cite of Athens, he caused the law of forgetfulness to be proclaimed. Wherein was contained the forgetting of all privat injuries and losses receiued in the late ciuill warre: which was also afterwards proclaimed in Rome, after that Cesar was slaine in the Senat, at the tractive made betwixt the conspirators on the one side, and Cesar's partakers on the other. Yet it is by all meanes to be endouted, that mens harms received, should be recompened with other mens profits, and so as neere as may bee euery man to have his owne, which if it cannot be done without tumult and ciuill warres, we must defend the possessors of other mens things, although they hold them wrongful, vntill 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 liberrice, after it had for the space of five yeares bene oppreseed with tyranny, restored also five hundred banished men, whose lands & goods had bene by the tyrant confiscaded. Yet it would bee not the possessors of those lands, which the tyrants had vnjustly taken from those citizens, to be spoied thereof: for that much thereof was lawfully bought and sold, and much of it holden in doiwne, so that it could not be done without a most daungerous turmoile in the state. Wherefore he bound all the citizens by oath, That they should keep peace and amitiie vntill such time as he returning out of Egypt, should then take order for all things. For hauing there borrowed three thousand crownes of Ptolemeus Philadelphe, he returned into his countrey, and prizing the land, wrought the matter, that some made choice to take money and leaue the land, and other some thought it better to take mony themselves, than to recover againe that which had bene before their owne. Wherefore these causes that I have laid downe, the prince cannot take nor giue another mans goods, without the consent of the owner. And in all gifts, grants, immunities, and priuiledges, this clause is still annexed, Saving alwaies our owne right: and the right of other men: Which clause added vnto the inuenture of the dutchie of Milan, which Maximilian the emperor made to king Lewes the xij, was the occasion of new wares, for the right which the forsees pretend to the dutchie, which the emperour could not nor would not giue away. And this clause although it be left out, is yet supposed to be still put in: for that even the emperour would he neuer to faine, can no otherwise giue or grant any other thing to any body. For that which the common people commonly faith, All to the princes, is to be vnderstood concerning power and soueraignetie, the proprietie and posession of euery mans things: yet referred to him selfe. For so faith Seneca, Ad reges potestas omnium pertinet, ad singulos proprietis. Vnto kings be longeth the power of all things, and vnto particular men the proprietie. And a little after, Omnia rex imperio posidet singulis dominio, The king in power poiffeth 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
OF A COMMONWEALE.

A way of confiscation (if they be not simply and without mean holden of the crown) to the end that the patrons of them that were proscribed, should lose nothing of their right in the lands confiscated. And if the king be debtor to any privat man, his subiect, he is therefore ofttimes freed, condemned, and enforced to pay the debt. But that strangers as well as subiects, and all posterite may know of what integrity our kings haue bene, and with what moderation they haue borne themselves 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 curt, the ryth of the fruits euen of his garden of pleafure: So when another of our kings had by the negligence of his aduocat, made default of appearance at his day; hee by ordinarie court requested to haue that negligent outright 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 privat men, who alwaies in such cafe are againe restored into the state they before were. And albeit that subiects vnder xxv years old, almost in all privat judgements vfe to be againe restored into the state they were, by the priuilege of their age; yet our kings although but children, are never fo restored by the benefit of their age, but in all judgements are deemed to bee of full age. And yet the Commonweale neverthelesse is alwaies reputed to be in minority: which is to anfwere them which are of opinion, That the Commonweale ought not to be restored; in that they confound the patrimonie of the prince, with the Commonweale, which is alwaies in a monarchie divided: but all one in a popular or an Aristocraticall state.

With this flouteness of courage the magiftrats bare themselves towards our kings, & with this moderation also did our kings reverence justice, preferring fill in all futes the Commonweale before privat men, and privat men before princes. There is also extant in the records of the court of Paris, a judgement giuen against king Charles the leuenth, wherein he was condemned to suffer a wood of his to bee cut downe which hee had neere vnto the cite of Paris, for the publike vfe 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 decete, whereunto a privat subiect could hardly have bene druen. Then was it plainly to be seene how much a king differed from a tyrant: for when this Charles the vij had druen the English forces out of the hatt of France, and easily taken the cite of Paris (which conferred with the English, had wrested the sceptre out of this kings hand) he was so farre from recovering of his receiued injuries, that hee vfed the citizens most currently, and shewed himfelfe more obedient vnto the judges than privat men haue vfed to be. When at the same time Philip Maria, duke of Milan, having oppressed the Commonweale with taxes and tributes, embattall'd his ports and riueres, in fuch fort as that none of the citizens without his leaue could passe or trauel thereby, but that first they muft therefore pay money.

Thus we have hitherto shewed in what fort a soueraigne is subiect vnto the lawes and conuention by him made with his subiects: Now it reffeth for vs to see whether he be subiect vnto the contracts and promisses of the kings his predecessours; and whether his obliging be compatible with soueraigne majestie or not. Which in few words to dilatere, passing over a multitude of nice questiones which might bee made in this matter: I say that a prince is bound vnto the covantans of his auncetors as well as other privat heirs, if his kingdom come vnto him by inheritance, or bee giuen him by testament: being not next of kinne; as Ptolemye king of Cytrone, Nicomedes king of Bithynia, Attalus king of Asia, and Eumenes king of Perge, by their wils appointed the people of Rome to inherit their kingdomes. But what if a kingdom be by will giuen vnto the next of kinne? as Henry the eight by his will left the kingdom of Eng.
land to his son Edward the first, and substituted unto him his sister Mary, and unto her Elizabeth her sister, who all successively enjoyed the kingdom. In this case we are must differing, whether the appointed heir will accept the estate in the quality of an heir by testament appointed; or renouncing the succession of the testator, demaundeth the crown by virtue of the custom and law of his country. For in the former case the succesour is bound unto all the hereditary obligations and actions of his predecessors, as if he were a priviit inheritor: but in the second case, he is not bound unto the dome of his predecesseur, albeit that his predecesseur were thereto sworne. For neither the oath nor the obligation of the dead predecessor, bindeth the successor in the law, more than so farre as the obligation made by the testator tendeth to the good of the Commonweale, and so farre he is bound. And therefore king Edward the xii, when he was demaunded the artillery lent unto Charles the eight, answered, That he was none of Charles his heir. So of late king Francis the second, to like effect writ his letters vnto the lords of the Swissers, demaunding of him his fathers debts, the copie whereof taken out of the records, beating date the xii of Iauuatie 1559, I haue here set downe as followeth, viz. Although that we be not bound to pay the debts of our most honourable Lord, and dead father: for that we have not taken upon vs this crown by right of inheritance as his heire, but by the royall law and custome generally observed even from the first institution thereof, which bindeth vs not, but onely to the observing of such confederations and treaties, passed and made by the kings our predecessors, with other forren princes and Commonweale, for the good and profit of this crown. Neuerthelesse desiring to discharge the credit and conscience of the said our dead lord and father, we are resolued to dischage his lawfull debts, &c. Onely this requesting you to moderat the interest, in such sort as you haue offered, according to the lawes and customes of your countrey, and that no greater be of us exacted. Which his request the Swissers by their common decreet approved, so that whereas before they had taken of our people so deepe interest, as euery xii yeare came almost to as much as the principall, (which is twice so much as they doe in Fruance) they brought it downe to a third part, which commeth to fo much as the principal but in twentie yeares. But that our kings were not bound vnto the bonds of their predecessors, the court of Paris determined, viz. In the yeare 1556. Wherefore they are greatly deceived, which receueth from an oracle the formall and conceited words of the oath which the bishops of Rheims haue at their pleasure not long since deuised, which our kings at their coronation now vfe. For after that the archbishop of Rheims hath set the crownne vpon the kings head, the twelve peets of Fruance putting to their hands, he faith vnto him these words, Stay you here (faith he) and the kingdome which you haue before untill now helden by succession from your father, now from henceforth hold as the true heere thereof put into your hands by the power of almightie God, and by the just deluere thereof, which we the bishops and other the servants of God here presentely make vnto you. An honest speech if it were true. But I thinke no man doubteth, but that the king even before his consecration enioyeth both the possession and propriety of the kingdome, not by inheritance or his fathers right, and much lesse by the bountie of the bishops or peets, but by the royall law and custome of the realeme, as was long since decreed by a decree of the French men, That no man should thinke the power of the king to depend on the pleasure of the bishops: not for that the Senate ever doubted of the power of the king before his coronation; but that those vaine quirkes of the bishops might be utterly refelcted. For it is an old proverbe with vs, That the king doth never die, but that so soone as he is dead, the next male of his stocke is seyled of the kingdome, and in possession thereof before he be crowned, which is not conferred vnto him by succession of his father, but by vertue of the law of the land; least the succession...
Of a Commonweale.

A

Ifion of the kingdome should be vncertaine, then which nothing can be more daunge-
rous in a Commonweale. Wherefore let vs this hold, that the king which is by law-
ful right called vnto his kingdome, is to faire bound vnto the covenants and promis-
es of the kings his predecessours, as is for the good of the Commonweale: and to much
the more, if the contracts were made by the consent and good liking of the people in-
genereal, or of the states, or high court of parliament: which it is not onely feemly for
a king to kepe, but also necessarie, although it be hurtfull vnto the Commonweale, 
considering that it concerneth the faith and obligation of his subiects. But if the foue-
raigne prince hath contracteth either with strangers, or with his subiects, for such things
as concerneth the Commonweale, without the consent of them were haue before said, if

any great harms redound vnto the Commonweale by such contract, it is not rea
the lawfull successour to be thereto bound: and much leffe if hee haue obtained the
kingdome by election: For that he holdeth nothing from his predecessour, as he should
do it he helde his state by seignation, for then he should be bound vnto the contracts
and promiss of his predecessours, except it were expressly otherwise excepted. But
by what right focuer the prince shal haue received his kingdome, whether it be by law,
by testament, by election, or by lot, it is reason that the successours should performe all
such contracts of his predecessour, as redounded to the profit of the Commonweale:
for otherwise it should be lawfull for him contrary 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 preserve and keepe the publike faith, least in
the extreme daungeth thereof, all the means for the reliefe thereof should be shut vp.
And thus are to bee understand, those things which the court of Paris decreed in the
yeares 1256. and 1294. &c. The king not to be bound vnto the covenants and agree-
ments of the former kings his predecessours: their opinion being rejected, which say,
That a foueraigne prince is to be fruited out of his kingdome, if he performe not the tes-
stament of the former prince his predecessour: without putting the difference of prince-
ly succesions, by vs before put, but utterly confounding the succesion of princes.

But what needeth (might some man say) this distinction in succesion of princes, see-
ing that all princes are bound and subiect vnto the lawes of nations, whereof contracts
and testaments do depend. Which is not so if wee speake of all contracts and testa-
ments in genetall: but admit that to be true, yet thereof 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 said concerning the obli-
ging of princes, is to be referred. For as for the laws of nations, if they be any of them
vniuit, the prince may abrogate them by the law of his realme, & forbid his subiects to
vfe the same: as we said before of seruitude and slaues: which by a dangerous ex-
ample, by the law almoast of all nations brought into Commonweales, were againe by
the wholesome decrees of many princes well agreeing with the lawes of nature taken
away: which being faiid of one thing, may also be extended vnto other things of like
condition: provided alwaies, that nothing be done contrary 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 allmightie God; it must needs follow, that the law of
the prince shoule be framed vnto the modell of the law of God.

L. 

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

His question deserveth a special Chapter by it selfe, for that it hath no communitie with the auncient marks of Soueraigneitie, which were before the right of Fees, yfed 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 haue to serue in the warrs, but so long as pleaseth the king of the Turkies, who giueth them no longer but for the term of their liues: which haue them with condition, that in time of warr the Timariots shall of their owne charge without any pay bring such a number of horsemens and horsemen, as is appointed in the subside bookees, according to the proportion of the rent of the fees, which they call Timar, which is to say in their language, the use and profite, detied as I suppose of the Grecke word τιμαρίας; and the word Timar signifying with them the honourable use and profite, which is the true nature of Fee, to bee free from all tribute or base charges. And for this cause the vassall in the auncient law of the Lombards, is called Vende, which is to say, Franke and free: Aldius and Ada, affranchised, from whence the words Alaudium and Laudimia are detied, signifying the honourable rewards woonot to be giuen to the lord of the fee, taking the oath of fealty of his vassall. But hauing thus much said for the explanation of these words, let vs pro-
ceed vnto our purpose.

We haue saied here before, him to be an absolute soueraigne, who next vnto almightie God, is subject vnto none: neither holdeth any thing next vnto God, but of his owne sword: For if he be ensered to serue any man, or to obey any mans commande (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 Victaurs meres slaves com-
mmanded.*

Eft seip esse sevum, iam nolo *victarius esset:*

Quis Rex esset, Regem Maxime non habeat.

To bee a slave it is enough, I will not serue a slave:

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

If they then which hold in fealty: and hommage haue no maiestie or soueraignety, there should be but few soueraigne princes to be found. And if wee grant that they which hold in fealty and hommage, or that are tributaries, be soueraignes, wee must by the same reason confesse, the vassall and his lord, the master and the seruant, to be euall in greatest, power, and authoritie. And yet the doctors of the law hold that the dukes of Milan, Mantua, Ferrara, and Sanno, yea euens and some Counties also are soueraignes: which altogether differ from these things which we haue before saied of the right of maiestie and soueraignety. Wherefore it is requisite for vs more expressely to entreat of these matters, whereof dependeth the principal point of soueraignety, and the prerogative of honour amongst princes, which they esteeme as a thing vnto them most deare of all things in the world.

We saied before in the Chapter of Patronage (which we otherwife call Protections) that princes which are in protection, if they haue no other subjection, hold yet their maiestie and soueraignety, 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 onely, and them which hold
A in fealtie and homage. For the client, or he which is the simple protection of another prince only, acknowledge his patron his superior, in the league of their confederation, but no further than the dignity of the person and place requisite: but the vassall, or he which holdeth in sealtie and homage, is glad not only to acknowledge his lord for his superior, but is enforced also in humble wise to give vnto him his faith and dutie, or else 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.

Which that it may be the better understood we will make nine degrees of inferiours, in respect of their superiours: beside him who next vnto almighty God, acknowledgeth none superiour vnto himselfe. The first fort, is of such princes as are in the protection of him whose maieffe they observe 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 confederation, vnto whom they vse to pay a tribute or pension, so by his helpe and aid to bee the safer: which deuerteth 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, hauing of him receiued peace, who yet keepe their maieffe and foueraigne, with condition, courteously to reuerence the maieffe of the victor, and to pay vnto him a yealtie tribute, for which they are from him to receive neither protection nor aide. And albeit that thefe 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 foueraignite over their owne subiects; but yet are vassals or feudataries to some other prince for some fee, bee it greater or bee it leffe, which they from him receiue. The fift fort, is of them which are not kings, neither have any foueraignite, 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 sistring fort are they whom we call liege vassals, who are not natural subiects vnto the prince, but hauing given him their faith, are bound to defend his dignitie and honour, and for his defence to take vp arms without exception; yet not alwaies, nor in all places, but so farre forth as the profit of the fee, or the contract 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 haue the same enemies and the same friends that he hath. The eight fort is of them, which in former time deliered from slauerie, yet retaine 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 liege man; and hold, that the liege man oweth all obedience vnto his lord towards and against all men; and that the simple vassall refethueth his superior: and yet neuertheless there is but the subiect onely which oweth his obedience. For the vassall, be he liege or simple, if he be not a subiect, oweth but the service and homage expressd in his ineffecture, from which he may without fraud exempt himselfe, 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 meanes without the content of his prince exempt himselfe from the perfonal obliga.
obligation wherewith he is vnto him bound, as we have before declared. The simple 
vassall is bound but once in his life to giue his oath of fidelitie vnto his lord: and such 
a vassall it may be as is neuer bound to giue his oath: for that the fee may bee without 
any fuch obligation of giuing his faith, as is to be scene in the old lawes of fees, (contrar 
to that to which M. Charles du Molin hath both thought and write) but the subiect 
whatsoever is alwaies and in all places bound to giue his oath, and so oft as it shall please 
his foueraigne prince to require it: yea although he were a bishop without any tem 
poralitie at all. As for the liege man, it is not requisite that he should bee subiect vnto 
the lord of whom he holdeth: for it may be, that he may be a foueraigne prince, hol 
ding some feignorie of another prince in liege, fealtie and homage: it may also be, that 
he may be the natural subiect of one prince, and liege man to another, by reason of his 
fee: or well the simple vassall of one Lord, without being subiect or liegeman to an 
other: and natural subiect to another, to whom he is inftituable, and yet holdeth of 
him neither fee nor reuenew. For the vassall of a vassall is not for that, either vassall or 
subiect of the same lord, if it bee not in regard of the same fee. But it is needfull to 
expaline that we have said by examples.

We find that the kings of England haue giuen their liege faith and homage vnto 
the kings of Fraunce for all the countries which they hold on this fide the sea, except 
the counties of Oye and Guynes: And yet neuer theleffe they held the kingdoms of 
England and Ireland in foueraignty without acknowledgement of any other prince 
whatsoever. But after in the yeare 1212 they made themselves vassalls vnto the Pope 
and the church of Rome, and not onely vassalls, but also tributaries: beside the annua 
gift of smoke money, of auentient time granted by the king of England, in the yeare 
740, & augmented by Ethelpe, 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 homage, with the charge to pay 
the yearely rent and reuenew of a thousand marke for euer, upon Michaelmas day, be 
side the Peter pence, which I haue spoken of: & gave his faith and homage vnto the 
legat of pope Innocent the third, in the yeare 1213, in the presence of his chancelor, the 
archbishop of Canterburie, foure bishops, sixe counties, and many other great lords. 
The Bull was made in autentique forme, whereof I haue seene the copie in a regi 
siter of the Vatican, taken out by the commandement of chancelour du Prat, when 
his was Legar. And albeit that Sir Thomas More, chancelour of England, was the 
first that maintained the contrarie: yet so it is, that in the same time, and vntill that king 
Henrie the eight revolted from the pope, in the yeare 1534, the yearely reuenew and 
tribute was alwaies paid. But that is worth the noting, that the act of fealtie and hom 
age, giuen vnto pope Innocent the third, importeth that John then king of Eng 
land, humbly requested forgiueneffe of his finnes of the popes legat. Whereby it is 
plain, that patronage of the bishop of Rome to haue bene by him sought for, to ex 
seuant the horrible murder which he had cruelly committed upon the person of young 
Arthur, his brothers fonne, duke of Britaine, and lawfull successor to the crowne of 
England; least otherwise he shoule haue bene therefor excommunicate by the pope. 
Whereas Philip Augustus, king of Fraunce, for the fame caufe had confiscate the du 
chies of Normandie, Guyenne, Aniou, Touraine, le Maine, & all the countries where 
unto he pretended any right, on this fide the sea: which the kings of England held by 
fealtie and liege homage of the king of Fraunce; and yet haed the chiefe foueraignty 
ouer the realmes of England, Ireland, and Scotland. For first Constantine king of the 
Scots, with the rest of the nobilitie of that country, did fealtie and homage to Adelphian 
king
A king of England; and after that Balio! king of Scots did fealtie and homage also to the king of England, declaring himselfe to hold the kingdome of Scotland vnder the protection of the English, excepting the xxxij Islands of the Orkades, which then & afterwards also were held in fealtie and homage of the kings of Norway; and owe vnto the new king comming to the crowne ten markes of gold, as was agreed betwixt the kings of Scotland and Denmarke, to end the warrs, which were renewed for the same isles, in the yeare 1564, as I have learned by the letters of M. Danzai, ambasfador for the king in Denmarke. Howbeit the kings of Scotland which raigned after Balfo! renounced their homage vnto the English, neither acknowledging them for their supe-riori, or yet to be vnto them valls. And albeit that David king of Scots did what he could with his subiects to content that the kingdome of Scotland might be holden of England in fealtie and homage: yet so it was, that he remained nine yeares in pri-son, and by the treatie made betwixt Edward the third his brother in law, and him, it was agreed, that he should be set at libertie, 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 Ar-gueil, who seemed always to keepe the state of soueraignty.

So might we fay also of the king of Denmarke, who is a soueraigne prince in part of the kingdome of Norway, without acknowledging any prince for his supeiori-whatsoever; and yet beholdeth part of the duchie of Holfatia of the emperour in fealtie and homage: in which part he in auintent time held the countrey of Denmarke, which was but a plaine dukedom, when Canudo duke of Denmarke yielded fealtie and ho-\[\text{m}a\]ge 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 hon-\[\text{o}\]\[\text{u}\]\[\text{r}\]\[\text{e}\]\[\text{d}\]\[\text{t}\]\[\text{e}\]\[\text{d}\]\[\text{t}\]ed from the empire. And yet nevertheless those whom I have named, being no subiects, neither acknowledging the greatnes 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 vpon their fee without fraud. I fay without fraud, for that it is not lawfull for the valls to forfakke 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 warrs forfaketh his lord; for that he doth an irreparable prejudice vnto his honour, which for euer remaineth engaged for to soule a fact, as to haue forfaken his lord in time of daunger: seeing that by the oath of fidelitie the valls, but especially the liege valls ought to aide him, were it against his owne brethren and children. Yea some lawyers are of opinion, that he ought to aid the lord and patron, euen against his owne father: wherein I can in no wise agree with them, for that the first and chiefe fidelitie is due vnto our parents. But if the valls be also a subiect, hee looeth not onely his fee and honoure, if hee forfaketh his soueraigne prince at his need, but euen his life thereon dependeth: seeing that it is death euen for a common fouldier, not to defend his cap-taine in battell. Wherefore we are not to martuell, if John de Montfort, and Peter, dukes of Britaine would never yield their fealtie vnto the French kings without exception, as their liege men for the dukedom of Britaine: about which matter the chauncelors of Fraunce and Britaine were twice at debate before the kings, Charles the fift, and Charles the fift. And albeit that these two kings caufed two acts to be produced, concerning the fealtie and homage done by the dukes of Britaine, to Philip the victorous and Lower the eight; yet for all that, the dukes would not doe their homage as liege men, but were receiued doing their simple homage onely. True it is, that the liege homage
The ancient counties of Britaigne, vassals to the kings of France.

Homage yeelded to Lewes the eight, was not but for the life of him that did it, as appeard by the act, without binding of his successours. And the other act which is of young Arthur, was not pure and simple, but only conditionall; as to be restored by Philipp the victorious, unto the territoires and seignories from which he was embarrad; 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 controversie was, that the simple oath of John and Peter should bee taken, leaf they should seeme to bee the liege vassals of the French: although both those dukes ought of right to have bene deprifed of the fee of the dukedom of Britaigne, for that they had renounced the French king their lawfull patron. Neither is there any doubt, but that in truth the ancient counties of Britaigne were true subjectes and liege men vnto the kings of Fraunce (as is to be seene in the histories of Gregorie bishop of Tours) and being reduced, were subdued by Charlemaine, and afterwards by Lewes the denou, to whom they did homage, and yeelded all obeyeance with hostages; as a man may see in the histories of Edmond and Gerald, whose name call Vitald, the nephew of Charlemaine. And againe for another rebellion against Charles the Bauld, in the yeare 1359, they were accussed vnto the estates, of treason, &c. condemned and executed: which could not haue taken place but against the natural subject, for treason against his soueraigne prince. And after that Herispo countie of Britaigne, doing his fealtie, and with a great summe of money givn appeared Charles the Bauld: as had also before him duke Indicael pleased Daughert. Neither is it true, or like to be true, that Clodowes, who had bounded the kingdom of France with the Pyrenei Mountains, both the seas, and the river of Rheine; or Charlemaine that had in many places vanquished infinit numbers of the barbarous nations, and had subdued Spaine, Italie, Hungarie, Germanie, the Saxons, them of Pomeland, the Polonians, and Russians, and had extended his empire even as faite as Scithia; would haue receiued the dukedom of Britaigne, even in the bowels of Fraunce, as companions of the French empire. And admit that by the fauour of any the French kings, they obtained repit of homage, that could not be prejudicial vnto the kings their successors, and much lesse vnto the crowne of Fraunce. And that more is, in the treaties between the kings of Fraunce, and the first dukedom of Normandie, it is expressly set downe, That the counties of Britaigne, should be vassals vnto the dukedom of Normandie, vnto whom they had oftentimes given their fealtie and homage: which could not possibly haue bene, if they had not bene vassals and liege men vnto the crowne, seeing that the dukedom of Normandie had given their fealtie and liege homage vnto the kings of Fraunce, & the counties of Britaigne vnto the dukedom. And if true it be, that the vassall can never prescrib for his fealtie and homage against his lord; how then can the subject prescrib 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 acquired the soueraignete of Britaigne vnto the kings of Fraunce, seeing that hee was vassall and natural subject vnto the king: and yet nevertheless, in yeelding the homage, had refurruation 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 feoffments of truth. By which arguments not only probable, but also necessarie, I am perused to write the dukedom of Britaigne, now even from the times of the first kings of Fraunce, to have bene a province of the dukedom of France, although Argentiueus otherwise thinke. Yet is it worth the noting that John Montfort and his successors, although they went about to have rened the dukedom of Britaigne from the dukedom of Fraunce, yet as counties of Montfort and Virmus to have alwaies yelded
ded their sealtie vnto the French kings, without exception, as we read in the records, although that they fell exercized in the countries of Britaigne certaine royalties granted them by the king.

There is then great difference betwixt him which holdeth simply in sealtie and hommage (being himselfe no soueraigne, nor subject vnto him which is lord of the fee:) and him which is soueraigne of a countrey, and yet vassall to some other lord for some fee; as of him which is in protection onely, or which is tributarie vnto a prince, having soueraigne ouer his subiects, or which is himselfe a natural subiect. Wherfore we conclude, that there is none but he an absolute soueraigne, which holdeth nothing of another man; considering that the vassall for any fee whatsoever it be, be he Pope or Emperor, oweth personal service by reason of the fee which he holdeth. For albeit that this word service, in all manner of fees, and customes, is not prejudicial 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 inseperable from the person of the vassall, who cannot be therefrom freed, but by quitting his fee: provided yet, that he 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 hommage and personal service is inseperable from the vassall; that is to say, that the vassall cannot acquit himselfe thereof by his deputie or attorney, as was permitted by the ancient laws of fees; which in this point is abrogated in Europe, and Afa; yea and in Italie it selfe from whence the laws of fees (as many thinke) first took them their beginning. For Lewes Sforia, goettour of Lombardie, sent his Agent into France, to king Charles the eight, to have obtained of him, that he, his nephew, the duke of Milan might by him be received to do his hommage by his deputie for the duchie of Genes: whereunto the king would not condescend. And when question was made of taking of sealtie and hommage of the marques of Saloufe, the court of Paris decreed, That his deputie should be admitted in his name, if the king so thought it good; for that the marques pretended himselfe to be sickle; yet with that condition, that so soon as he was able he should come and doe it himselfe in person. The same hath also bene oftimes judged in such like cases. But contrariwise the lord of the fee may contraine his vassall to yeeld his sealtie and hommage 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 hommage, untill he be of age to do it, except it pleaseth the lord of the fee to receive it by his deputie. And did king Louis the xi, who by Philip Commines his ambassadour receiv'd sealtie; & hommage of the mother of young Galeas duke of Milan, for the duchie of Genes: the duke her sonne being vnder age, and paying fifteen thousand ducats for reliefe, and for the same cause in the treaty made betweene Lewes the eleventh, and Maximilien archduke of Austria, in the yeare 1482, in the 56 article it was expressly fet downe, That the subiects on both parts should be receiv'd to do their hommage by their attorneys, which otherwise they have bene constrained themselues in person to have done, if they had not bene sickle, or had some other just and reasonable let: or that it was some bodie-collegiate. For it much concerned the honour of the lord and patron, whether hommage be done vnto him in the person of a king his vassall, or by some other base attourney, or deputie. And for this cause it was agreed in the treaty of Amiens, made betwixt Philip the faire the French king, and Henrie king of England, in the yeare 1503, That the king of England shoulde himselfe in person come to do his sealtie and hommage without exception; if he were not otherwise letted by sickneffe without deceit: in which case he
he should send his eldest sonne to doe the sealtie in his stead. And by another treatie made in the yeare 1330, bywixt Philip Valois, and king Edward the third, it was also said, That the king of England should in person come to doe his sealtie and homage, if he were not without fraud by sikkneffe letted; which cesseing, hee should then also come. And by the treatie of peace, made in the yeare 1259, bywixt Leones 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 yeeld his sealtie liege homage vnto the French king. Which liege homage (as they terme it) is of that force, as that the person of no prince, pope, or empourer, is therein excepted. Now the forme of the homage declared by the treatie, in the yeare 1331, bywixt Philip Valois the French king, and Edward the third, is this: The king of England hauing his hands ioyned, and put betwixt the hands of the French king, the Chauncelor of Fraunce for the French king, shall thus say vnto the king of England, Thou shalt become a liege man to the king of France, who here is, as duke of Guyenne, and preere of Fraunce, countie of Poitou, and Monatical, and shalt promise to beare vnto his faith and loialtie: Whereunto the king of England shall say, I confent thereunto: Then the king of Fraunce shall receive the king of England into his sealtie with a kiffe. But the oath of Charles the king of Nauarre was more religious, when he yeelded his sealtie vnto Charls the fift, the French king, in the yeare 1370: for that he was not onely the French kings vassall, but his subject also, vnto whose hee promisde his faith and loialtie towadges and against all men, which could liue or die: albeit that he was then foueraigne king of Nauarre, and pretend a right vnto the foueraignty of Berne, which yet it selfe was not decided. The forme of the simple homage done by John de Montfor, Arthure the second, and Peter the second, dukes of Britaigne, is like, excepting the word Liege man. But for vassalls which be also subjects, the forme of sealtie is more religious & precise, for that they are bound with a double bond, whereas the forren vassalls 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 five moneths debated betwixt the French kings commissioers, 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 prectent forme, than to loose so many benefits as he then enjoyed in Fraunce. But if the vassall be also a naturall subject vn- to his lord and patron, he is bound to lay by his sword, his glouses, his hat, his dcke, his spurres, 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 pleases) being present, see him in forme, as we have aforesaid, gibe his sealtie and homage to some small officer, or before his hue, by kissing the hammer of his doore. But by the customes of Vermandois, the vassall is bound to do his sealtie vnto his lord being present; but if he be absent, if he is sufficient for the vassall being present, to cause it to be done by his attorne, leaft the honour of the vassall should bee impaired by the bafenesse of the perfon of his lords attorne. But if the vassall haue thirteene heires, every one of them is constrained to yeeld his sealtie vnto his patron requiring the fame: 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 maistrie and power? Shall we call him that is bound to doe most vile services, (and to vse the words of sealtie) him that with another man, shall we call him, I say, a foueraigne prince? And that is it for which manie
honourable princes had rather to loose and forgoe right great seignories, and their most rich fees, than to ferue such a flauetie. And ootherwise againe, to the coutrie, would not fell 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 flood him in more than hee received profitt thereby: And for the same cause Edward the third, king of England, in the first article of the treatie of Bretigny expressly excepted, that all royalties should be guen unto himselfe in those countries which he had by inheritance in France; lest he should for them have beene enforced to have yielded sealtie and hommage unto the French kings. Neither for any other cause did Stephen, Vayuod of Valachia, revolt from the kings of Polonia, but for that the king of Polonia had caused his tent to be cast wide open at the same very instant that the Vayuod was therein doing vnto him his hommage, that so he might be seene of all men in doing of it. Which flie disgrace the Vayuod tooke in very euill part: which is not to be manuelled at so great a lord as he, if wee doe but consider, that Callisthenes the nephew of Afrifotie chose rather to lose his life, than after the Persian guile, in humble and devout manner vpon his knees to honour Alexander the Great: albeit that Alexander courteously tooke them vp with a kisse that so honoured him. Which was also an vsuall thing with the Romane emperours, when they gave vnto the kings that were in their protection, their fealters and diademes. For so Tridates king of Armenia being come to Rome, humbled himselfe vpon his knee before the emperour Nero, whom Nero taking by the hand, lift him vp, kisst him, and taking his turban from off his head, fet thereon a royall crowne, and caufed him to fit on his right hand. For albeit that the kingdomes were guen to the Romane emperours without reteruation of sealtie or hommage, yet so it was, that the kings laying aside their fealters and crownes, of their owne accord ferued the Romane emperours, some as servitors in their chambers, otherwise called themselues but the Romane stewards, as Adelhart king of Numidia tourned himselfe nothing but the steward of the people of Rome. And Edomenes king of Perugia 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 recocted libertie) thanked the people of Rome for the same. But Charles king of Bithynia as oft as he went into the Senate, commonly kissst the threshold of the gate, calling himselfe the Senators flauetie: albeit that he was neither fubiection nor tributatie, nor so much as in the Romaines protection, but ioynd vnto them in equal confederation. All these honours, were they never so great, proceeding from their owne voluntatie will, did little or nothing at all diminish the majestie of a Royalle prince, as doth that form of hommage which is sertiele and constrained, and which the Tattars, Persians, and Turkes esteem to bee the true service of a very flauetie. And truly Soliman the Turkish king was about to have restor'd Ioan king of Hungarie into his kingdome in the yeare 1555, with condition to have holden the same of him in sealtie and hommage, without other fubiection (as he by a Chiaus his embassador 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 so doe; as I haue seene by the letters of Samilau Rosdrazrzi, a Polonian, written to Anne Mommonanac confable of France the same yeare 1555. And for this cause Francis the French king to hinder that Charles of Austria should not bee chosen emperour, declared it vnto the princes, Electors of the Empire, that the majestie of the Empire should be much debated, if they should of his vassalls makke their head and Emperour: wherewith the emperour not a little moued, and afterwards at the battell of Pavia having taken him prisoner, would not yet content vnto his deliuertie, vntill 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 Autfria was vallay vnto the crowne of Fraunce, but that he was thereunto a liegeman also; and not onely a liegeman, but even the French kings naturall subiects; as borne & brought vp in Flanders, then a province of the French kingdom: although many thinke the cite of Gaunt the native place of Charles, and the cities vpon the sea coasts to have bene excepted. For the earles of Flanders were alwaies accounted peers of Fraunce, even from the first beginning of that kingdom: and the oueraigne royalties thereof, alwaies before referred vnto the same, but especiallie at the solemn 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 hee might leue of his subiects the subside granted him at Arras, in the yeare 1520; whereunto the kings aunfwere was, That he would therein do what he might, without diminishing in any thing the right of his crowne: as I have seene by the instructiounes gien to M. De la Rochefaucourt at such time as hee was sent ambaffadour into Spaine. Although that greater causes might have beene allowed, which might haue flayed German princes from the election of Charles the fift. For Charles of Autfria was as then not onely the vallay, liegeman, and naturall subject to the king of France, but also a liegeman vnto the pope and the church of Rome, for all the countries, lands, and seignories 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, gaue it with the other countries to the emperor Comrade the second, in the yeare 1205, and after that, the emperor Charles the fowrth gaue it to Charles the fift, the Dolphin, by fealtie and homage, as appeareth by the inuentarie thereof in the treatie 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 gien for the kingdom 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 dukedom of Milan; and with these conditions gaue his fealtie and homage vnto the pope: which is not to be thought any new claue, but an auncient condition,joynd vnto all the acts of fealtie and homage gien vnto the pope by the kings of Naples and Sicilie since the time that pope Urban the fift, then inuened Charles of France brother vnto king Lewis. And in the inuentarie of that kingdom, made by Innocent the fourth, vnto Edmund the fonne 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, nomine Edwmi flly nostri Regis Sicilie, plenus & liegum vasfallagium facio ecclefae Romana, qui I Henrie, by the grace of God king of England, in the name of Edmund our fonne, king of Sicilie, yeeld full and liege homage vnto the church of Rome, &c. And in the act of fealtie and liege homage gien by Robert king of Sicilie, in the yeare 1338, he by oath promised newer to receive the imperial crowne, neither the dukedom of Milan, nor any seignorie whatsoever in Tuscany, vpon paine of the losse of all such right as he might pretend vnto the kingdoms of Naples and Sicilie. The like is also found gien by Charles king of Naples, in the yeare 1295; and by queene Isabe in the yeare 1348, as I have read in the registre of the Vatican. And for this only cause pope Julian the second refused to inuened Ferdinand king of Arragon, Charles the fift the emperours grandfather by the mothers side, in the kingdom of Naples, but vpon the conditions I have aforesaid: and ayearly rent
rent of eight thousand ounces of gold, or of four score thousand crowner, which the
kings of Naples were bound to pay euerie yeare, and a white ambling gelding, beseide
the eaid expressed in the inuenture, with reteruation of the countie of Benevent. Whi-
their obligation was of such conuenience vnto the popes, that so soone as they de-
nounced warre vnto any, the kings of Naples were straight wayes in armes for the de-
ference of the Church of Rome. So Aphonius king of Naples, at the demunition of
pope Sextus, made warre vpon the state of Florence, for that they had hanged the Car-
dinal of Pisa, the popes Legat a late re in his pontificialbus. And in our time pope
Paulus the third, by his Ambassadour Alexander Farnesius, summoned the emperour
Charles the first, being then with a great armie in France, to make peace with the French
king, so with their vntided forces to make warre vpon the Protestant princes, as was
agreed vpon in the fift article of the treatie of Soiffons, made in September in the yere
1544: which haply the emperour would not haue done (hauing had his armie but a lit-
tle before by the French men ouerthrowne in Italie, and now with double full euent
making warre in France) if he had not bene vassal vnto the pope, & by him threat-
ened to lose the kingdoms of Naples and Sicilie, as he was well giuen to understand.
Which the pope did, not so much mewed with the publike calamitie or troubled
estate of the Church, as with the power of Charles, wherewith he was like to have sub-
dued moff part of Europe: had hee not bene letted by the armes and power of the
French. And albeit that in the yere 1528, by the treatie made betwixt pope Clement
the vij and his Cardinals, besieged in the castle S. Angelo on the one side, and the em-
peror Charles the first on the other, it was set downe, That the kings of Naples shou-
d for euer be acquited of the yertely rent of 8000 ounces of gold, and of all the arearages,
which amounted vnto great sumnes: yet so it was, that all the rest of the points of
the auintent inueniature, still stood in 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 ranfome of 400000 duketers, after he had releas’d the fairest rights of S. Peter’s demaine) what danger it was to make choice of the vassall of a soueraigne
prince, and the natural subject of another, to be head of the Empire: For with the
forces of Germanicke he brought downe the pope, and with the popes power hee ruinated
the princes of Germanie. And albeit that by the imperiall title hee held the dutches of
Milan, of Gelders, and other esignories of the empire, yet to it is, that hee was the popes
antient vassall & liege man, and so conueniently to him first: bound, & that more strat-
ely vnto the Church than to the empire. Joine hereunto also, that the popes haue since
this 300 yeres pretended that the emperor may not take vpon him the empire, but ha-
uing before of them received the imperiall crowne: as pope Pius the first by his Legat
sharply rebuked the emperour Ferdinand, for that he had not of him received the im-
periall crowne, which his brother Charles had not before doubted to receive: and he
had by excommunication compelled him to doe, had hee not by the intricatie of
king Philip his kinman, and of the French king, other wise appeale.

But here some man will say, How could it be that the emperor Charles the first, shou-
ld be liege man vnto the pope, the French king, and the emperour? Seeing that no man can
be liege man vnto many lords, although he haue many fees holden of them all separat-
ely: For his faith and aid is due to one alone, and him the first and chiefest, without ex-
ception of any man living. And in case he be the vassall of many coheities for one and
the same fee, he is liegenman vnto them all together, but not to any of them separatly,
confidering that his fealty cannot be diuided; neither can he do his liege homage vnto
each of them without exception, for the concurrence of the rest: yet truer it is, his
fealty to be due vnto one only of his patrons, whome he shall make choice of, if that

The same man cannot be liegenman to divers princes.

The same is worsted by ten crowners
his patrons cannot agree, or else to them altogether; and that law we now vse. 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 seruices, and many times to give his faith: and that much more the liege vassall, who cannot give vnto manie his faith feuerally, without exception.

There vnderstand the liege hommage properly as it is to bee vnderstand in the lawes of Fees; for that our auncellors have abused this word Liege, in all their aunciente treatises of alliance and oathes that they made: I remembre that I haue seene 48 treaties of alliance, which our kings Philip the v, and Charles the vij. and Lewis the xij., made with the three electors on this side the Rhine, and dieres other the princes of the empire, wherein they by oath sweere betwixt the hands of the kings deputies, solemnly promised to serue them in their wares against all men, except the emperour, and the king of the Romans; vowing to be their vassalls and liege men, more or leffe; some calling them seruices, some calling them conditions, some calling them seruices, some calling them liege vassalls: except the Archbishop of Treuers, Elector of the empire, who no othwerwise 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 crowne of France, but were nothing but vassallers vnto the French kings, to whom they gave their oath to aid them, at their charge, vpon the conditions expressed in their oathes. One 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 vassal/us le- gius Caroli Regis Francorum, pro ratione quingua/inta millium facto-rum aurante fes- tum D. Rhe-migii mihi solvendarum, &c. v. it. I become liege vassall of Charles the French king, for the summe of five thousand crownes of gold, to be paid vnto me before the feall of S. Rhe-migius, &c. This oath bore date in Iune, in the yeare 1401. Yea, even betwixt kings their seruices, leagues were oftentimes conceived in such words, as that the one of them professed himselfe to be the other vassall. As in the league made betwixt Philip of Valois the French king, and Alphonius king of Castile, in the yeare 1336, it is said, That they should give and receive fealtie and hommage the one of the other; which proceeding but of the ignorance of their ambasdours, is now better vnder- standed, as but an abuse of the words Vassall and Liege: the oathes also of the kings vassallers, and their treaties, carrie no more such words.

Wherefore againe to returne from whence we haue a little digressed. I say then, that the emperour Charles the fift could not yeeld his liege fealtie and hommage vnto the pope with out exception, considering that he was liege man, peer, and natural subiecte vnto the French king, and that the seruice and hommage is inseparable from the person. And admit he were not the kings subiecte, but his liege man, or not his liege man but his vassall only; yet so it is, that in teares of right the liege hommage is due vnto the most auncient, and that the vassall ought to serue his most auncient Lord. But if the lords be equall, 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 fervitude, the seruice (for the indiuisible 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 haue no just cause, and that after demuntion 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 subiecte ought always to preferre his natu-
A fair 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 Lewis 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 foever 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 sith could not give his faith vnto the electors of the empire, but with reteruation of his fealty vnto the French king, and afterward vnto the Pope. For beside the kingdom of Naples and Sicilie, holding of the pope immediately and without meane, he was also his vassall and liege man for the kingdom of Arragon, as I have red in the records taken out of the Vatican, where the grant given by Peter king of Arragon is set downe in these words, Ego Petrus Dei gratia Rex Aragonum, Comes Barcinoine, Dominus Montispefialani, captres prater Deum, principalis beatis Petro, Apollonie sediis protectione manu, tibi renederendis simi pater, & Domine summe Pontificis Innocenti & profe, sacrofanfa Romana Ecclcsiae, & Apolloniec sedi fero regnum meum illudque tibi pro remedia animo mece primogenitorum meorum constitutum &c, annuam de Camera Regis ducenta quinquaginta Mafsimitina Apollonie sedi reddantur: & ego ad succeffores mei speciales & fideles & obnoxia tenemur: hac autem lege perpetua ferendum futurum decerno, quia &c, confido, quod tu & succeffores tuoi, quasi beati, Petri manibus, in regem duexeris solenmiter coronandum. Aitum Rome anno Christi 1204. In English thus: I Peter by the grace of God king of Arragon, Countie of Barcelona, Lord of Montpellier desiring next vnto God to be strengthened with the principal protection of blest S. Peter and the Apoelstolicall See; do offer vnto thee most reverent father and high Lord, Pope Innocent, and for thee vnto the most holy Church of Rome, and to the Apoelstolicall See, my kingdom, and the same for the health of my soule and of my predeceffours, I make vnto thee tributarie, so that out of the kings chamber shall be yereley paiet vnto the Apoelstolicall See, two hundred & fifty Mafsimitines, & that I and my succeffors shall be especialy bound to be (vnto you) faithfull and lubie & by this perpetuall law decree a court to be kept: for that my hope and trust is, that thou & thy succeffors 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 kingdom of Arragon was by the Arragonian kings offered vnto the Bishops of Rome, left they should for their enormities and murders have bene well beaten. But the kingdoms of Sardinia and Corsica, was by the popes giuen vnto the kings of Arragon (as the popes giue it bountifull to giue that is none of their owne) for which kingdom the Emperour was also lienge vnto the Pope, as I have seen by the inuestiture thereof made vnto Peter the third, king of Arragon, in this fort, Pontifex Max. De fratrum suorum af- cenfus, dat in feudum regnum Sardiniae & Corsica, proprietate ecclefae Romana &c. Per cap. Anearum te pr capita liater duae, &c. In tamen quod tu & succeffores tuis, praebitis homagium ligam, vassallagium plenum, &c. Et cunctis equi- tres armatos, & uno ego ad armas, & duas equitatus ad minus per quattuor, & quinque gentibus peditibus terre vestrae de Arragonia, cum gagis per trimestre, &c. et quos intraire terrae Ecclesia, &c. & in super cenfum duarum millium marci, & argentorum, & legum, & linguis: ubiuntur, fuerit Romannus Ponticeps in festo beatorum Petri & Pauli annis singulis, sub pena excommunicationis post quatuor mensies, &c. & post tertium terminum non sol- lucris, in hereditatis, &c. & dicto regno Sardiniae & Corsicae sedetis 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 personally therein, invest thee by a cape of gold, &c. yet so as that thou and thy succedants shall therefore give liege homage, full vassalage, 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, whereof the pope shall be in the feast of the blessed Apostles, Peter and Paul, equivalent yeare, vpon paine of excommunication after four 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 same 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 1353, with renunciation vnto the pope of appeals, 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 Alphonso, kings of Aragon, did the like fealty and homage in the yeare 1455. And in the publike 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, Hierusalem, England, Ireland, and Hungary. And this is the old defeition of such princes as 380 yeares ago, yeelded their fealty & homage vnto the bishops of Rome. And since the kingdom of Portugall, was by the valoure of Henry of Benouia, taken from the Moores, the kings thereof made themselves vassalls vnto the bishop of Rome, and payd the yearely tribute of two thousand ducats into the bishop of Rome his treasure. And therefore Innocent the fourth, bishop of Rome, by his letters admonished the princes of the kingdom of Portugall, to appoint outejects to their prodigall king, who should also vpon them the govenement of the kingdom. And as for the Islands of the Canaries, Nigaries; and the Gorgonides: the emperour holdeth them also vnto the pope. We also reade, that Lewes king of Spaine, did fealty 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 sixt, diuided the new world betwixt the kings of Castile and Portugall, expressly kept vnto himselfe the inheritance, the jurisdiccon and soueraignete thereof, by consent of the two kings; who from that time made themselves his vassalls, of all the purchases and conquests by them already gained, and that they should from that time forward, gaine or make, as the Spaniards themselves have written. In like manner pope Julius the second, gaue vnto Ferdinand, king of Spaine, Charles the fift, his grandfather by the mothers side, the kingdomes of Granado and Nauarre; when he had druen 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 Nauarre, by reason of the donation to him made by Germaine D'foix, second wife vnto king Ferdinand: yet so it was, that his ambassadours and deputies, when they came to the conference, seeing that their donation to want fute foundation, doubted not to pretend the popes interdictions, as the suffrageat of their most vnjust rapines. And the cause of the interdiction was, for that Peter Albret, king of Nauarre, would not at the command of pope Julius the second, breake faith and friendship with Lewes the xij, 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 remained no kingdom, no not any little territorie or pece of ground, which Charles the emperour held not by fealtie and homage, or whereof he could call himselfe a feuclainge. For as for the Islands of Maiorca and Minorca, they were long time before reunited vnto the kingdom of Aragon, after that they were taken from the heires of James the Fortunate. And in the Low countries, he had nothing which was not of necessitie holden of the crowne of France, or of the empire. And albeit that our princes haue by divers leagues, granted the principallitie of Flanders and Artoise vnto Charles the emperour, yet remaineth there a country in Burgundie, which they call the countie of Chartrolois, the proprietie whereof belongeth vnto the king of Spaine, but the feuclaingethereof vnto the French king, and is by the king of Spaine holden in fealtie: so that even for that, he is to acknowledge himselfe to be our kings vassall. As for the kingdom of Castilee, no man doubteth (which hath but looked into the Spanish affairs) 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 solemn actes, which are yet extant in the records of France, initiated 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 given vnto his sonne in lawe: which thing Lewes could not doe vnto the preudice of his successeours, without the consent of the states: joyning the thereunto also that the French kings daughters or sisters, when they are bestowed and married, can receive nothing but money of the royall posessions of the crowne of France. And albeit that some may thinke that the French king might give those lands vnto his daughter, as yet not united 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, between king Charles the fift and Henry king of Castile, then driven out of his kingdome; whereby I haue seene, that Henry promised as well for himselfe, 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 descending vnto the heires both males and females, the successeours of Henry are bound vnto his deedes and promises. True it is, that the promise of Henry had not power to preudice his successeours, neither the estates of Castile, without the consent of whom, the treaty 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 resolution, 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 same right, give vp his kingdome of France vnto the king of England, which he could by no foueraigne power doe, without the consent of the estates of France. For otherwise, his yealinge 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 treaty at Calais, where in he without consent of the estate, yealed vnto the king of England, all the right and title he had in the kingdome of France: which was againe dianulled by the treaty of Char tres, whereby the king of England refused that right given vnto him by such yeelding vp. The same is to be thought of the league of Trelase, where in Charles the fift, without the consent of the estates, yeelded the kingdome of France vnto Henry the fift, king of England. And therefore pope Martine could by no request of the English, be perswaded to ratifie that league, but called Charles the latter, sonne to Charles the fift;
by the name of the French king: for that the kingdom of France is neither devolu-
ted by right of succession, (which they treat from one intestine,) neither by restora-
tion, 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 man's vassall? As the prince or the people making a flaine a magistrat
seemeth thereby to have also enfranchised him; whereas there is no doubt, if he be the
princes or the people's slave; for otherwise it is not lawful either for the prince, or for
the people, to dispose of another man's servants; so neither have the German princes any
power over other men's citizens or subjects, such as was Charles the first. Ioyne hereunto
also, that the imperial title of the emperor carrieth with it no soueraignetie: albeit
that the emperor writing vnto the princes of the empire, we these wordes, \textit{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, Elquiets,
and Tafters to the emperor, yet the soueraignetie of the empire resteth not in the per-
on of the emperor, but in the assemblie of the states of the empire, who are able to
give law vnto the emperor, and to curtie prince of the empire in particular, in such
fort as that the emperor hath not power to make any particular edict, neither peace
not warre, neither to charge the subjectes of the empire so much as with one impoll,
not to call or dismiss the diets of the empire, without the consent of the princes. And
that is it for which the emperor Maximilian the first, at the diet of Conflance, holden
in the yeare 1507, said vnto the estates (the popes legat then urging that the imperial
crowne was both to be required 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 imperiall authortie and power depended of the estates of the empire; which
in due place we will more particularly declare.

Whereby a man may easily 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:
which concerning the kingdom of Sicilie and Naples, we have already declared. As
for the duke of Milan he is a naturall vassall of the empire, from which hee taketh his
inuestiture, and thereto payeth reliefe: for which the emperor Maximilian the first, in
lesse than xv, or xvij yeares space, doe thence vnto himselfe, about three thousand thou-
sand pounds: For king Lewes the twelfth at one time paid therefore an hundred thou-
sand pounds: and the Sforces 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 years agoe, were called but lieutenants, 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 inuestiture which they had from the emperour Charles the fourth, were sim-
ply called lieutenants of the empire. And Galeas the first being accused for charging
the subjectes with subsidies, without the emperours leave, was by a decree from the em-
perour sent prifoner vnto the castle of Modere; where after he had of long time ligned,
he at length died; whose sonne Aflins being by the emperour Lewes of Bavyere put
into his fathers place, for the summe of an hundred thousand crownes; obtained of him
the first title of a prince, in the yeare 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 yeare one thousand three
hundred ninety seuen.
So say 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 confessed even at this present to hold part of his seignorie, even Ferrara itselfe, of the pope, and therefore payeth a yearly rent or fee into the popes coffers. For not long ago, viz. in the yeare 1372, the marques of Este was by pope Gregory first establisht his lieutenant in the city of Ferrara, retaining vnto the church faltie and homage, jurisdiction and soueraignty; with condition also, that he should yearly pay ten thousand florens of gold into the chamber of S. Peter, and to find an hundred men at armes paited for three moneths, for the defence of the Church of Rome, so often as need should require, as I have learmed out of the Vatican records.

And as for R hegium 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 first, in marrying his safe daughter Lucrece vnto the duke Alphonfus. 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 Bosfius, first duke of Ferrara, acknowledged himselfe liege vassall vnto Charles the first, and therafore it was vnto him permitted, that those dukes of Ferrara might beare the armes of Fraunce, the publike acts whereof yet remaine in the records of Fraunce.

As concerning the Florentines, they of long time haue pretended libettie against the empire, for the payment of sixe thousand Floринes vnto the emperour Rodolph. As also do the Genowayes, who as they say, were by the same emperour enfranchised. How be it that afterwards they haue received great harme from the Venetians, gauing themselves into protection vnto king Charles the first, the French king: and not long after vnto the duke of Milan, who received them upon condition that they should therefore do fealtie and homage vnto the French kings.

In like case they of Luca paid vnto the emperour Henrie the fifth, twelve thousand Floринes to be enfranchised; Sienna ten thousand; and Peter Gambecour 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 privelages to gouern their estate, under the obedience of the empire. It was not alio in the power of the emperours, neither of any prince whatsoever, to alienat 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 succesour to lay hand thereon againe, as it is lawfull for the lord to lay hold vpon his fugitive flace. As the emperour Maximilien, having brought 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 privelages, which cost them fortie thousand ducats. And albeite that Cosmus duke of Florence, by force of armes made himselfe lord of Sienna: yet so it was, that he tooke the inuestiture thereof, & yeelded thereforfe fealtie & homage vnto the king of Spaine, as perpetuall 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 thittie thousand ducats to Maximilien the emperour, to redeeme of him the libettie of Sienna, to the intent to inuest therein * the duke of Vrbin. And yet useth not, but that the duke of Florence, which had conquered it by force of armes, was con-

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*Girardin,
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 restor'd 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 unite 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 demaie and rights of foueraignet, in giving the rights of foueraignet vnto the cities of Italie, or libertie vnto the tributarie people; seeing that the absolute foueraigne prince cannot so do? no not so much as to distract one cloe of the publicke land, much lefse to gue away the proprietie. For kings and other great princes (to say truely) have not the proprietie of the publicke demaines, nay not so much as the whole vse and profitt: 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 priuileges to them of Perouze, joynd theuerto this clause, Quod vincere: So long as he should live. And yet for all that pope Iulius the second tooke that towne from the Bailleions, and put it under the obeyance of the Church, from whence it was fai'd to haue bene taken. And how could the cities of Italie, or duke of Florence, have any absolute foueraignet, seeing that for all differences and controversyes concerning their estates, frontiers, demaines, and tenures, they plead the same before the emperour; or at least wise in the imperiall chamber, where their caueses 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 towne of Italie, where by the marques of Fiall (whome they had driven out of his estate) summoned before the year Maxi

milian the second, in the yeare 1559: said that they would receive the emperour as an arbitrator, and not as a judge or a superiour: yet so it was, that the emperour taking uppon 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 extoll at armes threatened to proscribe the territorie of Genes if they obeyed not his censure. Now most cereotype it is, that there is none but the cities and townces which hold of the empire, that can be proscrib'd by the imperiall proscription, whether it be by sentence of the emperour, or by decree of the imperiall chamber. For the imperiall chamber could not have proscrib'd Minde, Munster, Magdeburg, and others, had they not bene contained within the bounds and power of the German empire: much lefse could the emperour have proscrib'd 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 appeal, yeilded to the sentence, acknowledging the juridiction and foueraignet of the empire. And so at length the emperour gave sentence for the marques, acknowledging himselfe to be a vassal vnto the German empire, whom they of Genes would haue had to haue bene theirs. And since that the marques hath by that definitive sentence bene maintained in possession of his marquisat, as I haue scene by the letters of Signior D'la Fores, embnaslouer for the king, dated at Vienna the xvij of Iuly, in the yeare 1560: which judgement the emperour gave after he had scene the opinions of the lawyers of foure univeritiees. And not long after they were by anner other sentence of the same emperours, given in the moneth of Iuly, in the yeare one thousand five hundred sixtie foure, condemned in a processe which they had against Antoinie Elisique, by them banished, who outthrow them by an appeal made vnto the emperour.

Which
A Which things although they bee so plaine as that there ought thereof to bee no doubt; but that the cities of Italy on this side the rivers Rubicon and Tiber, excepting some few, are contained within the bounds of the German empire, & fo haue of themselves no foueraignty; yet is the same made more euident by the generall content of all the lawyets of Italy, who deny it to be lawfull for any cities of Italy to make any lawes or customes, contrarie or derogatorie to the Roman laws, published by the commandement of the emperour Frederick. And that the cities of Italy either had no right of foueraintie at all, or else renounced the same, it is manifest by that league which was made in the cite of Constance; for in that league among such priteleges as are confirmed vnto the cities of Italy, the rights of foueraignty are expressly excepted. And therefore Alexander Imleins of all the lawyers of his time the most skilful, faith, A certaine juridiction to be thereby giuen vnto the cities of Italy; but not the rights of maistie 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 commissioners for the deciding of their controverties.

Much lesse therefore may the imperiall townes and cities contained within the bounds of the German empire, pretend themselves to haue any foueraignet, albeit that we see certaine of them to boast of a certaine shew of libertie, which they of old received from the emperours; as Nuremberg from the emperour Fredericke the first; Linne from Otho the third; Egre from Leaves of Baverty: yea and some of them there were, which not able longer to endure the hard bondage of their lords, princes of the empire, set themselves at libertie, as did the cities of Vlme, Brunfwic, Lubec, and others: but that which they call libertie, is but an old vacation from certaine seruices, and an immunitie from customes and tributes granted by the emperours, without any impeachment to their maistie. And therefore those cities which I haue spoken of, howbeit the maistie of the German empire, receiued from it lawes, obey the magistrats thereof, accept of the decrees of the imperiall 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 imperiall chamber, if apellation be made from the sentence which exceedeth the summe of sittie crowns. Seeing therefore that the imperiall chamber may of the power of it selfe confirme or disaffirme the judgements of princes or cities, it must needs follow, that neither those princes nor cities haue the power of foueraigne maistie: For as a certaine Poet (I know not who) faith,

Refindere numquam Dis licet aet a Deo.

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

As for the Swiflers Commonweals, we said before, them to haue bene rent from the German empire, as oppressed with the tirannie of their gouernours: and yet they do honour and reverence the maistie of the German empire, as that they in generall requested of the emperour Ferdinand, to haue the libertie of their priteleges vnto them confirmed: which is a certaine forme of antiquitie, and acknowledgement that they hold their libertie of the empire. And albeit that some there bee on this side the Rhene, which vaunt themselves to haue foueraigne power over their subiects, yet must they needs be the subiects and vassalls 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 countrey 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 France, and
and Lewis king of Germanie his brother. As Vitald, Float, and Lambert the best antiquaries do in their histories at large declare. Now so it is that the vassall can never prescribe for his homage towards his lord, nor the subjéct against the jurisdiction of his prince; and that the grants and sufferances of the emperour, and the kings' of France could not prejudice either the crown or the empire: wherfore we must conclude these possessours of this majestie by difference, to bee subjécts and vassalls 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 nevertheless so it is, that in his title he calleth himselfe a prince of the empire; which is indeed to acknowledge the imperiall majestie. Ioyne thereunto also, that he hath virtuall receiued judges from the imperial chamber, and submittted 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 emperours, 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 infused by the emperour Henrie the first, and for that cause acknowledged himselfe a vassall of the empire, in the yeare 1299. 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 imperial fee, but shewed many such imperial 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 delinetermin, vntill that he had married his daughter Toland vnto Antonie the sonne of Frederick, with condition, that if Renat died without heire male, the duchie of Loraine shoulde descend vnto the heires of Frederick, & so vnto the house of Vaudemont, as it is come to passe.

Now it so 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 Apremont, who are contained within the principall of Loraine, can chalenge vnto themselves any right of soueraignty, as they haue done, seeing that it is plain by the law, that he which hath a limited territorie, hath but the same right over euerie one of his subjécts which are within the compasse of his territorie, that hee hath over them all in general; 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 soueraignty, being enclosed within the bounds and territorie of another man, may see thereof debarr'd: which a man cannot so easilie judge of them, which in the frontiers of kingdoms, take vpon them a kinde of soueraigne power; as do the seue lords or princes in the confines of Burgundie, whome both the free countiees, and the dukes haue oftentimes chalenged for their vassalls: and for the soueraignty of whome, at such times as they had taken vp armes, they obtained of the generals of both parts, that in the meane time they being free might be as newters, vntill the cens of the warre had decided the caufe: and so at length
A length abusing the long possession of soueraignty, made of that their right, which they had but by sufferance, a perpetuitie; but as we have oftentimes before said, so we must hereafter oftentimes say, That neither the right of soueraigne maiestie, nor the right of libertie, can by the client or vasall be prescribed against: and much lese if it be withholden by concealment or by sufferance. In like for the countrie of Beare, betwixt the confines of France and Nauarre, which the kings attorney genetall in the court of Paris maintained to be a province holden of the crowne of France, and disallowd of the plea of the kings attorney of the parliament of Troulouse, who had confessed it not to hold of the crowne, in the yeare 1505: which although it remaine undecided, yet the king of Nauarre for all that by sufference holdeth it in soueraignty.

B In like case the principalitie of Dombes was maintained by Letet the kings attorney, to hold in fee of the crowne 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 shewd to be done in the most wofull times of the civil warr, when as the dukes of Orleans and Burgundie had drawne all the whole kingdom into parts, in the yeare 1398: in like manner the princes of East Frizeland, and they which hold the territtory betwixt England and Scotland, which they call the Batable ground: as also the abbot of Gofenbet, betwixt Metz and Pont a Mouffon, who holdeth the abbey and twenty fiue villages, in title of soueraignty, without acknowledging any superior lord whatsoever: as also the lords of Beauieu, willing to exempt themselves from the crowne 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 errour have holpen them to haue absolute power and soueraignty, and to haue so beene judged by the deecet of the parliament of Sauoy; a thing altogether contrarie vnto the office of a lieutenant and vasall. And also Ofazque the first president of Piemont writeth, That the dukes of Sauoy have obtained this power of the emperors, which they could not haue as lieutenants of the empire; as Felinus the best interpreter of the law hath most truly written. For what can be more contrarie vnto soueraigne maiestie, than to proffesse ones selfe to be another mans deputy or officer, (for to the name of a lieutenant doth signifie) or from whom shouldest thou thinke thy selfe to haue the power of soueraignty in that province wherein thou thy selfe bearest rule? But euen the dukes of Sauoy themselves confesse, and all their histories declare, this province of the German empire which is now called Sauoy, to haue bene a fea of the same 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 evident it is the dukes alwayes heretofore, and not long since duke Charles restored vnto his countie, to haue yeelded fealtie and homage vnto the emperour: and two yeares after, viz. in the yeare 1561, to haue sent speciall letters of attourney vnto the countie D'Arques chief chamberlaine to the emperour, to obtaine for him of the emperour another infeftitue: for because that that which he had before taken at Aixburg, seemed not vnto him in sufficient good forme, as I have seene by the letters of M. D'la Foret, ambassadour for the king vnto the emperour. But an hard matter it was to make such a forme as should vnto him good; for that it seemeth that the title or qualitie of a perpetuall lieutenant, doth prejudice not only vnto soueraignty, but also vnto the qualitie of a feudatarie & proprietarie in those lands which he holdeth of another man, if it be not by a doubtfull or improper kind of speech.
The dukers of Saxonie and the counties Palatine are also perpetuall lieutenants of the empire; but that is in the emperours absenc, to doe justice vnto the princes and imperiall towns, as euen against the emperour himselfe, as hall in due place bee declared and to all them which are of their government: which is a personall office, and not belonging vnto lands; neither can he that taketh vpon him the qualitie of a deputie,lieutenant,or governour, be feudatarie or proprietary of those seignories that he holdeth of him whose lieutenant he is. And fo the title of perpetuall lieutenanthip ought to have relation vnto other countries, without the territorie and seruices of his countrey of Sauoy: which neither the Swisser, nor other princes of Italie & Germanie could endure; and much lesse the French king, who holdeth nothing of the empire, whereby he might be justifiable to the lieutenants of the empire. Ioyne hereunto also, that the Emperour Charles the fourth made Charles the fitt Dauphin of Viennos, his perpetuall lieutenant, the xiiij day of Januarie, in the yeare 1378. And for that he was but nine yeares old, he gave him the priuilege of his age, by a moft ample and gracious charter, whereunto hang seales of gold, which I haue read in the records of our kings. But withall made him perpetuall lieutenant of the kingdome of Arles, (excepting only the countrey of Sauoy) and that more is, gaue him power of life and death over the subiects of the empire; with power also to conferr honors, to impose and raise taxes, and from the same to exempt whome he saw good, to receive appelles made vnto the emperour, to make peace and warre, to giue laws vnto the subject, and to diuall. and abrogat the same, and such other like. This lieutenancie was for all the kingdome of Arles, which extended from the mountaine Iura (commonly called Saint Claudius mount) and the rivers Araris and Rhodanus, vnto the Alpes, and the sea of Genes; all which the emperours haue alwaies pretended to be holden of the empire. But the earles of Prouence haue long since exempted themselves from the German empire, amongst whome was Raymond, the last, one of whose daughters was married vnto Lewes the nineth, the French king, and the other vnto Charles duke of Aniow, by which means the countie of Prouence is come to the house of Aniow, & from thence by the bountie of countie Renat, vnto the crowne of France. Albeit that Philip Valois the French king, had bought of the emperour Henrie the fift, the soueraigntye of all the realme of Arles, without excepting either the countie of Sauoy, or the principall of Orleans, or Beiautie, which was afterwards giuen to Lewes duke of Burgon; either of the countie of Prouence, which was then in the house of Aniow; either of the franke countie, which was giuen to Philip the hardie, by the emperour Charles the fourth, in the yeare 1362, being desouled to the empire for want of heires male. And the sale of soueraigntye of the fad kingdome of Arles, was made for the summe of three hundred thousand marks of siluer, with promisse to cause it to be ratified by the princes of the empire, who afterwards consented thereunto: of which their confirmation the emperour gauel John king of Bohemia sueterie, who sold also the towne of Luques vnto the same king, for an hundred and foure score thousand florines of gold, in the yeare 1350. The contracts, ratifications, and quittances, are yet in the treafurie of France to bee seene, from whence I haue the exemplifications conferred with the originals, wel-worthie to haue bene seene of them who were depuited for the affaires of Sauoy, in the yeare 1562. But that I thinke well worth the marking, that in the deeds of bargain and sale, are comprized all the lawes of soueraigne malefic, which the German emperours giue vnto themselves in all the province of the kingdome of Arles: wherein are contained the Sauoians, they of Belloioi, they of Prouence, they of free Burgundie, which the emperour Charles the fourth gauel to Philip duke of Burgundie to bee possesed in the imperiall right, the issues male of the counties fayling. Whereby it is maniester
Anifeft the French kings to have the right of soueraigne maestie over all the people of the kingdome 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 

Edward the third King of England made perpetual lieutenant; and by his letters-patents gave him power to make lawes, and to administer justice to all the subjects of the empire; and that all the subjects 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 Cambrey and the castles of Creuceur, and Payrune, 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 other's subjects; 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 certaine argument that the kings of Fraunce hold nothing of the empire; neither that the emperours have any right in that kingdome.

Which is also expressly set downe in the contract of purchase of Philip Palais, which I have here before rehearsed, which beareth this clausel: And the kings and realmes of Fraunce shall continue in their proueleges, enfranchisments, and liberties, that they have alwaies helden 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 Sauoy duke, in the towne of Lyons: against whom the kings officers there so opposed themselves, as that he was glad to get him out of the kingdome, at libertie to vse his owne power, which he did in great choller and displeasure. And this was done by the express commandement of the king, Charles the first, to cover two notable errors that had bene before committed: the one passing by suffrancer, in that the emperour Sigismund being magnifically received at Paris, and as beemed the kings vnleek, had place in a royall seat in full parliament; and the other, that afterwards he was suffeter to make Seneschal D'Beaucire knight; although the court had in this last point admonished the king, that vnto him onely it belonged to make knights in his owne kingdome; as it had twice before bene solemnly judged by two decrees against the countys of Flamens and Neures. Which I have the more willingly noted, to shew the error of Alciat, who hath maintaine, that the French king is subiecte to the empire; which is a wilfull error or ingratitude, considering the entertainment he had in Fraunce to teach and write the truth: which I think not to have proceeded from him of ignorance, but in fauour of the emperour Charles the fist, who drewe him to Pauie, and there doubled his faulacie: or else to the imitation of Bartholus, author of that error, who writ the same things of the French kings that Alciat did; at such time as he was by the emperour Charles the fourthe of a bastard not onely made legitimat, and by him ennobled; but power also given him to take the benefite of age to him and his, which should proffise to teach the lawes, with armes also answerable vnto his dignite and honour: ut, a Lyon Azure in a field Argent. For which so many and so great benefites he writ all them to be heretikes, which should deny the German emperour to be lord of all the world: which hee seemeth 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 spoked but for offentation sake, and for the augmenting of his honour, might not be refuted; seeing that the Roman empire when it was at the greatest, (which was in the time of Trajan the emperour) contained seate the thritieth part of the world, and that the German empire is not now the tenth part of the Roman empire. And yet the emperour
The kings of Polonia hold nothing of the empire.

The fruit that came of the strife between the German emperors and the pope for the sovereignty of the Christian commonwealth, and as chiefetaines of the faction, drew all the Christian princes and cities into armes; so that many cities and commonwealths, especially in Italie, were at such mortal hatred amongst themselves, as that they received not greater harme from the Christian religion and name, than they did from one another. Neither wanted there some which writ in earnest, as Christian kings to be the bishop of Rome's clients and vassals; and in case that they were foolish, furious, or prodigall, that they might have overseers appointed over them by the pope: which we haue before said, to have been done by pope Innocent the fourth, against the king of Portugal. And albeit that pope Innocent said, That his meaning therein was not in any thing to prejudice the regall power, in appointing such an overseer; yet did not his sayings at all agree with his doings. Pope Vrban the fifth also made no doubt, to make legitimate Henry the baftard king of Caffile, 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 baftard brother. Some there haue beene also which have past further, saying that the pope hath in power jurisdiction over the emperour; but over all other kings and princes really and indeed: excepting over the French king, whom the canonists themselves confess, indeed, and of right to acknowledge none greater than himselfe vnder God. Which Belluga a Spanish doctor, and Oldrada the bountie of his time do also better declare, saying that the French king neither in fact nor of right acknowledgeth any prince of the world superiour vnto himselfe. But these great clearks which thus give the popes power over other princes, have no better reason for that they say, than the authoritie of pope Gelasius, who hath written, That the pope hath power to despoyle all kings and princes of their sovereignty and power. And some others there be which have maintainted, That appeals may be made from all people and princes vnto the pope, That there is none but the emperour and the pope which can reuoke their owne decrees, and deprive other kings and princes of their sovereignty and rule; That there is no prince but hee, vnto whom the pope hath confirmed his principallitie: And that which of all other is most absurd, That
that hee of himselfe may give privelages, exemptions, and immunities vnto another prince subject contrarie to the decrees and lawes of all princes: and that he is the only and supreme vmpire and judge of all mans lawes. And what manueil if he rule ouer princes, which commandeth ouer angels? For onely Clement V. P. M., doubted not to command the angels. Yea some there be that haue written, That so often as the pope shall put this clause to his receipts, De plenitvde potefatis, Of the fullnesse of our power: so oft doth he therein derogat from the lawes of all princes. And albeit that some haue holden also, That we must rest vpon that that the pope faith, without farther enquire of the vetaricke thereof; yet so it is neuerthelesse, that Baldus hath written, That a man may lay vnto him, Salus reuerentia vestra, By your reuerences leaue.

And vpon the maxime set downe by the canonists, That the pope can do all: the diuines graunting it to be so, do yet more subtilly, and as it were in two words moder at the same, Clause non errante, The key not erring. And forasmuch as it is euery good subject's part to maintaine the greatnesse and maiefty of their owne princes, I will not enter into the disputes of Iaques de TERRANNE the popes chamberlaine, nor of Capito, nor of M. Charles de Monleau, and others, who haue oftentimes overflown themselues either of set purpoe, or els preffed with violent pasions, haue vnauiates entered 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 soueraigne, which is the subject that I entreat of, (whereof they speake not) to the end it may be understood, who are absolute soueraigne princes; and whether the other princes be subject 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 still encreased their power, in so much that the princes as well for the fear they then had towards God, as for the dignitie of the praelacie, began to reueence them much more in former times; but much more after that the emperie 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 Constantinopolitian 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 moved, and enraged with the authoritie of the bishop of Rome, slew Thomas in the temple of Saint Sophia. Wherefore the power of the Grecke empire being weakened in the East, by the incursions of the Barbarians; and the Grecke emperours out of hope againe to recover Italie, the kings of Lombardie then also doing what they might to make themselves lords of all Italie, and the popes also on their parts no lesse defastious to haue therein a share, and finding themselves too weake to make their partie good against the Lombard kings, vpon this difference cast themselves into the protection of the kings of France, who then were the greatest Monarches of Christendome, wherein they were not of their hope deceived. For hereupon, Pipin Grande M. of France (a man of great wealth and power, who then disposed of all the affaires of the realme) with a great armie passing ouer the Alpes, ouerthrew and discomfitt the power of the Lombards, and afterward going to Rome, was the first that gave vnto pope Zacharie, part of the signorie of Italie, who had before crowned him king of France, forbidding the peers and people of France to make choyce of any other for their kings but of the house of Pipin, having publicly pronounced king Childerike his fother, the popes great champion, for his fortiethneffe to bee vnable for the government. Whereunto the people of France
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 vpon earth) was the author thereof, vnto whom Pipin had before solemnly promised, and given him letters patents thereof. That if hee should become victorious ouer the Lombards, he should giue vnto the Church of Rome the Exarchat of Ravenna, which contained thirtie cities, and the province of Pentapole, which contained sixeene cities moe: which he after the victorie performed, laying the keyes of the saide cities vpon Saint Peter's altar: yet referring vnto himselfe and his successeours in the crowne of Fraunce, the foueraignty of both the provinces: and that more is, power also to chuse the popes. Whereunto the pope not onely willingly granted, but almost persuaded Pipin to take vpon him the name of an emperor: 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 recourse vnto the French kings, as vnto a moft fure sanctuarie. Whereupon Charles, Pipin his sonne (for his many and worthy victories furnamed the Great) with a strong army paffing the Alpes, not onely ouerthrew the king of the Lombards, but even their kingdome also: and hauing lustely eftablished 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, caufed themselues to be chosen pope by the clergie, whether it were for the diftrust they had to obtaine that dignitie of the kings of Fraunce, hauing no fauour in the court; or through the negligence of the French kings, who had there of no great care; or that it was by realon of the great ciuill wares which arose betwixt the children of Lothaire the Gentle, wherewith the French kings busied, left the prerogative they had in chusing of the chiefe Bishop. Yet Guiard, a good antiquarie, who liued in the same time writeth, 3 popes successuiously to have come into France to excuse themselues to Lothaire the Gentle. That they had beene by the clergie of Rome constrained to accept of the papal dignitie, befeching him to confirm the fame: which he either as a man not defirous of glorie, or els fearing to prouoke the clergie (being then in great authoritie) did: of which his error he afterwards thought to late full fote repented him, being by the college of cardinals constrained to yeeld vp his crowne, to make himself a monke, and the queene his wife a nunne, shut vp apart from her husband in a cloister with other nunnnes, who yet were againe afterwards delitered by the princes and nobilitie of Fraunce, (difiaining to see the pridie of the clergie) and so againe restored vnto their former honours.

But after the death of this Lothaire the Gentle (who was emperour of Fraunce, of Germanie, and of the greater part of Italie, and Spaine) the empire was diuided into three kingdomes, which the brethren Charles the Bauld, Lothaire, and Loewes,uerie one of them held in title of soueraignty, without acknowledgment any superioritie of one another; and againe, the kingdom of Lothaire was diuided amongst his children into three parts: vnto one fell the kingdome of Lothaire, vnto another the kingdome of Arles, and to the third the kingdome of Italie: Loewes holding Germanie, and Charls the emperour, Fraunce. So their diuided power began to decay, and the wealth of the bishops of Rome greatly to encrease: they now successeing one another by way of election, and in nothing acknowleding the maiftrie of the French kings, as they ought to have done: which came to paffe especially in the time of pope Nicholas the first, who better understood to manage matters of state than had his predecessors, and was the first that vfed the rigour of excommunication against princes, having excommunicated Lothaire the younger brother of Loewes king of Italie. But the children of Lothaire...
Lothaire being afterwards dead without issue, those three kingdoms which I spoke of, viz. of Loraine, Arles, and Italy, were divided betwixt their vnelse, Charles and Lewes. Wherefore Lewes king of Germanie governed Italy, which fell vnto his part, by his lieutenants and deputies, whose power was not such as to withstand the popes, but that they still by little and little extended their power and government: which especiably hapned at such time as Guiscard the Norman had subdued the kingdome of Sicilie and Naples, taken from the Greekes and Moores; who to weaken the power of the Germans, and to raise himsefl fc more safely in Italy, joined hands against them with the Bishops of Rome. But the potestatie of Guiscard being dead without heires male, left the kingdome 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 collorde of cardinals had before chosen: which was pope Innocent the fourth, a man both for his birth and learning famous; who driven out of Italian, and comming into France (the popes sureft sanctuarie) and strengthened with the wealth and power of Lewes the ix., the French king (whether it were for recompence of him the pope fo solemnly by the cardinals chosen, or to weaken the power of the Germans) excommunicated the emperour Frederick the second: who seeing himselfe thereby become odious vnto all men, & himselfe like to be forfaken euem of his own subjectts, & great troubles arising also against him in Italy, carefully returned into Germany, having obtained an absolute of pope Innocent, by yeelding vp his authoritie and power for any more creating of the bishops of Rome, leaving the kingdomes of Naples and Sicilie vnto his bafe foine Manfred, who was also excommunicated by pope Urban the fift: who not yet so contented, called in Charles of France, duke of Aniow, brother to king Lewes the ix., whom he invested in the aforefaid two realmes of Naples and Sicilie, refenting vnto the See of Rome the countie of Benevent, faltie, homage, jurisdiccion, and soueraignty for the ref; with a yearely and perpetual fee of eight thoufand ounces of gold, as we haue beforefaid. After which time the house of Arragon, which by right of kin- dreed succeeded the potestatie of Manfred, being alwaies at odds with the house of Aniow, and fo in continuall warres for these kingdomes of Naples and Sicilie; and fee- ing 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 vassales not onely for the kingdomes of Naples and Sicilie, but also for the kingdomes of Arra- gon, Sardina, Cortex, Maiorte, and Minorque: which they partly did also for to ob- taine the popes pardon for their offences, as we haue beforefaid. The bishops of Rome in the mean time out of the troubles of these two great houses, encresing their owne power and profit; peaceably enjoyed the territorie about Rome, Spole, and Benevent, with a good part of Tuscanie, by vettue of the donation which wee haue before spoken of.

As for the citie of Rome, sometimes mistrefle of the world, they brought it vnder their obedience, hauing by little and little oppressed the libertie thereof, no man gaining them. Albeit that Charlemaigne hauing conquered Italie, expressly commanded that it should remaine in full libertie, with power left vnto the inhabitants to go- vernge their estate, which the Roman bishops had also by their oaths confirmed; as Augustine Onyphe 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; he was by the pope forthwith excommunicated: which was occasion enough to cause his subjectts to
to revolt from him, and to arm other princes against him which was so excommunicated; who then had no other means left to be again received into favour, but to make himselfe feudatarie to the Church of Rome, and the popes vallfall. As I have before saide of John king of England, who made himselfe vallfall to Innocent the third, for the mutther committed in the perfon of young Arthur duke of Britaine. And augmented also the seocall rent of England, for the murder committed by the commandement of the king of England, in the perfon of Thomas Archbishop of Canterburie. As in like case it chauenced for the mutther committed in the perfon of Staniflaus archbishop of Guelfe, by the commandement of the king: for which the pope excommunicated the king, and tooke the royall title from the kings of Polonia: § enjoying also their subjectes therefore (as some haue written) to haue 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 auncient records, that after the mutther of that bishop, the kings of Polonia all thought they had the power of soueraine maiestie, yet were they called but by the name of dukes, vntill the time of Lucius duke of Polonia, who received the royall crowne and title, of pope John the xxij, 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 besides these kingdomes which wee haue spoke of, viz: England, Arragon, Naples, Sicilie, Hierufalem, Polonia, Sardinia, Corsica, and the Canaries, all feudataris or tributaries vnto the popes, or els both together; they haue also pretended the soueraigne of the kingdome of Hungarie, so belonging vnto them, and so it is comprised in the Catalogue of the Chauncerie of Rome. And I haue seene in the Vatican Register, an act dated in the yeare 1229, whereby Ladislaus the first, king of Hungarie, promised 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 haue his abolution, he bound himselfe to pay yearly into the popes chamber an hundred markes of silver: which obligation bareseth date the yeare 1280. Yet in the fame Vatican register, dated in the yeare 1308, whereby it appeareth also, the barons of Hungarie to haue heartly opposed themselves against the popes Legat, alleging Saint Stephen the first king of Hungarie, to haue received his crowne of the pope, and that they would not endure the pope to have any such prerogative over them: and yet neuerthelss they letted not, but that the king by themselues chosen, might if so pleased him cause himselfe to be crowned by the pope. And in the end of that act are many decrees of the popes legat, concerning the state of that kingdome, with prohibitions to the kings of Hungarie for alienating any the dependances of the crowne, which may seeme to haue bene the cause that Andrew king of Hungarie, was by Honorius the pope cited to Rome, to shew why he had alienated part of the publike dependances. 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 kingdome, 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 fee the prohibitions made by the pope vnto the counties of Tholouse, and inserted into the Decretals that they should not raise any new charges vpon their owne subjectes. So for the kingdome of Hierufalem and Syria, wonne by Godfrey of Buillon and his allies, it is manifest that he therefore professed himselfe to be the popes vallfall, and to hold it of him by fealty and homage: besides that we find it comprised in the Catalogue of the feudataris 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 sundrie people of divers language, they were always insulted by the pope, and yet do fealtie and homage vnto the popes for the soueraigne power which they have ouer the knights of their order: albeit that they did homage also vnto the emperour Charles the first, for Tripolis in Barbary, before it fell into the hands of the Turk: as now also they doe at this present vnto the king Catholike, for the isle of Malta, which was vpon that condition given them.

And as for the kingdome of Nauarre, under 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 aloft the rest that was yet left, from Jone queen of Nauarre, having caused her to be cited to Rome; and afterward for default and commutace, causing her by his commisioners to bee condemned: had not king Charles the ix taken vpon him to protect her, as being his subject, vassall, and neere kinwoman: which he gaue all Christian princes to underhand, vnto whole maiftie the procription of that most honourable queene might well haue seemd prudicially.

For many were of opinion that the pope was absoultly soueraigne lord of all the kingdoms of Chrif tendome. And in our age, at such time as Henry the eight, king of England, was revolted from the pope, the eale of Aifinmund, an Irish man, sent letters vnto Henry the feccond the French king, (the copie whereof I have taken out of the records) whereby he offered himselfe to become his subject, if he would of the pope obtaine the soueraigne of the kingdome of Ireland, which we said to have bene under the fealtie of the bishop of Rome, since the time of Innocent the third. They haue also pretended themselves to have the soueraigne of Mirandula, and of the counties of Concorde, Rege, Modene, Parma, & Placeence, for which the popes Julius the second 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 Placeence 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 gaue to the church of Rome.

Now if we graunt the aforesaid cities might have beene giuen vnto the bishop of Rome, and to have bene indeed giuen, as the bishops themselves vaunt; they must also confesse themselves to have bene vassals vnto the German empire. But for that it seemed a dishonour to the bishop of Rome, which said himselfe to have power over all princes, to be accounted a vassall and client of the emperours; they said (but fallly) the soueraigne of all the cities of Italie, which were within the dominions of the Church of Rome, to have bene by the emperours graunted vnto the bishop of Rome. And to exempt themselves, they produce a donation which I have read in the Vatican register without date or name of bishop, whereby Othe the emperour (but which Othe it is not said, when as there have bene fuse of that name) doth giue vnto the church of Rome Pifaurum, Ancona, Fosfairum, and Auffun. Other letters patners alsoe there is of the emperour Othe the fourth, vnto pope Innocent the third, conceived in these words, Ego Otho quartus rex Romanorum imperator Augustus, Tibi domino meo pape Innocentio tertio, subjectus, jure et foribus ecclesiae Romanae, donum, pollicor, & iuro, quod omnes possessiones Ecclesiae, &c. I Othe the fourth, king of the Romans, always victorious, do allow, promise, and swear, to thee my lord pope Innocent the third, and to thy successors of the church of Rome, that all the possessiones of the Church, &c. And that which followeth after, containeth a most copious confirmation of all the lands and cities which then were in the dominion or patrimonie of the church of Rome, whether they were giuen by the emperours themselves, or by any other lords or princes whatsoever in the
number of which cities are these contained: Comitatus Perusiae, Reatae, Salutis, Interamne, Campaniae, nec non Romam, Ferrariae, &c. Marchiae, Aquitaniae, terram Comitissae Matildis & sequaque sunt circa Rodiceam unum &que Ceperanum, exercitatum Raunum, Pentapolium cum alig terris, &c. The same form of confirmation is in the Vatican records to be seen, both of Rodolph the emperor, and Charles the fourth; bearing date the year 1289, and 1368, importing that they also out of their abundance gave unto the pope and to the church of Rome so much as should be needful, and all that which Henry 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 fealty and homage 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 encroacht vpon; and much leffe the right of soueraignty and patronage, whose authority for euer over the subiects and vassals cannot bee prescrib'd against; it must needs follow, the popes to bee the vassalls 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 emperour Frederick the second to have abolition from pope Innocent the fourth, caufed to be deliver'd vnto him his letters patent, seale with a seale of gold, dated the yeare 1229; whereof I have seene the extract, and of his empire the seuenth, and of his raigne in the kingdom of Sicilie the xxij. Whereby he entirely renounced the right of election which he had in the creating of bishops, vning these words, Illum abysum abolute volentes, quem guidam praedecessorum ou elecciones libere sunt & canonice, Wee willing to abolifh that abufe which some of our predecessor were knowne to have exercis'd in the elections of prelates, graunt that those elections may be freely and canonically made. By which words he leemeth to renounce not onely 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 vfted the name and title of emperours, got by the prouesse 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 ancient treaties and histo ries of Germanicke and Fraunce, and not emperours, except those which were crown'd by the popes. But after that the power of the German kings was farre spread in Italie, they then vought to vfiupe vnto themselves that right of chusing of the bishops of Rome: whether it were for the increasing of their owne wealth and power, or for to take away the ambition and soule corruption then vsed in voyces guying, and in their elections. For the emperour Henrie the third thrust out of his papacie Gregorie the fift, chosen pope by the clergie, and set Clement the second in his place; and afterwards compelled the clergie to sweare, not from thenceforth to admit 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 ambassadors vnto the emperour to appoint whom he thought good to bee pope, who appointed Peadon, afterwards called Damasus the second; who dead, the clergie against sent ambassadors vnto the emperour, for the creating of a new pope; who sent vnto them Brunon, otherwinse called Leo the ix: and after him Victor the second. After whose death the clergie made choyse of Frederick, and after him of Alexander the
Secondly, which when the empeour Henry the fourth under stood, he sent them Cadol bishop of Parmar 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 Gregory the seuenthe, chosen also by the clergie, who upon the grievous paine of excommunication, forbade all lay men to bestow any Ecclesiasticall livings or benefices upon any whomsoeuer: And also excommunicated the empeour Henry the fourth, for disobeying his commandement in creating of bishops in Germanie. Wherewith the empeour mused, and with his armie passing over the Alpes, chased this Gregory the seuenthe out of the citie, who had helden the papacie eleuen yeares, and placed in his stead Clement the third, who held that dignitie seuentene yeares, against foure popes successively chosen by the clergie. After whose death Henry the fifth the empeour made Bourden pope without regard of whom, the clergie nevertheless made choice of Calixitus the second a Burgundion, who drew out Bourden, before nominated by the empeour: and by a decree made at Wormes, enforced Henry to sweare never more to take upon him to bestow any spiritual luyings upon any; yet with condition, that he might be in the assemblies of the Bishops assifant, if he thought it so good. Which decree of the empeour Henry the fift is yet extant in the Vatican records, in these words, *Pro salute anime mea dimitto Deo & sanctis Apostolis Petro & Paulo, sanctaque Ecclesiae Catholicae, omnem investiturum per annulum & baculum,* & *concedo in omnibus ecclesiis quae in imperio meo sunt; Canonism faci electionem.* For 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 palfottall staffe, and do grant Canonical election to be made in all the Churches which are in mine Empire. Neuertheless 229 yeares after, the Empeour Lewes of Bawaria created Nicholas the fift bishop of Rome: John the two and twentieth, a Frenchman, then sitting as pope at Auignon, who peremptorily cited the empeour to appeare before him and for default & contumacie, pronounced sentence of excommunication against him: The empeour likewise on the contrarie side summoned the same pope John to come before him, saying the bishops of Rome to be his edicts and commandments, as empeour: and by sentence given at Rome, where Nicholas the Antipape held his seat, deprived John of his papacie. Which Nicholas afterwards retiring himself vnto Pila, was by the citizens there betrayed into the hands of pope John his mortal enemie at Auignon, where he shut vp in prison, for sorrow languished to death: and the empeour excommunicated, and therefore detected of all men, was forsaken of his suinde. And this was the eight empeour whome the bishop of Rome excommunicated: after whose fall the German empeours thought it not good afterwards to attempt any thing against the bishops of Rome. But to the contrarie the empeour Charles the fourth gave out his letters patents in the yeare 1535, whereby he acknowledged vnto pope Innocent the fift, That although hee were chosen empeour 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 ofula bestorum,* &c. Which words we fee still repeated in all the empeours letters vnto the bishop of Rome, even from the time of Lewes of Bavaria, untill now.

There is also extant in the Vatican, the forme of the coronation of the empeours, and by the empeour Charles the fourth approued; but no where more feluite seruices: where amongst other ceremonies, the empeour is as a fuldeacon to minisiter vnto the pope whyle he is saying masse; and after divine seruices done, to hold his stirrup whilst he mounteth to horse, and for a cernainte time to lead his horse by the bridle: with diuers

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The eight emperours excommunicated by the pope were these, Frederick the third, Frederick the second, Philip Comodo, Otto the fourth, Lewes of Bavaria, Henry the fourth, and Henry the fifth.
The humble subscription of the Duke of Venice and of Frederick the second vnto the pope.

Clement the seventh.

The maistrie of the emperours greatly diminished by the pope.

uers other ceremonies at large set downe in the Vatican records, which is needes here to rehearse. And yet one thing more is worth the marking which is not in the record expreseed, which is,that the emperours to receive the imperall crowne, must go to seeke the pope wherefoever he be, and to follow him if he chance to remove; as did the emperours Charles the first, 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 dute of an inferior prince towards the maiefty of his superiour might the more plainly be percieued. But after the death of Charles the first, Ferdinand the emperor could not obteaine, that the pope should in his absence ratifie his election; but was ofteentimes by the pope threatened, That hee would take such order for him, as that he should have nothing to doe with the affairs of the German empire: neither would he admit the emperours lawfull excuse, vtil hee was by the requests and mediation 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 maestie of the empire, against that the popes enterprises; as I have learned by the letters of the kings ambaffadour, dated at Vienna, in July 1559. And to shew a greater submision of the emperours vnto the popes, the subscription of the emperours letters vnto the pope, is this, Ego manus as pedes vestrae sanctissimae doceo colo, viz. I kisse the hands and feet of your Holinesse. So vssed alwayes the emperor Charles the first to subscribe to his letters, when he writ vnto pope Clement the fourth. Which he did not upon a signified courtesse, but indeed in most humble and servile manner kissed 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 Provence, where were met together the pope, the emperor, 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 kissed the popes feet, except the dukes of Buillon and Vitemberg, Protestant princes, who had for taken the rites and ceremonies of the church of Rome. In late more base fort did that duke of Venice humble himselfe (who of the Venetians themselves is called a dog) for that he with a rope about his necke, and creeping vpon all four like a beast, so craved pardon of pope Clement the fifth. But nothing was more base, than that which almost all historiographers which writ of the popes affairs, report of the emperor Frederick the second; who to redeem his fame out of prifon, lying prostrate vpon the ground at the feet of pope Alexander the fourth, suffreed him to tread vpon his head, if the histories be true. Whereby it is well to be percieued, the maestie of the Emperours, by the power (should I say) or by the outragiousnesse of the Bishops of Rome, to have bene so diminished, as that scarce the shadow of their antient maestie seemeth now to remaine. They also say themselves to be greater than the emperours, and that so 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 Ptolomaeus and the Arabians. And that more is, they have alwayes pretended a right vnto the empire; for the imperall feast being vacant, they have given the inuestitures vnto them which held of the empire, and received of them their feallie: as they did of John and Luchin, vicounts of Milan, the imperall feast being empie in the yeare 1341, who are in the records called vaffals of the church of Rome, and not of the empire; and are forbidden their obedience vnto Lewes of Bauaria the emperour, who was then excommunicated, as we have before said. For which cause the Canons have maintaineed, that the emperour cannot giue vp his imperall dignitie vnto any, but vnto the pope: for which they yeeld this reason, That the emperours have their soueraigntie 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 emperour Charles the fift wore with yeares and sicknesse, resigned his imperiall dignitie into the hands of the princes electors, and sent vnto them his resignation by the prince of Orenge. But howsoever the Bishop of Rome pretended to have a souverainetie over all Christian princes, not only in spirituall, but also in temporall affairs; whether they got it by force of armes, or by the devotion and grant of princes; or by long poffeflion and prescripition: yet could not our kings even for any most short time endure the servitude of the bishop of Rome, not to be moued with any their excommunications, which the popes vied as firebrands to the firing of the Chriftian Commonvales. For these the popes interdictions, or excommunications, were wont with other nations, to draw the Subjects from the obedience and reverence of their prince: but such hath alwayes bene the lone of our kings towards their people (and so I hope shall be for ever) 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 publikely excommunicated Philip the Faire, he in like maner excommunicated all the French nation, with all them which tooke Philip for a king. But Philip hauing called together an assemblie of his princes, and other his nobilitie, and perceiving in his subjects in generall a wonderfull content for the defence of his fate and souverainetie: he thereupon wrote letters vnto Boniface (which are common in every mans hand) to reprooue him of his folly: and shortly after sent Robert with his armie into the popes territorie, who tooke the pope prisoner, (giving him well to understand that the king was not his subject, as he haued by his Bull publisshed) but seeing him through imparience to become furious and mad, he fet him againe at liberty. Yet from that the popes interdiction, the king by the aduice of his nobilitie and Senat, appealed vnto a generall councell, which had power about the pope, abusing the holy citie. 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 realme being interdicted by pope Alexander the third, who haued brought him into his subjection: answered him by letters, That he held nothing of the pope, not yet of any prince in the world. Benedict the third, and Julius the second, had vied the like excommunication against Charles the seniour, and Lewes the twelfth (who was called the Father of his country) that so as with firebrands they might inflame the people to rebellion: yet failed they both of their hope; the obedience of the subjects being in nothing diminished, but rather increas’d: the Bull of excommunication which the popes legats brought into France, being by the decree of the parliament of Paris openly torme in pieces, and the legat for his precipuoues acte caft in prison. And not long after John of Nauarre, who called himselfe countie Palatine, when he had made certaine publike notaries in France, and made legitimat certaine of his bastardes, by vertext of the authority which he haued (as he saide) from the pope, he was therefore by a decree of the parliament of Tholouze condemned of treason. True it is, that they which haued thought better to affliue the majestie of the kings of France against the power of the pope, have obtained the popes bulls whilst they yet fate in the citie of Anigon, to bee exempted from their power. And namely there is in the records of France a Bull of pope Clemente the fift, whereby he not only absoluted Philip the Faire and his subjects from the interdiction of Boniface the eight, but also declareth the king and the realme to be exempted from the popes power. Pope Alexander the fourth also gave this privilege vnto the realme of France, That it could not for any cause be interdicted.
dicted: which was afterward by even popes successively confirmed, viz. by Gregory the viiij. ix. xx. xi, Clemens the fourth, Urban the fift, and Benedict the twelfth; whose bulls yet remaine in the records of Francke: which yet seemed unto me not to encrease, but rather to diminish the majestie of our kings, who were neuer in any thing beholden unto the popes. And that more is, the court of parliament of Paris, hath by many decrees declared that clause: Autoritate Apostolica, By the autoritative Apostolical: vizually infected into the popes rescripts sent into France, to be void, more abusive, and to no purpose: and therefore it behoueth them, that would help themselves by any such the popes rescript, to protest in judgement, That he would not any way take benefit of that clause. By all which things it is plainely to be understood, not onely the kings, but the kingdom of Francke also, to 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 subject unto the pope, so farre as concerneth their oath, it needeth no reserving: as by him written being bishop of Mende, and at such time as vnder the color of oath he joined unto contracts, the ecclesiastical judges drew vnto themselves the hearing and determining of all matters: which their usurping 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 priuate name contract with the pope, he may voluntarily and of his owne accord bind himselfe unto 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 thirtie thousand florines of gold, of pope Clemens the fift, which is an ordinarie clause in all obligations, in which sort the pope himselfe might as well as a priuate man be bound also. But this money the pope may feeme also not to have lent without reward; but being himselfe of the house of Turenne, it may be thought that he for this summe so lent, procured of the king the great privieleges which the counties of Turenne yet at this day enjoy. Yea but I know some to pretend, that the French kings ought to receive their royal crowne at the hands of the pope: for that king Pipin so received it at Saint Deniz in France, of pope Zacharie: as though one act in discontinued solemnities, and of so great consequence, could give a right, or establish a perpetual law: which it cannot do in the getting of the least discontinued service: but by the prescription of so yeres: albeit that in truth the king leaueth not to bee king, without any coronation or consecration, which are no things of the soueraignty. And that no man can deny, but that if the donation of the exarchat of Rauenap & Penapolis, 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 Francke: seeing that the confirmation of the feignories so giuen, was requested of Lewes the Gentle, succedant to Charlemagne: which confirmation Carolus Siganus, a most skilfull man in the antiquities of Italie, wright 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 feignories so giuen, was yet refented: For otherwize there should not have needed any of king Lewes his confirmation; considering that king Pipin had by law of arms wonne those territoties from the emperours of Constantinople, & therefore might of right both giue them by himselfe so wonne, and also appoint lawes vnto them so by him giuen. Albeit that the Constantinopolitan emperours lent embassador into France vnto Pipin, to haue had him to haue ingreded & 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 Floradus and Siganus. And that more is, Augustinus Opprius the popes chamberlaine, who had diligently searched all the Vatican records (speaking of the popes)
pope) confesseth, that the exact chat of Rauenna, Romandiola, the duchie of Urbin, and part of Tuscanie, were given to the Church of Rome. But hee speaketh not of that which I have read in the extract of the Vatican register, \textit{v.7}, John, surnamed Digitorum, to have written in letters of gold, the donation pretended to have bene made by Constantine; in the end whereof are these words, \textit{Quam fabulum longi temporis mendacia fuxit}; which words I thought not good in any thing chauge; as being much stronger arguments than those of \textit{Law.Valla}, to convince the lies of \textit{Augustin Euginus}, who of purpose to deceive, hath forged in Grecke the donation of Constantine, to gie it the more cred: whose deceif is caiie to be refuted both by the manner of the fife, and the knowledge of antiquitie: and is sufficiently refelied by \textit{Sagonius} and \textit{Onomphros} both Italians. Which is also well luffified by the epiflde of pope \textit{John}, written in the yeare 876, who therein confesseth the great largefes and donations bestowed upon the church of Rome by Pipin, Charlemagne, and his fuccifours: and by the affluent marble table, which is yet to be feene at Rauenna, wherein are thefe words contained, \textit{Pipinus Pius primus amplificando eccleflie viam operuit, et excultabat Rauenam cum amplie}. The reft of the inscription hath defaced. And thus much concerning the greatneffe and fouveraignetie of our kings.

I will not here touch the greatneffe and fouveraignetie of the \textit{Negus of Ethiopian}, commonly called \textit{Prefer John}, whom \textit{Pau.Louis} writeth to have fittie tributarie kings vnder him, or (to fay better) governours of Province, which yeeld vnto him not only their ordinarie tributes, but alfo their feftie and homage, and that in greater humilitie, than verie flaves doo vnto their lords: as a man may see in the hislorie of \textit{Francis Alavaes} a Portugall, who dwelt fixe yeres in \textit{Ethiopia}, and yet neuertheffe they are called kings without cause; because they be no absolute fouveraignes, seeing that they be but tributaries, yeelding feftie and homage vnto another man.

As for those princes which are no Chriftians, I have nothing to fay, for the fmall afurance we haue by the writings and reports of others, much differing among themfelues. Yet neuertheffe fio it is, that in one chapter of the \textit{Afciron}, it is expreffely forbidden all the \textit{Musulman} (that is to fay the right beleeting) princes, to call themfelves lords, except thei Caliph or great bishop their great prophet \textit{Moamu}d his vicar: By meanes of which prohibition the Mahometan bishops haue vverfed absolute fouveraignetie above all their princes, giuing kingdomes and principalities, to whom they thought good, in name and title of governments: which may be also the caufe that no Musulman prince wereath a crowne vpon his head: albeit that before the moft auintient kings of Asia and Afrike did weare crownes. And namely \textit{Iolada} the high prieft, hauing confeerated tos king of Juda, feta a crowne vpon his head. But the Musulman princes think that chapter not to have bene made by \textit{Moamu}d their law giner, but by their Caliphes, who of many diuers corrupt Alcorans made but one, long time after the death of \textit{Moamu}d, defacing the reft, and for the augmenting of their maiftie, to haue bene in to their Alcoran by them inferred. But at fuch time as three of their great bishops had for the deffe of fouverainetie, at one time taken vpon them the name of the great Caliph, the princes of Perfe, the Curdes, the Turkes, the Tarairis, the Sultans of \textit{Afgyn}, the kings of Marocco, of Fez, of Telenfin, of Tana, of Bugia; and the people of Zenetes, and of Luntune, exempted themfelves from the obeyance of the Caliphs, to hold their kingdomes in fouverainetie: as also the kings of Tombut, of Guynee, of Goa, and other kings, which dwell more into the hart of Afrike, who know not the Caliphes command, neither acknowledge any greater than themfelves: except they which hold in feftie and homage of the king of Portugall, as the kings of Calecut, of Malachie, of Cambar, and of Canor, whom they haue compelled to doo, and to pay

\begin{itemize}
  \item Divers Mahometan kings tribute vnto the king of Portugall.
  \item But thei Mahometan princes by their lawe forbidden to call themselves lords or souveraignets.
\end{itemize}
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
vnder: the nofe of the Persia king, having built a most strong castle, and thrice exa-
ing tribute and custom of such as passe that way, or chance to arrive in the Persia
gulf; and had done the like in the red sea, had not Barnagas governour of that coast,
and the king of Ethiopia his subject, cast the Portugals in pieces, and rated the fortres-
ses which they had began to build, vnder the colour of alliance and amity contracted
by Lopes ambassadour for the king of Portugal, with the king of Ethiopia, in the yeer
1519. And yet for all that certaine it is, that the king of Portugal was of auintent time
feudatary or vassall vnto the king of Castile, and the kingdom of Portugal a mem-
ber of the kingdom of Castile: which for the greater part holden by force by the
Moore, was giuen to Henrie, brother to Godfrey of Buillon, in marriage with the base
daughter of Aphonius king of Castile: from whome are descended all the kings of
Portugal, since this four hundred and fiftie yeares, vnto Henrie the Cardinall, who
last reign'd: having (of long) exempted themselves from the fouraigntie of Castile,
and holding duets kings their tributaries and feudataries, of whom Emanuel was the
greatest, and for his matrill provewe amongst the rest most famous; who vanquished
the aforesaid kings, and caused them to pay him tribute. For there are now no feudat-
aire kings in Africa, or in Asia, which are not also tributarie; howbeit in auintent time
the kings of Persia, and the Romans, having subdued kings vnto their empire, for most
part made them to become their tributaries: as for such fealtie and homagie as is of
vassals exacted, they knew not what it meant. For Philip the second, king of Macedon,
being by the Romans ouercome, they granted him peace vpon condition, that he
should pay them into their common treasurie, a certaine yearly tribute; which Per-
sius, Philip his sonne, afterwards refusing to pay, drew vpon himself a great and heavy
warte, to his owne vter destrucion. And yet, oftentimes such tributarie kings had
others tributarie vnto themselves, who had also power of life and death, and other ro-
all fouraignties ouer their owne subiects. So the kingdom of David was contained
within the bounds of Palestine, and yet he enforced the neighbour kings to pay vnto
him tribute; his possitie neuerthelesse not long after yeeuling tribute vnto the Egy-
ptians, and the Asiatians. So the kings of Slatonia, and the Commonweale of Cat-
thage vfed the like authoritie and right ouer the princes vnder their dominion, that the
Romans exercised ouer them, enforcing them to bring their yearly tributes into their
treasuries.

Yet is there difference betwixt a tribute and a pension: for a pension is paid in re-
spect of fealtie, or in time of warres to receive aid against our enemies: but a tribut
is giuen, thereby to have peace; howbeit that he which receieth such a pension, com-
monly boasteth of it, as a tribute: as the kings of England called the petition of fift-
tie thousand crownes, which Lewes the xj. paid vnto them by the treatie of Piqueni, by
the name of a tributie; vntill that Elizabeth the daughter of Edward king of England
was married vnto Charles the eight, king Lewes his sonne. Howbeit that Philip Com-
nes denyeth it to have bene either pension or tribute; yet needes it must bee either the
one or the other. So the Grand Signior calleth the German emperour his tributarie,
for the petition 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 tributaries. But the great
Precop Tatar, who in auintent time was foraigne of all the realmes from Volga to
Borithenes, held all the princes and lords of those countries as his vassals and tributa-
ries.
ries, who not only kneeled before himself, but stood before his ambassadors sitting: For so the Knez of Moscouie behaved himselfe before the ambassadors of this Tatar prince, and was therefore of other princes commonly called but by the name of a duke: howbeit the dukes of Moscouie, for this and divers other such indignities call off the seruile Tatars yoke, in the yeare 1524. And the first that revolted from them was Basilus the first, who called himselfe The Great Chamberlane of God, and King of Moscoie; and so he which at this present reigneth, in despite that other princes treate him but a duke, filleth himselfe The Great Emperor: as in truth 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 spaciousness of places, or the greatness 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 honour have seemed to have bene his superior) answered, That he acknowledged no man greater than himself, 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 auint 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 xii Canton of the Swiflets, who are all soueraigns, 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 deputie as a prince in the name of all the rest of the Canton, receueth and dismiseth the ambassadors of other kings and Commonweals; and vnto him only it belongeth to call a general assembly of all the states of the Canton, and againe to dismissthe same: albeit that the Canton of Berne be much greater and stronger: Next vnto them of Berne, are Lucerne, and Vri, albeit that they are defended neither with walls nor ditches, no more than are the Schwits, and Vunderwald, which follow in order vnto them of Vri: then follow after them Zug, Glaris, Basil, Friburg, and Solentre. Now haply a man may say, That this is done according to the time that euerie Canton entred into their alliance; which is not so; for by their treaties it appeareth, that the first that entred in that confederacie and alliance were they of Vri, Schwits, Zug, and Vunderwald.

Sometimes also the more auint Monarches and Commonweals lose their prerogative of honour: as when they put themselues into the protection of other princes, or yeeld themselues tributaries: in which case it is most certaine, that they are alwayes lesse than the other into whose protection they put themselves, or vnto whom they pay tribute. As it chaunced 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 inferior vnto them in honour. And verily Augustus the emperor showed himselfe wonderfull ceremonious and difficult in the honours which he bestowed on kings and princes, allies and under the protection of the empire of Rome: making Terrarques, inferior vnto Ethnarques, and thefe inferior vnto kings: and the more auint allies of the Romans, superiors 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. Marcius Philippus their ambassador show himselfe therein curious: Who contending with Perseus king of Macedon, which of them shalld come out the touter upon the frontiers of
of Macedon, vnto the other: and Persinus for that he was a king, refusing to come ousier vnto the Roman ambassadors, the ambassadour yet by sweet speech drew him ouer. W hicch he did (as he said vnto the ambassadors of the allies and confederats there present with him) to show 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 Linie omitted, which was for that Philip the father of Persesus had upon conditions receiv'd peace of the Romans and also paid vnto them tribute, which his father Philip act, if he had disliked, he should not haue medled with the kingdome: although that he was otherwise unworthy thereof, who his father yet living had aspired vnto his inheritance: and being but borne of a concubine, had slaine his brother borne in lawful marriage. But after that hee ouerthrowne and vanquished by Paulius Emilius, had loff'd the hope of his kingdome, he wrt letters vnto Emilius, general of the Roman army, yet stilling himselfe a king: which his letters the Roman general receiv'd, and would not vouchsafe to open them, except he first renounced his roiall dignitie, which can onely 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 Cardinal Bibiene the popes legat, that the pope his master ought not to suffer the emperour Charles the fuit to call him selfe king of Naples and of Sicilie, seeing that he was but the Popes vassall. W hereof the legat gave advertisement vnto Iulian Cardinal de Medices, who was afterwards pope; to the end that that title might haue beene rated, which as he certified him by his letters, was by the charters of fealtie, forbidden the kings of Naples to take: whereas for all that, in all the records which were haue got out of the Vatican, that is not onely not forbidden, but the name and dignitie of the king of Naples and Sicilie expressly set downe, as namely in the ineuffitures of Charles of France, of Carobert, and of John. So many times ambassadors euill instructed in their matters affaires, through ignorance commit therein many notable defaults. And by the same reason we should take the roiall title of a king from the king of Bohemia, who holdeth his kingdome in fealtie 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 measure kings by the elne: but it is, for that the countrey of Bohemia was by the emperour Frederick the fuit, for title of honour onely erecting a kingdome, without prejudice vnto the right of soueraignetie 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 soueraignetie. And it may be, that for this cause pope Pius the fourth gaue not the roiall title to Cosmus duke of Florence, albeit that he would very gladly haue so done: whereof the emperour Maximil anx the second, being by the French embassadors aduertisement, not vnfitly replied, Italia non habet regem nisi Cæsarem: Italy hath no king but the emperot. Although that be to be understood of the maiestie of the German empire (whereof the Florentine state dependeth) & not of the emperour, who is him selfe subiect vnto the estate of the empire: albeit that all Christian princes gie him the prerogative of honor, next vnto the pope, whether it be for that he is chief of the German empire, or els hath got it by long prescription of time. So also next vnto the emperour, all other princes haue vied to gie this prerogative 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 Ethyprians, the Indians, or Barbarians) is not to be found so amittent a kingdome, or such a continual dience of kings of the same stocke and line as is among the French kings. And therefore Baldus (being him selfe an Italian Lawyer, and a subiect of the empire) sayth well, That the French king...
A carrieth the crowne of glorie above all the kings, who have alwaies giuen him that preheminence of honour. And there is also ye extant an epistle of pope Gregories unto king Childeber, the beginning whereof is this: Quanto ceteros homines regia maiestas antecellit, tanto ceterarum gentium regna, regni vestri calmen excellit: by how much the royall Maiestie excelleth other men, by so much doth the Maiestie of your kingdomse excelle the kingdomes of other nations. As in truth this prerogative is vnto him due: for the Germane emperours themselves cannot deny, but that the German empire was sometime a prouince and member of the auintent kingdome of France, conquered by the prowesse of Charlesmagni king of France, and power of the French nation; but afterwards rent againe from the same, being giuen in partition to Lewes of France, yourgett son to Lewes the Gentle, at such time as Charles the Baud the French emperour held the imperall seate of the empire: Howbeit that ye neither helpe the Germane princes the Otboms, by the grant of the Roman bishops haung got the imperial title, haue by little & little through the ignorance of our embassadors vsurped & taken vnto themselues this prerogative of honour above the French kings. As in like case the king of Spaine not many yeares agoe would have prevented our kings ambassadors: but was at the request of M. Nouville, embassador for the French king, by a decree of the Venetian Senat embattred so to doe, in the yeare 1558: and so likewise afterwards by a decree of the pope, giuen by the consent of all the colledge of Cardinals: where the pope saide with a loud and cleare voyce, That the French kings had bene alwaies the auintent protecetours of the church of Rome, and that the fairest and fruitifullest provinces of the kingdome of Spaine, had bene dismembrd and rent from the kingdome of France, than which nothing could in that kind haue bene more truely spoken; for by our kings, the authoritie of the bishops of Rome hath bene delitered from contempt, their wealth encreased, and their power confirmed. Wherein the pope also in some fort amended the errour committed in the counsell of Trent, where Mendoza the Spanish embassador, preferring himselfe and taking place before the French embassador (which then was M. Lansac, alisted with the M.M. of Ferrier & Fau) was to haue bin compelled to haue departed from the counsell, or els to haue kept the auintent order of ambassadors, and so to have followed the French ambassadors: who withstanding the Spanish ambassadors preuempton, requested that he might not inuer the order of the ambassadors: saying, that otherwise he would himselfe forake the Counsell, and caufe the French bishops to depart thence also. Whereunto the Spanish embassador craftily answered, That as he would not go before the French embassador, so would he not be enforced to follow him; and so tooke his place by himselfe apart from all the rest of the ambassadors. Yet notwithstanding these two former decrees which I haue speaken of, the Spanish ambassador not long after at Vienna in Austria, earnestly requested of the emperor, That he might goe in the same degree and order with the French embassador; or that they might at leaft goe formouth by turns (as did the Roman Consuls, who had the preheminence, the twelve sergeants, and power to command, successively, each of them his day) which Henric the second the French king hearing of, wrote againe to his embassador, That prerogative of dignitie to be of so great moment and conuenience, as that nothing therein was by him to be said or done more than he had commision for. And Ferdinand the emperor 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 publiclike assemblies. The Senat of Polonia troubled with the same difficultie, thought it not good to preference one embassador before another, neither to preference them by turns, or yet to make them equall: but decreed of all ambassadors in general, that
as every of them first came into the frontiers of the kingdome of Polonia, so should they be first in order heard: and so accordingly *M. De Monluc* bishop of Valence (who for his wifedome and dexterity for manning of matters of estate, had bene fifteen times ambasfador) hauing by great celeritie preuented the Spanifh ambasfador, had also first audience; wherewif with the Spanifh ambasfador offended, would as then fay nothing: as I haue vnderftood by *M. de Nouaille* abbot of Belle-ife, a man of great honour and vertue; who then was also ambasfador into Polonia, as he now is at Conftantinopole. But before the yeare 1558, newer Christian prince made question of the preheminence of the French ambasfadors before them of Spaine: and namely the English mens alwayes 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 queene Marie, in the chapter holden by the knights of the molt honourable order of the Garter, vpon Saint Georges day, in the yeare 1555, concerning the conferring of honours, it was decreted, That the French kings place should be about the left, next vnto the prince on the right hand; where before was the place for Spaine, while king Philip was married vnto the queene. And the next day after being Saint Georges day, a day of great folemnitie vnto the kings of that order, a feat was accordingly refurred for the French king, on the right hand next vnto the prince: and another on the left hand for the king of Spaine, next vnto the emperour s feat on the fame fide, being then emptie. And afterward in the time of Charles the ix, the queene of England caufed to be lent vnto him the banner of France, of the fame flute and greatnes that her owne was, as the king was aduerteised by *M. de Foix* then his ambasfador there; and in the roll or Catalogue of thofe knights, which is signified euery yeare by the queene, the French kings name is euer the first, next vnto her owne.

But to take away these difficulties and iceloufies betwixt princes, about their honors, which are otherwise incontinent and dangerous: it is declared in the xiiij article of the ordinances of king Lewis the xi, touching the order of knights, that they shold bee placed according to the time of their receuating into the order, without prerogatize of king or emperour. For euery foneteigne prince who is neither tributarie, vafsall, nor in the protection of another, may as seemeth vnto him beft in his owne country beflowe the prerogatizes of honour vpon whomfoever hee pleafeht, and to referue the chiefe place vnto himfelfe. We know right well that the Venetians, the Rhugofians, the Genoways, the Mofcouites, and the Polonians, are in league with the great Turk, and yet hath he alwaies giuen the prerogatize of honour vnto the French king, calling him in his letters the Greatest, and the Greatest among the most Great Princes of the Christians: & filleth himfelfe The greatest of all Princes, and the chiefe Sarrach or Prince of the Musulmans: that is to fay, Chiefe Prince of the right beleevering or faithfull, which laft prerogatize of honour the Chriftian princes themfelves haue giuen him by their letters: and as for the first title he seemeth himfelfe to haue taken it from the auntient emperours of Conftantinopole, who bare in their armes foure B. which we call Fulis, wherby thefewords are signified, that is to fay King of kings, reigning ouer kings. Which was the title that the kings of Babylon in auntient time tooke vpon them also, as we may fee in Ezechiel, who calleth the great king Nabuodonofor 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 ouercome the kings of Afria, as Efreas writeth, vfed the fame title: & after them the Parthian kings alfo, as Dion writeth, that Phraates the king of Parthia calleth himfelfe King of kings. But neither feudatarie kings which hold all their territories of others, neither dukes, marquesfes, counties, or other like princes can of right vse the title of soueraigne Maiette,
Of the true markes of Soueraignty.

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 sort 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 sort they be; that so we may in all obedience respect and reverence their maieftie, and not to thinke or speake of them otherwise than of the lieutenants of the most mighty and immortal God: for that he which speaketh euill of his prince vnto whom he oweth all dutie, doth injure vnto the maieftie of God himselfe, whose lively image he is vpon earth. As God (speaking vnto Samuel) of whom the people of Israel had vnadvisedly asked a king, It is not thee (faith God) but me whome they have defpised.

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 subjects also: for if they were common vnto others, then should there be no soueraigne prince. And yet they which haue writ best of or concerning a Commonweale, haue 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 flattery, 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 Soueraignty of a king, which the Hebrew priests haue written to haue bene by their kings suppreffed and rent, that so they might more freely tyrannize over their subjects. Wherein Phil. Malanthon in mine opinion is deceived, who hath thought those things which Samuel spoke vnto the people, concerning the cruelty or insolence of tyrants, to belong vnto the right of soueraigne maieftie: Whereas hee in that his Oration vnto the people, would haue reclaimed them from the alteration and innovation of the state, and to have 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 ransack other mens wines, to take from them their children to abuse them, or to make of them their slaves: For the word which hee veth, signifies not lawful rights in that place, but mens sutcomes and manner of doing. For otherwise the good prince Samuel should in all his speech be contrary vnto himselfe: for in giving of an account before the people, of the charge that God had given him over them; Which of you (faith he) is it amongst you that can accuse me of wilful, or say that I have taken of him either gold or silver, or other present whatsoever? Whereunto all the people with great applaule and acclamation gave him this praysse, That he had never done them wrong, nor taken anything of any, person whomsoever. Should then this good prince be of so great integrity, godlinee, and justice, as he is reported to haue bene of, have pronounced the cruelties, insolencies, and adulteries of Tyrants, as lawes of Soueraignty for princes to imitate? And amongst the Greeks
Greekes there are none, who have any thing written concerning the laws of Soueraignte, except Aristotle, Polybius, and Dionysius Halicarnasseus, who have writ with so great breuitie 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 revolved themselves. For there are (faith Aristotle) three parts of a Commonwealth, the one to take advice and counsell, the other to establishe 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 Soueraignty; for that a Commonwealth can by no meanes receive that diuision, as it were of the whole into parts, except the foueraigne government were also spoken of. Nether hath *Polybius* also determinately defined or let downe the rights and marks of Soueraignete: but in speaking of the Roman Commonwealth, he faith, That their estate was mixt of the Power royall, of the Aristocraticall government, and the Popular libertie: seeing (faith he) that the people made laws and officers; the Senat disposed of the provinces and common treasure, received and dismissed ambassadors, and had the manning of the greatest affaires; the Consuls held the prerogative of honour, in royall forme and quality, but especially in warres, wherein they were all in all. Wherein it appeareth, that he hath touched the principal points of Soueraignete, seeing that they vnto whom he attributeth the same, had the chief government of the Commonwealth. But Dionysius Halicarnasseus 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 laws, to determine of peace and warre, to place and displace officers, to heare the appeales 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 Vaterius the Consul shewed vnto the people, that it ought to content it selfe, to have the power to make lawes, to chuse officers, to receive appeales from all the magistrates, and fo to leaue the rest vnto the Senat. Since which time the lawyers have amplified these rights, and they oftentimes, 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 subiects of soueraigne princes: in such sort that they call dukes soueraigne princes, as the dukes of Milan, Mantua, Ferrara, and Sauoy: yea even some counties also dukes subiects, 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 deeme him to be a soueraigne, which giueth lawes vnto his subiects, which maketh peace and warre, which appointeth all the officers and magistrates of his countrey, which imposes tributes, and at his pleasure calleth whom he feeleth good: which hath power of life and death, and in briefe to dispole of the whole Commonwealth. All which they before rehearst, have power to doe: and what more can a man desire in a Soueraigne prince? For all these are the marks of Soueraignete. And yet nevertheless 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 honorable title that they have, is to be princes and deputys of the empire: we have also said that they have their inuestiture from the empire: and that they yeeld their fealtie and homage vnto the empire: in briefe that they are naturall subiects of the empire, and borne in the territories subiect vnto the empire. Then how can they be absolute soueraignes? For how should he be a soueraigne, which acknowledgeth the juridiction of another greater then himselfe: of one which reuereth his judgements, which correcteth his lawes, which chaseth him selfe, if he commit abuse? We have before shewed that Galatea the first, vi-
A  count of Milan, was accused, attainted, conuicted, and condemned of treason by the 
emperor; for having without leave, laid taxes upon his subiects, and that he there-
fore died in prison. And if any of them shall contrarie vnto the laws, by force, suffe-
rance, or by usurpation take vpon them the foueraignty; are they therefore foueraigns? 
or shall they prescribe against the seale and obedience which they owe vnto their 
prince? Seeing that they confesse themselues but princes and deputies of the empire. 
They must then renounce the titles of princes and dukes, of Highnesse and Excellencie, &
stile themselves kings, to vfe the title of foueraigne maiestie, which they cannot doe, 
without revoeling from the empire; as did Galenigo vicount of Milan, who therefore 
endured the grieuous punishment of his treaflfe. We have also shewed that the ci-
ties of Lombardie were subiect vnto the empire. In briefe we had declared also the 
intollerable absurdities that should ensue, if the vassalls should be foueraignes, especially 
when they have nothing but what they hold of another: and that this were nothing 
else but to make the subiect equal with his lord, the feruant with his master: he that 
receiveth the law, with him that giueth the law, him that oweth his obedience vnto 
him that is to commmand, which facing they are things impossible, wee may well 
conclude that dukes, counties, and all they which hold of another man; or that re-
ceive law or commandement from another, be it by force, or otherwise by contract, 
are in no wise foueraignes.

The same opinion we haue of the greatest magistrats, of kings Lieutenants general, 
Gournours, Regents, and Dictators; what power soever they haue, if they be bound 
vnto the lawes appeales, and commanad of an other man, they are not to be accounted 
foueraigns. For it behooure that the markes and recognizances of foueraignitie be fuch, 
as that they cannot agree to any other, but to a foueraigne prince: for otherwise if they 
bbe to be communed with subiects, a man cannot say them to be the true markes of 
foueraignitie. For as a crowne if it be broken in pieces or opened, loofeth the name of 
a crowne; so foueraigne maiestie loofeth the greatnesse thereof; if any way bee opened 
to tread under foot any right thereof; as by communing the same with subiects. 
And for this cause in the exchange made between king Charles the fift, and the king 
of Navarre, for the territo ries of Mante and Meullan, with Montpellier, wherein the royall 
atticuad, are said all wholly and alone to belong vnto the king. It is 
alfo by the common opinion of the lawyers manifest, that those roayl rights cannot 
by the foueraigne be yeelded vp, dri ftracted, or any otherwise alienated; or by any tract 
of time be prescribed against: and therefore Baldus calleth them Sacra Sacrorum, of 
Sacred things the most Sacred: and Cynus Individua, things inseparable, or not to bee 
diiuided. And if it chance a foueraigne prince to communac them with his subiect, 
he shall make him of his feruant, his companion in the empire; in which doing he shall 
loose his foueraignitie, and be no more a foueraigne: for that he 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, con-
fidently that he is of infinit power and greatness, and that there cannot bee two infinit 
thinges, as is by naturall demonstrations manifest: so also may wee say, that the prince 
whom we haue set down as the image of God, cannot make a subiect equall vnto him-
selfe, but that his owne foueraignitie must thereby bee abased; which if it be so, it fol-
loweth that the administration of justice, which Aristotle makes the third part of a 
Commonweale, is not the true marke of foueraignitie; for that it indifferently agree-
eth almost to all magistrats as well as to the prince: neither in like fort to make or di-
place of ficers; for that the prince and the subiect have both this power; not only in ap-
pointing the officers seruants at home, and in time of warre, but even of the officers, 
and
and magistrats themselves, which command in peace or in warre. For we read that the Contuls, in antient time created the militarie Tribunes, who were as marshals in the armie, and he whom they called the Interrex created the dictator, and the dictator appointed the collone of the horsemen: & in every Commonweale where justice is given with fees, the lord of the fee may at his pleasure appoint officers, and without cause displace them againe, if they have not their offices in recompence of some their defects. The same opinion we have of punishments and rewards, which magistrats or captains inflict or give unto them that have deferred 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 deferred, yet it is common both to the prince and the magistrat: albeit that the magistrat have this power of the prince. It is also no marke of Soueraignty to have power to consult of the affaires of the state, which is the proper charge of the priuit Council, or Senat of a Commonweale; which is always divided from him which is therein soueraigne: but especially in a popular estatte where the soueraigne lieth in the assembly of the people, which is alwayes an enemy unto wisedome and good counsell. Whereby it is to be perceived, not any one thing of those three wherein Aristotle laid a Commonweale to consult, to be the true marke of Soueraignty.

As for that which Dionysius Halycarnassius faith of Marcus Valerius the Confull, in the Oration which he made vnto the people of Rome, for the appeaing of the troubles then risen betwixt the Senat and them; That the people ought to content themselves to have the power to make lawes and magistrats; that is not sufficient to declare a Soueraigne of power in them, as I have before declared concerning the magistrats. Yea the power to make lawes is not the proper marke of Soueraigne, except we understand thereby the soueraigne princes lawes; for that the magistrat 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 concerns the subiects in general, or in particular: except him or them which have gaine the law. Howbeit to speak more properly, A law is the command of a Soueraigne concerning all his subiects in general: or else concerning general things, as faith Festus Pompeius, as a privilegge concerneth some one, or some few: which law if it bee made by the priuit counsell, or Senat of a Commonweale, it is called Senatus consultum, as the priuit counsell: or decree of the senat. But if the vulgar people made any such command, it was called Plebisceitum, that is to say, The command of the meanall people: which after many seditions and fluxes, betwixt the Nobilitie and the common people, was in the end called a law. For the appeaing whereof all the people in the assembly of the great estates, at the request of M. Horatius the Confull made a law, that the Nobilitie and the Senat in general, and every one of the people in particular, should bee bound to keep the decrees and lawes which the common people shoulde make, without appealing therefrom; or that the Nobilitie shoulde have any voyage 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. Hortentius and Pub. Philo Dictators: From which time forward such the peoples decrees were no mote called Plebisceita, but simply lawes, whether they concerned every man in particular, or all men in general. As for the commandements of the magistrats, they were not called lawes, but onely edicts. For an Edict (as

M. Varro
M. Varrus defineth it is the command of a Magistrate; which his command bound none, but them which were of his owne jurisdiction; provided always that such his commands were not contrary into the ordinances of the great magistrates, or to the laws and commandments of his oueraigne prince, and were no longer in force than the magisstrat 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 predecessors before made: & if so be that they were against the laws, or for longer time than the magisstrat of him that made them, then were they to none effect: which when C. Verres did, he was in these words accused by Cicero, Qui plurimum (inquit) editio tribuit, legem annam appellat, 
super editio complectebis, quan lege, They that attribute most (faith he) into an edit, call it but an annual law, but thou comprehended more in an edit than in a law. And for that the emperour Augustus, having oppressed the liberty of the commonweale, 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 Iulie; which manner of speech the other emperours after him vfed 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 oueraigne power, be it for one, or for all, be it an edit perpetual or onely proutional. Wherefore they abuse the words, which call edicts which are proper unto magistrates by the name of laws: but in what so ever order that it be, there are none but oueraigne princes, which can give laws vnto their subiects, without exception, be it in generall 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, in 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 anwser that that is objected, I say, that the Senat of Rome, from the expulsion of the kings, vntill 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 Conans, who faith, That the Senat had power to make a perpetuall law: for Dionysius Halicarnasseus, who had diligently read the Commentaries of Marcus Varrus, wrighteth, 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 Arifroctes: 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 mently said, The wise and grave profound matters at Athens, and foolees and madmen refoulke thereof. And so the Senat in Rome did but consult, and the people command: For so Liviue oft times faith, Senatus decreuit, populus ustit, The Senat hath decreed, and the people commanded. Yet true it is, that the magistrates, and namely the Tribunes, oft times suffred the decrees of the Senat, in a maner to have the force of laws, if the matter seemed not to impate the power of the people, or to be prejudiciall vnto the maiestie of the estates in generall. For so properly the auctent Romans said *Imperium in magistratibus, auctoritatem in Senatu, potestatem in plebe, maiestatem in populo imposi deinceps, Command to be in the magistrates, authority in the Senat, power in the meniall people, and maiestie in the people in generall. For the word *Cicero. Roa *Cicero. Roa. *Cicero. Roa. *Cicero. Roa.
Majesty, is proper unto him which stirreth the helme of the soueraignty of a Commonwealth. And albeit that the law Iula concerning majesty made by the people at the request of Augustus, hold him guilty (Lasa maiestatis, or as we say) or treason, which striketh a magistrate in the execution of his office: and that sometime the Latein histrio-
tographers, yea and the lawyers themselfes also give the title of majesty unto the Conful and Pretor; as in saying, Majestatem consuls au, majestatem pretoris. The majesty of the Consul, the majesty of the Pretor: yet is it but improperly spoken, neither by our lawes is he guiltie Lasa maiestatis, that hath hurt a prince, a duke, a countie, or a magiftrat: but he only that hath violated the person of a soueraigne prince. And so by the lawes of Sigismundus Augustus king of Polonia, made in the yeare 1588, it is set downe that the crime Lasa maiestatis,should take no place further than his owne person; which is according to the true signification of Lasa maiestas. And for this caule it seemeth that the dukkes of Saxone, of Batavia, of Suao, of Loraine, Ferrara, Florence, and Mantua, put not into theire flites of honour, this word Majestie, contenting themselfes with the title of Highnesse: and the duke of Venice with the addition of his Serenitie, 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 about the rest of the Senators, than the chiefe place and dignitie of the Commonwealth in all their assemblies, wherein he fitteth as chiefe; and the concluding voyce into what corporation or colledge he come, if there be any question of voyces. And as in Rome the edicts of the magiftrats 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 sort bound the magiftrats (if they were not contrarie to the ordinances of the common people) and the ordinances of the common people were about the decrees of the Senat; and the law of the whole bodie and estates of the people, was above all the rest: even so in the Venetian Commonwealth, the decrees of the magiftrats bind euery man in particular, according to the pricinft and jurisdiction of euerie magiftrat: but the corporation and colledge of the Decemuiiri is above particular magiftrats: the Senat is above the Decemuiiri, and the great Councell (which is the assemblie of all the gentlemen of Venice) hath the power of soueraignty, containing the Senat, and all the rest of the magiftrats, within the power of the command thereof, in such sort, that if the Decemuiiri bee divided with euery voyce, they appeale vnto the councell of the Sages, consisting of xxii, who if they cannot agree, the Senat is assembled, and if the matter concern the high points of soueraignty, as is the majesty of the Commonwealth, then it is referred vnto the great Councell. And therefore when any thing is decreed by the Decemuiiri those words are ioyned vnto the decrees, In consiglio Di Dicei: whereunto if the colledge of Sages be ioyned, there is also commonly added, Con la Giunta, but if it be a decree of the Senat, it is declared in these words, In pregadis: but if it be in the great assemblie of the gentlemen of Venice, these words are commonly adjoyned thereunto, In Consiglio Magiore. For in these three corporations or colleges, are almost all things dispatched which belong vnto their lawes, their customes, and Commonwealth, except such matters which the Septemuiri (the most secret councell of the State) vse by themselfes to determine. It is therefore but by suuerience that the Decemuiiri or the Senat make decrees and ordinances, which for that they are found just 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 just, their suucessflours kept them: and so by traute of time were receiued as lawes; yet for all that was it alwaies 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.
Of a Commonweale.

A Pretors, as he thought best, and after that he had interpreted them, and brought them into ninety books, he gave the same unto the emperor Adrian for a present; who in recompense of so great a work, made him great Praeost of the city of Rome, and thereby made way for his nephew Didius Julianus, afterwards to aspire unto the Roman empire. Adrian himself also persuaded the Senat, that not only the edicts which Julian had gathered, but other his own writings should be taken for laws, which he confirmed also by his authority, and yet nevertheless still held the name of edicts, which hath deceased many, who have accounted those laws as Pretors edicts. So also Justinian the emperor, to the example of Adrian, by decree commanded 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 lees than edicts, but laws as well as those which every foreign 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 soueraigne; and which giueth force unto the law by these words, Sanctus inubemus, We ordaine and command; which are words proper unto soueraigne maiestie, as faith the Confell Posthumus, in the oration which he made unto the people, Nego iniosf populi quicquam sancti poffe, quod populum te ment, I deny that any thing can bee ordained without the peoples command, that can bind the people. The magistrat also presenting his request unto the people, for the enacting of a law, commonly began with these words, Quod bonum, sallum, felixque sit vobis ac Reipub. velitns, Inbeatns, Will you, and command you, that which may be good, happy, and fortunate you, and the Commonweale. And in the end of the law are still these words, Si quis aduersus eas fecerit, &c. If any man shall do against these things, &c. Which they called Sanctius, that is to say an ordaining or enacting, declaring the punishments or rewards due unto them that should keep or break the law: which are speciall formalities and proper unto the maiestie of them which had the power to make the law; but never vled by the Senat in their decrees, nor by the magistrates in their edicts. Joyned hereunto also, that the penalty annexed unto the lawes of a soueraigne prince, is farre different from that which is joyned unto the decrees or ordinances of magistrates, or of corporations and colledge, which haue certaine limited penalties and fines, for the most part concluded by a mercement or forfeit of money, or with whipping there: For there is none but the soueraigne prince, which can vnto his edicts joyn the paine of death, as it hath bene also forbidden by an aumient act of parliament, and the claue of arbitrarie punishment joyned vnto the ordinances and decrees of magistrates and gouernours, which euery inclusively extended vnto death.

Wherefore let this be the first and chiefe marke of a soueraigne prince, to bee of the 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 joyn hereunto) without consent of any other greater, equall, or lesser than himselfe. For if a prince be bound not to make any law without consent of a greater than himselfe, he is then a vertic subiect: if not without his equall, he then hath a companion: if not without the consent of his inferiours, whether he be of his subiects, or of the Senat, or of the people, he is then no soueraigne. And as for the names of Lords and Senators, which were oftimes see joyned vnto lawes, they are not thereunto set as of necessitie to giue thereunto force or strengthe, but to giue vnto them testimonie and weight, as made by the wifedom and discretion of the
the chiefe men, so to give them the better grace, and to make them to bee the better receiued; and not for any necessitie at all. For we finde the most autentie edicts of Saint Denys in France, of Philip the first, and of Lewis the Groffe; whereunto the names and seals of the Queenes Anne and Adella, as also of Robert and Hugh are annexed: And namely in the twelth yeare of the reigne of Lewis the Groffe, and of Adella the first.

Now when I say that the first and chiefe marke of Soueraigneitie is for the prince to be of power to give lawes vnto all his subiects in generall, and to crie one of them in particular: these last words concerne prouileges, which only belong vnto soueraigne princes to grant, and particularly to others, to whom they are granted. A prouilege I call a law made for one, or some few particular men: whether it bee for the profit or difprofit of him or them for whom it is granted. For so speakeboth Cisero, Privilegiium de meo capitatum est, A prouilege was made concerning my life, he meaneth the law made against him by the common people at the motion and instigation 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 Clodii, 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 prouileges to be granted, but Comitijs Centuriatia, that is to say, in the generall assembly of the whole bodie of the people. For to be the words of the law, Privilegia nisi comitijs centuriatia ne irrogants, qui facris facitis capitalis esto. Privouileges let them not be granted but in the greatest assemblies of the people; and hee that shall otherwise do, let it be vnto him death. As for such prouileges as bring profit and commoditie to them to whom they are granted, they are more truly called benefices. 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 dispose with the edicts and ordinances of other former princes: howbeit that privileges in monachies have not bene vfed, but onely for the tearme 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 object vnto me, the magistrates themelues to discharge men oftentimes of the lawes: and the Senat of Rome to have so oftentimes done. I will aunswere him as did Papinius 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 Cornelia, 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 granted vnto the Senat, by reason of the difficult assembly of the whole people.

But some man may say, that not onely the magistrates have power to make edicts and lawes, crie one according to his aututhoritie and jurisdiction, but also that particular men make customes, both generall and particular. Which customes have 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. Whereunto 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 cleepeth in sweetly and without force, whereas the law is commanded and published with power, yea and oftentimes contrarie to the good liking of the subiects. For which cause Dion Chrioste迴ome 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
A are by lawes abolished, but not lawes by customes: it beeing alwayes in the autho-
ritie and power of the magistrat againe to put in execution such lawes as are by cus-
tome almost out of use. Custome also propoundeth neither reward nor punishment,
whereas the law alwayes carrieth with it either the one or the other, if it be not a law
permisserie,which eateth the penalty of another law: and in brieue custome hath no
force but by sufferance, and fo long as it pleaseth the soueraigne prince, who may make
thereof a law, by putting the daynto his owne confirmation: whereby 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 Commonweale.

This then is the first and chiefest marke of Soueraignty, to be of power to giue laws
and command to all in general: and to enuerie one in particular; which cannot bee
communicated vnto subjects. For albeit that a soueraigne prince giue power to any
one to make lawes, of such strengthe and vertue as if he himelie had made them: as did
the people of Athens to Solon, and the Lacedemonians to Lycurgus: yet were thes
lawes neither the lawes of Solon nor Lycurgus, who were but as commissioners 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 fame. They indeed wrot those lawes, but
the people commandad them: they composed them, but the people enacted them.
And almoast always in a Popular or Aristocratiical state, the lawes tooke name of him
which propoundd or engrossed the fame, who was nothing els but the simple procu-
riter thereof: the confirmation of the fame 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 ambassadors into Greece, to amplifie their lawes, and in xij
tables comprehended the best of them, they commanded all the people to bee called
togeder, to behold and consider of those lawes publikly set vp: and so at length after
three faire daies (the vffual time appointed for the establishing of lawes) the people in
their greateft and generall assembly, commanded, or rather enacted them to stand for
lawes. But vnto what power it belongeth to make a law, vnto the fame also it appertain-
eth to abroga or derogat from the fame. Under this power of making & of abroga-
ting of the law, is also comprized the declaration & correction of the fame, when it is so
obscure, that the magistrats vpon the cases propoundd find contrarieties or intolerable
aburditie, yet may the magistrat according vnto right and reason also interpret the
lawes, & enuine thome 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
vniust: but let him heare what Pluian faith, Dura lex, se tamen scripta est. An hard law
(faith he) but so it is written: which if the judge shall presume vnder the equitie of
ouer him to breake, he is by the law condemned of infamie. So ought the law called
Latoria, (or rather Praetoria) to be vnderstood, which Papinez reciteth, without naming of
the author. Vnder this power it is permitted vnto the Great Praetor of the citie of Rome, to
supply, to correct or amend the lawes: which must (as we said) be moderatly & in a meate
done: for if a man should otherwise vnderstand it, it should thereof follow, that a simple
magistrat should be aboue the lawes, if hee might at his will and pleasure alter and in-
fringe the fame: and also that he might bind both the people and the prince vnto his
deeds: which we haue before shewed to be a thing impossible.

Vnder this fame soueraigne power for the giuing and abrogaing of the law, are
comprized al the other rights & marks of soueraignty, so that (to speake properly) a man
may say, that there is but this onely 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

B That the power
to make lawes
cannot be vnto
subjects commu-
nicated.

C What power the
magistrat hath
to interpret the
lawes.

D All the other
marks of sou-
eraigne contai-
ned vnder the
fifth.

E P iij
euere one of the subjicets, & 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 bee done by the law, that is to say
by the commandement of the soueraigne power. So also is it proper vnto soueraigne
majestie, to receive the subjicets appeales from other, and the greatest magistrates, to
place and displacethe greatest officers, charge or exempt the subjicets from taxes and
subsidies, to graunt pardons and dispensions against the rigour of the law, to haue
power of life and death, to encreaue or diminish the valour and weight of the coynie, to
give it title, name, and figure: to cause all subjicets and liegenemen to swear for the keep-
ing of their fidelitie without exception, vnto him to whom such oath is due: which
are the true marks of soueraignitie, comprised under 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 com-
mand from any other, but from almighty God onely. For a prince or duke who hath
power to giue lawes vnto all his subjicets in general, & to every one of them in particu-
lar, is yet no soueraigne, if he receive his power from the emperouer, the pope, or the
king, or any other greater than himselfe: or yet haue a companion in his governement,
a companion I say, for that he feemeth in a manner to haue a superior or maiifet,
which hath a companion, without whose helpe and content hee can command and
do nothing: much leffe if he ha soueraigne, it hee bee another mans lieutenant or
deputie.

But forasmuch as the word Law, is too general a marke, it is the more expedient par-
ticularly to specify the rights of Soueraignitie, comprised (as I have said) vnder that sou-
eraigne law; as to denounce warre, or treat of peace, one of the greatest points of sou-
eraigne majestie: for that oftentimes it draweth after it the ruine, or affurance of a Com-
monwealth; which is to be verified not onely by the law of the Romans, but of al
other nations. And for that there was more daunger to be feared from warre, than
from peace, it was lawfull for the common people of Rome, to commanad peace, but
if question were for making of warre, it might not be decreed, but in the greatest as-
bembly of all the states together, vntill such time as that the meniall people had also full
power to make lawes. And therefore it was that warre was decreed against Mithrid-
dates by the law Manilia, against the pirates, by the law Gabinia, against Philip the se-
cond, king of Macedon, by the law Sulpitia; peace was also made with the Carthag-
innensians, by the law Martia. And for because Caesar had without commanad of the
people made warres in France, Cato Pictenis was of opinion in the Senat, that the ar-
mie was to be called home, and Caesar for his presumption delueted vnto the enemie.
In like case the estates of the people of Athens determined of warre and peace. As a
man may see by the war by them decreed against the Megarians, against the Syracu-
sians, and against the kings of Macedon. There but briefly set downe certain examples
of two of the greatest and most famous popular Commonwealthes 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 that for any man to attempt even the
least thing therein without the kings commanad, is vnto his doorer thereof dangerous,
if the king might thereof haue before bene aduertified: and what charge fovere
that they giue vnto their deputies or commisioners, to entreat of peace or of alliance, yet
content they vnto nothing, without the aduertifying of the kings was to be seen in the
last treaty of Cambrey, betwixt the French king & the king of Spain; the commisioners
on the kings behalfe write to him from howre to howre, the whole proceedings both
of the one part and of the other. But in popular or Aristocraticall estates, we oft times see
that after the warre is once denounced, it is then managed by the advicse of the Senat, or
private
privie counsell onely: ye and sometimes by the advice of one onely captaine also:
for that nothing is more dangerous in warre, than to have the secret policies thereof
revealed: which must needs be, if the people have therein to doe. And therefore we
read in the Grecian and Latine histories the designs and enterprizes of warre to have
beene still managed by the wildsome and direction of some one or other captaine, or
in case that the matter were of greater importance and conquence, by the counsell of
the Senate, without any more speaking thereof unto 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 have beene oftentimes denounced by the advice of the Sen-
ate, without the consent or command of the people: I confesse it to have sometimes
indeed so happened and fallen out, but yet very seldomly: and that the Senate in so
doing did vnder the maieftie of the people: which was the cause, that the Tribunes of
the people, and faithfull keepers of their libertie, oftentimes interposed themselves to
croffe the matter, as we see in Lutie, where he sayth: Controuerfia fuit utrum populi
inflis indicetur bellum, an satis eft? S.C. periculce Tribunoi, sol Q. Consul de bello ac po-
pulum ferret, omnes Centuriae infere. Controuerfia was (fayth he) whether war should
be denounced by the commandement of the people: or els that the decree of the Sen-
ate was sufficient, but the Tribunes preuailed: so that Quintus the Conful propoun-
ded the matter vnto the people, which all the assembly of the people commanded.
Howbeit, that the Senat itself would not ordinarily denounce war, except the people
had before so decreed, As T. Lutius (speaking of the second Carthaginian war, fayth,
Lataum inde ad populum vellent inuentur populo Carthaginensi bellum indici: It was after-
ward propounded vnto the people, whether they willed and commanded warre to be
denounced vnto the people of Carthage. And in another place, Ex S.C. populi inflis bel-
num praeferitam indicet. By a decree of the Senate, by commandement of the people, war was
proclaimed against them of Prerenfe. And againe, Ex authoritate patrum populus Pa-
lopolitanis bellum fieri inflet. The people following the authority of the Senate, com-
manded warre to be made against them of Palaeopolis. And afterward, Populus bel-
um fieri Equis inflet, The people commanded warre to be made against the Equi.
And at such time as warre was to be undertaken against the Sammites, Patres solemni
more indicet decreturum, et ex de re ad populum ferretur. The fathers after the solemn
manner decreed, that concerning that matter it should bee referred vnto the people:
Where Lutie in calling it the solemn manner, declareth it to have bee a thing to vse
to be done. And fo against the Herniques, Populus hoc bellum frequens inflet, The
people in great number commanded this warre. And againe against the Vestines, Bellum
ex authoritate patrum populus adversius vestinos inflet, The people following the author-
ritie 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 popu-
lar state endured. For so faith Plutarch, Ex authoritate Senatus populorum Tarentum
Romanis in fieri bellum infet, The people of Tarentum following the authority of the
Senate, to have commanded warre to bee made against the Romans. And Lutie
speaking of the Aetolians, which were gouerned by a popular government, faith it to
have bene by their lawses forbidden, that any thing should bee determined concerning
peace and warre, but in the Panetolian and Pylaic counsell. And for that the nobil-
itie of Polonia, Denmatke, and Sweden, pretend the right of Souerainitie to belong
vnto them, it is not lawfull for their kings without their authoritie and consent either
to denote warre, or to vndertake 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 thereof without the consent of
the
The people; as we may see in all the treaties betwixt the Romans and the Latines: and in the confederats warre the Senate palfed all the treaties of peace and alliance without the people, \\
but in the tumult and uprore of Italy-leaft the hard assembly of the people, and danger of delay, might have brought some detriment into the Commonwale. Yea sometimes the generals and great commanders in the warres, of themleues determined of peace and warre, without the commandement of the people or Senate, especially if the warres were in some country a faire off: as wee see in the second warre of Carthage, the three Scipioes made all the treaties of peace and alliance with the people and princes of Spaine and Affricle, without the admite of the Senat. Yet true it is, that the Senate, yea and oft times the people authorized their actions, and ratified their treaties, after that they were made: and if they were in anie thing prejudiciall into the estate, had of them no regard. In which case the hostages and captains yeelded vnto the enemy, were at their owne perill to answer the matter. As the Confull Manctius, who for that the peace he had made with the Numantines, was rejected and not ratified by the Senate and the people, was himselfe deliuetered into the enemy. And that is it which a certaine Senarou of Carthage, as Lidice reporeth by way of exprobration objeected vnto the Romane embaffles, laying, Vos cum Lucfatius Conful primo nobisfum fedus ictit, quia neque autboritate Patrum, nec populi iussu, ictum erat, pecisis vos e ten tere. Itaque alius fedus publico confuio ictum est. You at such time as Lucfatius the Confull first made peace with vs; for that it was made without the authoritie of the Senat, or commandemen of the people, said you were not therunto bound; and therefore another peace was by your common councell made.

And the fame author speaking of Manlius the Proconfull of Afia faith, Gallogreces bellum illatun, non ex Senatu autboritate, non populi iussu, sed quis vengn quam defua sententia facere anfus est? Warrte was made vpon the Gallogreces, neither by the authority of the Senat, nor the commandment of the people, which what man dutt of himselfe euer do? But this was Orator like spoken by the aduertarie against Manlius being absent; for that it was sometime so done, we haue by examples declard. Spaurus Poethmus the Confull, also being himselfe with his armie shut vp in the Straits and rockes of the Appennin mountains, in daunger with hunger to perile, before hee could haue heard from the Senat or the people, what they would haue had him to haue done; to deliuere himselfe and the Roman armie out of those straites, of himselfe made peace with the enemy, though vpon vertue hard and dishonourable conditions. But when he with his armie disfarried, was returnd to Rome; the Senat and the people reiected the peace with the conditions by him accepted. Yea Poethmus the Confull himselfe, in the assembly of the people saide, Cum me seu turris, seu necessaria sponsione obstruxi, iucum male, quando iniuris populi facta est, non tenetur populus Romanus, nec quisquam ex ea praeter corpora nostra debentur Sammitibus, desamur per faciales nudam vinelicke. Seeing that I haue bound my selfe, whether it be with a flamefull or a necessarie promise 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 Sammites due, more than our bodies; let vs naked and bound be yeelded vnto them. So the Confull called it not a treatie of peace, but a simple or necessarie promise. And in truth the enemies had cauad the Confull and all the captains and lieutenants of the armie by swearer, and further taken fixe hundred hostages, al which they might haue put to death, if the people would not confirme the agreement taken; in which making they yet committted one grosse ouersight, in that they bound not all the soldiers in the armie by oath to returne into those Straits and enclofures 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 Conful, with the five hundred sworne hostages, whom for all that, the Samnites refused to receive of the herauld. For in like cafe after the great ouerthrow by the Romans received at Cannas, when Hannibal had rent eight thousand foouldiers, there taken prisoners, to Rome, to redeem their libertie with the ranfome of a pound of gold for every head; and that the Senat would not agree thereunto, but decreed, that they should either become the enemies flaves, or die: the Confuls charged those foouldiers, before the appointed day to returne vnto the enemy, who all obeyed their command, but one, who by a craftie wile fought to delude the oath, before by him giuen vnto the enemy for his returne; whome the Senat for all that sent bound hand and foot vnto Hannibal. Or if it had seemd too hard a thing vnto the Senat, to haue yeelded the whole army being sworne vnto the Samnites, they would undoubtedly yet haue confirmed those hard conditions of peace by them agreed vpon. As did Lewis the xij. French king, in the tratie made at Dycon by the lord Trimouille with the Swifters, giuing them hostages of the chiefeft 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 thofe which were befieged in the castle of Eutall had giuen him: when he saw that Robert Knolles, capaine of the castle, being arrived within the castle, after the agreement, would by no meannes suffer the castle to be furrendered, saying, That the befieged without him could covenant nothing: and fo alfo caufed the prisoners that he had taken to be beheaded. For otherwise, if it were lawful for capaines to entreat or conclude of peace at their pleafure, without expresse commandement or ratification, they might bind both people and foueraigne princes, vnto the pleafure and appetite of their enemies, and fuch hard conditions as they pleased: a thing most absurd and unreasonable, seeing that a common aduocat may not in the leaft matter of another man, come to agreement, without expresse charge from him whom it concerneth.

But fome may fay, that these rules take no place in Venice, where the Senat doth wholly determine and determine of peace and warre, neither amongst the cuftomes of the Swifters and Grifons, which are popular eftates. And in the conuerfion of the Florentine Commonweale, from the nobilitie vnto the popular eftate, it is in one article especiallly provided, that the people shall have to do with nothing, but with making of lawes, creating of magiftrats, and the common treafure; as for peace and warre, and other things concerning the foueraignitie of the state, should be wholly in the power of the Senat. Whereunto we have before faid, that Popular and Arithocraticall eftates cannot if they would, well manmage martiaal affairs, for the hard assemblinge together of the people: and in cafe that the people might be at all times assembled, yet were it a thing of great perill and daunger, to have those things which ought of all others to bee moft secret in a Commonweale, the counsells (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 foueraignitie mafttie thereof faide. And albeitt that the people giue the charge thereof vnto the Senat, yet a man knoweth right well, that the commissions and mandats which are giuen out for fuch purpole, depend 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 authoritie from the people, as all other their magiftrats doe. As for monarckies, it is without any question that the resolution of peace and warre dependeth of the foueraigne prince, if the eftate be a pure monarckie.
natchie, for the kingdome of Polonia, Denmarke, Sweden, and Norway, as they are states changeable and vnceertaine, as the nobilitie is stronger than the prince, or the prince than the nobilitie: the resolution of peace and warre do dependeth of the nobilitie, as that the state seemeth to be rather Aristocraticall than regall. And therefore the names of their dukes, marquesses, counties, governours, and councellors, commonly to be in their leagues expressed, and their scelles thereto annexed: as the peace between the Polonians and the Prussians, made by king Sigismundus Augustus was sealed with an hundred and three scelles 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 maieftie is to be of power to create and appoint magistrates, than which no more certaine signe can be, especially the principal 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 magistrates should be chosen and appointed by the people. Which same law was published also by the Venetians, at such time as they first assembled into the Gulfe, for the establiishing of their state, as Contarenus writeth: than when there is none more religiously kept by the Senat and the Venetian people. Yet much better is it kept in monachies, where all is governed by one, and where the greater, the meane, and the least offices of all, as of Porters, Sergeants, Clarke, Trumpeters, Cryers, 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 have 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 colledges, to make certaine meniall officers vnder them: as I have 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 vassalls, albeit that they hold their jurisdiction of some soueraigne prince in feallie and homage, have neuer the lesse power to establishe judges and officers in their jurisdiction: but yet this power is given them by some soueraigne prince. For no doubt dukes, marquesses, 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 giuen vnto the greater magistrates to create the lefset; as we read that the people of Carthage had a custome to make fre magistrates, for to make choyse of the hundred and foure magistrates of the Commonweale; as they do also at Nuremberg, where the Censors which are chosen of the great Counsell, chose the new Senators, and that done, gue vp their charge. The Senate which is of xxvi, making choyse of the eights Auncients: and afterward of the xiiij of the seuen Burgomasters, and of the xij Judges for ciuill cauæs, and fiue for criminall. Neither is this any new matter, but an old and autentic fashion. For Aristotle writeth, the people of Carthage to haue vfed to chufe fiue men, who according to their discretion full made of the hundred and foure magistrates: which was also a thing ordinarie vnto the Roman Censors, who by their discretion supplied the number of the Senators, which the Consuls did before by the suffrour of the people, who from the beginning made them, as Fesius Pompeius laith. And sometime the dictators were for that purpose onely 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 seuentie seuen Senators, hee led them that were dead. Howbeit it to speake properly, a Senator is no magistrate, as we will shew in the discourse concerning the Senat. But howsoever it was, whether it were the Consuls,
Consuls, the Dictators, or Censorats, that made choice of the Senators, &c., supplied the Senate, 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 Cadelequites, which are as the kings two great Chancellors, who have power to place and displace all the Chanciers and Paracacies, 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 Edegnate, which was a Constable to the Sultan, had power to place all the other officers: as had in ancient time the Grand M. of the Palace in France. And it is not long ago but that the chancellory 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 crowns at the most: which was revoked by King Francis the first. And albeit that always the chancellor, the great Edegnate, 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 verie dangerous unto the former kings and Sultans, which by little and little haue since beene cut so short, as that in the reign of Charles the seventh, the verie baylies 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 magistrats, corporations, or colleges, haue power to nominat and chuse the principall magistrats: 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 thevpon commandment was given unto the chancellory 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 presidents, the kings counsellours, and advocats, were made by election, but even the kings attorney general (who is the onely man of all the body of the court, which oweth not oath but to the king alone: albeit that the attorneys of other parliaments, which he calleth substituts, 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 elections into their offices, then were, and yet are, alwayes granted by the king: without whole confirmation their election was to no purpose. Which may terme for another, that to which one might say, that Arthur duke of Bretaigne, was chosen Constable 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 first, 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 nevertheless the said new constable taking uppon him the government of the kings sword, and of the French armie, being sworn to the keeping of the lawes, at the same instant acknowledged himselfe to hold his office and power in fealtie and homage of the king: so that all authority 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 magistrat of that kingdom, and the kings lieutenants general, is chosen by the estates of the country: it is true; but yet his prouision, institution, and confirmation, belongeth vnto the king, who is the chiefest head and author of his power. Howbeit that the estates of the kingdom of Hungarie, yet pretend to have the right to make choyse of their kings: the house of Auftria maintaining the contrarie. And if seemeth that the kings haue by suffrance past it over, that the estates should still haue the choosing, of the great Palatine, so so cause them to forget the election of the king. Whereunto for all that they haue beene so obstinately wedded, as that they haue chosen vnder the colour of protection, to put themselves vnder the Turk's flaverie, rather than to have this power.
power for the choyse of their kings(by the house of Austria)wrestled from them. It is not therefore the election of great officers which declarith the right of soueraignty; but the princes approbation, ratification, and confirmation, without which the magistrats is of no power at all. Yet if such creation of magistrats were by the founders of Commonweales, and law makers, given vnto 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 majestie or power: for that the magistrats power were not to be attributed vnto the prince, but to the people, as by little and little it happened into the kings of Polonia. For when as by a law, made by Sigismundus Augustus all the magistrats of euery countrie were to be chosen by the particular states of euery governement; the majestie of the kings, who also reigned by the good liking of the people, was thereby much impaireth. Which confirmation of magistrats so chosen, is no new thing: for even from the time of the Gothes we read in Cassiodorus, that Theodorius king of the Gothes, gave his letters of confirmation vnto the officers whom the Senat had chosen; vvising these words in his letters directed vnto the Senat, for one whom they had made a Senator, Judicium vestrum P. C. nonfer Comitatut alserfas. Our consent, Reuerent fathers, doth accompany your judgme. Now seeing that power to command over all the subiects of a Commonweale belongeth vnto him that holdeth therein the soueraignty; it is good reason also that all magistrats should acknowledge their authority to proceed from him.

But now let vs speake of the fourth marke of Soueraignty, that is to wit, of the Last Appeal, which is and always hath beene one of the most prinicipall rights of soueraignty. As a man may see after that the Romaines had driven out their kings: not only the last Appeal, but even all Appeales from the Magistrats, were by the Law Valeria refuered vnto the people. And for that the Consuls and other Magistrates often times gave small care vnto them that did appeal vnto them, the fame Law was oftimes renewed: and by the Tribunitiall law Duillia the paine of death adiouned there vnto, for him that should oppose himselfe against the fame; which Law Lucie calleth the foundation of the popular libertie: albeit that it were cuili executed. The same Law was yet more straitly kept in Athens, where the last Appeal was referred vnto the people, not only from the Magistrats of the cityes, but even from the Magistrats of their allies and fellowes also: as the writings of Zepiponon and Demosthenes do right well declare. The same Law Contarenus writeth to haue beene the first that was by the Venetians made for the establishing of their Commonweale: viz. That all men might freely appeal from the Magistrats, vnto the Grand counsell of the people. Nether was Francis Valori Duke of Florence for any other caufe blame, then for not havinge 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 Magistrats also often times put to death condemned citizens, notwithstanding their appeal made vnto the people, as is in many histories to be seene. Whereof there was an heauie 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 saide Lawes concerning Appeals to be violated, and troden vnder fooe.

Whereunto in briefe I answeare, as did Pappinian, That we ought not to rest our felues upon that they doe at Rome, but on that which ought to bee there done. For it is most cirtaine, that a man might appeale from the Senat vnto the people: and that or-
dinatly the opposition or intercession of one of the Tribunes stayed the proceedings of the whole Senat; as we have before touched. And the first that gave the power into the Roman Senat to judge without appeale, was Adrian the emperour, for the edict of Caligula, whereby he gave power to all magistrats to judge without appeale, tooke no place. And albeit that Nero decreed, that they which without cause had appealed into the Senat, should be punished with like punishment, as if they had appealed into his owne perfon; yet forbid he not men to appeale from the Senat into himselfe, although he had referred the appeales from all the magistrats into the Senat. But this aunfwere feemeth directly contrary vnto that we have before saied. For if no appeale were to be made from the Senat into the emperour, but that the last appeale was vnto the Senat, then was not the last appeale the true marke of soueraigne. Joineth also hereunto, that the Great master of the Pallace, whom they called Prefectum Pretorium, gaue judgement without appeale, receiving also the appeales of all the magistrats and governours of the empire, as saith Flainius Vopiscus: as in every Commonwealth we see certaine courts and parlaments which gave judgement without appeale; as the eight parlaments in France, the fourte courts in Spaine, the imperiall chambers in Germanie, the counsell at Naples; the forte 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 towne, duches, and counties, depending of the empire, no appeale is to be made vnto the imperiall chamber, in criminall causes once judged 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 aunfwere, vnder the name of Appeale, to be also contained requests made vnto the prince, which the law call Ciuil supplications: 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, Ciuil supplications to belong vnto the right of soueraigne maiestie: and albeit that almost alwaies the decrees are againe judged by the fame judges, as oft as request is made vnto the prince concerning a judgement given by them in his wil & power either to receive or reject the request, and oftentimes hee calleth the cause vnto himselfe thereto to determine, or to teuerifie that which hath beene done; or else remitteth it vnto other judges, which is the true marke of soueraigne and last appeale, wherein the maiestie of the prince or people doth most appeale: forasmuch as it is not lawfull for any magistrat or judge to change or amend their judgement once given or recorded, without leave of their soueraigne prince, and that vpon paine of false judgement. And if so be that the soueraigne prince would make an edict, that none of his subjects 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 neuer the less he shoule be lawfull for the subjects 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 vnto himselfe; either prohibit his grieved subjects from comming vnto him with their humble supplications and requests: For that such edicts concerning appeales and judgements, are but ciiuil decrees and laws wherewith the prince cannot be bound, as we have before saied. For which cause it seemed a new and aburd thing vnto the Senat of France, and especially vnto Michael de l'Hospital, that the commissioners appointed to proceed against the president of Allemund, forbid him by a decree made against him, to come within twenty leagues of the court, to cut him of 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 reject A soueraigne prince cannot by any edict prohibit his subjects to appeale from his magistrats, or to preferre their humble requests vnto himselfe.
reieft his request being once made vnto him knowne. We see also, that in all grants of publike lands by way of pintion, with power and jurisdiction vnto the children or neere kinfmen of the house of Francc, and generally in the erection of dukiches, marquisats, countiies, and principalities, fealtie and hommage, appeale and soueraignitie, are still referved; that sometime there is onely refervation made of appeale and soueraignitie: 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 hommage compromifed. For it is certaine that the duchie of Berrie was then the portion given vnto the duke of Berry with the charge of rights royall, and reuerfion to the crowne for want of heirs male: as I have learned by the letters of grant, which are yet in the treafurie of Francc. We see also the like declaration of Philip Archduke of Auffria, (Charles the fifts father) made to king Lewes the twelfth, and another of him the fame, in the yeare 1505: wherein he acknowledgeth and professeth himselfe readie to obey the decrees of the parliament of Paris, in regard of the countrie of Artas and Flaunder, and of other lands which he held of the king; and not to forbid them of those coundrie to appeale vnto the court of Paris. And in the treatie of Artas, made betwixt king Charles the feuenth, and Philip the feccond, duke of Burgondy, there is express refervation made of fealtie and hommage, appeale and soueraignitie, for those lands which he and his anfeetors held in fee of the crowne of Francc. Neither did Charles the fift the French king take any other occasion to make warr against the English men, than for that their English magiftrats and gouernours 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 comanded the king of England to be loomeoned, and for default of appearance pronounced sentence against him: whereby the duchie of Aquitaine was for that cause confiscated vnto the king, as is to bee seene by the decree of the parliament of Paris, given the xiiiij of May, in the yeare 1370. For otherwise if a soueraigne prince shall remit vnto his vaffall the right of appeale and soueraignitie; which is vnto himselfe due, he maketh him of a subiect a soueraigne prince; as did king Francis the fift, discharging the duke of Loraine of all fealtie and hommage, appeale and soueraignitie, for the castle of Chaffelet vpon the Maze in the yeare 1517. But when hee suffered the fame duke in soueraigne manner without appeale to gouern in the duchie of Bar; and that the dukes, officers, and magiftrats afterward abused their permission, and in absolute soueraignitie, the kings attorneys generall thereof complained vnto the king, aduising him not to suffer the rights of his soueraigne maiestie to be lo impaireed. Which thing Anthorne then duke of Loraine understanding, and after him Francis his fonne, by recognifance in autentique manner declared, that their purpose was not in any thing to derogate from the fealtie and hommage, appeale and soueraignitie that they ought vnto the crowne of Francc, by reafon of the fald duchie; and that they had not therein vfed soueraigne justice but by sufferrance: which letters of recognifance are in the publique records to be seene, and were afterward exhibited vnto the priuiie couccill, in the yeare 1564, in the raigne of Charles the ninth, who by all means bought by a most gracious and large charter to haue given vnto Charles then duke of Loraine, the soueraignitie of the duchie of Bar; but all in vaine, forasmuch as the king can by no means alienat from himselfe, the rights belonging vnto his soueraignitie, no not the high court of Paris affenting therunto, although the power and authoritie of that court may where the king is, feeme to be nothing in the presence of whom all the power and authoritie of all magiftrats ceafe.

Wheftote the beft & most expedient way, for the preseruation of a flate is, never to give any marke or right of soueraignitie vnto a subiect, and much lesse vnto a straunger: for
for that is one step and degree to mount unto his soueraigne maiftie. And therefore it was long doubted in the counsell, whether power and authoritie without appeale, should be graunted vnto Francis duke of Alencon (who had made mee master of the requests and one of his councell) that his dukedom; as had before bene graunted vnto the antient dukes there. And although he was the kings best and moit loving brother, yet one of the attorneys generall was so bold as to lay in full counsell, That it were better to bring in twelve courts of parliament, than to suffer that, albeit that that iurisdiction was for a short time graunted, and extraordinarie judges by the king appointed; with refutation of appeales, in many cases and causes, as also with exception of fealtie and homagio. Wherein our ancestors much offended, who with too much facilite(though I say, or necessitie) graunted the same iurisdiction vnto the duke of Normandie. For by this means the dukes of Britaigne and Burgundy revolted from our kings vnto the kings of England; for that such judges were denied them, as had bene graunted vnto the dukes of Alencon: taking it grievousely themselues, in the name of their magistrats to be summoned vnto the court at Patis, thete to haue those things reuersed which their magistrats had vniustly determined; although sometime they were things of right small weight and importance; whereof 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, should bee called before them into the court; but in question of soueraignty, or in cause they should deny to doe justitie, or els had giuen false judgement.

The same we are to thinke of all the princes and cities of Germanie, from whom euin in privat judgements men may iustly appeale vnto the imperall chamber, if the matter exceed the summe of 5o crowno, of any or any couuertourse be betwixt the cities and princes themselues. Whereby it is to be understood, neither the German princes, nor cities to haue in them the right of soueraignty: For that it is a capital crime, euin treason it selfe, to appeale from a soueraigne prince, except he appeale as did that Greeke (whofoever he was) who appealed from Philip king of Macedon curii aduised, vnto himselfe being better aduised. Whose manner of appeale Lewes of Burbon, prince of Conde vied also from the interlocutorie sentence of Francis the second, the French king, which he hauing ynderstood the cause, is faid to have giuen against him in the pruin counsell: Whiche manner of appeale Baldus the great lawyer alwaueth as good, and to be received. And well it would beneeme the maiftie of soueraigne princes to behold and follow the example of that Macedonian king, who receaued the appeale; or if they would needs that their decrees whatsoever should stand fast and irremovable, because they would not feeme vnconstant or variable, that then they should do as did the same king to Machetes, who of his owne goods recompened him, for that hee had vniustly condemned him in, without chaunging of his former decreet and judgement.

From this maiftie and benefite of supreme Appeale, dependeth also the power to grant grace and pardon vnto the condemned, contrarie to judgement 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 soever that they be, to graunt the leaft of these things vnto the condemned person, or of themselues, to alter any thing of the judgements by them once giuen. And albeit that the Proconsuls and gouernors 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 reftore him whom they had but for a time banished: (as wee read.
read in the letters of Plutarch, governor of Asia, unto Trajan the emperor, and much else give pardon unto men condemned to die: which is most strictly forbidden all magistrates in every Commonwealth, be it well or ill ordered or governed. And albeit that Papirius Cursor, the dictator, may seeme at the request of the people to have given pardon to Fabius Maximus, the son of the horsemen, for having gien battle contrary to his command, although he had slain xxv thousand of the enemies: yet nevertheless in effect it was the people which gave the pardon: albeit that they most indignantly behought the dictator to pardon the fault: Which they themselves might at the same time have done, but yet had rather to requite it of Papirius, than to take the guilty perfon from him against his will. For Fabius understanding himselfe in his absence to be by the dictator condemned, appealed unto the people: before whom Papirius defended his judgement, as unjustly gien against Fabius: which a man of his virtue and seueritie would not have done, if an appeale might not have been made from the dictator, unto the people: and that 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 unto the people, who moued with his tears, and embracing of his children, pardoned him. Whereupon Cato said, that Galba had beene well whipped, had he not taken himselfe unto his tears and his children. The fame 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 againe restored both unto their goods and honour. And amongst the Venetians it is not lawfull for any their magistrates, no not for the duke himselfe, the Senat, or the Decemviri, to grant pardon unto the condemned: for that is left unto the discretion of the great council of the Venetian gentlemen only. The Decemviri before abusing their power by suffrance, granted pardons, and nevertheless was order taken in the yeare 1523, that the counsell of the Sages, which are in number xxii, should therein be assisting unto them: and that the pardon should take no place, without the general consent of them all: but at length in the yeare 1562, the counsell was forbidden at all to meddle, or to have to doe in that matter. And albeit that the empeor Charles the first, in the erection of the Senat at Milan, granted thereunto all the marks of soueraignty, as unto his lieutenant and deputie in his absence, comming vertue neere unto absolute soueraignty: yet so it is, that hee still referred unto himselfe the power to grant pardon and mercie unto the condemned: as I have learned by the letters patents by him granted: which hath bene a thing right straitly objected and kept in all Monarchies. And although that in Florence during the popular state, the eight men without all right had viurped the power to grant pardons: yet was that power againe restored unto the people by Soderin, after the change of the state. As for other kings they haue still thought nothing more royall, than to deliuer 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 gien unto his mother power to grant pardon unto the condemned: yet for all that the court of Paris, having taken order to haue it showed unto the king, that it was one of the fairest marks of soueraignty, which could not be communicated unto a subject without impairing of his majestie: the Queene mother thereof aduertised, renounced this privilege, and restored the letters patents unto the king, before they were of her request. For indeede that pretogatiue could not of right bee granted unto the French Queene, neither any other the proper marks of Soueraignty.

And albeit that the Roman lawses say that the empeor is dispenc'd with from all edicts
edicts and laws: yet that take they no place in this realm of France; yea there is found a decree in the records of the court, in yeare 1365, in July: whereby the queene was condemned to lay downe in the court the money of her demaund, where the matter was in tryall; that the creditor might demaund it so laid downe vppon good caution giuen: which by the Roman law is a meere injurie, so to begin suche of execution. I find also that king Charles the first, gaue power to M. Arnald de Corbie, chancellour of France, by letters patents, the xij 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 suche time as the chancellours were almighty, 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 maladie.

Now if any man shall object and say, That in ancient times the gouernours of pro-vinces gaue pardons, as we yet may see by the custome of Henault, and of Daulphinie: as also that the bishop of Ambun, by authentique charters pretended this power. Hereunto I answer, that such customes and privileges, wrongfully wrested and extinguished 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 be of no more strength. For the confimation is never any thing worth, if the privilege bee of itselfe naught. Now must it needs be naught, for that it cannot bee separted from the crownw. For as wee haue before said, that the privileges by princes ouen lawfully gaunted, cannot stand good for etuer: so the rightes of Soueraigne, and can noe by the kings themselfes bee gaunted vnto any; without giuing away of their Scepter and Kingdome, can much lesse being gaunted, bee by them confirmed.

As for Gouernours, Deputies, Lieutenants generall of Soueraigne princes, it is another reason; for that they haue 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 Commonwealth, this power of Soueraigne ought not to bee giuen to any, nether by commission, nether by title of office, except it bee for the establishment 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 nineth, who for his tende yeares, was by the eftates of France committed to the tuition of his mother Blanche of Castile; after that she had giuen certaine princes for assurance that thee should not giue the tuition of him to any other person. So the government of the kingdome was committed vnto Charles the first, as Regent during the captivity of his father king John. And in the captivity of Francis the first, Louise of Savoy his mother, tooke vpon her the protection of the kingdome committed vnto her by the king her foe, with all the royalties thereof, in the title of Regent. And the duke of Bedford Regent in France, king Charles the first being there dishtaught of his wits.

But heere may one lay vnto mee, that notwithstanding the decree of Lewes the xij, the chapter of the church of Roan pretendeth alwayes to have 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 it selfe, to execute or put to death any one of such as then be condemned; (as I have seene it put in practise being in commission for the Prince, for the general reformation of Normandie) and for that the court notwithstanding the chapter's pardon, had after the feast caused to be put to death one, which it had before the feast condemned: the chapter therof greatly complayned vnto the king; having to friend one of the princes of the blood; the parlament
sent also their deputys, amongst whom Bigot the kings attourney was verie earneit in his oration in the Senat for the abufe, and encroaching upon the kings maieftie: but the favour of the great bishops more prevailing then reafon, that privilege was for all that he could fay or do with the publike fame and losfe continued: but was since taken away by king Henry the third. This privilege had great affinittie with that which was given vnto the Vefal virgins at Rome, which was to give pardon vnto him that was going to execution, if any one of the Vefal virgins by chaunce happened to meete him, as faith Plutarche in the lyfe of Numa. The like cuftome whereof is yet kept in Rome, for if a condemned man there meet a Cardinall, he is thereby deliverted 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 villainies that were possible to be found, such as the king vued not to pardon, that fuch offences as could neither by the lawes of God nor man, nor by the favour of Princes be pardoned, might yet under the colour of S. Romanes privilege be remitted and forgiven. But that is joynd with the greater impietie to think the pardon to be so much the more acceptable to God, by how much the faé committed is the more haymous or detestable. But I am of opinion (faue alwaies the better judgement) that no soueraigne Prince, neither yet any man a lite 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, wherunto he is himselfe subiect. And if it be so, that the magiftrat deferte capital 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 leaft ciuill intereft of his subiect, or pardon the wrong done vnto an other man: how can he than pardon the wrong done vnto almightie God? or the murder wilfully committed; which by the law of God is death, for all the pardon he can giue. But wherein (migh a man fay) should the princes mercie show it felle or appear? if it could not show grace vnto the punishment appoynted by the law of God? Whereunto I aanfwer, that there are meanes plentie, as in pardoning blooded committed by chaunce, or in defence of a mans felle, or in mitigating the rigour of the potifque ciuill lawes: as if the prince should upon paine of death forbid a man to beeare armes, or to carrie viuuals vnto the enemie; pardon shall yet well be bestowed vpon him that hath borne armes for the defence of himfelle onely; or on him which con- strained by pouerie, hath fold viuuals deere vnto the enemie, to releue his owne great necesitie. Or whereas by the law the punishment for theft is death, the good prince may convert that punishment into the restitution of foure fold, which is the pen- nishment by the law of God appointed. But the wilfull murderer Thou shalt take him (faith the law) from my Sacred altar, neither shalt thou have pitie on him, but cause him to dye the death: and afterwards I will stretch forth my great mercies upon you. Nevertheless the Christian kings on that day which they command to bee most holy kept, as on Good Friday, ye for most part to pardon some one man or other, condemned of most horrible and notorous crime. Now pardons granted to fuch villains drave after them plagues, famine, water, and ruines of Commonweales; and that is it for which the law of God faith, That in punishing them that haue deferted to dye, they shall take away the caufe from among the people: for of an hundred villains there commeth feate or two of them into the triall of justice: and of three that come, the one halfe of them for want of prooe and of witneses escape unpunished: and then if when they are proved princes grant vnto them pardon, what exemplaric punishment shall there be for offences and villainies committed in the Commonweale? And many of fendors
fenders, when they cannot of their owne prince obtaine grace and pardon, interpoze the fauent of some other forrein prince, who becometh an intercessour for them. Whereof the States of Spaine complained vnto king philip, presenting vnto him a reques, to the end he should acquit him his ambassador 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 retied themselues out of Spayne into Fraunce: for that hauing obtained pardon, they many times slew the judges, who had before condemned them. But of all the graces and pardons that a prince can give, there is none more commendable, than when he pardoneth the iniurie done against his owne perxon: and of all capital punishments none is more acceptable vnto God, than that which with most seueritie is executed, for the wrong done vnto the majestie of himselfe. But what then are we for to hope for of the prince, which most cruelly reuengeth his owne iniuries, and pardoneth the wrong done to others; and especially those which are directly done to the diuinion of almightie God.

Now that which we haue said concerning the grace and pardon graunted by a soueraigne prince vnto men condemned, is to the vtermost 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 adiuged. Now many there be, which draw the grace of the princes gracious restitutions vnto private judgements: as when a man is for want of councell deceit or cofoned; or requieth the benefit of his minoritie, which in many cities and Commonweals are proper vnto soueraigne princes: but yet are not the marks of soueraigne majestie, except only the legitimating of bastards, of fees, and such like: for why the rest were partly by the magiftrats hauing vnderftood the cause, and partly by the laws and customes vniually graunted. For in the lawes of charles the viij and charles the viij, it is expressly commaundd vnto the judges, in deciding of causes, not to haue any regard of the decrees of forraine courts, further than they shoulde with equitie agree: which by this common claue vnto all decrees in this realme commonly annexed (Si fatis superque apparat, If it shall sufficietly and more than sufficiently appeare) is declared. Which claue if it be not ioyned vnto the decrees, the magiftrat hath but to vnderftand of the fact: the punishment thereof being refereed vnto the law, and the pardon vnto the soueraigne prince. And that it is for which Cicero crauing pardon of Cesar for Ligarius, 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 accuser is a flanderer, the witnesse false and subborned. In which words he plainly shewed, that Cesar hauing soueraigne power, had alfo the power of life and death, (and to graunt pardon) which the Judges had not.

Now as for liege fealtie and homage, it appeareth, that it is one of the greatest rights of soueraignty: as we haue before declared: in respect of him to whom it is due, without exception.

As for the right and power to coyne mony, 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 value, weight, and stamp of the coyne: which is well to be vnderftood by the Greeke and Latine worde; for the Latine word Nummus, feemeth well to haue beene derive of the Greeke word νομις. For nothing is in a Commonweale of greater consequnce next vnto the law, than the value, weight, and stamp of the coyne; as we haue in a spe.
call treatie declared; and in cuerie well ordered Commonwealth, none but the foueraigne prince hath power to appoint the same. As we read they did in Rome, when the value of the Victoriast was appointed and set downe, it was done by an expresse law of the people. And albeit that the Senat by decree to cale the publicke necessity, made the halfe pound of copper as much worth as the pound; and a while after the quarter, as much worth as the pound, ytill that the ounce was valued as much worth as the pound; yet all this was done by the content of the Tribunes, without which noting that the Senat had therein decreed was of any force. And after that, Constantine the emperor made a law, That they which had coined false money should be punished as men guilty of high treason: which law all princes have most straitly kept, taking vnto themselves the confications of false coynes, excluding all others, which have any claim thereto. With like punishment also are they to be punished, which without the prynces leaque coyne good money. And albeit that many particular men in this realme, had in antient time privilege to coyne money, as the county of Tourtois, the bishops of Meaux, Cahors, Age, and Ambur, the counties of S. Paulie, of Marche, Nuers, Blois, and others: yet for all that king Francis the first, by a genetall edit took away all those privileges: which could not indeed be granted: but being granted, were by the law made void: ijoyning 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 marke and right of fouieraignie ought not in any fort to be at all communicated vnto a subject. As it was well declared to Sigismundus Augustus, king of Polonia, who in the year 1543, having given privilege vnto the duke of Prufse, to coyne money: the estats of the countrey made a decree, wherein it was comprized, that the king had no power to give away that right, as being inseparable from the crowne. For which ille same reafon the Archbifhop of Genece in Polonia, and the Archbifhop of Canterbury in England, both chauncelours, having obtained the same right and privilege from their kings, were thereof againe depried. And for this cause all the cities of Iatice holden of the empiere, which had of the former emperours obtained this privilege of coyning of money, in the treatie at Conftance gaue vp the same vnto the emperour, excepting them of Luca, vnto whom in favor of pope Lucius the third, their countrey man; the emperour at his request granted that privilege. We read also, that the principal occasion that Peter king of Arragon tooke hold of, to drive James king of Maiorty out of his kingdome was, for having coined money; pretending that he had no right nor power so to doe. Which was also one of the occasions that Lefes the xj tooke hold of, to make warre vpon Francis duke of Britaigne, for that hee had stamped a coyne of gold, contrarie to the treatie made in the yeare 1465. And the Romans when as they suffered money of Brasse, and fluer to be coyned in all their provincces, yet did they forbid any to be there coined of gold, referring that still vnto themselves. Howbeit that John duke of Berty had privilege of Charles the sith, the French king, to coyne money of both mettals; who because hee would not any thing therein offend, caused pieces of gold to bee coyned with the figure of a shepe vpon them, of the finest and purest gold that euer was either before or since coyned in this realme.

Yet is it not to be omitted, that though the prince contrarie vnto the law, shall give to any man power to stamp money, that the worth and valour thereof still dependeth of the foueraigne prince; in such fort, that they which do coyne the same, have no other profit thereby but the stamp onely; whereof princes do wonderfully vaunt and glory. But of antient time in the Roman Commonwealth, whilest it was a popular state, the triumviri monetales, or masters of the mint, coyne the money with such a stamp or
or marke as they themselves thought good, with their names & these letters therupon, III Viri, A.A.A. E.E. which Caesius baiellie of the mountaines interpreteth, Ære, Argento, Auro, Flano, Ferundo: but more truly thus, Trium viri, Auro, Argento, Ære, Flano, Ferundo. And truely Servius king of the Romans was the first that there stamped an heavy coynie of baffle, with the figure or impresion of an Ox upon it, to the imitation of Theseus king of Athens, who had coyned money with the same figure or marke, and the figure of an Owle. Whereby it appeareth, the Grecian and Latine princes of old, not to have bene touched with that vine disire of glorie, wherewith other princes were tormenteted: and wherewith the kings of Afia and Aethyke most greedily longed. The first that coyned money in Greece with his owne image thereon, was Philip king of Macedon; which pieces of money were therof called Phelippei; therein imitating the Permean kings, who called their pieces of gold first stamped with the image of Darius, by the name of Dariques. Whereof king Darious was so feulous (as Herodotus writeth) as that he caueth Ariander gouernour of Egypt to bee beheaded, for having stamped the money with his owne image. As for the same caueth also the emperor Commodus beheaded his minion Pecentinum. And alfo king Lewes the xij having left all the power and right of Soueraignty vnto the Genoways, whom he had overcomen and forbad them neuertheless to stamp their money with any other matte or figure, than with his owne image, in heau of the forme of a Gibbet, which they before gaue, and yet giue vpon their money, as the mathe of injustice.

Now if the powere of coyninge money be one of the rightes and markes of Soueraignty; then is it alfo the powere to appoint meaures and weights; although that by the customes receiued there is none to pettie a lord, which pretendeth not to haue this right. Whereby it commeth to passe, that by the infinit varietie of weights and meaures, the Commonweale taketh no small harme. Which was the caueth that the kings Philip the Faire, Philip the Long, and Lewes the xj had resoled, that there should be in this kingdome but one manner of weight and meaure: and now the commissiones appointed for that purpose, by comparing them together, had made euery weight and meaure of this realme, and brought the matter to good effect, had not king Lewes by death bene taken away, before it was fully perfected; yet the booke whereby the same might more easely be brought to passe, is yet extant in the court of accounts: howbeit that the execution thereof proued more difficult than was thought it woule haue done, by reason of the great contention, and suetes that thereof attie. Neuertheless we read in Polybius, that the same was well executed in all the cities of Achaia, and Morea, where they had not but like money, like weights, like meaures, customes, lawes, religion, officers, and gouernment.

As for the right to impose taxes, or impostes vpon the subiectes, is as proper vnto foueraigne maiestie, as is the law it selfl: not for that a Commonweale cannot stand without taxes and tallages, as the President the M. hath well noted, that taxes were not leuyed in this realme, but since the time of Saint Lewes the king. But if it must needs be that they must for the publike necessitie be leuyed or taken away; it cannot bee done but by him that hath the foueraigne power; as it hath bene judged by a decree of parliament, against the duke of Burgundie; and many times since, alway in the high court of parliament, as also in the prouincial Councell. And for that diuers particular lords, cities, and corporatiions, vnder shew of the common good, haue imposed diuers taxes and payments vpon their people: king Charles the ninth, by a generall edict by him made in the parliament at Orleans, expressly forbiddeth them so to doe without leau: albeit that for the common necessitie they be borne withall in so doing without commission, so that they exceed not the summe of twenty fiftie pounds. And after-
ward the same edict was more straitly againe renewed at Moulines, well agreeing both with law and equitie. And although that the Roman Senat in time of warres, yea and the Cenfors themselfes impoed certaine taxes and payments, which could hardly have bene extorted from the bodie of the whole commonaltie: yet so it was, that that still passyd by the sufferance of the Tribunes of the people, who oft times also opposed themselves against the same. Yea and that in such sorte, that they presented a request vnto the people, that from that time forward no man vpon paine of his head should bee so hardie, as to cause any law to bee passyd in the campe: for that the Senat by subtil meanes had there in the campe at Sutrium,caufed to be publisht that notable impo-

tion, which they called Reges Maiorum, that is to say, the twentith part of the goods of them that were mammified; vnder colour that it was to pay the armie with- all: which thenceunto right willingly agreed: and so suffred the law to passe. And in the second Carthaginian warre, at such time as there was great want of coyne in the common trauetie, there was by a law made a taxe generally impoed vpon euery man, which was by another contrarie law againe repealed, after the returne of Paulus Amylius, who with the spoyle of Pergeus king of Macedon, so filled the citie, and euery priuate 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 couteousnes of former tyrants had bene impoed vpon the people, were by the good emperour 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 onely in Fraunce, where (as Caesar hath most truly written) nothing is more contemptible than the vulgar people: but in England and Germanie, and much more straitly in Denmarke, Polonia, and Norway: which impositi-

ons and tributes, are confirmed and growne strong, both by long prescription of time, and vse of judgements; yea and that to be lawfull, euery vnto such as haue nothe foueraigne, nor any juridiction at all, the court of Paris hath adindged. Whereunto I answeare, that the thing hauing begun by abuse, and by long continuance of time inueteras, hath well some colour of prescription: but yet an abuse can never be so ouergrowne, but the law shall euer be of greater force than it; whereby the abuse is to be reformed: and for that cause it was forbidden by an edict of Moulines, that any tribute should be exacted of the subiectes, vnder the colour of prescription: for that many lawyers and judges have exposd all the strengthe and force of judgements onely in prescription alone: not regarding whether that which is in question can of right bee pres-

cribed 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 foueraigne majestie to be prescribed against; and yet the common high way belongeth not vnto the right of Soueraignie. Wherefore it were better to confesse (which yet without deadly wrong cannot bee done) these aforesaid things which we haue speke of, not at all to belong vnto the right of foueraigne majestie: or else to say that the kingdome itselfe, and in briefe the royall crowne and sceptre 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 graunte vnto another man, but hee which hath the foueraigne power in a Commonweale: which is also provided for in an article of the edict at Moulines: 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 allowd of by the judges of the court of Aydes. But what kind of taxes and tributes
A there be, and how farre they are to be exacted, shall be declared; let it now for the present suffice, it to appeare, that right and powre to belong only vnsto Soueraigne maicie.

Now many there be that thinke alio, that to haue power to lay an impoffition vpon falt, is a more proper marke of Soueraignty than the rest: yet therof give no good reafon. For almoft in every COMMONWEALLE we fee falt pits and mines both to be, & always to haue bene in priuate mens poftfeffion, not onely vpon the sea coasts towards the South (for toward the north it hardeneth not with the Sunne) but alio in the Mediterranean regions, wherein mines of falt, and wells of falt water are found. As in Spaine, in Italie, France, and the countrey of Cracouia, is found falt in great aboundance. Yet even at Rome we read, some priuate men to haue had falt mines. Yet true it is, that monie soueraigne princes haue of auintent time imposed tribute vpon falt; as did Lusimaco king of Theresa, Ancus Martius king of Rome, Philip Valois king of France, who were the first that exacted tribute vpon falt, euery one in his owne kingdome. And albeit that by the law Valeria the people of Rome were freed from fuch customs & fuch tributes, as had by their kings bene brought in and imposed vpon them: yet Linius the Censor thought no impoffition in the COMMONWEALLE lighter or fitter, than that which was laid vpon falt; who thereof furnamed Linius Salinator, (or Linius the Salter.) For why that impoffition little or nothing impaireth the right of priuate men: but that they still remaine lords and owners of their falt pits, & all as of their owne other mines, taking vnto the Soueraigne prince his rights and customs.

But forasmuch as the sea it felfe cannot be propert vnto any priuate man, the rights thereof belonging vnto fuch soueraigne princes as dwell thereby, who may lay impoffitions thereon thirtie leagues off from their owne coasts, if there be no other soueraigne prince nearer to let them, as it was adjudged for the Duke of Sauoy. Neither can any but a soueraigne prince give them letters of fame conduct, which the Italians call Guidage; nor yet of right take any wracke, as is expressely proclamed for by the decree of the emperour Fredericke the second. A thing truly molt barbarous, and not in auintent time of soueraigne princes vfed, shamefully to fuffer the reliques of the goods and fortunes of fuch as haue by shipwracke miferably perished, and whom we ought with some part of our owne to relieue, being caft vnto our coasts, and which ought with good faith to be againe restored, to be most shamefully lay spoyled. Yet fuch is the manner of all that haue ports vpon the sea, in this case to howe fuch extremities aswell vnto their owne people, as to strangers. But by what right doe you ask: The common error maketh the right: or if the wrong be done not by errour, but by knowledge, then it is meeke wickednesse, masked with the vaille of errour. For I haue heard that at fuch time as the emperours and baronets complaine vnto Henry the fecd, the French king, in the yeare 1556; that two gallies which had fuffered wracke vpon the coast of Coreya, were taken by Jordan Vrbin, requesting to have the fame galleys againe restored: he was aunfwered by Anne Monmerrence then confible of France, that wracke by the law of all nations belonged vnto fuch princes as tituled vpon the coasts whereon they were caft. Which law was fo strong, that Andrew Doria, neuer to much as complained of the losse of two of his galleys, confeffed by the pror of Capone the French admiral, for cafting anchor onely vpon the land without leaue, which of ancient time men by the law of nations might right lawfully do. And whereas the Roman law it was lawfull for any man to feife vpon things loft, or vpon goods or lands vacant and forbidden: now it is onely lawfull vnto them which haue the soueraigne power, or fome other jurifdictione by law or cuftome confirmed vnto them, to take vnto themselues things loft or forfaken, and that after a certaine determi
nat time: which in a thing mouetable is defined to be fortie dayes after the publication of the thing loft or forsaken: except it be in the mean ende time by the right owner challenged. And as for vacant posessions, the Roman emperours haue decreed, That they may at any time within foure yeares be againe recovered by the prince: but that after foure yeares once expired, a man may prectibe even against the common receipt. But forasmuch as these things are also granted vnto priuat men, they no more belong vnto the right of Soueraignite, than it doth to haue a receipt of his owne: which is not a thing common vnto priuat men only, but even the prince himselfe hath his owne receipt divided from the publike receipt; and his owne posessions separet apart from the posessions of the Commonwealth: and fo dieurs officers were by the Roman emperours appoynted vnto both. So Lewes the xij the French king, having obtained the crowne, erected the chamber at Blois, for his particular demaine of Blois, Monsfort, and Coulis, which he commanded to be divided from the dukedom of Orleans, and the other publike posessions; and the accounts thereof to be kept apart by themselues. But amongst the rights of receipt, there be some that belong not, but vnto the soueraigne prince onely: as the confiscation of goods or lands in cases of high treason, vnder which are comprehended also such as be convicted of impietie against God, which we call Heresie; or of offence against the Commonwealth, as in coining false money. Howbeit if our late lawyers haue with two much learned and curious subtle in an hundred and five chapters found out the laves and rights of the receipt: but yet so as that on one they make ten, that fo they may seeme the more, fo confounding and mingling the rights of soueraignitie with the rights of receipt (which are also common vnto priuat men) and publike things with things priuat. The other rights of receipt are almoft all common vnto the soueraigne prince, with other lords infeclieties, as to haue right vnto treasurie found: and the power to graunt Faires, which was in antiquitie time a marke of Soueraignitie: as now it is at this present comprised under the cafe of privelages.

As for the right of Marque, or of Reprisall, which soueraigne princes haue proper vnto themselfes from all others, it was not of antiquitie proper vnto a soueraigne prince; but permitted vnto every man without leave, either of magistrat or of prince to take reprisall, which the Latines called Clarigatio: howbeit that the princes by little and little gaue this power vnto magistrat and governours: and in the end referred this right vnto their owne soueraignitie, for the better sustenances of their peace and truces, which were oftentimes broken by the rashnesse of some particular men, abusing this right of Marque or Reprisall. In this realm 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 efpeciall edict, reftated that power vnto himselfe, in the yeare 1485. It is also of our men properly called a royaltie or right of soueraignitie, whereby the prince, a bishop being dead, taketh vnto himselfe the profits of the bishoprie, in the meane time whilst another bishop is chosen by the chapter, or by the prince, himselfe appointed: and so being tworne, is put into posession thereof; but forasmuch as that in all places is not observed, and few there be that haue that right, it is not to bee accounted among the marke of soueraignitie.

There be 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 commisions: and these words, Dei Gratia, by the grace of God; which words Lewes the xij, the French king, forbade the duke of Bouraigne to vs in his life; although we read them to haue bene vfed almost in all antiquitie leagues; and attributed not vnto great princes and commundurers onely, but even to the leafe magistrat and depu-
ties also. The kings of France have also refused vnto themselves the right to sale with yellow waxe, a thing forbidden their nobilitie and other their instituted; which Lewis the xi by speciall privilege and letters patents granted as a great favour vnto Rene of Anjou, king of Naples and Sicilie, that in sealing he might vse yellow waxe: with like privilege vnto his heires also, confirmed in parliament the 28 of June 1465.

He which copied the Comentarios of Titel, calleth it white waxe, which I find our kings neuer to have vsed.

But much more it belongeth vnto the royaltie of soueraigne maiestie, to be able to compell the subjects to vse the language and speech of him that ruleth over them: which the Romans so commanded their subiects, that even yet at this day they seeme farre and wide toaigne over a great part of Europe. But the king of the Hettuscians, who laft was by the Romans ouercome in all other things yeelded vnto them, but in that he could in no wise be perfwaded to yeeld, to chayne his countrey language, and to receive the Latine tongue, as Cato Censorius wrote: But France for that it swarmed as it were with citizens of Rome, did to confound the Latine tongue, with the natural countrye speech, as that the auintent writers called our countrie men Romans; ye the judgements and decrees of the higher court of parliament, wo of Paris were set downe in Latine (which the presidents and gouernours were commanded to do) vntill that Francis the first had giuen order that they should vse their owne countrye language: as by like edict Edward the third commanded the judges and magistrates of England, to give judgements in their owne countrye language, when as before they vied the French. And at such tyme as the Sarafins had subdued the greatest part of Afia, and Afrike: they withall most farre spred their language and religion even into the farther part of Spaine: which when Philip king of Spaine would gladly have oppressed, yet coulde he by no meanes effet it.

Some amongst the markes of Soueraigne maiestie, 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 express law or custome prohibited so to doe. And that is it for which wee often times fee in the edicts upon the articles committed to the arbitrarie judgement of the judges, this clause added, wherewith we haue 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 politique lawes of Lycurgus: and also by the most auintent lawes of Florence, where a soueraigne prince may do both, if he be not by the law of God forbidden; wherunto we haue before showed him to be still subiect.

As for the title of Maiestie it selfe, it sufficiently appeareth, that it onely belongeth to him that is a soueraigne prince: so that for him that hath no soueraigne title it vnpurpeth the same, were a very absurd thing: but to arrogate vnto himselfe the addition of most excellent and faced maiestie, is much more absurd: the one being a point of lighnes, and the other of impietie: for what more can we giue vnto the most mightie and immortall God, if we take from him that which is proper vnto himselfe? And albeit that in auintent time neither emperours nor kings vied these so great addition or titles: yet the German princes neuerthelesse have of times giuen the title of Sacred Maiestie vnto the kings of France: aswell as vnto their emperour. As I remember my selfe to have seene the letters of the princes of the empire, written vnto the king, for the delivrance of countie Mansfeld, then prifoner in Fraine: wherein there was sixe times V. S. M. that is to say, Febr, Sacra, Maiestas, or Your Sacred Maiestie; an addition proper vnto God, apart from all worldly princes. As for other princes which are not soueraignes some vse the addition of His Highness, as the dukes of Loraine, Savoy, Mantua, Ferrar.
ra, and Florence: some of Excellencie, as the princes of the confines; or else of Serenite, 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 soueraigne ty, such as ought to be proper to all soueraigne princes in generall, apart from all other lords, sufficiencies, magistrates, and subjectts, and which are of their owne nature infesible and not to be alienated from the soueraigne: nor by any course of time to be prescribed. And if the soueraigne prince shall give or grant any lands or lordship of the publique possessions, vnto any, with jurisdiction and power to vie the same, in such sort as he himselfe might: albeit that the royall rights properly belonging vnto soueraigne, be not in the charter or writings expressly excepted: yet are they always by the verie 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 also 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 usurped vpon. For if publique place, or the publique possessions of the Commonweale cannot be got by any prescription: how much lefle then can the royalties proper vnto soueraigne maiestie be prescribed vpon. But it is certaine by the edicts and lawes concerning the publike demain, that it is not to bee alienated, neither by any tract of time to be gaine: Which is no new thing: For it is two thousand yeares agoe since that Themistocles, making leisure of certaine lands belonging vnto the publike demaine, usurped by some priuat men: saide 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 Commonweale: The selfe same speech Cat0 the Cenfor vse also in the oration which he made vnto the people of Rome, for the reuniting of some part of the publike demain, usurped vpon by certaine priuat men. How then can a man prescribe vpon the rights and markes of Soueraigne? And that is it, for which in law he is guiltie of death, that in any sort with the markes properly refered 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 forasmuch as the forme and estate of a Commonweale dependeth of them that have the Soueraigne therein: Let vs now see how many forts of Commonweales there be.

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

CHAP. I.

Of all sorts of Commonweales in general, and whether there bee
any moe then three.

Of as much as we have before sufficiently spoken of Soue-
raigntie, and of the rights and markes thereof; now it be-
hoveth vs to consider who they bee which in every Com-
monweale hold that Soueraigntie; thereby to judge what
the estate is: as if the Soueraigntie consist in one onely
prince, wee call it a Monarchie: but if all the people bee
therein interestled, we call it a Democracie, or Popular
estate: So if but some part of the people haue the Soue-
raigne command, we account that state to be an Aristo-
cracie. Which words we will use to avoide the obscuritie and confusion which might
otherwise arise, by the variety of governours good or bad: which hath given occasion
unto many, to make moe sorts of Commonweales than 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, wee must not rest vpon the externall accidents which are innumerabile, 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 gien. For so a man should forge and fashion infinit numbers of Com-
monweales, not onely according to the diuerstitie of vertues and vices; but even according
to the variety of things indifferent also. As if a Monarch were to bee chosen for
his strengthe, 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 gien to peace,
for his grattie, or for his iustice, for his beautie, or for his widsom, for his soberietie, or his
humilitie, for his simplicitie, or his chastitie; and so for all other qualities, a man should
so make an infinitie of Monarchies: and in like sort in the Aristocrataique state, if some
few of many should haue the soueraigntie aboue the rest, such as excelled others in ri-
ches, nobilitie, widsome, iustice, martiall proueffe, or other like vertues, or vices, or
things indifferent, there should thereof arise infinit forms of Commonweales: a thing

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most absurd, and so by consequent the opinion whereof such an absurditie ariseth, is to be reieeted. Seeing therefore that the accidental quality chaungeth not the nature of things: let vs say that there are but three eftates or forts of Commonweales; namely a Monarchie, an Aristocracie, and a Democratic. We call it a Monarchie, when one man alone hath the foueraignty in a Commonweale, in such fett as we have aforesaid. And a Democratic, or Popular eftate, when all the people, or the greater part thereof hath in it the foueraigne power and command, as in one bodie. The Aristocratie, is, when the lefter part of the people hath the Soueraigne, as in one bodie, and giueth lawes unto the reft of the people, whether it be in general, or in particular: all which things are of themselves more electer than the day. And true it is, that the writers of antient time do therein well agree, that there can be no leffe then three kinds or forts of Commonweales: Whereunto some others haue joyned a fourth, compos'd of all three: and some other a fift, diuers from all the reft.

Plato hath vnto these three well adi oynd a fouueth kind, that is to wit, where some few of the better fort excelling the reft in vertue, haue the foueraignetie: which for all that in proper tearmes, is nothing else but a pure Aristocratie: howbeit, he hath not receiued the mixture of the aforesaid three fatts, for an other diuers forme of a Commonweale. Aristotle beside these three kinds of Commonweales which we haue spoken of: and the fouueth also named by Plato, setteth downe a fift kind of Commonweale, by confounding together the three former fatts, and so maketh fiue forts of fatts or Commonweales. But Polybius reckneth vp feauen forts; three commendable: three fauitle: and the feauenth composted of the mixture of the three fift. Dionysius Halycarmenios, Marcus Tullius, Thomas More, Giftar Contareus, Francis Machiavell, and many other following Polybius, haue as it were with one confent approv'd his opinion, which in deed is most antient, 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 fouueth kind of a Commonweale, confused of the three other, to haue ben commend'd of many, and yet for all that contenenting himselye with the three former kinds, recieth the reft as imperfect: And were it not that I were not onely by probable arguments, but euen by forcible reaons drawnne from that opinion of Polybius, Tullie, and the reft, I could easilie haue suffer'd my felle to have been overcome by the authoritie of so great and grave men. It behoeth vs therefore by liuely reaons to shew them to haue err'd and been deceived, which haue brought in that fouueth kind of Commonweale compos'd of the mixture of the other three: which I truft the more plainly to bring to pafle, if I shal lie the fame examples in refellling of them, that they them selues haue before vfed. For they them selues haue set downe the Lacedemonian, Roman, and Venetian Commonweales to have beene compos'd and sweetylly mingled with the three kind of fatts, that is to fay, with the Monarchie, Aristocratie, and Democratic. But when Plato fayd, the best kind of a Commonweale to be compos'd of the mixture of a Monarchie and Democratic, he was therefore forthwith reprehended by his scholler Aristotle, saying, that of these two could no commendable fett be made, and that therefore it was better of all three eftates to make a fouueth: wherein Aristotle reafoneth alfo against himsely: for if he confesse no good thing possible to be made of two extreme; what shall then bee made of three confounded amongst them selues? And for that this opinion for the making of a fouueth eftate of the confusion of the reft, may moue great troubles in Commonweales, and therein worke maruellous effects, it is requisite for vs well to examine the fame: For when fatts of Commonweales are in them selues contrarie, as a Monarchie and a
Of a Commonweale.

Democracy, they are by contrarie lawes and ordinances to be governed. The Fi- lorentins throughly perswaded of that opinion of the antients for the mingling of the three estates together, as the beft forme of a Commonweale; when they moved with the seditions sermons of P. Soderin, and Hierome Sauerola, had translated the four-aignetic or chief power of the Commonweale vnto the people: thought it beft to keepe the rout of the vulgar and common people from being of offices and rule, and altogether from the affairs of state: that so the chief managing of matters might be referred vnto the more auintent sort of the citizens, and such as were of greater wealth and abilitie then the rest: who yet had not power to dispose of all matters, but onely of such things as were the chiefest, viz. the making of lawes, the creating of magistrats, and disposing of the common treasurie: referring the rest vnto the Senat and magi- strats, that so they might enjoy that moderat state of a Commonweale, whereof they had so strongly dreamed. And certes if of the three estates moderately mixed might a fourth estate arise, it should have a certain power by nature diueres from the rest: as we see in Harmonical content, compos'd of Arithmetical and Geometrical proportion artificially confused; yet quite differing from them both: so as the mixture of things of diueres and contrarie natures, aritheth a third all together differing from the things together mixed. But that state which is made of the mixture of the three kinds of Commonweales, differeth in deed nothing from a meane popular state; For if three cities, whereof one of them is governed by a king, and fo a Monarchie; the secon by the nobilitie, and fo an Aristocraticke; the third by the people, and so a Democracy, should be confounded, and so thrust together into one and the same forme of a Commonweale, and so the chief power and fouraignetic communicated vnto all: who is there that can doubt but that that state shall be all together a state popular? except the fouraignetic should by turnes be guien; first to the king, then to the nobilitie, and afterwards to the people; As in the vacancie of the Roman kingdome, the king being dead, the Senators ruled by turnes; yet must they needss againe fall vnto one of these three kinds of Commonweale which we haue spoken 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 euiil governed familie, the wife should first command the husband; then the children them both; and the seruants after them to dominier over all.

But to confound the state of a monarkie, with the Popular or Ariflowcratal estate, is a thing impossible, and in effect incompatible, and such as cannot be imagined. For if fouraignetic be of it selfe a thing indivisible, (as we haue before shewed) how can it then at one and the same time be diuided betwixt one prince, the nobilitie, and the people in common? The first marke of fouraigne majestie is, to be of power to give lawes, and to command over them vnto the subjectes, and who should those subjectes bee that should yeeld their obedience vnto that law, if they should also have the power to make lawes? who should he be that could give the lawe? being himselfe constrained to receive it of them vnto whom he him selfe gave it? So that of necessitie we must conclude, that as no 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 truit vnto the magistrats: whom the people may againe displace, even as well as they placed them, in such fort as that the state should alwayes be popular.

And to prove that which wee haue said to be true, let us take the same examples that
That the Lacedemonian commonweale was neere an aristocratical; and not composed of the confusion or mixture of the three sorts of commonweals.

Polybius, 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 Commonweal they had two kings representing a Monarchie; eight and twenty tie Senatorts representing an Aristocratic; and five Ephori figuring and patronizing the popular esteate. But what will these men then say to Herodotus, who bringeth the Lacedemonian estale for an example of a most pure Aristocratic: what will they also aunsiwer vnto Thucydides, Xenophon, Aristotele, and Plutarch: who speaking of the warres of Peloponnesus (which continued twenty yeres betwixt the Popular and the Aristocratic (Commonweals) say, that the whole drift of the Athenians and their allies was to change the Aristocracies into Democraties, as they did in Samos, Corfu, and all the other cities by them subdued. Whereas contrariwise the Lacedemonians put purpose and intention was to change the Popular states into Aristocracies, as in deedee they did in all the cities of Greece after the victorie of Lyfander; yea euin in the cite of Athens it selfe, where after he had layed the walls euin with the ground, he tooke the foureaignetie from the people, and gave the same vnto thirtie citizens, (who are therefore of the Athenians called the thirtie Tyrants) to rule and govern in such fort and manner as they did amongst the Lacedemonians, where so many, and noe mone had the gouernement of the state. But among the citizens of Samos, the Sicayons, the Egymis, the Mylefians, and other cities of Ionia and the leffer Asia, they gave the foureaignetie vnto Tenne principal men, with one chief Captaine ouer 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 chiefes of the popular factiones.

What will they also say to Maximi Tyrion, who iecting vp the States which held the pure Aristocratic first of all nameth the Lacedemonians, and after them the Theffalians, the Pelennians, the Cretentians, and the Mantineans: We must first conclude 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 Commonweales flourished, and beeing themselves Grecians, were like more certainly and truely to know these things, than a Venetian Senator, a Florentin, or an English man.

What was it then that deceived Polybius, who was himselfe a Megalopolitan, borne neere vnto the Lacedemonians? Truely it was euin the name of the Lacedemonian kings. For Lycourgus having altered the state of the Commonweale, and by the good will and consent of the kinges themselues (who derived their pedegree from Hercules) having tranplanted the foureaignetie 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 alreadye forstaken and weaken: after that Aristodemus king of Lacedemonia, had at once left his two sonsnes to raigne together ouer the Lacedemonians (to the imitation of the Meczyans, ouer whose Amphaiens and Lycoperiis together raigned) who whilst they would both be kings and command ouer all, could neither of them so be, but by their ielous conceits and contentions, drawing the state into factions, gave occasion to Lycourgus, being descendde aiso of the same stocke with them, to overthrow their toy all power, leaving vnto them and their house nothing els but the name and show of kings, giving the rest vnto the Senat and the people. But as in Athens and Rome, after the kings were thence druen out, they yet left the name of a king vnto a certaine priest, whom they called King of the Sacrifices, to doe a certaine sacrifice, which the king himselfe onely had in former time done: Which priest for all that was himselfe subiect vnto the great bishop, and could not (as Plutarch faith) have
any estate, or beare any office as the other priests might: even so did Lycurgus vnto the two kings of Lacedemonia, who vpon the matter were nothing but Senators, hauing but their voyces with the rest, without any power at all to command; but to the contrarie were themselves 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 Pausamias, the foueraigne still refuing with the people, in whose power it was to confirme or infirme the acts and decrees of the Senat. Thucydides also himselfe receiued the opinion of them which thought the kings each of them to haue had two voyces. But about an hundred yeares after the popular state, ordainned, 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 refusing 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 sayd) commanded that from thenceforth the government of the Commonweale should be in the power of the Senat: and yet to please the people so grieued to have left their power, they gave them leave to draw out of themselves five judges, called Ephori, as Tribunes or patrons of the people, who should examine the sayings, doings, and deuices of the kings, and by all meanes let them from the exerçing of tyranny. And these Ephori, euerie ninth yeare once, vpon some electe night gazinge vpon the firmament (as Plutarch faith) if they then saw any starre, as it were, sparkle or shone, 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 Phylætes or Gallor, 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 Commonweale endured about five yeares and vntill the time of Cleomenes, who hauing flaine the Ephori and the Senators, and so oppreseed the Commonweale, tooke vpon him selfe the foueraigne, and so held it vntill such time as he was overcome by Antigonus king of Macedon; who hauing quauished him, restored that Commonweale into the state it was before: howbeit that twentie yeares after, being fallen againe into the power of Nabis the tyrant, who was afterward flaine by Philopomenes, that Commonweale was vnitied vnto the state of the Achæans, whereof it was a province, vntill that about thirty yeares after, it was by Gallus the Roman Proconsul taken from the Achæans, and by Roman emperours set at libertie. Thus in fewe words you may see the true historie of the Lacedemonian Commonwealth, 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 haue bene but lightly or falfly let downe and reported: which hath given occasion to many to be deceived, and to think that state to haue bene mingled of the three diuers kinds of Commonwealthes. Which is plainly to be gathered out of Livie, where he bringeth in Nabis the first tyrant of Lacedemonia, thus speaking to Titus Flaminius, Noster legislator Lycurgus, non in pauperrum manus repub. effe voluit, quem vos Senatum appellatis, pec unum aut alterum ordine in citate, sed per equitatem fortunæ & dignitatis, sed multo effenti, qui pro patria armis ferrent. Our lawgiver Lycurgus (faith he) would not the state of our Commonwealth to bee in few mens hands, which you call the Senat, whereas would haue any one or other order to exell the rest in our citie: but by the making equall of mens fortune and dignitie, thought it would come to paifie, that there should be many which would bee armed for their country. Thus he coueneth his tyrannie with the shew of a popular state,
when as then there was no popular estate at all: yet in that he said most truly, that Lycurgus at the beginning gave the foueraigne vnto the people.

But let vs see the rest. They also haue put for example the Roman Commonweale, which they said to haue bene mingled of the three kinds of Commonweales: For so faith Polybius (who was maister to Africenus the Great) Wee see (faith he) the regall power in the Conuls, the Aristocratie in the Senat, and the Democraitie in the people. Vnto whom doe plainly assent Dionysius Halycarnasseus, Cicero, Contarenus, Sir Thomas More: and many others: which opinion for all that is neither grounded upon truth nor reason. For where is this Monarchie, that is to say, the soueraigne government of one man: which in the two Conuls cannot bee imagined. But soueraigne maifeste, if it were in the confuls could not possibly be divided between two, for the indissoluble 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 Conuls: who could neither make law, nor peace, nor warre, neither any great officer, neither grant pardon, neither take a pety out of the common treaure, 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 governours of armes, whome we also may so call kings, and with greater appearance than the Conuls, who had no power but the one of them after the other, and that but for the space of one yeare onely. The constable of France, the chiefe Baffa of the Turkes, the Bethu-dere in Ethiopia, the Edegnate in the kingdom of Afrike, haue ten times more power than had the two Conuls together, & yet for all that they are but suiebets & flaves to other princes, as were the Conuls subjectis and servants vnto the people. And to what purpose say they, that the Conuls had such royall authoritie, seeing that the least of the Tribunes of the people might imprison them. As did Drusius the Tribune, who by a sergant tooke Philip the Conulf by the collar, and called him in prison, for that hee had interrupted him, as he was speaking vnto the people: and that he might lawfully so doe, shall hereafter be declared. The power of the Conuls was to lead the armies, war being before denounced, to assemble the Senat, to present the letters of the captaines and allies vnto the Senat, to give audience vnto ambassadors before the people or the Senat, to call together the great estate, and to demand the aduise of the people, about the election of officers, or promulgation of lawes: who yet flanding, spake vnto the people sitting, and their maies downe, in token of their subjection vnto the people. The same authoritie with the Conuls had the chiefe governours of the citie in their absence. Toyne hereunto also, that the Conuls had power but for one yeare: wherefore I leave this opinion as scarcely worthy the refuting.

Now as concerning the Senat, which they say to haue had the forme and power of an Aristocratie, it was to faire there from, as that there was never privie council, which had not more authoritie: for it had no power to command either particulat men, or magistrats: yea the Senators might not assemble themselves, except it so pleased the Conuls, or the Praetor in the abstinence of the Conuls: infomuch that Caesar a popular man, perceiving himselfe not gracios with the Senat, oftentimes called the people together in the yeare of his Conulship: but the Senat in all that yeare he assembled but once or twice, still presenting his request vnto the people when he would obtaine any thing: which was no great noueltie, for the Conulf for his pleasure to doe, contrarie to the good liking and mind of the Senat. For we read (that the Senat at such time as it was in greatest authoritie that ever it was) in the dangerous time of the Common-wealth, having requested the Conuls to name a dictatour, the Conuls would therein doe nothing: infomuch that the Senat having no power to command them, neither
any serjeant or like officer, which are the true markes of them which haue the power to command, sent Semnilius Priscus with their request vnto the Tribunes in this fort, *Vos (inquit) Tribuni plebis Senatus appellat, ut in tando differime Reipublice dicitorem dicere, Confules fcripere potestate cogatis: Tribuni pro collegio praebent, placeat Confules Senatus dicit audientes esse, ut in vincula se duci iussuros. The Senat (faith he) appealeth vnto you the Tribunes of the people, that in fo great daunger of the Commonweale, you for the great authoritie you have, would compell the Confus to nominat a Dictator: whereupon the Tribunes pronounced for their whole societie, that their pleasure was, that the Confus should be obedient vnto the Senat, or els that they would command them to prifon. And in another place the fame author faith, That the Senat was of aduise, that the Confus should present the request vnto the people, for the communding of him whom they would haue Dictator: which if the Confus should refuse to doe, that then the Praetor of the citie should doe it: who if he should refuse alfo, that then the Tribunes of the people should propound the matter. *Conful rogaret fe populum rogaturum, Praetoremque rogare vetuit: Tribuni plebis rogarent, The Confus denied to request the people, and forbad the Praetor also to request them, the Tribunes made the request. Wherby it euyidently appeareth that the Senat could not so much as command the lefster magistrates, the greater magistrates forbidding them. And as for that which Polybius faith, That the Senat had power to judge of ciuies and provincies, and to take punishment of conspirators against the state:* *Liniæ. Liniæ. ib. 6. 9. allo, I fee not that any thing can by the Senat bee done concerning the Campanians without the commandement of the people. And a little after, *Rogatio serator ad populum, qua Senatui potestas fuit statuendi de Campania, Let request bee made vnto the people, whereby power may be given vnto the Senat, to determine concerning the Campanians. And vpon the request to that purpose presented vnto the people, the people gaued them commision, and commandad the Senat to proceed against them in this fort, *Quod Senatus maxima pars confeant, qui a defendant volumus in benauique, Whate the greatest part of the Senat shall agree vpon, wee that here fit will and command the same. Neither is Polybius lesle deceived, in faying, That the Senat at pleasure disposed of the provinces and governements: whereas Liniæ the best author of the Roman antiquities, is of contrarie opinion, writing thus, *Quintus Fulvius postulavit a Confule ut palam in Senatu dicaret permittet et ne Senatui ut de provinciis decernere, statuatque eo &fet quod consuefet, ad populum laturis: Scipio respondit & fede quod se Republica effet factum. Tam Fulvius a nobis peto Tribuni plebis ut mihi auxilio sitis. Quintus Fulvius requested of the Confus, that hee should openly lay in the Senat whether hee gaue leave or not vnto the Senat, to determine of the provinces, and whether he would stand to that it should decree, or els would referre the matter vnto the people: Whereunto Scipio answered, That hee would do that which should be for the good of the Commonweale. Then faid Fulvius, I request you the Tribunes of the people to aid and help me. So that it plainly appeareth, the Senat haue had no power at all, neither the decrees thereof to haue bene of any force, without the consent of the Tribunes of the people: and that the self they had by the sufferance of the same people. Now he that hath nothing but by sufferance, hath indeed nothing of his owne, as we haue before faid Yea such decrees of the Senat, as were confirmed by the consent of the Tribunes of the people, vnto whom they were to be communicated, could not yet be put in execution, except that either the Confus did so command.
or that the Consuls refusing to do, the Tribunes themselves propounded the same
unto the people. So that in briefe all matters of estate, and namely all the counsels
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 have 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 foueraigne power and maiestie of the Commonweale was in the people.
Excepting that time wherein the Decreemutri contrarie to the law, kept in their hands lon-
ger than a yere, the foueraigne power to make lawes committed vnto them; from
which they were shortly after by force of armes remoued: for then it might of right
have bene called an Aristocracie, or more properly to say an Oligarchie. Now as we
have before said, that the power of magistrats (how great soever it be) is not of them-
selfes, neither theirs, but as committed vnto them in trust: so at the first, after the dri-
ving out of the kings, the Senators were chosen by the people, who to discharge them-
selfes of that labour, committed that charge to the Centors, who were also chosen by
the people, so that vpon the matter all the authoritie of the Senat depended of the peo-
ple, who at their pleasure vfed to confirme or inftinne, so ratifie or difanull the decrees
of the Senat.

The fame 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 Lance-
demonia: For, faith he, the royall power is in a yort in the duke of Venice, the Aristocracie in the Senat, and the popular estate in the Grand Councell. But Ianot after him
hath most curiously brought to light the true estate of the Venetian Commonweale;
wherein he sheweth by moft 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 past three hundred yeares ago, before the time of Sebastian Cyanee
duke of Venice, the Venetian estate was a pure monarchie. Howbeit that Contare-
renus wright it to have bene established in the state it now is, eight hundred yeares: and
Pan. Munnatus, faith it to have so flood twelve hundred yeares: all which Ianot pro-
oueth out of the publike records, and certaine historie to be vertue. But howsoever that
be, plaine it is, at this day to be a pure Aristocracie: For by the view of the citie and the
citizens, which was about thirtie yeares ago, were reckoned nine and fiftie thou-
sand three hundred fottie nine citizens, befide children vnder feuen yeares old, but of
Gentlemen, in whom refteth the foueraigne power of that state, betwixt foure and
fiue thousand yong and old: yet had the church men and gentlemen vnder fiue 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 fo vpon request receiued at the age of thirtie yeares, according as discretion
was to be seenne more in some one, than in some others: and yet hath it not bene found
this hundred yeare, that the Grand Councell assembled, to decide the great affaires of
that state, hath exceeded the number of fiicteene hundred, as is to be seen in the histo-
ries of Sabellius, and of cardinall Bembus, the rest being absent. It is therefore the leaft
part of the Venetians that haue the foueraigntie, and they also of certaine noble fami-
lies, for all the gentlemen borne in Venice, are not received into the Grand Councell;
but there are of one and the fame flocke, 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 councel
as Contarenus faith, hath foueraigne power to make and repewe lawes, to place or dis-
place all officers, to receiue the last appeale, to determine of peace and warre, and to
giue
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give pardon unto the condemned. Wherein Contremus condemneth himselfe: for seeing it is (as he faith) it cannot be denied, but that the state of this Commonweale is Aristocratique. For were it that the Great Councell had no other power than to make laws and magistrats, it were enough to prove it to be an Aristocrateske State, as we have before said: for if those officers have any power, they hold it of the Seigneuerie: which sufficeth to shew, that neither the Decemuiri, neither the Senat, neither the Sages, nor yet the duke with his five counsellors, have any power but by sufferance, and so large as it shall please the Great Councell. As for the duke himselfe he alone of all other magistrats hath no command at all, as not having power to condignie any man before him, neither to flay or examine any man; which is the first mark of command, given even unto the least magistrats, neither may he decide any cause whether it be in matters of strain, or administration of justice: either in the assembly of the five counsellors, or of the Decemuiri, or of the Sages, or of the Senat, or of the fortie judges in cuil 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 weth to give it to the last: neither dare he to open any letter directed unto the Seigneuerie, or admit or discharge any ambaffadours, but in the presence of his five counsellors, or of the Decemuiri, or to go out of the citie without leave. Yea Faletterius the duke, for that he had without the consent of the councell married a strange, was by the Decemuiri hanged. And beside him Sabellus reckoneth vp twelve dukes more, either by the tumultuous people slaine, or otherwise put to death for abusing their authority. But he weareth a most pretious cap, a robe of gold, he is followed, honoured, and respected as a prince: and the coyne carrieth his name, albeit that the stamp of the Seigneuerie be vpon it, which are all tokens of a prince: all which roayall magnificence we grant 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 Commonweales, there should be found none simple and pure, but all mixt and confud 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 markes and more roayall than that the duke of Venice: then the feuen princes electors, with the other princes, have the show of an Aristocrateske, or of an Oligarchie: and the ambassadours of the imperiall towns resemble a Democratie. And yet for all that most certaine it is, that the imperiall state of Germanie is a pure Aristocrateske, composed of three or foure hundred persons at most, over whom one prince beareth rule, to put in execution the decrees of the councell, or els is to be forced to give vp his office, as wee shall in due place declare. In like manner they say also the states of the Swiders to be mixt of the three duers formes of a Commonweale: Amongst whom the Burgamaister representeth the king, the Senat an Aristocrateske, and the assemblies generall and particular, the state popular: and yet for all that men know right well, that all their states and Commonweales are either popular, as are they which inhabit the mountains, or els Aristocrateske, as are almost all the rest.

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And this opinion of the mixed state hath so posseded the mindes of men, that many have both thought and writ this monachie of Fraunce (than which none can bee imagined more roayall) to be mixt and composed of the three kinds of Commonweals, and that the parliament of Paris hath the forme of an Aristocrateske, the three estates of a Democratie, and the king to representer the state of a monachie: which is an opinion not onely absurd, but also capitall. For it is high treason to make the subject equall 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 soueraigne prince in nothing diminiished by his parliament, but rather much the more thereby magnified.

The form of the courtes of parliament in France hold in writing to the king.

assembled? or the parliament called? or wherein is the soueraigne maiestie of a prince so much manifested, as when every man in particular, and all men in general, adore the noble as the meniall, with bended knee, and bare head, adore their king? offer unto him their requests, which he at his pleasure admitteth or rejecteth. What counterpoise of a popular power against the maiestie 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 humblyth it feels, requests and reuerence to their king. So fathe it is from that such an assembly in any thing diminisheth the power of a soueraigne prince, as that thereby his maiestie is the more encreased and augmented. For it cannot bee exalted into a more high degree of honour, of power, and of glory, than to see an infinit 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 unto his maiestie; seeing that the honour, glory, and power of princes, consisteth not but in the obedience, homage, and service of their subjects. If 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 Spaine: much leffe shall there be an Aristoocracie in the Court of Peetes, (who are so called, for that they bee equall one with another among themselues, but not with the prince, as some have too rustically esteemed) 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 general as in particular ceaze: in such fort, 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 chauncelour first addresseth himselfe unto him to know his pleasure, by commandement from whom he goeth, gathering the advice and opinions of the princes of the blood, and other great lords, the peers and magistrats, which he reporteth againe unto him: yet is not that so done, to the intent to number the voyces, as is in the consistorie among the judges, but that the king understanding their opinions, may as lefrith vnto him good, receive or reiect 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 decrees, but the decree of the prince onely, and that the rest of the magistrats have therein no power, the chauncelor pronounceth not this or that to be thought good vnto the judges of the court; but with a lowd voice vlist these words: The king sayeth vnto you. We see also that the court of parliament, writing vnto the king, keepeth even yet the aultent title, which is this in the supercription of their letters, To our Soueraigne Lord the King. The beginning of which letters is on this fort, Our Soueraigne Lord in most humble wife, and so much as in us is we recommend to your good grace. And the subcription placed as low as may be: Your most humble and obedient subjects and servants, the men holding your court of Parliament. Which is not the manner of the lords of an Aristoocracie speech; neither of such as are companions in Soueraignty with the king, but of true and humble subjects. And for that I haue 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 Aristoocratie Seigneurie: which mixture of states is altogether impossible, and incompatible. And Aristoctle mott subtilly examining this opinion, for the mixture of states, truly calleth the state composed of an Aristoocratie and a Democraticke soueraigne, that is to say a Commonweale: but thoroweth not how that may be done, neither giueth thereof example, as he visuall doth in others: but to the contrarie confedeth, 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 Commonweales into one
one booke, which booke is now lost. And forasmuch as Aristotie feldome or never reporteth the true opinions of Plato, but to the contrary alwayes difguiseth and obscureth them as the antient Academiques haue right well noted; and namely where hee teie-
geth his Commonweale; vpon whose layings many resting themselves have oftentimes deceit both themselves and others. We're not addicted to either, will in few words fet downe the true opinion of Plato concerning his Commonweale, desiring well to be knowne for the better understanding of the question we haue in hand, which some which never read the fame, call a divine opinion: some others in the meane time reading the fame vnder foot, and rayling thereat as fait.

Plato haigned vnto himselfe only two Commonweales, whereof the first hee attributed to Socrates, who never thought (as faith Xenophon) of that which Plato makest him to say: and in his Commonwealth hee takest away these words, Mine, and Thine, as the sourece and fountain of all euil, and would have al goods, yea wines and children to be common. But seeing euery man to find fault therewith, hee quietly left it; as if he had fo writ more for argument sake, than for that hee thought, or to haue the fame put in effect. The second is his owne, wherein hee taketh away the communitie 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, hee would haue aboute five thousand and fottie citizens, a number by him chosen to have 59 entire parts: in which Commonweales hee alfo maketh three estates or degrees of men: videlicet, the Guards, Souldiers, and Labourers: and after that divideth the citizens into three degrees, according to the unequal rate of their substance. As for the foueraigne hee giueth it vnto the whole multitude of the people: as to make and abrogare laws, cause sufficient enough to judge that hee ment to make it a popular estate, if there were nothing els. 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 also that the people should haue all the power to judge in criminall causes; for that they are (as hee faith) all therein interested. In briefe he giueth vnto the people power of life and death, to condemme, and to graunt pardon; which are all evident arguments of a popular estate. For hee appointeth no foueraigne magistrat, which might represent the state royall, and but a little of the forme Aristocraticke: for hee willeth, that the Senat, or the counsell for the affaires of the state, which he calleth Guards or keepers should conflit of foure hundred citizens, to bee chosen of the people. Whereby it is moft evidently to bee under-
flood, that Plato his Commonweale is the most popular that ever was, yea then that of his owne country of Athens, which Xenophon thought to haue bene the moft pop-
ular state in the world. I omit the 726 laws fet downe by Plato, in the twelue 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 Democracyke, as Aristotie faide, whofe ettrou Cicero, Contarens, and others, one after another following, led the rest that followed them into errour also.

Let vs therefore conclude, never any Commonwealth to haue bene made of an Aristocratike and popular estate; and to much lesse of the three states of Common-
weales, and that there are not indeed but three states of Commonweales, as Herodotus first most truely faide amongst the Greekes, whoe Tacitus amongst the Latins imi-
tating faith, Cuncreas nationes & urbes, populares sunt primores, aut singulis regunt. The people, the nobilitie, or one alone, do rule all nations and cities.

But some man will say, May there not be a Commonweale, whetin the people haith the power to create the magistrats, to dispole of the common reuenue, and power of life and death: which are three markes of foueraigne, & the nobilitie to haue power...
to make lawes, to dispose of peace and warre, and of the impositions and taxes; which are also markes of soueraignty: and besides all these to have one royall magistrat above all, ynto whom all the people in generall, and euerie one in particular shoulde yeeld their faith and liege loyalty, and from whose judgement none might appeare or present any ciuill request. For to the rights and markes of soueraignty should seeme to be divided in three parts: the people challenging one part thereof, the nobilitie another, and the king the third: whereby in that state a mixture might seeme to bee made of the royall Aristocraticke and popular state together. Whereunto I answere, that such a state was nevere found, neither that such a state can be made, or yet well imagined, considering that the markes of soueraignty are indissoluble. For the nobilitie which should have the power to make the lawes for all: (which is as much as to say to command and forbid what them pleased, without power to appeale from them, or for a man to oppose himselfe against their commands) would by their lawes at their pleasure forbid others to make peace or warre, or to leuie taxes, or to yeeld fealtie and hommage without their leave: and he againe to whomse fealtie and hommage is due, would bind the nobilitie and people not to yeeld their obedience ynto any other, but ynto himselfe. And admit that euerie 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 subject. Whereby it commeth to passe, that where the rights of soueraignty are diuided between the prince and his subjects: in that confusion of the state, there is still endless fluttres 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, whorne the nobilitie euer since Christiern the great grandfather of Frederike which now reigneth, hath almost made subjicte vnto the lawes. Christiern they thrust out of his kingdome, and fet vp his copen in his place, with condition that he should neither make peace nor warre, without the leave of the fena; nor that he should have any power to condemme 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 shoulde of himselfe make any peace; and yet haue themselves made a league with the king of Polonia, and them of Lubeck, against the king, for the defence of their libertie. So indeed are the rights of Soueraignty diuided between the king and the nobilitie, but so as that they both living in perpetuall feare and disquiet; do seeke for the alliance and fellowship of their neighbour princes and people, so to receive the lesse harme one of them from another. With like surges and tempefts is the kingdome of Sweden also tossed, the king whereof liued in such disquiet with his nobilitie, as that king Henry was glad to take a German for his Chauncelour, and one Varennes a Norman for his high Constable: and yet at length was by his nobilitie thrust out of his royall seat, and by them caft in prison, wherein he liued so manye 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 wonderfull flinke and contagion annoy all that come neere them, vntill they bee quite altered, and become new things; as when eggs are fet vp, which before they were set, and after they be hatched also haue a good simill and taste, though in the verie alteration of them not so: so also Commonweales which change their state, the soueraigne
A ueraigne right and power of them being diuided, find no rest from ciuill warres and broles, vntill they againe recover some one of the three formes, and that the fouveraigne be whole in one of the states or other. Yet might one say, that in the estate of the Romans the leffe part of the people cho- sen out of the richer fort made the lawes, and greatest officers; namely the Consuls, the Praetors, the Cenfors, had both foueraigne power of life and death: and dipofed of warre, and that the greater fort of the people made the leffe officers and magiftrats, to wit, the Tribuns of the people; the foure and twentie militarie Tribunes; the two AEdiles or Sherifles; the Treafoure; the Scout, and mynt matters, and gaue also all beneftes vacant, and more then that the greater part of the people judged of the great criminall procedes before Sylla, if it tended not to the natural or ciuill death of any. And by this meanse it seemeth that that Commonweal was composed of an Ari- stifocracie, and of a popular estate: Whereunto I answere, that it had well some appearance, but yet neuerthelesse was in effect a true popular estate: for albeit that the great estate of the people was diuided into five degrees, or companies, according to every ones ability, and that the knights, and the greatest part of the Senators, and of the nobilitie, and richer fort of the people were of the firit companie: who agreeing among them felues, the lawes by them made were publifhed, and the great magiftrats by them chosen receiv'd to take their oath: yet neuerthelesse true it is that the fute companies that remayned, had tenet times as many citizens in them: and in case that all the Centuries of the first companie agreed not vpon the matter, they then came to the fcond companie, and fo by order even to the fixt and laft, which in deede seldom times or neuer happen. Matters being fill fo agreed vpon, as that they came not alwaies vnto the fcond companie, but feldom to the third, and fometimes to the fourth, fcarce at all vnto the fixt, and neuer vnto the fixt: wherein was all the rabble of the poore and bafe people, in number faire exceeding all the rest: yet fufficeth it for our purpofe, that all the people had their part, to fiew it to have beene a popular state: albeit that the moft noble and richer fort were firft called. And yet for all that the meniall people, (that is to fay, the greater fort of the people) without the nobilitie, feeing them felues sometime deceived of their voices (after that the kings were driven 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 Auentine, whither the people in armes had retired them felues for the defence of their libertie and power againft the nobilitie: which could not bee appeased vntill it was lawfull for them to chufe vnto them felues their owne facted magiftrats, 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 confider the fhortnes of the time, and the tumultyes where with the Commonweal was in the meanse time afflicted, he shall confefs that it could scarce haue stood in that state, although moft miserable twentie or thirtie yeares: neither yet fo long, had it not on euer fide beene beeft with enemies. For shortly after the people tooke vnto them felues the power to make lawes, wherein the majeftie of the Commonweal is contained; and fo by little and little wretted from the nobilitie (march against their will & long flargling therefore) the other foueraigne rights also: in fomuch that the nobilitie (catche made twelue lawes in the space of foure or five hundred: And yet at the fame time that the people chose the greater magiftrats by their greatest assemblies, the vulgar people was there present, and enrolled in the fixt companie, which although it moft seldom gauе fuffrage or voice, yet might it fo do, if the other companies should haue difagreed among them felues: a reafon sufficient to shewe the state even at that time also to haue
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 have the soueraignete, and twentie thousand be excluded: where, for that the greater part beareth the swaye, it shall be a popular state: and contrarie wise if but an hundred of that multitude shall have the soueraignete, 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 fieue and twentie thousand shall hold the chiefe power? Truely, it may be doubted whether such a state be an Aristocracie, although the leffe part of the citizens enjoy the soueraignete, the rest being reiect ed: for why, it differeth much whether an hundred citizens, or fieue and twentie thousand bear rule, and much more if of an hundred thousand citizens fieue and fortie thousand have the soueraignete: or of so great a multitude thirtie onely should beare the swaye, the rest excluded, as among the Lacedemonians: yet I alwaies deeme it to be an Aristocracie, if the leffer part of the citizens bear 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 encreas ing or diminishing, should make an infinite diueritie, whereof no knowledge is to be had: sufficieth 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 mooted concerning the nature of euer Common wale shall hereafter be in due place declared.

Yet one thing remayneth in the question we haue in hand to be discussed, which is that the Roman Commonweal vnder the emperour Augustus, and the other emperours after him, vnto the time of Flavius Vespianus, was called a principallitie, of which sort 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 treatmes of honou r, and the antiquitie of their houses among themselves, with a loud voice brought forth that verse of Homer which Agamemnon vtheth against Achilles, who would needs make himselfe equal and companion with him.

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 eu en than taken vpon him the imperiall crowne, and chaunged the forme of the Roman principallitie into a kinglydome; and thus much he. where by it is to be vnderstoode the Roman state vnder Augustus after the battell at Actium, to haue beene neither a Popular state, an Aristocracie, nor a Monarchie. Now a principallitie is nothing else then an Aristocracie, or a Democracy, in which one chiefe commanded euery man in particular, and it is the first in generall: for this word (Princet) to speake properly signifieth no other thing but him that is first. So the Iewes complained Aristobulus the first of the house of the Amonians, to haue chaunged the principallitie which was Aristocratique, into two kingdomes, at such time as he tooke one crowne to himselfe, and fent an other to his brother. The like wee find, that the auncient cities of Tuscanie made alliance with Tarquinius Priscus king of the Romans; vpon condition that hee should not haue power
A 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 ut citatum principatus penes regem Romanum est, but that the principalitie of their cities onely should be with the Roman king: for faith in Flore. 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 doth the emperor in the German empire, or the duke in Venice, or Genoa, who may most rightly be called princes, as in the same fence in antient time the chief magniftrat among the Athenians, was called Arexov, or prince: yet was that Commonwale of all other most popular.

B But if there be two chiefe magniftrats of like power, as in Rome; or three, as in many cities of the Swiffer; or foure, as amongst them of Geneva; it cannot there be called a principalitie, for that none is there chiefe or principal. But in the Roman Commonwale, 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 person, (from whome for all that he had taken their libertie) and as it seemed almost enforced by the Senat, had taken upon him the charge of the Commonwale for ten yeares, made that state in show and false semblant but a principalitie, when as before he had placed in all the provinces fortie legions, and taken three for the safegurie of his person, and put fure garrisons into all the castles and strong fortresses of the empire: so inading the royal power without a Sceptr, without a Diadem, or a Crowne; whose successors (excepting some few) some more, some leffe, exercised most cruelly tyranny. For Tiberius in the beginning of his raigne, rife upon the Consils, and meeting them gave them way, (as faith Tranquillus) but afterwards oppretted the Commonwale with most filthy fetuitude and flauerie. 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 Commonwale, him men thinkke to haue the foueraignty: 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 principalitie to be nothing els, but an Aristocratie, or a Democracy, hauing some one for chiefe or principal above the rest, the foueraignty yet still remaining with the nobilitie or the people.

C

CHAP. II.

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

E Have before saide, that a Monarchie is a kind of Commonwale, wherein the absolute foueraignty lyeth in the power of one onely prince: which definition we are now to expaline. When we say of one, so the word Monarchie of it selfe importeth: For if we shall in the governement joyn two or more, no one of them shall have the foueraignty: for that a foueraigne is hee which commandeth all others, and can himselfe by none be command. If then there be two princes equal in power, one of them hath not the power to command the other, neither can he suffer the command of the other his companion, if it stand not with his owne pleasure, otherwise they should not be equals. We may then conclude, that of two princes equal in power in the same Commonwale, and both of them in al things lords of the same people, and of the same countrey indifferibly, neither the one nor the other hath therein the soueraignty: but it may well be said them both together to haue the soueraignty of the state comprised under the name of an Oligarchie, but is more properly called

A true soueraigne commandeth all others his subjects, but is himselfe by none command. In matters of state he that is master of the forces, is master of the men, of their laws, and of all the Commonwale.
called a Diuarchie, a kind of Aristocracie, which may be of continuance and durable, so long as the two princes shall well agree together. As Romulus and Tatius, one of them king of the Romans, and the other of the Sabines, after certain conflicts, making peace entred into societie together, upon condition, that both their people united together, should dwell within the same wallers, and by the name of Quirites by common foueraigne be governed by both kings. But Romulus, who before by the slaughter of his brother Remus had rid himselfe of his fellow in the kingdome, could not long endure the stranger to raigne with him, but caused him to be flaine, or at leastwise held the murtherer excused, being for the fact apprehended. Long time after the Roman empi[e was converted from a Monarchy into a Binarchie; at such time as Antoninus Pinus left M. Aurelius, and Edius Verus, emperours, and both fellowes in the same empi[e: of which two Edius in short time after died, and not without the suffocation of poison. For it is, and alwayes hath bene a thing most hard to maintain the equall soueraignetie of both together. And that which Lucan writeth,

Nulla sides regni socij omnique potestas,
Impatiens conforts est.

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

Is especially to be understood of a Diuuiyve, or soueraigne government of two together. For that the government of three or more together in the soueraigne, 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 joyning the extremes together. And therefore the Roman emperours, when as they at the same time took one upon them the same soueraignitie of government, left by the mutuall concurrence of their power, they should violate their faith and friendship, dividit the empire, the one being emperor of the East, and the other of the West, the one refiding at Constantinople, and the other at Rome, in manner as if they had bene two Monarches, although sometimes the same edicts and lawes were in both empires by the common consent of both princes published. Yet soone as they began to quarrel, the two empires were indeed dividit in power lawes and estate. So might a man fay of the Lacedemonian Commonweale well govern[ed] by one king. But when Aristodemus left the kingdome to be governed wholly, and dividit by his two sonsnes Poclius and Euriathene, both at once, they quickly fell at oddes, and had their state taken from them, by Lycurgus (being him selfe a prince defended of the blood of Hercules) and the soueraignetie by him given vnto the people. The like happened vnto Amphareus and Leneippus, kings of the Mesians. But the Argiues left they should fall into the same troubles, to avoid the plurality of kings, at such time as Atreus and Thyestes at once seifed vpon their fathers kingdome, the people (if fay) made choyce of the wiler, or as Lucian faith of the more learned. And the princes of the blood of Meronee and Charlemagne, dividit the kingdome amongst them. So the children of Clodonoeus, of their fathers one kingdom made foue of equal power. And the three children of Lewes the Debonaire dividit so many kingdomes amongst them. Neither do we read many at once long to have held a kingdome together, and dividit: for the indiuisible nature of soueraignetie, and the fellowship of government, is alwayes full of dangers, where no one hath the soueraignetie, except when a straunge prince marrith a queene, among such as are acquainted with womens government: where commonly the pictures of the man and his wife, their names and armes are joined together; as if the soueraignetie belonged vnto them both: as it changed
ced when king Ferdinand married Isabel queen of Castile, Anthony of Bourbon, Joane queen of Navarre, and Philip king of Spain Marie the daughter of Henry king of England. Howbeit the English men would not suffer him to have any part with her in the foueraignty, or of the fruits or profits hereto belonging, but that the same should remaine wholly vnto her selle; albeit that they were contented that they should both (for fashion sake) beare the name, and both the one and the other signe charters, and commissions, but yet so, as that the signe of the queen might of it selle 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, having married Isabel of Castile, where all the commandes were signed, To el Roy, and To la Reyna; and by the secretarie of the state, with fixe doctors: but as for the foueraignty it was wholly in the queen. 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 contrarie the one to the other, should either nuinat the one the other, or els being at continuall variance, should without ceasing trouble the sweet harmony, and concord that we see in this great world. And how could the world endure those two lords of equal power, and contrarie 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 neuter so little at variance: much more easily could it endure three such princes than two, for that the third might unite the two, or els joyning himselfe with the one, confine them both to live in peace. As it happened so long as Pompey, Caesar, and Crassus lived, whom 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 soon as Crassus was slain in Caldea, straight way the other two fell in fudder, and so eagerly made warre 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 Caesar, in the Triumvitat of Augustus, M. Antoninus, and Lepidus, who hauing of one popular Commonweale, made three Monarchies; and Lepidus vndid for government, had submitted his authoritie vnto Augustus, although Antoninus had married Augustus his sister, and that they two had equally divided 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. Wheretoafter enuied the sute state of the empire, eftablished vnder one mans government. Wherefore let vs hold it as resoluted vpon, that it cannot be called a Monarchie, where the foueraignty is in two mens power; neither that any government can consist in that state, if they shall fall at variance betwixt themselves.

Now Monarchie is dividied into three formes: for he that hath the soueraignty, is either lord of all: or else a king, or a tyrant, which maketh no diuersitie of Common weales, but proceedeth of the diuersitie of the gouernour in the Monarchie: For there is great difference betwixt the state, and the government of the state: a rule in politicke (to my knowledge) not before touched by any man: for the state may be in a Monarchie, and yet the government necethesse 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 only, or to the rich, or to the valiant, or to the vertuous onely, it shal be a royall Monarchie, and that simple and pure, but yet tempered in maner of an Aristocracie. So also an Aristocraticke regneutrie, may gouerne their estate popularly; dividind the honours and preferments therein vnto all 

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the subjectts indifferently: or else Aristocratically, bestowing them upon the nobilitie or richer sort onely, which varietye of government hath deceived them which have made a mixture of Commonweals, and so made more sorts 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 subjectts obey the lawes of a Monarke, and the Monarke the lawes of nature, the subjectts joyninge their natural libertie, and proprietie of their goods. The lordly Monarchie is that where the prince is become lord of the goods and persons of his subjectts, by law of armes and lawfull warre; gouerninge them as the master of a familie doth his slaves. The tyrannicall Monarchie, is where the prince concerning the lawes of nature and nations, imperiously abuseth the persons of his free borne subjectts, 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 lawfull, lordly, and tyrannicall, in such sort as I have said: for the greatest tyranie of all other is of Tully called the rage 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 decreeed 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 heroical kings: seeing we find, and all men are perswaded that the first Monarchie was established in Aethria, under the power of Nemrod, whom the holy scripture calleth the great hunter; which is a common phrase of speech amongst the Hebrews, by which word they signifie a theefe, or robber. For the ancient writers, viz. Plato, Aristotle, and Xenophon, have 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 soueraignty, and that caused free borne men to serve: whose name seemeth to have beene given him according vnto his qualitie, for as much as Nemrod signifieth a terrible lord. Soone after the world was seene full of flames, Sem one of the sons of Noe yet living. And in the whole course of the Bible, the description speaking of the subjectts of the kings of Aethria and Egypt, calleth them alwaies flames: and not the holy scripture onely, but the Greekes also, who always in their writings teame them selves free, and the Barbarians flanes; 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 shew 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 among the Medes, that the prince should be lord and owner of all things: And thereof came the adoration which not onely the subjectts, but strangers also, yea and the embassadors of forrein nations vfed towards the kings of Persia, to shew 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 have spoken vnto the Persian king, Artabanus captain of the kings gard, kept him from coming vnto him, neither would suffer him to presume any request vnto him, vntill such time as he had after the Persian manner adored him: but afterwards when he was gone 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 countrey wherein a man is; you Greci-
ans make great reckoning of your libertie and equalitie of command: but we esteeme it for the best thing in the world to reverence, sete, and honour our king, as the image of the living God. Whereunto agreeeth that which \textit{Lucius \textit{t}ext: \textit{Barbara \textit{p}ro \textit{l}egibus \textit{f}emper \textit{d}ominorum \textit{i}mperiu\textit{m} \textit{f}uerunt}. The command of their lords have beene alwaies unto the Barbarians for lawes. Neither ought this lordly monarch to be accounted a tyrannie: for it is not inconvenient, that a foueraigne prince hauing 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 subiects, as doth the good houfholder his fervants or slaves: as wee see it a thing receiued by the manner and custome of almost all nations. But the prince which shall by vnuiuet warre, or other unlawfull means make offseemen his slaves, and poiffe his felie of their goods, is not a lordlike Monarche, but a vertie tyrant: from which \textit{Adrian} the emperor was so farre, as that he would not that a slave a player, should enjoy his libertie, which his maister at the request of the people of Rome had giuen him in the Theater, but left it to the discretion of his maister, to be as he thought good disposed of: As had \textit{Tiberius} before; and after that \textit{Marcus Aurelius Adrian} his fone in like cafe forbid the fame: whatsoever consent the maister had giuen at the damour of the people, repute it rather forced then done of good will: to the end that the full disposition should be in euery mans power, of that 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 subiects, 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 themselues Chlopes, that is to say, seruant, 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 possefion, (seeing that the king of Spaine hath vnder his dominion and rule, people for their crueltie barbarous, for their multitude innumerable, in places infinite: which his kigndome is bounded with the fame countreis, wherewith the courfe 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 houfholder: 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 veth 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 Timarit hortem, they hold all their possefions in fealtie of the Prince, as it were during pleasure, renewing their letters patents from ten yeares to ten yeares: neuer when they dye can they leave their children heires of their possefions, but of their moueables onely: except by the gift of the prince they keepe the posseffion of their fathers lands, as they doe of his goods. Other princes there are none in Europe which call themselues lords of the bodies and goods of their subiects, and fewer in aunciente time then at this present: for \textit{Augustus} the emperour himselfe, although he were in effect the greatest monarch in the world, yet so it was that he so abhorrned 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 landes of his subiects to belong vnto him in right of direct foueraigne, neither any man which confesseth not to hold his goods of his foueraigne 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 subiect hath the true proprietie of his owne things,
things, and may thereof dispose at his pleasure: although the prince for Pompe and show challenge vnto himselfe the foueraigne thereof. And yet there are divers lands which are called Alldodial, wherein the prince hath neither proprietie, nor soueraigne right, as not holden of him. The Hunns a Tartar-like nation came from the farthest parts of Scythia, at such times as they with fire and sword destroied almost all Europe, first showed the example vnto the Lombards and Almans, Germaine nations, and to the Frankes, the auncient inhabitants of Fraunce, calling themselves Lords of all, and so accustomed these nations to lord it ouer all; as that no man could hold a turfe of ground but by their leave. True it is that the Romans having vanquished their enemies, most commonly solde them for slaues, or else condemned them to lofe the soueraigne part of their lands; which lands they straight waiues gane vnto their Colonies in pure proprietie. But princes and people instructed in ciuitie, for feare of rebellion, or distrust of their owne power, rejected such lordlike soueraignitie as had the kings of Persia and Asia ouer their subiects: contenting themselves with the shadow of such lordly Monarchie. And albeit that the Perfian kings before the time of Ataraxes, had vfed to caufe their great lords and magistrats to be stript starke naked before them and whipped as slaues: yet king Ataraxes was the first that ordained that they should in deed be stript, but should not haue but their cloathes and garments onely beaten: and wheras their harte was wont in dipite to be pulled off, he commaundeth the wooll of their cappes onely to be fo pulled. True it is that Francis Aluarez writeth, that he hath seene in Ethiopia the great Chauncelour, and other great lords and gouvernours of prouinces stript starke naked, and cast vpon the ground whipped as slaues before their prince: who held the same as a great honour vnto them; by the discouerthe of whole Hystorie, a man may caste the great Negus of Ethiopia to be a lordly Monarchie. But the people of Europe more courageous, and better leudiers then the people of Africke or Asia, could never endure the lordly Monarches, neither had euery vfed them before the incursions of the Hunnes into Europe, as I haue before said. And first of all Osmonere king of the Herules, who almost at the same time invaded Italie, that Attila did Germanie; having 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 themselves lords of their goods, without any tenure, or yeelding vnto him of any fealtie or hommage. But after the Almans, Lombards, Frenchmen, Saxons, Burgundians, Gothes, Offrogothes, Englishmen, and other Northen people had taunted the manners and customes of the Hunnes, they began to make themselves Lords, not of the persons, but of all the lands of them whom they had vanquished: and yet afterward refusinge vnto themselves the most fruitful part thereof, left the rent vnto the auncient inhabitants, to be by them enjoyed, yet as holden of them in fealtie, with paying of some small tribute if they should change the posseffion thereof: which for this cause are called Seigneuries, or Lordships: to shew that the shadow of the auncient lordly Monarchie as yet remayneth, although greatly diminished. For these fees and lordships were in auncient time nothing else but benefis and rewards gien to fouldiers for termes of their liues, and afterward by faavour continued from the father to theInforme: except dukedomes, marquicates, earldomes, and other like honours and dignities, gien vnto dukes, marquesses, 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 counteies being dead, their children and successeuors have their lands; but not still the dignities, prerogatives, and titles of their predecessours: for when fees or lands were gien to fouldiers for termes of their liues, they afterward obtained, that they might either by their wills,
wills, or else dying intestate, leave them unto their children; and if there were no
heires males left, they should by law descend unto the women: excepting in Germany,
where the women are excluded from the inheritance of lands in fee: which was the
strongest argument which Frederick count of Vaudemont vied 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 another reason have defended himselfe, that is to say, that in quetion of fees, and
services, we are to follow the lawes and custome of the land that oweth the feruice,
and not of that whereunto the feruice is due: now by the custome of Loraine the
daughters succeede in fees. But howsoeuer it be, most certain it is that the marks of
Lordly Monarchies, have continued in Germanie, and towards the North more than
in the other parts of Europe. For albeit that William the Conqueror, having conque-
red the realme of England, by force of arms, called himselfe not only lord of that
realme, but also caus'd it to be proclaimed, that the soueraignty and proprietie of all his
subjectts goods, moveable, and immovable unto him belonged: yet nevertheless so it
was, that he contented himselfe with the direcft soueraignty, fealty and homage: the
subjectts still enjoying their libettie, and full propertie of their goods. But the empe-
roure Charles the first, after he had subdued the great countrey of Peru, made himselfe
Lordly Monarch thereof, caus'ing all things to be holden of him, excepting the faules,
whome for that they were innumerable he caus'ed to be let at libettie. As for the lands
he left them to be enjoyed by them that possessed them at his pleasure: and not to de-
cend unto their children by inheritance. A craftie and subtile deuice, whereby Lagofca
the lawyer, the emperoures lieutenant in Peru (Gonsulo Pizarra, and the rest of the au-
thors of rebellion vanqui'shed and ouerthrown) by a perpetuall bond to keep the in-
habitants of that countrey, within the compasse of their duty, compelled them for ever
to aske of the king of Spaine, the possestion of their goods, their kin&mens being dead:
except the parents themselves yet living, had before procured 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 mean time
being thereby kept from raising of any new sturtes. For like cause whereof in one
chapter of Mahometts, it is forbidden all persons of what degree or qualitie fower to call
themselves in any fort lords, except the Caliph, or great bishop the successour of Ma-
or, who at the first was the only Lordly Monarch or lord of all, giving unto kings
and princes their principalities and kingdomes, during his pleasure, vntil that the Otho-
man princes, the Cudtes, and the kings of the higher part of Asia and Afrike, by little
and little exempted themselues out of their power (by reason of the diuision betwixt
them and the Anticalphes) and so tooke vnto themselues the kingdomes of those
countries.

But yet here might some man doubt whether the lordly Monarchie be not a Ty-
ranney, considering that it seemeth to be directly against the law of nature, which re-
serveth vnto every man his libettie, and the soueraignty over his owne goods. Where-
unto I answere, that of aumient time it was indeed against the law of nature to
make free men slaves, and to posseffe himselfe of other mens goods: but if the consent
of all nations will, that that which is gotten by inst warre should bee the conquetours
owne, and that the vanquished should be slaves vnto the victorious, as a man cannot
well say that a Monarchie so establisht is tyrannical: 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 own, for that he had got it by force of arms. And that more is, the rule that willth that the law of arms should take no place where there be superiours to do injustice (which is put in practice against the greatest princes, and imperial cities of Germany, who be profcribed by the empire, for not making restitution of that which belonged to others) the which right well, that where there is no superiour to command, their force is reputed iuft. For otherwise, if we will mingle and confound the Lordly Monarchie, with the tyrannical estate, we must confesse that there is no difference in wars, between the just enemie and the robber; between a lawfull prince and a theefe; between wars unjustly denounced, and uninjust and violent force; which the ancient Romans called plaine robbertain and their. We also see tyrannical states and governments, soon to fall, and many tyrants in short time slain; whereas the seigneuri-like states, and namely the Lordly Monarchies have bene both great and of long continuance, as the ancient Monarchies of the Assyrians, the Medes, Persians, & Egyptians; and at this present that of Ethiopia (the most ancient Monarch of all Asia and Africa) whereunto are subject five kings as slaves, if we may beleue Petru Justus, who all are, and armie themselues the slaves of the Grand Negus of Ethiopia. And the reason why the Lordly Monarchie is more durable than the royal, is for that it is more maistifical, and that the subiects hold not their lives, goods, and libertie, but of the souereigne prince, who hath by just warrs conquered them; which plucked downe the courage of subiects, so that the slave acknowledging his condition, becometh humble, and hauing as they lay a base and servile hart. Where to the contrarie, men free bothe, and lords of their owne goods in a royall Monarchie, if one would make them slaves, or take from them that theirs is, they would not take it, but easily rebell, beating noble harts, nourished in libertie, and not abastardified with servitude. And thus much concerning a Lordly Monarchie: Now let us speake of the Monarchie Royall.

Chap. III.

Of a Royall Monarchie.

Royal Monarch or king, is he which placed in souereignty yeeldeth himselfe as obedient vnto the lawes of nature as he delieth his subiects to be towards himselfe, leaving vnto every man his natural libertie, and the proprietie of his owne goods. I have put to these last words for the difference of a Lordly Monarch, who may be a just and vertuous prince, and equally gouerne his subiects, being himselfe yet so neuertheless lord both of their persons and goods. And if it so channce the Lordly Monarch having unjustly conquered his enemies country, to fet them againe at libertie, with the proprietie of their goods; of a lord he becometh a king, and chaungeth the Lordly Monarchie, into a Monarchie Royall. And that is it for which Plinie the younger faith vnto Traian the emperour, Principis sedem obtines, meerit Domino locus, Thou holdest the estate of a prince, Lord it not. This difference (between a Royall Monarch and a Lordly) was well noted by the ancient Persians, calling Cyrus the elder (which overthrew the Monarchie of the Medes) by the name of a king; but rearming Cambyses a lord, and Darus a merchant; for that Cyrus was a gentle and courteous prince towards his subiects, but Cambyes his sonne was haughtie and proud, and Darus too great an exactor and courteous. So it is also reported Alexander the Great to have bene advised by Aristotle, to beare himselfe towards the Greekes as a father; but towards the Barbarians as a Lord:
lord: which his counsell Alexander neverthelesse rejected, willing that the Greekes should be reckoned of according to their vertue, and the Barbarians according to their vices; saying, that the whole earth was but one citie, and his campe the Castle thereof.

We haue more ouer said in our definition, that the subiects ought to be obedient vnto the Royall Monarch, to shew that in him alone lyeth theouveraigne maiftie; & that the king ought to obey the lawes of nature: that is to say, to governe his subiects, and to guide his actions vnto naturall iustice, whose lutfet was brighter than the light of the sunne it selfe. 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 alfo pitifull vnto the afflicted, wife in his enterprizes, hardie in his exploits, modeft in prosperitie, constant in aduerfitie, advised in his speech, wise in his counsell, careful of his subiects, comfortable to his friends, terrible to his enemies, courteous to the good, dreadful towards the euil, and iust towards all. Which royall overaigntie 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 mildtrefle, or as faith Pindarvs, a queene raigning ouer both, it shall in the fame bonds unite the subiects among themselfes, and together with their prince: whereof shall grow a most sweet harmony, which may with wonderfull pla-

fire and felicitie bleffe them both. This is that regall and lawfull Monarchie of one, which we seek 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 Cæfar brought into the forme of a province, was by Auguvsus the emperour giuen to young Inba, who so of a flaine 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 Tunies, Fez, and Marocco, and was alfo 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 substituted his sister Marie, and vnto her Elizabeth, who

D was afterward queene: or that the kingdome bee got by fraud and deceit, so that he raigne iustly, as Cecrops, Hieron, Gelon, and Pisistratus, who right wisely vied their power, as faith Plutarch: and in our time Cofmus de Medices: or by chaunce, as the kingdome of Perfia, the neyng of an hoste fel to Darius Hystaphis one of the feuen Peri-

an lords, it being fo before agreed, after they had flaine the Mages, who had vnpred the kingdome, that he whole hoste first neyed, should haue the kingdome: or be it that the prince by force of armes, by right or wrong conquer his kingdome, promised that he vprightly governe the same fo by him conquered; as Titus Livius faith of king Sertius, Neque enim praeter vnum quiquam adius regni habebat. Neither had he any thing but force vnto the right of the kingdome; and yet he was a good king, as it oftentimes

E hath bene scene of a robber and a theefe, so haue proued a vertuous prince; and of a violent tyranny, to haue grown a iust royaltie. Or be it that the king bee chofen for his nobilitie, as was Campfon chofen Sultan of Egypt by the Mamalukes; or for his iustice and devotion, 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 Taprobana, as faith Pliny: or for his strength and foerce, 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 Heligobalus, therefore choisen emperour of the fame Roman empire: or for his height and stature, as in Ethiopia the kingdome

were
were still given to the tallest: or for that he could drink most, as in Scythia, as Aristotle faith; who determineth a king to be him, who chosen by the people, to reigneth according to the desire of them his subjects: from whom else (as hee in another place faith) if he never so little depart, he becommeth a tyrant. Which his description is not only without reason, but also daungerous: 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 subjects: but must to the contrary be constrained to receive laws of them. In briefe it should be lawfull for the people to do all things; and the most safety and best kings should to be accounted for tyrants: neither were a king to be reputed of any thing else, than as of a meane magistrate, vnto whom power were to be given; and againe taken away at the peoples pleasure. Which are all things impossible, and no lesse absurd, than is that which the same 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 kingdom of Macedon. The Lacedemonians should be also barbarous, who from the same stocke of the Heraclides, had had their kings about a thousand yeares. The people of Asia also, the Persians, and Egyptians, shoulde all bee barbarous: in whom not onely refted, but from whom all humane, correctie, learning, knowledge, and the whole source and fountain of good lawes and Commonweales haue spring: and so at last none but Aristotle with some handfull of Greckes should bee free from barbatime. Whereas indeed nothing can be deuised more daungerous vnto the state of a Commonweale, than to commit the election of kings vnto the suffrages of the people, as shall in due place be hereafter declared. Although Aristotle be in that also deceived, where he faith, That there be three forts of kings; & yet having in his discourse reckoned vp fourie, in casting vp of the account he findeth out a fit. The first he calleth Voluntarie kings, as raiging by the will and good liking of the people, such as were the kings of Heroique times, whom he supposed 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 fourth was proper to the Lacedemonians, whom he faith to haue bene perpetuall generals in their warres; the same still succeeding his father. The fit and last kind, is of them which haueing themselvese got the Lordly foueraigne, vfe their subjects, as doth the master of the house his slaves. As for the first sort 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 received 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 keepe them in subjection as slaves: whereof the holy scripture also certifieth vs of the first Lordly Monarch Nemrod; leaving the soueraigne to their children, in right of succession; as faith Thucidides. Which hath also beene well confirmed by the succession of a great number of kings of the Asirians, Medes, Persians, Indians, Egyptians, Hebrewes, Lacedemonians, Macedonians, Sicyonians, Epirots, Athenians: and their lines failing, 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 publicke feignmatic: as witnesseth Herodotus, Thucidides, Josephus, Berosus, Plutarch, Xenophon, and other most ancient historiographers of the Hebrewes, Greeks, and Latines, sufficient to convince the opinion of Aristotle of vntruth in those things that he hath writ concerning kings. Whereas also
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 suzerainitie. And that the Lacedemonian kings, after the conversion of that Commonwealth, were nothing but Senators, and subject to the magistrates command, we have also before shewed. Yea the generals power was not alwaies given vnto them; as Aristotle luppofeth, who calleth them the perpetuall generals of the warrs; forasmuch as that power and authoritie was communicated to their citizens also, as to Ly- sander, Leonidas, Callistates, Gilippus, whom the Lacedemonians opprised with warrs preferred before their kings. And albeit that Agefian was one of their kings, yet fo it was; that he durft not take vpon him the charge of a general, vntill the Seigneurie had fo commanded; as Plutarch in his liues reporteth. And when they were chiefes captains and generals, they gave them yet no royall power, no more than had the generals of the Acheans, which were made by election, considering that they were subject into the state of the Acheans, who if they do offended punished them, as they did Democritus their generall, whom they fined at thirtie thoufand crownes, as we read in Pausanius. So the Ephori punished their kings with banishment, imprisonment, and fines, yea and sometime with death, as we have before saide. We must not therefore put these in the raine of kings, no more than him which is a Lordly Monarch, lord of the perons and goods of his subjectts, who hath his proper difference seperated from a Monarch Royall.

As for the third sort of kings, which he said was made by election, that can make no difference of kings, no more than can the second, which he said was by succession, for otherwise he should by the same means make also a fixt kind of kings, made by chance; as was Dareius the first: and fo a feuenth by donation, an eight by testament, and a ninth by fines and deceit, and a tenth by force: which were nought elle, but to make an inuit sort of kings, who all unuerthelesse are comprised 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 comprized in three kinds of forts, viz. the Lordly Monarchie, the Royall Monarchie, and the Tirannical Monarchie. But whereas Aristotle vnder the name of kings comprizeth them all which were wonte for a short time to be choisen, to establifh or reforme the Commonwealth, and that done, to give vp 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 Commonwealth, whom Dionysius Halicarnassensis writeth, to have bene in power and office like vnto them whom the Thessalians called Archos, the Lacedemonians Cofmos, the Mytilienians Eusymmetor, having like charge that the baily of Florence had at such time as that Commonwealth 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 preceffe of time was fallen into disorder, either in their lawes, or in their coutumes, in their newes, or in creating of their officers: which done they discharged themselves of their offices: like as the Decemurii, or ten commissioners, which were choisen in Rome, to reforme that was amife in the state, whom wee should by this means, according to the opinion of Aristotle call also kings; which should be a thing verie absurd; forasmuch as the quality of a magistrate, and much leffe of a commissioner hath nothing agreeing or common with the soueraigne maiestie of a king. And albeit that Cesar in his Commentaries saith, the inhabitants of Autun to haue eternye choisen them a magistrate with royall power, that is of him but improperly spoken: for why, it is manifest,
nifef that he which was a magistrate could be no king. And that more is, the go-
ernours of the countries and provinces conquered by Alexander the Great, al-
though that after his death euerie one of them tooke upon him the soueraigne in the country or province that he gouerned; yet it was a long time before they wouldst style themselves by the name of kings. The first that began was Antiquinus, after the victorie by him obtained against Ptolommeus Lagus: after which he set a crownne upon his head, and vset in his titles the name of Caesar, or king. And immediately after, the Egyptians cal-
lled Ptolommeus king: as to their imitation did the Assyrians Seleucus, and the Thracians Lysimachus also. And not to go further, the antient kings of Loraine and Burgundie, after that they had yeelded feallie and homage vnto the German emperor, lost the name and soueraigne right 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 habet. For why, the name of a king is alwayes maist tracks, and the most honour-
able that a soueraigne prince can haue: and for that cause the habit, the marke, the
signes of kings, have been alwayes particular, and proper vnto themselves; as the royal
aromes, the golden robes, the crownne and scepter, not to be communicated vnto other
men. And there was nothing that made the maistre of the Roman kings so venera-
able, as the royall ornaments which Tarquinius 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 vertie name of a
king, and much more the government, having changed the royall state into a popu-
lar: yet fo it was, that the Roman Senat vset to send vnto kings, their allies and con-
decrats, the royall marks of kings; namely a diadem or crownne of gold, a cup of gold,
the inorie scepter; and sometime the popular robe embroidered with gold, & a chaire
of iuyorie, as the histories declare. And in the Commentaries of pope Gregory the se-
uenth, we read that Demetrius was by the scepter, crownne, and enigne establisht king
of Croatia and Sclatania: of which things the bishops of Rome haue oftentimes bene
liberall (though I say) or prodigall? as well as the emperours: yet had they no more
so to do, then had the Greeke emperour Amasis, who sent the Consulatie orna-
ment and titles of Augustus vnto Clodovus king of Francia, who (as Aymon faith) recei-
ued them in the citie of Tours: or than Inustian, who gave vnto king Childdebart the
title of a Senator: by which things it is certaine, to be derogated from the soueraignty
of anotheres maistrie, which is it selfe the chiefeft, except they bee received from them
that are in their confederacion their supeirours. But as for the Frenchmen they had
not made any league with the Greeke emperours, but by their valour had thurst
the Romans out of the possession of their kingdom. True it is, that bittwixt confedera-
tors of equall powre, ornaments of honour, as girdles, rings, and such like, may both be gi-
gen and received, without any emparament to their maistrie: but to receive the honor
of a Consull, or of a Senator, is as much as to acknowledge the maistrie of a superiour.
Frederike the emperour (first of that name) sent vnto Peter prince of Denmarke, a
sword and a crownne, with the title of a king, which was a title contrarie to the effect,
considering that he yeelded himselfe vassall vnto the empire, and did feallie and hom-
mage vnto the emperour, for the realme of Denmarke, promising and binding aswell
himselfe as his sucessflours, to hold that kingdome of the empire, in this forme, * Rex
Danorum Magnus se in potestatem Imperatoris tradidit, obsides dedicit usuramentum fecit,
se successoresque suo,s non nisi imperatoris & successorum eius permisit regnum adeptos.
The great king of the Danes hath deliverrt himselfe into the power of the emperour;
hath givene hostages, taken his oath, that he and his sucessflours shall not but by the suf-
ference of the emperour and his sucessflours, take vpon them that kingdome. Where-

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* Tacita lib. 2. 1 Tacitus, Livius Pal. Maxim.

* Triomius cap. 7.
A in two ways 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 fame emperour, and almost at the fame time; honored with the same ornaments and title, yet with condition that hee should still remaine in the petpetual obeisance of the German Empire, wherein he then was, and ever had bee: but when he breaking his faith, had revolted 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, whilest he yet liued caused Henry his eldest sonne to bee crowned king: for he straight way after, would needs be equall with his father, and take upon him to maninge the greatest affaires of state: in such sort that great quarrels and contentions arisse betwixt the father and the sonne, even vnto parts taking, which had without doubt ruinated the state, had not the sonne beene before by death prevented. So also in this realme, when the familie of the Capets had vstuped the kingdom, the better to confirme their wealth and power, not as yet well grounded: left the kingdom after the death of their kings should fall into an Anarchie, they full caueth their sonses (whilest they themselves yet liued) to be crowned and proclaimed kings. So Hugh to assure this succession, caueth his sonne Robert to be crowned king; Robert, Henry: and he afterwards Philip; which manett of crowning of the sonnes, the fathers yet liuing, after their estate and power better confirmed and establisht, was againe left. And so doe, vnto mee seemeth a thing very dangerous, especially if the new crowned king be sicke with the ambitious desire of rule: for that the subiects more willingly behold the sonne rising then setting: except the king haue many kingdoms, with great fluds, most high mountaines, or the deepest seas, one from an other divided, not easily with the wings of aspiring ambition to be pafted. So Selene king of both Aiaes, graced his sonne Antiochus not onely with the royall dignitie, but also placed him in the go vernment of the kingdome of the higher Aia; which is a thing may well be suffered where kings have vfed to be created by the voices of the Senat, and the people: as are the kings of Denmarke, Suecia, Polonia, Tartaria, Bohemia, Hungarie, and Tunes: who commonly cause him whom they desire to raigne, to be before hand elected by the suffragies of the people, and to bind the princes by oath vnto him. So Churger fist of all the Tartat kings, chosen king by his subiects, caueth Hocates his eldste sonne to be crowned king, himselfe yet liuing. And Goflanus king of Sweden having vstuped vpon that state against the king of Denmarke, caueth 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 secute, but doubting left his vncest John and Adolphe after his death shoulde practize a new election, and so raise new stirs, requested the French king by M.Danzai the French embaassador, and afterward by an embassador of his owne, (sent directely for that purpouse) to stand his friend, and to receive him into his protection. So haue done, and yet also doe the kings of Marocco, Fez, and Tunes. And in our memorie Ferdinand of Austria yet liuing, caueth 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 successor by Sigismundus Auguftus king of Polonia; but was leiet for to
The yet although in now and they Dionyfius and For and a...

Chap. III.

Of a Tyrannicall Monarchie.

Tyrannicall Monarchie is that where one man treading vnder foot the lawes of God and nature, abused his free borne subjects as his slaves: and other mens goods as his owne. This word Tyrant derived from the Grekes was of the proprietie thereof honorable, and in auncient time signified no other thing then a Prince, which without the consent of the people, had by force or fraudpossessed himselfe of the state; and of a companion made himselfe their master: whom they called a Tyrant although he were a right wife and lust prince. So Plato writing to Dionysius the Tyrant of Syracusa by way of honour gieath him this title; Plato to Dionysius the Tyrant greeting, and the answering was; Dionysius the Tyrant to Plato health. And so the rest aswell philosophers as friends, honestly called them Tyrants which had by force or finesse got the soueraignetie of their cities and states: in which name the Tyrants themselves also gloried. And to show that the name of a Tyrant was aswell gien unto a good and lust prince, and to an euill and wicked, it appeareth evidently in that, that Pittacus and Periander reckened among the feauen Sages of Greece, were called Tyrants, having taken vnto themselues the state and government of their countreis. But for the mercie of their enemies, were constrained for the safetie of their liues and goods to haue gardes of straungers about their persons, and great garlions in their fortresses and strong holds: and for the maintenance of their solidour and retinue were enforced to lay vpon their subjects great impositions and tributes: and seeing their liues not yet to auffuted, hauing but poore friends, and puissant enemies, put to death, or banished the one, to enrich the other; and hauing taken their goods, rauished alfo their wives and children: they with these outrageous enormities raised a wonderful hatred of themselues through out the whole world. For we read that Dionysius the elder which had oppreffed Syracusa had alwaies about him for the garding of his person and the citie ten thousand footmen, and as many horsemens: befofe a fleete of foure hundred gallies till readie furnishd with all things necessarie: and yet thought it not a strength sufficient to keepe vnder thofe fewe citizens that were left, whom he had vterly disarmed, and in most seruile manner oppreffed: although hee had before taken away not onely their societie and companys: but forbidden alfo neighbors and friends to eate together, and of times commanded them returning home from supper or making meare, to be robbed and spoild by his gardes: to the intent there might bee the lesse friendship amongst them, and so they more hardly conspire against him. And yet for all that Plutarque hath gien him the praiie of a good prince, as one who in justice and vertue exceeded many, who abusing the most honorable names of Kings, are themselues polluted and defiled with all manner of vices. For we are not much too certain the baine show of words...
words and glorioust titles; when as often times the worst men arrogate vnto them
felles the most commendable names, showes; and recognitions of vertue; against
which fort of Princes, the subiects for all that vie to cast forth most reproachfull
taunts: as the three Ptolemeis kings of Aegypt; 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, * Philometor, and * Philopator. Also the most rencent and holy
names have become abominable, for the wickednesse of them that have most filthly
abused the same. The name truely of a king is holy, yet was it for the pride of Tar-
quinius; and the rashmifie of Lucretia by his lonne, made hatefull vnto the Romans.
And the crueltie of Scylla in his Dictatorship made the Dictators odious. So the im-
moderat ambition of Francis Valori made the Confloniers of Florence hatefull vnto
the Florentines. And so alfo it is evident, the name of Tyrant to haue bene hatefull
to all nations for oppressing of the people.

But it may be, that one and the same prince, whose dominion is large and wide,
may beare himselfe as a king vnto his naturall subiects: and as a lordly monarch to-
wards them, when he hath by iutl warre subdued, and as a tyrant toward the reft; or
that in the fame citie he may tyrannifie over the rich and better fort of the citizens;
and yet shew himselfe courteous and gentle vnto the poore and bafer fort. And among
 tyrants there are diuers forts and degrees of iutle or leffe; and as there is not so good
a prince, which hath not some notable vice; so wee see that there is none so cruel a
 tyrant, which is not endued with some good vertue, or hath not in him some thing to
be commended. Wherefore it is a thing of most cuili example, and thereto daunerge-
rous withall, rashly and foolishly to censure a prince, whose actions and comportments
we throughly know not; whereas we ought stift wisely to weigh his vertues and vi-
ces, his heroicall or base and cuili disposition: after the manner of the Persians, who
condemned no man to death (although convicted of the crime whereof he was accus-
ed) except it first appeared by his former life, whether his vertues exceeded his vices or
not. For so Linie did well, who having diligently reckoned vp Hannibal his vertues,
and comming afterward vnto his vices, faith, Hastot ac tantas virtutes ingentia virtut
aquabat. Thefe his fo many and great vertues, were counteriailed with great vices.

Wherefore least the good should be confused and so confounded with the bad; or
that we should vnder the name of a tyrant comprehend them also which were right
worthy and famous men: lea vs compare the worst tyrant with the beft king; that by
such companion of the two extremest, those may bee the better percieued which are
in the middest betwixt both. Now when I say the best king, my meaning is after the
common manner: neither doe I feake after such an one as is accomplished with all her-
ocall vertues; or the rare paragon of iutice, wisdome, and religion, a man without
all imputation: which in the fables of antient worthies, were propounded with more
magnificence than truth, for princes to looke vpon and to imitate; such as never was,
not ever shall be: but rather such an example of a good and iutl king, as is indeed in the
ranke of princes to be found; and such an one as is always ready 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 * Menel ip, whole whole endeoure is to bee indeed such an
one as Codrus and Decius are reported to haue bene, who aduertised by the Oracle, that
the victorie ouer their enemies depended of their death, without farther delay fondely
sacrificed their lines: and Moses above all, whom Phile calleth the most iutl law-gi-
ter; a most iutl prince, who befook God, that he might rather die the enlating
death of the wicked, and haue his name blotted out of the booke of life, then that the
people committed to his charge, should endure so great and grievous punishment as it
had.
had defended: 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, unto him more pleasing, at such time
as Valerius Mecfala, 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 wont most excellently to say.

Now the greatest difference between a king and a tyrant is, for that a king conform-
eth himself unto the laws of nature, which the tyrant at his pleasure treadeth under
foot: the one of them respecteth religion, justice, and faith; whereas the other re-
gardeth neither God, faith, not law: the one of them referreth all his actions to the
good of the Commonwealth, and safety of his subjects; whereas the other respecteth
nothing more than his own particular profit, revenge, or pleasure: the one doth all
his endowments for the enriching of his subjects; whereas the other seeketh after nothing
more, than the improvement of them, to encrease his own wealth: the one of
them accounteth his own goods to be the goods of his people; the other reckoneth
not only the goods, but the bodies of his subjects also to be his own: the one
of them feuerely reuengeth the publick injuries done against the state, and easilie par-
doneth the wrongs done unto himself; the other most cruelly reuengeth his own,
and pardoneth that which is done against others: the one easilie forgoeth the offences
of other men, but is of his own misdeeds a feuerie judge; whereas the other most
sharply reuengeth even the least offences of others, but is vn to himselfe most favoura-
ble: the one of them fauoureth the honour of modest matrons, and other men wives;
the other triumpheth in their shame and dishonour: the one refueth not to be fre.
directlie 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 vnitie; whereas the other fecketh still to fet them at odds, so to tur
nat them one by another, and with the confiscation of their lands and goods to en-
rich himselfe: the one taketh pleasure to see his subjects, and to be of them oftentimes
seene and heard; whereas the other feareth their presence, and hideth himselfe from
them, as from his enemies: the one repolisheth his estate and fealtie in their loue towards
him; the other in their estate: the one taketh no care but for his subjects: the other sear
nothing more than them: the one chargeth his subjects as little as he can, neither
exacteth any thing of them, but when the publick necessitie doth 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 aduanceth into
the highest degrees of honour the best and most vertuous men; whereas the other ill
promoteth the greatest theues and villaines, whom he may vse as spunges, to fucke up
the wealth of his subjects: the one frankly bestoweth the greatest and most gainful
offices of the state upon men of best deserts, who free from bribery & corruption, may
defend the people from all injurie and oppreftion; whereas the other setteth the same
to sale to such as will give most for them, fo by their robberies and unreasonable exa-
tions, to keep the people vnder, and then afterward when they are well fatted, to cut
such caterpillers throats also; so to be accounted great sufficiens: the one measureth his
manners, according unto 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 withfeeth it and them all to perfit 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 recourse but vnto his owne subjects;
whereas the other hath no greater warre than against them: the one hath neither
guard
A guard, nor garrifon, but of his owne people; whereas the other for the defence of his person, and keeping of his subiects in awe, hath always a garrifon of armed straun-gers to go before him: the one lieth secure in all quiet and tranquillie of mind; the other troubled with carefull and contrarie thoughts, still languishing in perpetuall fear. The one expecteth a most bleffed and eternal life in heauen; the other still fearing everlafting paines of hell: the one hath the immortal good author of all his actions; the other followeth the aduife of wicked men and damned spirits: in briefe the one is prai-fed and honoured of all men whileft he lieth, and much mished after his death; whereas the other is defamed yet living, and most shamefully reviled both by word and writing when he is dead. And albeit that a tyrant abound in wealth, have honour, souereignty, health, and surpassing Champion like strength of bodie, with the deep and profound knowledge of many and great matters, and flowing eloquence most of tyrants to be in others feared; yet shall he therefore be neuer the better, but wele the worse: abusing his wealth to fulfill his lust; his souereignight, to the oppressing of other mens libertie; his strength for the performing of his villanie; and his knowledge for the circumventing of the plaine and simple, and thamefull confusion of all things. Which so many and notable gifts, if they chance by the grace and goodnesse of God to bee gien to any good prince: we then esteeme of him, as of a God, sent even down from heauen into the earth here amongst vs.

But what need we to see many examples to prove this to be true, being of it selfe to manifeft in euery mans eye. And seeing that we find in histories tyrannie to have bene of all men so much feared, hated and detested, that euén schollers and weake women have not doubted to aduenture with daunger of their lives, to gaine vnto themselves the honour of the killing of tyrants. As did Aristotle (not hee of Stegira, but hee that was furnamed the Logitian) who flew a tyrant of Sicione. And Thebe, who flew her husband Alexander, tyrant of the Pheraeans. And to thinke that tyrants might by force warrant themselues, is but meere and vaine error. For who were of greater force than were the Roman emperors, who ordinarilie had forcie legions at their command in their provinces, and three moe in Italie, beside their Pretorian bands, for the de fence of their persons: and yet in no place in the world were there so many princes flaine; yea sometimes the captains of their guards flew them euien in their palaces, whome they guarded. As Cherea the tyrant, and the Mamalukes eight Sultans of Egypt.

But that he would see the miserable ends of tyrants, let him but read the liues of * Timoleon, and of Aratus, where hee shall see the tyrants drawne out of the nest of their tyrannie, flippred stark naked, theues 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 familliar friends most cruelly murthered and flaine: and that more is the verie image & statues of them that were dead in their tyrannie, accu. and publiquely condemned, deliuered vnto the common hangman to bee as it were executed; their bones also taken out of their granes, and cast into most lothifm takeffes, and the raking officers of these tyrants diemined, and most miserably tormented with all the cruellty that a people enraged could denifie: their edicts & lawes torn, their castles and proud houfes rafed and laid euien with the ground, and the verie memorie of their name, by publike judgements and written bookes, condemned to perpetuall infamie, as an example to all future princes, to the end they might haue in detestation such plagues, so pernicious and dangerous vnto mankind.

And albeit that tyrants whileft they liued, have not wanted their flattering claw-backs, whome they with rewards enuced to write their vnworthe praysles; yet we read...
read, that after their death, such their histories, and panegirical orations, before written in their prayers, were burnt, torne and suppressed, and the truth (yea sometime with more too) brought to light, &c in stead of them other most reprobate and contumelious writings published, in such sort, as that not so much as one small fragment of any book written in the praise of any tyrant, were he never so great, is now extant or to be found. Which thing maketh tyrants, while 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 verie enemies. And albeit that they cunningly confed the immortallitie of the soule, think the fame to perish together with the bodie, or haply before the body, which embalmed with sweet odours may be long preserved, yet so long as they live, they still see the torment of the infamie to come, which they yet lusting fee shall befall them after their death. Whereof Tiberius the emperor grievously complained, but Nero much more, who wished that when he died, yea that whilest he yet breathed, all the world might with fire be consumed. And for this cause Demetrius, surnamed Poliorectes, to gratifie the Athenians undertooke the warre for the defence of their rights and liberty, 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 glorye of his noble acts to shine throughout the world, as doth a beacon set on fire vpon the top of an high tower: neither was he therein deceived: but, so soon as he gave himselfe out to vnto vices and villanies, there was no lesser tyrant better (than he was by them) washed; hauing his name most blamefully by them defamed, by whom he had bene before commended. And albeit some may think tyrants, for that they have no taste of true praise, to caute the leffe what posteritie either think or lay of them, yet in truth live they most miserably, if their life be so to be called, which live in continuall teare, still see the most sharpe sting of griefe: seeing themselves, their lawes, their wifes and children, their kinsfolk and friends, ever in daunger. For it is impossible for him that hateth and feareth 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 passe, that in stead of being afflicted by his enemies, hee is oft times vpon the lorde afraied by his owne subiects. Neither may hee repose any trust or confidence in his friends, vnto whom he is himselfe oftentimes a traytoure and disloyall, causeth them for the least suftion to be defaine: as we read it reported of Nero, Commodus, Caracalla, and such other tyrants. And sometime the whole people with one rage and furie runneth headlong vpon the tyrant, as it did vpon Phalaris, Heliosbalbus, Alecet tyrant of the Epirots, and vpon Andronicus emperor of Constantinople, whom they seipt and let vpon a bare asles backe, the people of Constantinople caused to endure all the indignities and reproaches that were possible, before they would give him leaue to die. Yea and sometimes it changeth, that even they themselves are the occasion of the hastening of their owne death, as it is reported of Caracalla the emperor, 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 doings, to ask the counsell and aduice of uitards and dulls) vnto whom the Astronomer by his letters answered, That Marcellus was the man that should succeed him; which letters by chance falling into the hands of Marcellus: he thereupon forthwith causeth Caracalla to be defaine, for fear of the danger prepared for him by Caracalla. So Commodus also, having hardly escaped the stabbe which a mutterous villain was about with a dagger to haue given him, (who in giving of the blow said, That the Senat had sent him that straight waies after made a roll of all them whom he purposed to put to death: which roll by good hap coming into the hands of Martius his concubine,
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 auncient histories are full, which show plainly the lives of tyrants to bee alwaies beft with a thousand incutable mifchiefes, death still hanging over their heads.

Now the state of a royall Monarchie is quite contrarie vnto a tyranny; for the king is fo united with his subiects, that they are still willing to spend their goods, their blood, and lives, for the defence of his estate, honoure, and life; and ceafe not after his death to write, sing, and publish his prayses, amplifying them also in what they can. As we see in Xenophon the liuely portrait of a great and vertuous prince, drawne under the person of Cyrus, whose praises he hath with wonderful eloquence fet forth, to give example to other princes for to imitate and conforme themselues vnto; as did Scipio Africano, who having alwaies before his eyes and in his hands Xenophon his Cyropedia, and framing himself to the imitation thereof, profited so much as that he in vertue, honor, and proue, surmounted all the kings and princes, not of his owne age onely, but of former times also; in such sort, that certaine pirats enchanted with the report of his fame, and knowing that he was in his houfe in the countrey farre from any towne, came and befet the fame: against whom as he was about to put himselfe with his people in readinesse, and fo to have stood vpon his guard: they perceiving the fame, forthwith threw downe their armes, affuring him that they were not come thither, but only to see him, and to do him honour, which they most humbly requested, that they might be admitted to do him. Now if the luftre and brightnesse of vertue in such a prince, hath drawne euery theues and pirats 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 fence, which would not wonderfully reioyce to heare it reported, how that Menander king of the Baetrians, was for his vertue & iustice so well beloved of his subiects, as that after his death the cities were at great strife & debate amongst themselues, which of them shalde have the honor of his sepulchre neither could the matter be appeareth, vntill that at length it was agreed, that euerie one of them should in the honour and memoriall of him build a feueral tombe or sepulchre.

What tyrants malice also or dissimulation is so great, whom Pline his Panegyrical oration would not drudge into a phrensie? who when he had therein with all vertue prayses fo adored Traian the emperour, as that it seemed nothing more could thereunto be added: he fo conclueth the period, That nothing greater or better could bee wished for vnto the Commonweale, but that the immortal gods would imitate the life of Traian. Which excessive amplification, although it lay out of impietie, yet who doubteth but that it proceeded from the zeal of a most famous man, towards his most excellent prince? for whose daunger at his going out, and welfare at his comming henc, all the temples were all fatted; and who himselfe in his solemn prayers, was thus woond to couenant with the gods, That they should keep and preferr him, if they saw it to be for the good of the Commonweale. What tyrant is so cruel, what how foever he make, which most hardly witheth not for the honour which king Agelius receiued, at such time as he was finted by the Ephori, for having alone robbed the hearts and gained the loue of all the ciuens vnto him? What king is there, which witheth not to have the name of Artifides the Iufte: a title more diuine and royalle than euer prince yet knew how to get: albeit that in stead thereof many have caufed themselues to be called Conquerors, Befiegers, Lightnings. Now on the contrarie part, when as we read of the most horrible cruelties of Phalaris, Buefris, Nero, and Caligula, who is he which is not moved to a just indignation against them? or hearing of their miserable
and wretched ends, can contain himselfe from rejoycing thereat?

Thus have wee seen the most remarkeable 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 easie to be deemed, when the prince taketh part of a good king, and some other part of a tyrant: fo as it were tempering the good with the bad. For so things oft times fall out, that for the varietie of times, places, persons, and other occasions presenting themselves, princes are constrained to doe such things, as may seeme vnto them tyrannicall, and vnto others commendable. Wherefore let no man measure Tyrannty by Seueritie, which is oft times in a prince most necessarie: neither for his castles, gardes, and garisons: neither by the soueraignty of his commands, which are in deed more to be wished for, then the sweet requests of tyrants: which draw after them an inequivable violence. And that is it for which in law, he which hath bound himselfe at the request of a Tyrant, is awaies againe to be restored into his former estate, wherein he was: whereas if he that shall doe at the commandement of a good prince shall not by the law be reliev’d: neither are those murders, proscriptions, banishments, incels, rauilmounts, and other such villainies which happen in euill warres, in the chaunging or destruction of the states of Common weales, or the establisement of the same, to be called tyrannies: for that in such violent conversion and chaunge of state, it cannot otherwise be. As it fell out in the Roman Triumuirat, in the election of divers Emperours, and in our time Cosmus de Medicis, first taking upon him the dukedom of Florence. For he after the death of his kinman Alexander Medicis, flaine by the conspiracie of his enemies, tooke vnto himselfe a strong garde of straungers for the defence and safetie of his owne person: built castles and strong holds: fortified the citie with strong garisons: imposed new tributes and customs vpon the subiects; which vnto the common people, and men abusung the popular libertie, seemed violent oppressions and tyrannies: but vnto the wise men necessarie and wholesome remedies: especially in such a sicke citie and Commonweal, as with most desperate diseases and incurable vles was like otherwise to haue perished: as also against such vnruly citizens, and inured to all licentious libertie: who had a thousand times conpired 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 hapneth often that the state of a citie or Commonweal ruinated by the too much lenitie and facilite of one prince, is againe reliev’d and withheld by the austere seueritie of another. It is sufficiently knowne how terrible the tyrannie of Domitian was vnto the Senate, the nobilitie, and other the great lords and governours of the Roman Empire; in so much that all his lawes and edicts were by their procurement after his death repeall’d: and yet for all that was he even after his death also most highly by the generall consent of all the provinces commended: for that the Proconsuls with the other magistrates and officers of the Commonweal, were never before more vigilant or freer from corruption then they were in his time, for fear they had of his seueritie, & him. But when Nerus who succeeded him in the Empire, abhorring seueritie, enclin’d altogether to lenitie, & things began to fall into a most miserable estate; the lawes being prostituted, justice petuerted, and the poore by the mightie oppressed; then Fronto the Conful with many moe with most earnest desire, wished for that cruellie and tyrannie which they before had commended in Domitian. Also when a prince with moost harpe seueritie as with a bridle, keepeth in the minde and licentious desires of a furious and headstrong people, as if it were an untamed beast: such wholesome seueritie ought in no wise to be accounted or called tyranie; but to the contrarie Cicero calleth such licentious libertie of the vnrule people meere tyranie.

It may be also that a prince may exercise tyranie against the great ones in the state, as...
it alwaies hapneth in the violent change of an Aristocratice 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 infranchiseth the common people from the servitude of the nobilitie, and the rich by that one and felte fame act to gaine the goods and wealth of the rich, and the fatoure of the poore. But of all tirants there is none leffe to be detested than he which preeth vpon the rich to ease the necessitie of the poore. Now they that praise the goodnes, bountie, and courtesie of a prince, without wisdom; are themselues vnwise and ignornat in matters of state, abusing therein both their praisers and leaftare: for as much as such simplicite without wisedome is most dangerous and pernicious vnto a king, and much more to be feared than is the great seueritie of a cruell, courteous, and inaccessible prince. So that it seemeth our aunntient fathers not without cause to hate vised this Proverbe, That of a craftie and subtil man is made a good king: which laying vnto the delicate eares of such as measte side all things by false opinions rather than by sound reaones, may seeme right strange: for by the too much suffertude and simplicite of too good a king, it commeth to passe that flatterers, extortioner, and men of most wicked disposition, without respect, enjoy the principall honors, offices, charges, benefices, and preferments of the Commonwealth, spoiling the revenues of the state: whereby the poor people are gnawne vnto the vertie bones, and cruelly made slaues 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 curtseie of the king, proceed many michiefs and cuilis; as impunitie of offenders, of murdters, and oppreers f: for that the king so good and so gratious cannot refuse to grant them pardon. In briefe, vnder such a prince the publique good is turned into particular, and all the charge falleth vpon the poor people: as wee fee in cathares and fluxes in sicke and rheumarique bodys, the maladie will falleth vnto the weakest parts; which to be so, we might proue by many examples aswell of the Grekes as of the Latins: but we will go no farther then to this our owne * realme, which was in the most miserable case that euer it was, vnder the raigne of Charles (named 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 so wayward and inaccessible, as that no man durst come vnto him to craue any thing of him; haue driven the courtsey dogges, and shameles persounes far from him, bestowing rewards, offices, honors, and benefits vpon none but such as were vettuous, and had well deserued of the Commonweale: and withall so gouerning his bountie, as that at the time of his death were found in the common treasuie almost a thousand Seftertios, that is to say, a centenarie hundred thousand french crownes, besides three moneths tribute which was now due: neither was the Commonweale any then indebted, more than vnto the Swifgres, and the Banque of Lyons, whom he would not pay, so to keepe them in awe: at which time he had firme amitie 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 captains, and of the wiseft men of the world.

But within twelve yeares after that Henry the second his sonne raigned (whose bountie was so great, as that the like was never in any prince of his time,) we saw the state almost quite changed: for as he was sweet, gratious, and courteous, so could he not deny any thing to any persoun; so that his fathers treasures were in few moneths scattered, the great offices and places of command were fet to sale more than euer, the greatest spirittuall preferments without respect bestowed vpon unworthy men, magi

Diners causers this doing prince vnto Tyrannie.

A true Pardox.

The happiest care of France vnder King Henry the first, a wayward and hard Prince.

The lenitie and immodest bountie of King Henry the second, much hurtfull vnto the kingdome of France.
stracies fold to them that would give most, and so consequently to the most unwor-thie greatest custoames and payments exacted than euer were before: and yet when he died, the estate of the receipt of Franse was found charg'd with two and fortie milli-0ns, after it had left Piemont, Sauoy, the isle of Corfica, and the frontiers of the Low country: Howbeit that all these losses were but little, in comparison of the losse of his reputation and honour. Whereas the facilitie of this great king bene temper'd with feueritie, his lenitie with some rigour: his bountie, with a certaine sparing, and that for a weake and foft spirit, he had borne a stout and courageous mind: we had no doubt lin'd both well and happily, neither had the Commonweale fallen into such miserable calamities as now we have endured.

But to hold this golden meaneth (some man will say) as it is hard for euertie man to do: so for princes whom diuers strong perturbations call out of the middle course vnto the one or other of the the extremest, it is of all others most hard. True it is, that vertue consisting in the meanes, 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 to it is neuerthelesse, that it is better and more expedient for the people and the preferva-tion of an estate to have a rigorous and feuerie prince, than to gentle and courteous. The bountie of the emperour Pertinax, and the enraged youthfulnesse of Heliagabala-hus had brought the Roman empire even vnto the vertie point of vter ruine: when as the emperours Seuerus of Afrike, and Alexander Seuerus of Syria, by a rude kind of feueritie and impetuall aufteritie reestablifie the fame, in the former brightness and ma-jestie, to the great and wonderfull contentment of all good men. Thus therefore is the prouerbe that we receiv'd from our auncetors (That of an euill and stubbile man is made a good king) to be understood: for otherwise the word euill, of the proprietie of it selfe, grieifth not so much feuericie, as the vtermost point, or the extremitie of impetue, 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 feuericie and rigour, so that he do nothing contrary to the lawes of God and nature. But forasmuch as this discouerte hath brought vs on so far, let vs see also whether it be lawfull for a good man to lay violent hand vpon the person of a tyrant.

Chap. V.

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

He proprietie of the word Tyrant, being not well knowne, hath de-ceived many, and armed the subiectes vnto the destruction of their princes. We haue before said 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 succesion, neither by lot, by will, nor in due warre, nor speciall calling of God: and this is he, whose poth 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 prowess, armes, statues, crownes, and in briete the goods of the Tyrant also; as vnto the true delierer of his countrey, or as the Cretensians vse to say of his mother. Neither in this case 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
of his fellows, what colour of vertue or justice fouect they pretend: and that more is, in law he is quitte of death, that wrongfullly takeh vppon him any the markes proper vnto foueraigne majestie. If then the subiect will invade or take vppon him the state of his king by any means whatsoever; or in a popular or Arisfoecticall state, doth of a companion make himselfe a foueraigne, hee defere to death: So that our question in this refpecc hath in it no difficulty, but that such aspersers may of all the people, or any of them, be lawfully slaine. Yet true it is, that the Greekses have in this point differed from the Latins; as whether a man in this case ought by way of fact to preuen the course of justice? For why, the law Valeria published at the request of Pub.Valerius Publicola gueth leave to every man to kill a Tyrant, and afterward to trie the cause of him fo slaine. Which law feemeth also not to want good ground of reason: for that to proceed by way of justice, the Commonweale should bee confunded with the firebrands of tyranny, before the fire once kindled could bee quenched. Besides that, who should cal into question of justice the Tyrant, armed with his guard and garrisons? who should take him being posseffed of the castles and strong holds? were it not better by times to oppresse him by force, than by too religious standing uppon the proceeding of the law, to loose the law together with the state? Howbeit the law of Solon is quite contrarie vnto this, expressly forbiending to proceed by way of fact, or to kill him, that seeketh to posseff himselle of the foueraigne, but first to bring him vnto his trial; which feemeth more reasonable than the law Valeria: For that otherwise good & innocent men might oftentimes be taken out of the way and slaine by their enemies, under the color of aspiring, before the truth could be tried, who fo once dead, are in that regard always accounted as men unjustly slain. But these two lawes so repugnant and contrarie, may in mine opinion thus be well reconciled; if the meaning of Solons law be referred vnto him, who loue procecding of aspiring, hath nor as yet posseffed the castles or strong places, seduced the people, nor armed himselfe with strong garrisons: and the law Valeria vnto him who hath openly declared himselfe a Tyrant, seeking vppon 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 Brutus and Caesius even in the Senate and most open assembly of the people, slew Caesar, thinking of nothing lesse. But Solon, when he too religiously (should I say) or superstitiously, had ordained that Tyrants should be lawfully put before they were put to death, whilst he yet lued law Pissistratus of a subiect to aspire vnto the foueraigne of the Athenian state, against whom for all that they which slew the Tyrants at Athens proceeded not by way of justice; whoe children neuertheless Harmodius and Aristogiton slued, contrarie vnto the law, by the priuat authoritie of Solon onely.

But there might many questions be made, as, whether a Tyrant who by force or fraud haue oppresed the libertie of the people, and fo aspired vnto the foueraigne, may be unjustly slaine; haueing after his aspiring caufed himselfe to be so chosen or confirmed by the voices of the people in generall? For why, it feemeth that such a solemn act of election, is a true ratification of him in tyrannie, the people consentinge thereunto. Yet must I Nevertheless of opinion, that he may lawfully be slaine, and that without any lawfull procede 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 bee 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 then Sylla caufed himselfe to be confirmed dictator for fourecore yeares, by the law Valeria, which hee caufed to be publick, haueing at the same time a strong and puissant armie of his own
within the citie; * Cicero said, That it was no law at all. And in like case Cæsar, who about thirtie fixe yeares after, caused himselfe by the law Setuia, to bee made dictator perpetuall. And also Cosmus Medicis, who after the death of his kinman Alexander haung an armie in the citie of Florens, caused the Senators to chuse him duke of that citie for cveu: 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 fafetie of them selves, and of the rest of the citizens, hasted the rather, to make choice of him. Howbeit if the children or poteritie of a tyrant, shall for long time, as by the space of an hundred yeares, in continual possefion hold the souetaigne, poslesfled by their great grandfathers or auncelstours, and so by their iuft commandes, gouern the Commonweale; such a government ought not now to be called a tyranny, for that in this cafe, as in all other things, a prefferption of so many yeares femeth in stead of a just title. And whereas it is said, that the rights of souetaigne cannot be preffrebed: that is to say, in leffe then an hundred yeares, and concerneth pruat men, who the Commonweale yet standing vp right, seek to vurpe the souetaigne, but concerneth not the generall conuertion or change of the whole state of a Commonweale. Wee said that the possefion of the poteritie of a tyrant ought to be of long continued without interrup- tion or interpellation: that is to say, that the subjectes have not with any confpiracie re- bellion, or intercession, troubled the gouernment of the tyrant, or of his poteritie: for thereby it is in a fort euent, and to bee gathered, the subjectes of their owne accord to haue yeelded vnto his commandes, and to haue taken him for their iuft prince. But interpellation or gain faying, and resistance, may as well be shewed & 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 vpon the head of Cæ- fars stature Cæsar himselfe in vaine fretting theretoe; who afterwards vnto such grante of honours and preferments as he gaue vnto his friends, would still add that, If by Aquila his leave we may do it. And thus much concerning a Tyrant, whether hee bee a good man or an euil, who without all righ hath applied vnto the souetaigne of the Com- monweale wherein he liueth.

But the chiefe question of this our discourse, is to know, whether a souetaigne prince come vnto that high estate by election, or by lot, by rightfull succession, or by iuft warre, or by the especiall vocation of all mightie God; forgetting his dutie, and be- come without measure cruel, couetous, and wicked, to perturbing the lawes of God and man, and such an one as we commonly call a Tirant, may be lawfully slaine or not. And true it is that many interpreters, both of Gods and mans lawes, haue faid it to be lawfull: many of them without distinction joyninge these two incompatible words togethers a King a Tyrant: which so daungerous a doctrine hath bene the cause of the vttre ruine and overthrow of many most mightie empires, and kingdomes. But to define this question well, it behoueth vs to distinguisht an absolute souetaigne prince, from him which is not so: and all subjectes 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 subjectes. For as of all noble acts, none is more honorable or glorious then by way of fact, to defend the honour, goods, and lives of such as are vniustly oppreseed by the power of the more mightie, especially the gate of iustice being flute against them: as did Moses seeing his brother the Israelitish beaten and wronged, by the Egyptian, and no manes to haue redresse of his wronges; so is it a most faire and magnificall thing for a prince to take vp arms to relieue a whole nation and people, vniustly oppreseed by the crueltie of a tirant: As did the great Hercules, who traueling ouer a great part of the world with wonderfull provses and valour destroyed
destroyed many most horrible monsters, that is to say, Tyrants: and so delivered people without number among the gods: his posterity for many worlds of yeares after, holding most great kingdomes, and other the imitators of his vertues: as Dio, Timoleon, Aratus, Harmodius, Aristogiton, with other such like honorable princes bearing the titles of chaflters and correctors of Tyrants. And for that one only can't Temir-Culu, whom our writers commonly call Tamerlan emperor of the Tartars, denounced ware vnto Baiszet king of the Turkes, who then besieged Constantinople; saying that he was come to chastise his tiranie, and to deliver the afflicted people; whom indeed he in a few battell vanquished in the plaines nere vnto Mount Stella: and having slain and put to flight three hundred thousand Turkes, kept the tirant (taken prisonnet) in chains in an iron Cage vntill he dyed. Neither in this case is it materiall whether such a vertuous prince being a straunger proceed against a Tyrant by open force, or finenes, or else by way of injustice. True it is that a valiant and worthy prince hauing the tirant in his power, shall gaine more honour by bringing him vnto his triall, to chastise him as a murtherer, a manqueller, and a robber: rather then to vie the law of arms against him. Wherefore let vs resolve vpon that, that it is lawfull for any stranger to kill a Tyrant; that is to say a man of all men infants, and notorious for the oppression, murder, and slaughter of his subiects and people. But as for subiects to do the same, it is to be knowne whether the prince that beareth rule be an absolute oueraigne; or not: for if he be no absolute oueraigne, then muft the Soueraigne 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 injustice, 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 Maximinus: for that the Roman Emperours were at the firstt nothing else but princes of the Common weal, that is to say the chiefes and principall men, the oueraigne neutralthelie still reyalting in the People and the Senat: as I haue before showed, that this Commonweal was then to have bene called a principalltie: although that Seneca speaking in the person of Nero his scholler layeth: I am the onely man amongst living men, elech 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 oueraigne authoritie by force wrested from the Senat and people of Rome: but in right he had it not, the state being but a vertie principalltie, wherein the people had three fouveraignetie. As is also that of the Venetians, who condemned to death their Duke Father, and also executed many others, without forme or fashion of any lawfull process: forasmuch as Venice is an Ariftocraticall principalltie, wherein the Duke is but the first or chiefe man, foueraigne still reymaining in the state of the Venetian Gentleman. As is likewise the German Empire, which is also nothing else but an Ariftocraticall principalltie, wherein the the Emperour is head and chiefe, the power and majestie of the Empire belonging vnto the States thereof: 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 injustice and power over them. So also might we say of the state of the Lacedemonians, which was a pure Ariftocratic, wherein were two kings, without any foueraigne at all, being indeed nothing but Captaines and Generals for the managing of their warrs: and for that cause were by the other magistrats of the state, sometime for theirs faults condemned to pay their fine; as was king Agesilas: and sometime to death also as were Ages and Pausilias. Which hath also in our time hapned vnto the kings of Denmarke and Sweden, whereof some have bene banished, and the others died in
prison: for that the nobilitie pretendeth them to be nothing but princes, and not Soueraigne, as we have before shewed: so also are they subject unto those states which have the right of their election. And such were in antiquitie the kings of the cities of the Gauls, whom Cæsar for this cause oftentimes calleth Regulus, that is to say little kings: being themselves subject, and in effect unto the Nobilitie, who had all the Soueraignie: causing them even to be put to death, if they had so defected. And that is it for which Amphion the captain generall, whom they called the king of the Liegeois said; Our commandes (laith he) are such, as that the people hath no leafe power over us, then we over the people: wherein he shewed evidently that he was no Soueraigne 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 Soueraignie, if they polluted with wickednes and villainie, cannot be chastised by the authority and senectitude of the magistrat, but shall abuse their wealth and power into the hurt and destruction of good men; it alwaies hath and shall be lawfull not for strangers onely, 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, Molchosie, Tartarie, Persia, Ethiopia, India, and of almost all the kingdomes of Affricke, and Asia, where the kings themselves have the soueraignie without all doubt or question; not diuided 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 dignitie of the soueraigne: albeit that he had committed all the wickednes, impietie, and cruelie that could be spoken; For as to proceed against him by way of justice, the subject hath no such jurisdiction over his Soueraigne prince: of whom dependeth all power 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 eafe, as we have said, and shall yet more fully in due place say. 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 flave 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 question 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 condemn their soueraigne prince. Now the subject is not only 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, as 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 perfect state, except he have conspired against the life and dignitie of his soueraigne prince: this onely thing they have thought to bee some, as that for which hee may worthily seeme to have bene now already judged and condemned; yet euen before he was thereto accused. And albeit that the lawes inflicted no punishment upon the euii 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 conceit a thought for the vilifying of the person of his soueraigne prince, although he have attempted nothing, they have yet judged this same thought worthy of death, notwithstanding what repentance souer he have had thereof. As in proofe it fell out with a gentleman of Normandie, who confessed himselfe vito a Franciscan Friar, to have had a purpose in himselfe to have slaine Francis the first,
first, the French king: of which euiil purpose and intent he repenting himself, received of the friar's abolution, who yet afterward told the king thereof; who sending for the gentleman, and he confessing the fact, turned him over 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 we cannot say, that the judges did for fear; seeing that they had oftentimes refused to ratifie the edicts and letters patents by that gracious king granted, notwithstanding whatsoever commandement he did give them to confirm the same. And so in Paris, although a foolish man and altogether out of his wit, called Caboebe, 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 humane or frowne; although the laws eriere where excuse the madde and lustyke man, from all punishment, what murder or villanie heuer he doe; seeing that hee is more than enough tormented with the frantike furious passion it felle. And least any man should think themselves to have bene the authors of these laws and decrees, fo the more straitly to provide for their owne safety and honour, let vs see the laws and examples of holy Scripture. Nabugodonofor king of Assyria, with fire and sword destroyed all the country of Palatine, besieged the city of Hierusalem, tooke it, robb'd and rased it downe to the ground, burnt the temple, and defiled the fountaine of God, slew the king, with the greatest part of the people, carrying away the vefl that remained into captiuitie into Babilon; and yet not fo contented, caused the image of himfelfe made in gold, to be set vp in publike place, commanding all men without exception to adore and worship the same, vpvn paine of being burnt alue: and caused them that refused to doe, to be cast into a burning furnace, and yet for all that the holy Prophets directing their letters vnto their brethren the Jews, then in captiuitie at Babilon, will them to pray vnto God, for the good and happe life of Nabuchodonofor and his children, and that they might so long rule and raigne over them as the heauens should endure. Yea even God himfelfe doubted not to call Nabuchodonofor his servant; 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 himfelfe worshipped, but caused his image to be also adored, and that vpon paine of being burnt quick. And yet for all that we see the prophet Ezchiel, inspired with the spirit of God, angrie with Sedecia king of Hierusalem, greatly to detest his peridious dealing, dilloyaltie, and rebellion against king Nabuchodonofor, whose valiant hee was, and as it were reioyczeth him to have bene moft fually blaine. We have also another more rare example of Saul; who perfell'd with an euill spirit, caufed the prietes of the lort to be without iust caufe slain, for that one of them had received Dauid flying from him, and did oftimes what in his power was, to kill, or caufe to have bene killed the fame Dauid, a moft innocent prince, by whom he had got so manie victories ouer his enemies: at which time he fell twice himfelfe into Dauid his hands; who blamed of his moft valiant fouldiers (ouer whom he then commanded) for that he would not suffer his fo mormall an enemie then in his power, to be slain, being in moft affaited hope to have enjoyed the kingdome after his death, he detesteth their counsel, saying, God forbid that I should suffer the person of a king, the Lords annointed to be violated. Yea moreover hee himfelfe defended the fame 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 blaine, and that a fouldiour thinking to do Dauid a pleasure, presented him with Saul his head: Dauid forthwith caufed the fame fouldier to be blaine, which had brought him the head, sitting, Go thou wicked, how durft thou lay thine impure hands vpon the Lords annointed?
ted: thou shalt surely die therefore: and afterwards without all dissimulation morned 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 revenged 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 abhorr'd 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 rebel 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 Jews, whom they called the Effete (that is to say, the true executors of the law of God) held, that foueraigne princes whatsoever they were, ought to bee unto their subjects inviolable, as persons facted, and sent unto them from God. And wee doubt not, but that David a king and prophet, led by the spirit of God, had always before his eyes the law of God, which faith, Thou shalt not speake evil of thy prince, nor detract the Magistrat. Neither is there any thing more common in all the holy Scripture, than the forbidding not one to kill or attempt the life or honout of a prince, but even for the verie magistrats also, although (faith the Scripture) they be wicked and naught. If therefore he be guiltie of treason against God and man, which doth but detract 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 laws of men: For the law Iulius holdeth but him guiltie of treason, which shall give counsell to kill the magistrat, whereas the law of God exprely forbiddeth in any fort to speake of the magistrat evil, or in any wise to detract him. Wherefore to aunswere vnto the vaunte and frivolous 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 bee a God or not, is not with arguments to be refuted, but with seueret punishments to bee chastised: so are they also which call into question a thing so cleere, and that by booke publikely imprinted; that the subjects may take vp armes against their prince beeing a Tyrant, and take him out of the way howsoeuer: howbeit that the most learned divines, and of best understanding, are cleere of opinion, that it is not lawfull for a man not only to kill his foueraigne prince, but even to rebel against him, without an especial and vndoubtfull commandement from God; as we read of Ieheb, who was chosen of God, and by the prophet appointed king of Israel, with express commandement vterly to root out all the house of king Ahab. He before as a subject had right patiently borne all his wickednesse and outrages. Yea the most cruel murtherers and tormenting of the most holy prophets, and religious men, the vnworthy murthers, banishments, and proscipitions of the subjects: as also the most detestable witchcraft of queene Isebel: yet for all that durst he attempt nothing against his foueraigne prince, vntil he had express commandement from God, by the mouth of his prophet, whom God indeed so affilited, as that with a small power he slew two kings, caused feuente of king Ahab his children to be put to death, with many other princes of the kings of Israel and of Juda, and all the idolatrous priests of Basbal, that is to say of the Sunne, after this he had caused Isebel the queene, to be cast headlong downe from an high tower, and left her bodie to be torned in pieces and eaten vp of dogges. But we are not to apply this especial commandement of God, vnto the conspiracies and rebellions of mutinous subjects against their foueraigne princes. And as for that which Calum faith, if there were at this time magistrats appointed for the defence of the people, and to restraine the insolence of kings, as were the Ephori in Lacedemonta, the Tribunes in Rome, and
the Demarches in Athens, that they ought to resist and impeach their licentiousness and crueltie: he sheweth sufficiently, that it was never lawful in a right Monarchie, to assault the prince, neither to attempt the life or honour of their soueraigne king: for he speaketh not but of the popular and Aristocratique states of Commonweales. And we have before shewed, that the kings of Lacedemonia were no more but plaine Senators and captains; and when he speaketh of states, he faith, Possibly, not daring to affile any thing. 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 entered into arms against Charles the emperor, demanded of Martin Luther if it were lawful for them so to doe or not; who frankly told them, That it was not lawful, 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 ruine and detruction of many great and noble houses of Germanie, with exceeding slaughter of the subjects; whereas No cause (as faith Cicero) can be thought just or sufficient for us to take up armes against our country. And yet it is most certain, that the soueraigne of the empire refeth 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 up armes against him, but by a general consent of the state, or of the greater part of them, which was not done: then much lesse is it lawfull to take up armes against a soueraigne prince. I cannot vs a better example than of the dutie towards his father: the law of God faith, That he which speakeh euill of his father or mother, shall be put to death. Now if the father shall be a theafe, a murtherer, a traitor to his country, as an inceftuous person, a manqueller, a blaipheomer, an asheift, 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 thereunto. Quia nulla tanta impietas, nullum tandum scelus est, quod sit parridio vindicandum. For that (as faith an imminent Orator) 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 bee deereetur vno vs by our parents. Wherefore the prince whom you may iustly call the father of the country ought to be vno every man dearet & more rentend than any father, as one ordained & lent vno vs by God. I say therefore that the subject is never to be suffered to attempt any thing against his soueraigne prince, how naughty & cruel soever he be lawfull it is, not to obey him in things contrarie vno 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 should there be; if it should be lawfull for subjicets to kill Tirants? how many good and innocent princes should as Tirants perish, by the conspiracie of their subjicets against them? He that should of his subjicets exact subsidies, should be then (as the vulgar people, accompate him) a Tirant: he that should rule and command contrary to the good liking of the people, should be a Tirant: (as Aristotle in his Politiques fayeth him to be,) he that should keepe strong gardes and garrisons for the saftety of his person, should 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 should good princes be afflueted of their liues, if vnder the colour of tyrannie they might bee flaine of their subjicets, by whom they ought to be defended? Not for that I wold say it not to be lawfull for other Princes by force of armes to prosecute tyrannie (as I haue before faide) but for that it is not lawfull for subjicets to doe. Howbeit that I am rather of Diogenes the Cinike his opinion, who
who one day meeting with Dionysius the younger, then living in exile at Corinth, and seeing him merily spouting himselfe in the streets with jesters and minstrels; verie foolishly laid unto him, Truly thou art now in an etate vnworthy of thee. I hattile thank thee (laid Dionysius) for hauing compassion on me. And thinkest thou laid Dogenys that I thus say for any compassion I haue of thee: mistake me not, for I speake it rather in dispite of the life thou now leadest, to see such a vile slauce as thee, worthy to grow old, and die in the accursed state of tirannie, as did thy father, thus to sport thy selfe in securitie, and quietly to passe thy time among vs. For can any hangman more cruelly torment a man condemned to torture, than fear? Fear I say of death, of infamie, and of torture: these bee the reuenging furies which continually vex Tyrants, and with eternall terrours torment them both night and day: Then enuie, suspition, fear, desire of revenge, with a thousand contrarie passions at variance among themselves, do so disquiet their minds, and more cruelly tirannize over them, then they themselves can overt their slauces, with all the tormentes they can devise. And what greater wretchednesse can happen vnto a man, than that which preseth and forceth the tyrant to haue a desire to make his subiects beasts and fooles, by cutting from them all the waies to vettue and learning: To bee a slauce and subiect vnto a thousand fynes and pryers into other mens slauces, to heare, see, and understand, what is done, faied, or thought of all and euery man: and in stead of ioyning and uniting of his subiects in loue and amitie together: to low amongst them a thousand quartells and dissentions: to the end they should alwaies be at defiance among themselves, and in distrust one of another. And who can doubt but that a Tyrant still languishing in such torment, is of all men most miserable, and more afflicted and tormented, than if he should die a thousand deaths? Death (as sayeth Theophrastus) is the end of all miseries; and the repose of the unfortunat, as sayeth Caesar: neither the one nor the other being in that point superstitious, as not perplexed 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 deferts, is but to with his good and reft.

But most Tyrants have ordinarilie neare vnto their owne persons certeine Mynniors, of whom they make great account and reckning: whom they vfe as spynnes to fuck vp their subiects blood, vpon whom when occasion therewith they discharg their selves; to the end that the people entering into furie, should deie vpon them, and spare themselves: So had Tiberius, Seuen Nero, Tigillin, Dionysie the younger, Phylis; and olde Henry king of Sweden, George Prefchon, whom we read to haue bee en giuen as a prey vnto the furious people, and by them to haue bee en rent and torne in pieces. So the Emperor Antonius Caracalla to pleafe the people, put to death all the flatterers who had before induced him to kill his brother. Neither did Caligula in better fort inretre his claw-backs. And by these sleights haue Tyrants oftimes well escaped the rage and furie of the people. But if the conspirators begun their furie at the person of the Tyrant himselfe, then were not onely his friends and fauourites, but euery his service, childer, and neerest kinsmen, most cruelly slaine. Which they did not onely all Greece over, but in Sicilie also: as after the death of Hiero the Tyrant, ensued the slaughter of all his friends and kinsfolks, the rage of the people with unspeakable crueltie buffeting out, euery to the dismembering of his sisters and collens; his statues were cast downe, all his edicts resouked, not only those which were vniust and vntreauncleable, but euery of those also which were right commendable and necessarie; to the intent that no memoriall of Tyrants might remaine; yet true it is, that oftentimes their good deecess were vniust kept. And that is it for which Cicero said, That there was nothing
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 vpon, viz. whether a good man ought to come vnto the counsell of a Tyrant consulting euent of good and profitable matters? And yet this question dependeth of the other: for if a man make confidence to be abissant vnto a Tyrant, consulting of good things, for feare lest in so doing he should seeme to approve his tyranny: wherefore should he then approve the good laves and decrees by him made? for that is also no lesse to ratifie his tyranny, 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 tyranny which yet is in the force and strength of it selfe, is shored and connenanced by the counsell of good and honest men, under the couet of some one or other good and commendable act, which would otherwise of it selfe fall, by the onely euill opinion conceived of tyranny; whereas he which is alreadie dead, cannot be againe reunited to ratifie his other euill acts. Yea it oftimes falleth out, that not onely the good & profitable acts of Tyrants, but euery their euill and vniust acts and orders are of necessity to be retained alioy, if we haue the Commonwealth in saffie to stand. Wherefore Thrasybulus after he had put to flight the thirtie Tyrants of Athens: and Aratus hauing slaine Nicholas the Tyrant of Sicynone: and to the imitation of them Cicero after the death of Cæsar the dictator, perswaded the publication of the lawes of forgetfulness, to extinguih the desire of reuenge: yet for the most part ratifying the acts of those Tyrants, which they could not vterly disanull, without the ruine of the whole Commonwealth. As for that we read the acts of Nero and Demetrius, to haue beene reuoked, and disanulled by the Senat, that concerneth certaine perpetuall edicts of theirs, which for that they had a perpetuall inconience annexed vnto them, would if they had not bene abrogated, haue in time vterly ruinad all that was now against in order: as for their good & commendable lawes, they were not at all altered. For what time was more glorious than Nero his fiue yeares raigne? what more fit or better for the well ordering of a Commonwealth? Infomuch that Traian himselfe a most excellent prince, deemeed no man to haue bene like vnto Nero, for the well governing of a Commonwealth. Vnto this the opinions of the lawyers agree, who hold the lucellifouts of Tyrants to be bound vnto all such things as the Tyrants their predecedours haue inustly promised or done, but not vnto the rest. So the emperour Constantine the Great, by a law abrogated such things, as Licinius the Tyrant had before vniustly decreed, but confirmed the rest. 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 rescripta non valere precepta: legisim eius reperita 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 revoked all the prodigall gifts and preferments, which he lawfully had belowned vpon wicked men, and of no defect in the Commonwealth: and also disanulled his judgements 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 words without fraud and deceit, which we read in Theodosius, his law, are added against Tyrants Agents, & Brokers, who are especially 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 tyranie beareth sway; or that the Commonwealth is with ciuill wares divised. As it happened in the state of Milan, rent in sunder by the Venetians, the French, the Swiflers, and the Spaniards, euerie one of them taking
unto themselves so much thereof, as they could by force and strength, as if it had been by good right, and the Swayne the rest: where amongst others it foretold saxon the famous lawyer, a favourit of the Spaniards, by fraudulent means to obtain the goods of Triunelius, a worthy captain of the French part: but the Spaniards afterwards driven out, and the French returned saxon was right well beaten with his owne laws and decisions, being by the captain Triunelius againe thrust out of his vniust possession, and that by his owne doctrine. In which case yet the force of laws and decrees ought not to be of so great force and power, as natural and vpright equitie it selfe, which cannot be fully comprized in any laws, but is to be left vnto the religious arbitrement of them who know how to manmage the affairs of state, and wisely to balance the particular profit, with the counterpoise of the publique, according to the inftynt variety of times, places, and persons; alwaies remembering the profit of euerie man in particular, and of all together in general, not to be one and the same: and that the publique is alwaies to be preferred before the priuat, except the priuat be grounded upon the greatest equitie and reason. As if the Receivers in the heat of the cuill warmes, or in the tainge of a Tyrant, or in such time as lawfull enemies make insuasion, shall be enforced to pay the publike money: it is good reason it should be allowed them, as paid into the Commonwealth. For so it was judged by decrees of the parliament of Naples, for them that had paid vnto the receuers of Charles the eight, when as after the resum of the Spaniards, they would have enforced the receivers to haue paid the money twice, natural reason (in this case) preferring the priuat profit before the publike. For the receuers could not otherwise doe, the Frenchmen fully posseised of the kingdom of Naples. But if the Receivers or debtors of the Commonweale, shall without any ammors or constraint, or for some colourable fuit, pay vnto the enemie, or a Tyrant, part of that which is due, to accept in stead of the whole, they shall yet still remayne not onely debtors for the whole, but be in danger also of treason. Wherefore to conclude this question, it is not meet that the good decrees or laws of a flaine tyrant should be repeale or disannulled.

And in this, the princes much deceiue themselfes, which ouerthrow and make void all the acts of Tyrants, their predeceours; and namely they which give reward to them that have slaine Tyrants, to make them a way vnto the souaignite. For they shall never assure themselfes of their owne lyes, if they feuely punish not the conspirators against their owne prince and murtherers of him, although hee were nouer fo great a Tyrant. As most wilfylly did Severus the emperour, who put to death all them which had any part in the murther of the emperour Pertinax: which was the caufe (as faith Herodian) that there was no man which durft attempt his life. So also Vitellius the emperour put to death all the murtherers and conspirators against Galba, who had presented requests signed with their owne hands vnto the emperour Otho, to haue had of him reward for their disloyalitie. And Theophilus emperour of Constanitipole cauased them all to be called together, who had made his father emperour, after they had slaine Leo the Armenian, as if he would have well recompensed them for so great a good turne: who being come together with many other, who though not partakers of the murther, were yet deitrous to be partakers of the reward; hee cauased them altogether to be slaine. And that more is, the emperour Domitian put to death Epaphroditus, Nero his manumised servant, and secretary to the state, for hauing holpen Nero to kill himselfe, who most instantly requested him to doe, being thereby deliered from the executioners hands, and cruell exemplatie death. And these things wee read not onely Tyrants, but even good kings also to haue done, not so much in regard of their owne saetic, 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 ilaine by his enemies. And Alexander the Great caused cruelly to bee put to death him that had murthered king Darius, abhorring the subiect and 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 innoculated, is for that they have not found cruelly towards them which were neere vnto them in blood, albeit that they were attainted, committe, yea and condemned as enemies to their prince, and guilte 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 enemies confpired against king Charles the seuenth and the Commonweale, and the converted death pronounced against him by the Chanceller, yet for all that would not the king, that he should bee executed. Many have blamed this the kings too much eleemosyne, as daungerous: but they see not, that kings in so doing, do not so much deluer their kinmen from punishment, as themselves; neither so much to provide for other mens saetie, as for their own: nor that in forbidding the blood of their kinmen to be flied, they parte their owne: nor that hee which put"teth a prince of his owne blood into the executioners hands, or causeth him to be murthered, forgeth a knife to cut his owne throat. For wee have scene the emperours of Constantynople both of antiquent 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 have of late bene done in the house of Castile: one king in that nation cruelly murthered fix of his brethren: and in lesse than thirtie fix yeares fourecore princes of royall blood, were (as Philip Comiques in his Commentaries reporteth) in England either flaine or executed: the bloudie executioners hands Now the greatest of saetie of a foureaigne prince, is to have their subiects perfuded, that they ought to be holy and inviolat: although it much concerneth the Commonweale also, the kings stocke to be most sacred, leaft the princes of the blood being taken out of the way, the Commonweale fall also; or else troubled with endless secedition, bee rent in pieces, as we shall in due place declare. I know well that some have blamed Seleucus, for not having put to death Demetrius,summered the Befieger, one of the most valiant princes that ever was; but having onely kept him in prison: And Hugh Capet, for having kept in prison the caflle at Orleans, Charles the last of the blood of king Charles the seuenth, king of France, for having kept in prison vntill his death, his elder brother Robert, having before causeth his eyes to bee put out: As also Christien father to Frederike king of Denmarke, for having kept his cosen the king of Denmarke thout of his kingdome, fiue and twenty yeares prisoner, who as a privatetime man there died in prison, in the caflle of Calembourg, being 77 yeares old: And John king of Sweden, who keepeth his elder brother Honour (reiced by the people) prisoner euer since the yeare 1567, leaft he should trouble both him and the Commonweale. But they have bene, and yet are by this means more reverence and honoured of their subiects, than if they had put these their so honourable prisoners to death.

But here some men wil objet, The keeping of such princes prifones, to be a thing full of perill and daunger: which I confesse, and was the only reason that mowed the pope to counsell Charles of France, to put to death Conradin his prifoner, the fonne of Manfred king of Naples. As with like cruelitie had Ptolomei, lati king of Egypt caused Pompey the Great, after his flight vnto him from the bataille of Pharalia, to be slaine; his counsellors laying vnto him, That death is the best: And yet neuertheless
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, seeing himselfe afterward also condemned to die, escaped: yet it was, that the infamous of so detestable a murder, without cause committed upon the person of a young innocent prince, hath yet rested upon them which did the execution to their owne destruction. And truly our auncetours seeing John duke of Burgundie, rashly in the very time of judgment, confessing the murder of Lewis his kinman, duke of Orleans; and yet to have easily escaped the danger, said, That surely from thence forward a man might have the blood of princes good cheap, and in so saying said well. For the same John comming afterward vnder safe conduct, was himselfe likewise rescued, and in cold blood slain; they that were the authors of his death escaping unpunished.

CHAP. VI.

Of an Aristocracy.

A Aristocracy is a forme of Commonweale, wherein the leffe part of the citizens with foueraigne power commandeth ouer all the rest; and euerie citizen in particular. And in that it is contrarie vnto the estate Popular, for that in the Aristocraticall state the leffer part of the citizens command, and in the Popular state the greater; and yet in that they both agree, that they which have the foueraignty, have power to command ouer euerie one in particular, but not ouer 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 ouer 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 Aristocracy may be Loyal, lawfull, or factious; which in antiquitie time the called an Oligarchie; that is to say, a Seignorie of a verie small number of Lords. As were the thirtie lords of Athens, ouerthrown by Thrasibus, whom they called the thirtie Tyrants. Or the ten commissirers, commonly called the Decemuiiri, appointed to reforme the lawes and customs of Rome: and long after the Triumuiiri, who by force oppressing the libertie of the people, invaded the foueraignty. And that is it for which the auncetents have alwaies taken this word Oligarchie, in the euill part, and Aristocracy in the good: defining it to be A government of good men. But we haue before declared, that in matters of state (to vnderstand of what forme euerie Commonweale is) we must not haue regard whether the gouernours thereof be vertuous, or otherwise; but to the government thereof. It is also a difficult matter, and almoost impossible, to establishe an Aristocraticke composed onely of good men: for that cannot bee done by lot, neither by election, the two usuall means: whereunto we may joyneth the third, by lot and election together, as impossible as the other; vertue with fortune hauing no agreement. Neither is lot and fortune to be admitted vnto the consultations of honeste caues: 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 themselves; 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 shameful thing could there be, than the honour and reputation of wise men, to depend on the judgement (should I say, or of the raffhnesse) of the headstrong people. Yet let vs grant some few good and wise men to bee in the citie, truly they will shew euery the vertue sight of the wicked,
A wicked and of the bedleme multitude: neither if they come vnto their common assemblies, be so shamelesse and impudent, as to name and make their choice of themselves as of wifes. For so Lazantius Firmianus meereis lefeth at the feuen Sages of Greece: If they were but wifte (faith he) in their owne judgement, then were they not wise: but in the judgement of others, much leffe, who were not wise in judging no more wise but seuen, and all the rest foes.

But some may say it should do well herein to imitate the ancient Romans, and other Latins, in the choice that they by solemn oath made of the most valiant and warlike man of all other for their Generall: 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, until the number of their Legions were filled. This truely might seeme a good way for the forming of a Commonwealth of good and worthie men, at the first beginning thereof: But who should precise the meane, and number of those good men? and who should be suecie vnto the Commonwealth, that every one of those good men, should still make choice of another good man like himselfe: rather then of his sonne, his brother, his kinnsman, or his friend: and admit it were so done, fish euer 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 Commonwealth 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 Aristocracie, wherein the most vertuous onely had the foueraiginie. For albeit that the Pythagorians hauing drawnne vnto their line the most noble and honorable princes of Italia: in the time of king Servius Tullius had changed cetene Tyrants, into infti Realigies, and were in hope also by little and little to have brought the Oligarchies, and Democracies, into Aristocrates, as in some places they had alreadye done: yet nevertheless it so fell out, that the popular men, and ringleaders of the people, seeing all power and authority, vnder the coulour of vertue, to be taken out of their hands, entered into great conspiracies, and arm'd the people against the Pythagorians, and the desperate rout, against the better sort: as ceste it was for the stronger to oppresse the weaker burnt them in their diet, and malefacted almost all the rest that escaped from the danger of the fire: which shamefull mutchur of the Pythagorians raised great disturbs in Italia.

Whether they be of the better fort, or of the worse; of the richer fort, or of the poorer; of the nobler, or of the baser; of the more warlike, or otherwise which hold the foueraiginie, so that it be the lefster part of the citizens or people, we call it by the name of an Aristocratie. This lefster part of citizens or people we need not to define by any certain number: for that the variety of numbers is infinite, and can by no man be comprehended. As admit there be ten thousand citizens, of whom an hundred haue the foueraiginie; if in their common assemblie thricr score of them shall be of one opinion for the making of a law: that law shall in general bind the other fortie which haue part also in the foueraiginie, 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 tenthousand in particular: Neither yet for all that is the foueraigne right drawne vnto throe three score; But as in euery lawfull Colledge and Corporation, the greater part is euery where the better: so it followeth that three score being of one accord, shall ouer rul the other fortie both altogether and a part: except by law concerning foueraignie it be prouided, that two thirds of the citizens agreeing among themselves, should pruaile against the rest; as we see it set downe in almost all the lawes and statutes of Colledges: by which
The Aristocratical estate of the Pharsalians. The estate of the Lacedemonians. The aristocratical estate of Genua framed by Andrew Doria.

meanseth three score four citizens, shall in the aforesaid number of an hundred, be superior unto the other thirtie six. Wherefore in an Aristocratic we are not to have regard how little, or how great the number of the citizens is; provided that they which have the soveraigne power over the rest, be fewer in number than the one half of the whole. For admit there be an hundred thousand citizens in a Commonwealth, of whom ten thousand have the soveraigne power over the rest, it shall as well be called an Aristocratic; as if of ten thousand citizens, one thousand only should hold the estate: considering that both in the one and other Commonwealth, the tenth part hath the soveraigne: so we may say where the hundred, or the thousand part of the citizens bear the law, and the fewer that they be, the more auflured and durable is the state; so that they be not at variance amongst themselves. As the estate of the Pharsalians was the most durable of Greece, and yet it had but twenty Gouvemours. And the Lacedemonian Commonwealth, 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 Gouvemours, chosen out of the better sort, to continue in the government so long as they lived. The Epidaurusians faith Plutarche had but an hundred and four score of the noblest and wealthiest of the citizens which had part in the soveraigne: out of which number they chose the counsellors of the state. The auncient Commonwealth of Marseilles in Provence (which in the judgement of Cicero was the best ordered Commonwealth that ever was in the world) had in it six hundred citizens which held the soveraigne power, out of which number of six hundred were taken the Senators, and fifteen magistrates, and of these fifteen magistrates were three Presidents set over them in maner of the Roman Praetors. The like we may deeme of the Rhodians and Theban Common-wealths, after that their popular estates were changed into Aristocrates, the richer sort possessing themselves of the soveraigne: than which nothing can bee more commodious for the Commonwealth, especially if good citizens cannot be had. For which cause Titus Flamminius the Consull established the towns and cities of theThralsians in forme of an Aristocratic, making Senators and Judges of the richer sort, and giving to them the soveraigne power, whom it concerned most, that their Commonwealth should continue in rest and peace. Which order Andrew Doria seemeth to have followed in reforming the Commonwealth of Genua, by him drawnne from the obedience of the French, in the yeare 1528, at which time he by the consent of the citizens there established an Aristocratic of eight and twenty families, chosing as well out of the base commonalty, as out of the nobilitie, so that they had fix hundredes within Genua, all whom by a law he made noble, &c. partakers of the soveraigne of the state, leaving vnto their discretion, euer yere to chuse vnnto them ten other citizens, such as they should think fittest for their vertue, for their nobilitie or riches. Out of these eight and twenty famillies, he established a Counsell of fouer hundred men, euer yere to be chosen for the government of the state: who also made choice of the Duke, and euer Gouvemours for two yeares to continue, whom together they call the Seignorie; for that vnto them it belongeth to manage the weightie affaires of the Common wealth: except some such great matter happen, as may require the advice of the Senate, which confining of an hundred persons, is usually euer yere chosen by the nobilitie, by secret voices, by lot giuen, as they do in Venice. And euer one of these eight Gouvemours, after his office expired, continueth for two yeares Procour of the Common wealth: and from that time forward, temayneth one of the pruicilie counsell, together with them which are and have beene Dukes, who are Procours of the Common wealth so long as they live. Besides that there are foure Captaines euer yere chosen, and an hundred men depeted to euer one of those captains, which is a legion of foure
A four thousand men, appointed for the strength and defence of the citie: Over which legion there is one Colonell, or chief Capaine, whom they call the Generall; who are all chosen by the voices of the nobilitie: As for their jurisdiction or administration of justice, they vfe strangers, viz. a Prætor, who is alwaies a stranger; with two Lieutenants his asillants, the one for the receit, the other for criminal cases: and five other Citillians, judges for all priuate causes for two yeares, all strangers also; whom, they call the Rota. Yet besides them, there are seaven extraordinary Judges chosen out of the Citizens, for the extraordinary deciding of caufes. Besides whom were also five Syndicques, to receive informations against the Duke, and the eight Gouernours, after that their charge was expired, cauing proclamation to be openly made, That if any man had any complaint against them for any wrong or inuiie received from them, he should come in and be heard: at which time if none complained, they had letters testimoniall given them, in witness of their upright dealing in their office. The fame yeate that their Counfell, the Senate, and the magiftrats and the grangers, all which belong vnto the right of Soueraignty, as we haue before declared. Now out of this great Counfell of two hundred, they made choice of a perpetual Senat of three-score pettions: and out of that Senat, they take five and twenty to be of the proue Counsell for euer, chosen all by the great Counfell, and the foue Syndicques chosen every yeare for fourtaine Magiftrats, beside the other Judges and magiftrats ordinarie. But the difference betwixt this Commonwealth and that of Genua is notable, but especially in this, that the Genoewes vfe euery yeare to change their great Counfell of lower hundred, and Senat of three score, with other their Magiftrats, except some few which continue for two yeares. Whereas the great Counfell of Genua, the Senat, and priuie counfell are once chosen for euer: yet fo, as that the curtaining of euery one of them euery yere is still retailed vnto the Citizens: which is most straitly looked vnto; whereby it commeth to paffe, that the Commonwealth of Genua is more firme, and lefte subiect vnto alteration or seditionary innovation that is of Genua. Moreover the choice of the great Counfell, the Senat, and of the proue Counfell at Genua is not made all at once, as at Genes and Venice: but a roome being become void by the death or attainer of a counsellor of the proue Counfell of five and twenty, they proceed to the choice of another out of the great counfell, to put in his place into the proue Councell: and after that of a citizen, or at least wife of a Burgeois, to put into the great counfell, a man not any way footed or defamed: not having 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) dyed amongst the Lacedemionians, who after the death of their Senatours, made choice of others in respect of their honour and vertue only.

The Swizers except the Grifons, and the other euie little cantons, haue almoost the fame forme of a Commonwealth; as we see at Zurich the great Counsell of two hun-

X iij
dred, the Senat, and the priuie Counsell, established after the maner of Genuea: or to say better, that of Genuea after the forme of Zurich; which is almoft like vnto that of Berne. Which yettertheleffe differ in this, that with the great Counsell & the Senat change euerie yeare: which they do not at Genuea: for with these the fraternities, which they call Zunffet, euerie one of them composed of one, two or three occupations: which are eleuen at Schaffoufe, twelve at Zurich, sixteen at Basli; and in other places more or leffe, chuse twelue persons of euerie fraternitie, for the great Counsell: and for the Senat they chuse two, as at Zurich; or three, as at Basil; of whom one is the chiefe of the fraternity. So that the great Counsell at Zurich, consisteth of two hundred, of 244 at Basil, of 86 at Schaffoufe. And of Senators at Zurich the number is sixtie, at Schaffoufe twentie fixe; and at Basil fixtie three. But they which are chosenge by the voyses of the fraternitie, are confirmed also by the great Counsell, and by the Senators or magiftrats, or by the old Senat, as at Basil. For the one halfe of the Senat is that which was before, which had the charge alreadie fixe monethes. And the other moytie of the Senat, is of those which are but newly chosenge, to the intent that the Senat should not be wholly changed all at once. True it is, that the auintent Senat of Basil, chosenge alwayes the Senat for the yeare following: and the Burgomafteres who hau for their companions three Tribunes at Zurich, and two at Basil, who with the Burgomafteres being fourie, haue nine other persons, as afsiicts ioned vnto them, and together make the colledge of the thriteene men (as they cal it) vnto whom all the manning of the secret affaires of the Commonwealth are committed: and without whose autortic nothing vuyally is propounded vnto the Senat or great Counsell to resolue of. There are also at Zurich eight men, which haue charge of the common receit, ouer whome one Bourgomafter is gouernour. And at Zurich and Schaffoufe the new Senators determine all cauws criminal: whereas in all the other townes the Proofof the empire, with three Senators in the name of the whole Senat decide the fame: which proofof is also chosenge of the Senat, and generally none may bee chosenge into the Senat which is defamed or base borne. By all which it is manifet, that their eftate is gouerned Ariftocratically; and yet more at Berne, Lucerne, Friburg, and Soleure, where the fraternities and companies have no voyses in the fiate, neither power or authority to meet togethers, more then for matters concerning their occupations and trades: but euerie yeare fourie captains or chiefe men of euerie cite, chosenge euerie sixtie other citizens, men of greatest integritie, and without all imputation: who three daies before Easter make choice of the great Counsell, consisting of an hundred of the better sort of the citizens at Lucerne, and of more than two hundred at Berne: which great Counsell afterwards chuseth the Auoyer, which they call Schuldheffen, and the other magiftrats. And particularly the Auoyer, with the aforesaid sixtie, and the foure captains chose the Senat, which is of xxvij at Berne, and xvij at Lucerne: who haue the power of the fiate at Berne for a yeare. The foure captains are also annuall chosen by the great Counsell; by which captains and the treasurers, all the judges are elected and confirmed by the Senat: which Senat hath also the deciding of the first appeals. The second appeals are decided by the fame Senat of xxvij, and xxvij others whome 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 appeal. The fame order almoft is vied in the fiate of Friburg, in making choyce of the great Counsell, consisting of two hundred of the better sort of the citizens: by whom afterward is chosen the Senat of twenty foure persons, and the Auoyer with the foure captains.

Whereby
A  Whereby it is well to be understood those estates of the Switser to bee Aristocratique, 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, benefits and charge in the Commonweale, if they be not men infamed, distracted of their wits, or otherwise utterly ignorant of government. That is also belonging unto populatitie, that almost all their magistrates are annual: which sometimes of the better or richer fort with the meaner or poorer, in being capable of the honours of the Commonweale, maketh the same much more firme and stable, than if the honours and preferments were communicated but unto the Senators or richer fort only; with whom the vulgar people is most commonly at odds: and that so much the more amongst the Switser, where the nobilitie (except some few) long since destroyed and almost rooted out, the people tooke upon them the soueraignty: which by little and little falling againe unto the nobilitie (excepting in the five mountainie cities) haue with a popular moderation tempered their states with better laws and orders than the rest. For commonly the Aristocraticall state admitteth none but the Senators, the nobilitie, or richer fort, unto the honours and offices of the state, the rest being quite excluded. Howbeit there haue bene moe Aristocratik, consisting of the more aunient and noble families, than of the richer or more vittuous. As the Commonweales of the Samians, the Corses, the Rhodians, and Cnidians: and almost all the Commonweales of Greece, after the victorie of Lysander, were by him changued into Aristocratie of the most aunient families, in chusing out ten or twenty, or at the most thirtie, vnto 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 more Aristocratike: And then also of Rhaguse, of Luca, of Ausbourg, of Nuremberg, to be composed in forme of Aristocrates, of the most aunient families, although they be but few in number. For as for the Rhagufians (in aunient time called Epidaurians) hauing new built the citie of Rhaguse, neere vnto the aunient citie of Epidaurus, ytterly ruled by the firie of the Gothes, and exempting themselfes from the government of the Alhanois, establisshed among themselfes an Aristocratike forme of a Commonwealth, governed by the moe noble and aunient 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 marrie a base woman, or a common citizens daughter: whereas the Rhagufian gentleman may not marrie a common citizen, neither a stranger, how noble soever, if she be not a gentlwoman of Zara, or Catharo, and bee farther worth at the least a thousand ducats. There are also but twenty foure houses, which haue part in the state: out of whom are drawnie dinets families, out of which the great Councell of about three hundred gentlemen is drawn: provided alwayes that they bee twenty years old, when they are so chosen. These make choyce of threescore gentlemen, for the manning of the affaires of the state, and in cases of appeals, so that they be the about the value of three hundred ducats: who haue also the hearing of criminall causes of importance, as if question be of the life, honouer, or state of any gentleman. Beside this Senate there is a priuie councell of twelve persons, with a yearely prince or governour of the citie; and five masters of requets (whome they call Proiuors) men appointed to receive the requets of the people presented vnto them in what court soever. There are also six Consuls to decide civill causes, and five other judges for criminall matters, and thirtie others for the deciding of such suits and controversies as exceed not the summe of three hundred ducats. Many other meaner officers they haue also, of whom we will in due place speake. Truely this Commonweale of Rhaguse hath of all others that we haue heard, the purest Aristocratie, and farthest from all

X iii
The estate of them of Luca.

popular mixture. The city of Luca also governed after the same fashion, admitting only the ancient families to be partakers of the soueraigne of their government, who are but few, albeit that about the year 1555 there were numbered two and fiftie thousand citizens, besides women. Out of the nobilitie are created an hundred & twenty yearly Senators: out of whome are chosen the ten Councillors of the priuie Council, with the prince whom they call the Gonfalonier. And in these consi-

fitheth the soueraigne estate of this Commonweale. Other officers there be also, as Conse-
fors, Pretors, and Receivers, of whome we will in due place speake. Suffieth it now for the present to have shewed diuers Aristocratiack estates, in respect of soueraigne, to the end by diuers examples both of the ancient and new Commonweales, we may the better understand the true nature of an Aristocratie.

And forasmuch as diuers men beleue, and some of them of greatest knowledge of the German haue by writing also published, the German empire to be a true Monar- chie: we will also speake of that estate, whereof although we have in briefe somewhat spoken before, yet here we will more at large thereof discourse, and shew the same to be an Aristocratiack estate. True it is, that from the time of Charlemagne unto the raigne of Henrie I summoned the Falconer, it was a pure Monarchie by right of succession, continued in the roayl blood of the said Charlemagne. But the descent of Charle-

maigne, 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': inasmuch that the seuen princes Electours, having by little and little with-
drawn the soueraigne, have left nothing unto the emperor, but the bate marks ther-
of in shew the soueraigne itselfe in effect remaining unto the state of the seuen elec-
tors, of three hundred German princes of thereabouts; and the ambassadours despatched for the imperial cities. Which when it first happened, I see no man to have 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, until the change be quite made. Now wee have before shewed that it is an Aristocratiack state, wherefore the lesser part of the ci-
tizens or people command over the rest together, and our euerie one in particular.

And so it is, that the estates of the empire, composed of three or four hundred men (as I have saide) have the soueraigne power privately over the emperor himselfe, and over all the other princes, and townswe of the empire in particular: as also to give laws to all the subjectts of the empire, to determine of peace and warre, to lay taxes and impos-
sitions upon the people, to appoint judges both ordinarie and extraordinarie, to judge of the goods, honour, and lies of the emperor, the princes and imperiall townes: which all are the true marks of soueraignitie. Which if it be so, as most certaine it is, who can deny but that the state of the German empire is a true Aristocratie? And that to bee true which I haue saide, is most evident; sith it is so, that the power of soueraigne command dependeth of the acts and decrees of the estates. But the de-

crees are made by the seuen princes electors, accounted for one third part of the voy-
ces: 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 feuentic, or thereabouts, which have the other third part of the deliberative voyces: by whome all the laws and decrees of the empire, or whatsoever els is propounded, haue yefed to be made, established, diisannulled, or confirmed. And hath nothing particular in respect of the state, different from other Aristocracies, but that the seuen princes electors haue (as we said) 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, of 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 Roman religion, took in cuill part the diet which Charles the first held at Lisbon; neither being either fit for, would come. And like as the gentlemen of Venice, Luca, and Raguse, until they be twenty years old enter not into the great council, neither have any part in the fouteignatie: even so likewise the children or neere kindmen of the German princes, be they young, or be they old, have no voices in the diet, if they be not qualified princes of the empire; which are a certaine number of Dukes, Marqueesses, Countes, Lantgrafes, Burgrafes, Margrafes, Barons, Archbishops, Bishops, and Abbats. And albeit that the duke of Lorraine be a prince of the empire, and hath a voice with the rest of the princes, yet so it is, that his vncl the countie Vaudemont, of the same flocke and house with him, as other like princes of the same ranke and order, have neither voices nor places in the affembly of the states and princes of the empire, but are reckoned amongst the children of those princes. Howbeit many are of opinion, the princes and imperial cities to have their fouteaigne in the 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 Swisser have their cities and jurisdictions among themselves, one divided from another. But the difference is to him that looketh neeter therein, that great, yourie Cauton being fouteaigne in it self, and not subiect vnto the lawes and commandments of others; neither otherwise bound among themselues, than in alliance offenfive or defensive, as we haue in due place declared: whereas the German empire is vnitid by the estates generall in souteignatie, who not only have power to bridge the princes and cities, with fines, exile, profecution, and other leuer punishements, but also to depose and thrust out of the empire even the emperours themselfes, as they did the emperorours Adolphus and Venelanus, with many others. Befide that, the estates make ordinacie decrees and lawes, which bind all the subjects of the empire, as well in general, as in particular. And that more is, the ten circles or circuits of the empire, hold their particular estates, and yet bring their requetes, complaints, and grievances, vnto the estates generall, to receive their commandements and resolutions, as lawes. Moreouer the princes electours, the day after the coronation of the emperour, protest themselves to hold their states of the empire, and not of the emperour, albeit that they doe their homage but against the emperours hands. In briefe, all jurisdiction and souteignatie of all appeals in cuill causes, above twenty crownes by the amnient lawes, and fortie by the new, appertain vnto the imperial chamber, as to all the appeals of the subjectes of the empire: which chamber is composed of twenty four judges, and one prince of the empire, chosen every yeare, according to the order of the ten provinces or circuits. And it so be that any controversy arise between any of the princes, or the imperial cities themselves; whether it bee for their bounds, their lives, their honour or states, the deciding thereof 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 set downe in a decree of the empire, That if from that time forward any province, prince, towne, or subject of the empire should beare armes against the German nation, hee should bee judged by the states of the empire; who at that end were appointed to hold a diet at Wormes. And in the same diet holden at Ausburg, it was forbidden all the princes of the empire, to raife any armie, or to take vp armes in the aid of any strange prince, and that vpon a great penaltie. And that more is, it is expresslie and most straitlie forbidden by the lawes
* of the empire, any prince, town, or corporation, to be so hardy, as to prohibit or let the appeals of the subjects unto the imperial chamber, and that upon great pain also. And in fine, the emperor himself, as head of the assembly of the states, made strictly bind them as it were into one body and commonwealth, than if they were but of themselves only; and yet in him resteth not the majesty of the empire, but in the whole assembly of the states. For other which hold the soueraigne power in commonwealths, doe themselves create princes, dukes, and earls, whereas the emperor is himselfe by the other dukes and princes of the empire created. How therefore can he being the sole same man be both the soueraigne and subject of the empire, lord, and vassall, maister, and yet constrained to be obedient unto the estates? And not vnto the estates only, but even vnto the deputies and lieutenants of the empire? Which vnto some may seeme right strange, and yet is indeed most true. I truly my selfe have read the letters of a great lord, petitionarie vnto the king, directed vnto Memnonianie the Connestable, bearing date the twelft of May in the yeare 1552: whereby hee advertised, that Henrie the second, then the French king, had inst caufe to complain vnto the duke of Saxony, and the countie Palatine, lieutenant for the empire, to have justice against the emperor Charles the fit and his brother Ferdinand king of the Romans, according to the golden bull, and decrees of the states: for that they contrarie vnto the lawes of the empire and custumes of their auncelte, having intercepted the kings letters directed vnto the estates of the empire, had not suffered the same to bee vnto them delivered, but also forbidden the archbishop of Mets, chancelour of the empire to receive or present the same vnto the states, as his office was. And by the assembly of the imperial diet holden at Heidelberg, in the yeare 1553, it was decreed, that none of the emperours court should manage any of the affairs of the empire; as I have seen by letters from the French ambassadour. And as for monies extraordinarily tayled by the decree of the estates, for the affairs of the empire, they are not brought into the emperours cofferes, but are laid safely vp in store in certaine cities therefore appointed: auctibus Strausbourg, Lubeck, and Ausbourg: Neither is it lawfull for the emperor to take so much as one peny out of the common treasure, without the consent of the state. All which most plainly show them to be in an error, and much deceived, which call the German emperour a Monarch; or which deeme that Arithomocratie effecte to bee a right Monarchie. Whereas all to the contrary the emperour Maximilian the first, great grandfather to him which now reigneth (albeit that hee was ambitious enough) yet in a discourse which hee had with the states of the empire concerning such matter, told them, That hee thought it not needfull to take the imperial crown 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 extraordinary vertue caufe, neither to diffolve the same: but at the breaking vp of euerie diet, order is there taken for the diet to bee holden the yeare next following. So that it is not lawfull for the emperour to call an assembly of the states, which it was lawfull for the Roman magistrats to do, as also for other magistrats in euerie popular and Arithomocraticall Commonweale, so that it were done by commandinge of euerie one, as in particular, but not of altogether, as in common: After the antient manner of the Romans, whereby the Consill might by his edict call together all the Senators, one by one into the Senat, vpon paine of proceeding against them, by seizing vp their bodies or goods, by way of imprisonment, taking of pledges or raifeing of their houes. And yet for all that the German princes are not bound to come vnto the diet of the empire, if they be by none commanded, but by the empe-
A—rout, as they gave Charles the stf the emperour well to understand, in the yeare 1554:
and also Maximilian the second, lasting in the yeare 1566, to haue any diet then, ac-
tording to his request holden. And if it fortune the emperour, or king of the Romans,
to come vnto the frontiers of their territores, the princes ecuie 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 Emperour beareth himselle as a judge, and deter-
mner of all quarrels and controversie betwixt the Princes, or the imperial Townes;
true it is at the first motion, and when the partie are content to accept thereof, and
that also but as Lieutenant for the Empire: as in like case the Duke of Saxony, and the
Countie Palantine might also judge as the Imperiall Lieutenants: and yet for all this,
appeal made vnto the Estates of the Empire superindeth the power of the Emperour,
also 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, vie these magnificall titles
towards the Emperour, your sacred Maiestie, and such like, which cannot be applied
but vnto him which is himselfe a Soueraigne: such as slaves would feare vse towards
the greatest kings on earth: titles for fashion sake, foolishly or wickedly (should I say)
given by flatterers vnto men, which are only slitting the most mithric and immortal
God. And yet do in deed no more increaue the power of the Germaine Emperour,
then of the King of the Romans: whom by such as prodigall pompe and word, a
man might also think to have the power of soueraigne Maiestie: if that in that Em-
pire there should be two Soueraignes: and yet for all that one of them subject vnto the
other. For to George Helfjein Baron of Gundelphingen, pronouncing the speach of
Ferdinand king of the Romans, in the generall assembly of the States of the Empire
in the yeare 1556, calleth him their Soueraigne Lord.

But the greatest argument of Soueraignitie is, that the Emperour guete the fees of
the Empire being void, vnto whom he pleaseth, and inueth them in 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 neuer theleffe permeth the same; when as they might al-
well cut of this point, as they haue done the other marks of Soueraignitie. And how-
beit that the embassadour Marillac was of opinion, that the Emperour had not this
power: and therefore advertised King Henry, how that the Emperour Charles the stf
had at Bruxelz in the yeare 1551, inuested Philip of Spain in the Duchie of Millan
without the consent of the States of the empire: yet can he not find so much as any
one inuestiture of any Imperiall fee, in the confenting whereof of the expresse consent
of the Estates was had. But certein it is, that the Emperour beftoweth not these fees or
inuestitures, but as in qualite of the Lieutenant of the empire: in such sort as he recei-
ued the fealtie and honor of the princes, for and in the name of the empire. As in
like case Ferdinand the emperour without the consent of the Estates of the empire, re-
cieved Granuellans iuend vnto him with speciall charge and deputation from Philip king
of Spayne in the yeare 1565, to do for him the fealtie and honor of the Empire,
for the Duchie of Millan, and the perpetual Lieutenancie of the principallity of
Sienna: granting vnto him as a vassall of the Empire chatters of his fealtie done: and
for the confirmation of his possession therein. The same is to be thought concerning
the confimations of benefices, and other royall rights, which given by the princes or
cities of the empire, or by the Chapters and Colleges of priesters themselues, are yet
neuer theleffe to be confirmed by the Imperiall authorities: according to the agreement
made betwixt the Bishop of Rome, and the Estates of the Empire. As for letters of
conduct:
safe conduct which he giueth vnto embassadors, heralds at armes, and other strangers, whereunto the ordinarie clause is adioyned in these words, Forasmuch as wee for our imperiall power may do all things: they shew right well that the Emperor 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 1566? or why then should both hee and his officers be by them forbidden so much as to touch the monies by them raised 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 Emperours (by vs before declared) to know yet more evidently, that the soueraignty of the Empire is not any wife in the emperour, albeit that hee carrie the crowne, the sceptre, and weare the other most precious and imperial habits, and in all solemnities and ceremonies hath the precedence before other then the Christian kings, yea and that men attribute vnto him the title of Most sacred Malefic, all in deed having the show of soueraigne and royall maieftie, but yet not the thing it selfe. And yet to lay the truth, a man knoweth not how to do him so great honour, as the maieftie of the facted empire, whereof he is the head, defeauht. But the manner of well governed Aristocratike states, is to grant vnto him the least power to whom they giueth the greatest honour; and sometimes also least honour vnto them that be of most power: as of all others the Venetians in the ordering and government of their Commonweal best know how to vfe that matter. Seeing therefore wee haue thus showed the Empire to see but an Aristocraticall estate, we may well conclud, That there is neither prince nor imperial citie which hath therein the soueraignty, being nothing elles but members of the empire, euery one of them governing 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 towns; the contrarie whereof we haue before shewed. But as in this realme euery citie and signiorie have their Judges, Consuls, Sherifffes, and other their particular officers which govern their estate; so is it in the Imperial towns and citie: but that there are noe roiall Judges; whereas in the empire there is none but the Imperiall chamber onely which receiueth the Appeals from the other judges and lieutenants of the empire. And yet neverthelesse when it chanceth the empire to be diuided into factions, and part takings; or that the princes bandie them selfes one of them against an other (which hath beene too often scene) then euery town and prince for the most part beare them selfes, as divers Aristocratical estates, and particular Monarchies, making of euery member a particular bodie of a soueraigne Commonweale.

Now as the state of the Empire it selfe is entirely Aristocratique, so also the great imperiall towns and citie hold their estates in Aristocraticall forme: as Außburg, Nuremberg, Wormes, and others, which are almost all Aristocracies: albeit that in truth some of them are more popular than others, as is the citie of Strasboure. But for breuitie sake I will for example only set downe the state of the citie of Nuremberg, the greatest, most famous, and best ordered of all the imperial citie, establisshed in forme of an Aristocratie; wherein of an infinite number of citizens there are but xxviiij. aiuntient families which haue power over all the rest of the subiects, which are within the jurisdiction of Nuremberg. Out of these xxviiij. families, they euery yeare first make choice of two Cenforos men without any imputation; which done, all the rest of the magistrates are euery one of them displaced: then the Cenforos according to their owne discretion make choice of xxvii. Senators, who out of themselves chuse xij. persons, for the managing of the secret affaires of that Commonweale: and out of the
the same Senatus also make choice of other eij. Sheriffs also; beside the vij. Bourgmasters, which are an other particular council, 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 affairs of that Commonwealthe. I speak not of the five criminal judges: nor of the twelve appointed for the deciding of civil causxes; neither of the Prouiditor for viuuals, the two treasurers: nor of the three maistres of the wards: almoft of like authoritie with the procurators of Saint Marke at Venice, to the imitation of whom the they of Nutemberg seeme in some sort to have bene destrous to fashion their Commonweale. And albeit that of the imperialis townes some of them be freer than other; as are those which be neither in subjection nor protection of other princes, namely Nutemberg, Strasbougre, Lu"ecl, Hamburg, Brenne, Wormes, and Spires. Yet so it is, that they all as subjectes have a reuerent regard vnto the maiestie of the German empire. True it is, that there are many which have exempted themselves from the power of their princes, to maintain themselves in libertie: and now of late to hold of the empire, as the townes of Brunswick, which hath withdrew it selfe from the obedience of the princes of Brunswieh, Wormes and others, which haue exempted themselves from the power of their ancient lords. As in like case the Swiffers and Grifions, now divided Commonweals, but sometimes subjectes of the empire. And namely, the lords of the Canton of Fribourg, in the tractie of Combour, geoifie, betwixt them and the lords of Berne, call the townes of Fribouge a member of the empire, albeit that they have their state therefrom divided unto themselues in full soueraignty. Some others acknowledge and confess themselves to hold their liberties and priviliges, for the gouvemment of their estate from the emperour; as they of Vri, ynderwald, and Schwiss, having their letters patents therefore from Leu derived from the emperor, bearing date the yeare 1316. They also of Tietmarke for the confidence they had reposed in the strength and situation of their countrey, (placed in the frontiers of the kingdom of Danmark) withdrew themselves from the German empire, and establissh their Commonweale in forme of an Ariftocrates, of eight and fortie of the better sort of them, who so long as they live haue the soueraignty, 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 Chriftermid his great grandfather had of the emperour Frederike the third obtained the soueraignty over them of Tietmarke, for having dismembrted themselves from the empire; so I haue seene by the letters of Maifter Daniel, ambassador for the king into Denmarke.

Wherefore it is manifest not onely the whole estate of the Germaine emprife, but even the imperial cities, themselves also to be gouvemmed in manner and forme of pote Ariftocrates. But heere we must haue regard in considering of the Ariftocrates estate that wee confound not the princes and chiefe magistrats 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 manage the state, as that they are both Senatours and magistrats: which government of few, the Greekes call an Oligarchie. So the Pharsalian estate was gouvemmed by twentye of the nobilitie: the Lacedemonians by thirtie, neither were there moe in all the cities of the Greeks after the victorious of Lyfander. They of Tietmarke were gouvemmed by eight and fortie: and had no other Senatours then the Seignorie it selfe: the Cnidians by three score (whoyme of their integritie of life they called Amymones) but these were but annuall magistrats: where as the other were perpetuall. And all be it that the Cnidians never gave any account
of that they had done in time of their government, yet were they not therefore foueraigne lords, but foueraigne magistrats; who their magistracie once expired, were again to restore unto the nobilitie, the foueraigne governments by them committed to their charge. In like case they of Zurich chose enterie yeate thirtie six magistrats, of whom twelve by conte governed foure months: which forme of government continued vnto the yeare 1330, that the common people enraged and rising vp in mutiny cast them out, creating in their stead a Senat of two hundred of the nobilitie, with a Confull 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 Aristocratie (how little sooner) be it deduse 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 selfe shut vp into a small roome: yet of them is made a Senat of threescore men, out of whom are selected twelve to maninge the secreet affaires of their state. Heretofore also the Commonwealth of Chio established in forme of an Aristocratie by certaine Genus gentlemen of the house Ausiminii, having won it from the emperors of Constantinople; every yeare made choice of twelve counsellors of estate for the Senat: out of whom they chose foure, who with one foueraigne prince or magistrat governed all the affaires of state: the authoritie of which foure for all that, was but for six months, the foueraigne magistrat yet fil holding his place for two yeares: in which manner of government they honorably maintained their estate, vntill that of late yeares it was by the Grand Signior taken from the Genoways, and so united vnto the Tukish empire.

And thus much concerning the definition of an Aristocratie. Now as concerning the profits and dangers incident vnto an Aristocratique estate: & the manner of the government thereof, we will in due place declare. It refeth now to answere vnto that which Aristotlic faith concerning an Aristocratie, being altogether contrarie vnto that which is by vs before set downe. There are (* faith hee) foure forts of Aristocraties: The first, where none but the richer fort, and that to a certaine revenue, haue 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, vse a lordlike power and commande without lawe. And yet neuertheles in the fame booke, and a little after, hee maketh foure forts of Commonweales, viz. the Regall, the Popular, the governement of a fewe, the governement of the nobilitie; and after these a fift kind, composed of the other foure: which (as hee faith afterwards) is no where to be found. But such a medley of Commonweales wee haue before not onely by probable but even by necessarie reasons also, proceed to bee impossible, and by nature altogether incompatible: wherefore letting that passe, let vs now also shew the divers forms of Aristocraties by Aristotle set downe, to bee no waye considerable. First hee no where defineth what an Aristocratie is: the verie cause of his errour. For what can bee more vaine, than to say it to be an Aristocratie where the richer or the better fort haue onely part in the government? For it may bee that of ten thousand citizens, six thousand of them hauing two hundred crownes of ytterely revenue, haue all part in the Seignorie; and yet neuerthelesse the state shal be a popular state, considering that the greater part of the citizens haue the foueraignitie: for otherwise there shalbe no popular Commonwealth at all. The like might be said for the government of the better fort alone, who might chausse to be the greater number of the citizens, which should haue part in the Seignorie: and yet according to the opinion of Aristotle, it should also be an Aristocraticeall estate, albe
be it that the greater part of the people beare therein the sway. As for the gouernment of good men, if we shall measure them according to the highest degree and perfection of vertue, we shall not finde 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 integritie and vertue, as it is an hard matter for any man to do, so hath it also vsuall wise men alwaies semed a thing most dangerous: Insomuch that the wife and graue Cato being choen out for the purpose, durft not giue sentence whether Q. Luc. Pacificus was a good man or not. But admit that in euerie Commonweale the good are in number fewert than the bad; & yet have the gouernment of the common state: why for the fame reason hath not Arisftotle made one fort of Aristocraty, wherein the nobilitie hold the souerainitie: seeing that they are ever fewert in number then the base & vulgar fort: why also maketh he not an other fort of Arisftocratic, wherein the most antiquet families although but of base degree borne 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 ancetftours done, are yet more antiquet and honest then a number of vpftart gentlemen, who happily scarce knowe their owne fathers. He might also make an other fort of Arisftocratic, wherein the tallfeft and greatest should haue the souerainitie as he himselfe faith they do in Ethiopia: and so consequently also an Arisftocratic of the fairest, of the strongest, of the valiantest, of the wisest, of the learnedft, and of others with such like qualities of the bodie, or of the minde: as wee doe to bee incident but into the fewer fort: whereas should enuie an infinite multitude and varietie of Arisftocratic Commonweales. But that semeth also vnto mee most strange that hee should by the second fort of an Arisftocratic, to bee where the richer fort by lot haue the gouernment and manning of the state, whereas alwaies elsewhere, hee ha\'d lost properly to appertaine vnto the popular state. Thus the Athenian Commonweale was of all other most popular, he with Xenophon agree\'th: and yet for all that the greatest honours, offices, and preferments were not their gien, but vnto the richett before the time of Pericles. And in Rome which was also a popular state, before the law Camulus the greatest honours, priesthood, and preferments, were not bestowed vpon any of the common vulgar fort of people, but vpon the most antiquet gentlemen whom they called Patriici: a most certain argument that the Commonweale may bee in state popular, and yet gouerned Arisftocratically: and that there is a notable difference betwixt the state of a Commonweale, and the gouernment of the same, as we haue before faid. As for the fourth fort of Arisftocrates, wherein (as Arisftole faith) some few which take vpon them the manning of the state, vse a Lordlike power and command over all without law, in manner of a tiranie: we haue before shewed the difference betwixt a Monarchie to all, Lordlike, and tirannicall: the like difference whereof is also in the Arisftocraticall gouernment: wherein the Lords may gouerne their subjectts as slaves, and dispose of their goods, as may the Lordly Monarcke, without law and yet without tiranising alse: not unlike the good maister of the family, who is alwaies more carful of his slaves, than of his hired Servants: and so also loueu they better. For why it is not the law which maketh the just and rightfull gouernment, but the true administration of justice, and equal distribution thereof. And the fairest thing in the world that can be defined in matter of state, (in the judgement of Arisftole himselfe) is to haue a wife and vertuous king, knowing how to gouerne his people without law: considering that the law oftentimes fetrueth many but as a maister to deceuie, and maile men in: and is also of it selfe dumb and inexorable: as the nobilitie of Rome complained at such time as the people would needs haue lawes, and be gouerned by
them, after that the kings were driven out, who governed without law & gate judgement according to the diuersitie of the facts or causes presented before them: which manner of justice the confulls and nobilitie, who in some measure held the Commonweale in an Aristocratical state continued, until that the people desirous to bring it vn to a popularitie, requested to be governed by the equalitie of lawes, and not to have their liues, 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 6 yeres debated, against the Lordlike Aristocraticall government of the nobilitie: they at length at the instance of their Tribune Tertius Asa caused it to passe in force of a law, that from that time forward the nobilitie, confulls, 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 they should set downe and make. It is not therefore the law which maketh good Princes, or magistrates in a Commonweale, be it a Monarchie or Aristocraticke; but right reason and justice, ouerruen in the mindes and foules of unjust princes and Magistrates; and that much better then in tables of stone. Neither ever were there more cruel tyrants then were they, which bound their subiects with greatest multitude of edicts and lawes, which the tyrant Caligula of purpose, and to no purpose, casuall to bee set downe in so small letter, as that they could hardly be of any man read, but with Laureus eyes, to the intent thereby to entangle the noe through ignorance transgressing the same: whole succession and uncle Claudius in one day made twenty edicts; and yet for all that was never greater tyrannie then then: neither worse or more vilious men. But as an Aristocraticke well ordered is of it selfe a marvelous faire and goodly state: so can there be none worse if it be once corrupted: when for on 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 haue in ancient time fallen out, when as in many Aristocraticque eftates none was by the nobilitie admitted into their number for the government of the state; but that they must first sweare, to bee for ever enemies vnto the people, and all popular men: a course not so much tending to the destruction of the comunallie and people, as of the nobilitie and mightie men themselves: and so to the utter suubersion of all Aristocracies, as we shall in due place declare. And thus concerning the Aristocraticall 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 ouer thoff altogether, and ouer euerie one in particular. The principall point of a popular estate is feene in this, that the greater part of the people hath the Soueraigne command and powert not onely ouer euerie one in particular, but also ouer the lef ter parte of all the people together. As for example in Rome, where there were but five and thirtie tribes or companies of the people: eightenee of these companies together, had soueraigne powert ouer the other feuenteenee: and authoritie to establishe lawes, whereunto both they and euerie one of the Citizens in particular were subiect and bound, wherfore Tiberius Gracelus the factious Tribune of the people requested Marcus Otilianus 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 division of lands: and for opposing himselfe against the profit of the people. Also at such time as Lucius Vaullus, the budge Tribune by request which hee presented unto the people, concerning the division of lands, defcribed that the commisioners which had that charge, might bee chosen by the greater part of the feauterenece tribes of the people only: Cicero, then Consull tooke thereupon occasion amongst the other things to crosse the entertainement of his request, and publication of the law, saying, that the Tribune in so doing went about to deceaue the other eighteene Tribes, that is to say the greater part of the people of their voices, which the Consulls objection was the leffe to have bene regarded, and the more easily to have by the Tribune bene answered, for that his request was, but if it pleased the people (that is to say, the greater part of the thirty-five Tribes) that the leffe part of the people (that is to say the feauterenece tribes) might appoint the commisioners, so that the majestie of the people notwithstanding his request remained still whole and untouched: considering that the leffe part of the people was thereunto to be deped, but at the will and pleasure of the greater part: to the end that the greater part of the people should not still for euerie trifling matter be called together. So by the law Domitia it was provided that if by the death of any of the Augures, Prefets or Bishops any benefice fell void, they should assemble but by 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 Collidge of Augures or Bishops to be admitted and received.

When I say the greater part of the people to have the fouereignitie in the popular estate; that is so to be understood, when the voices are to bee taken by Pole as in Venice, in Rhagufe, in Genua, in Luca, and almost all Aristocraticque 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 leffer part of citizens, as is hath commonly chanced in ancients popular Commonweales. In Athens the people was diuided into ten principal tribes, whereunto in fauour of Demetris, and Antigonia they joined two others, of them called Antigonia and Demetris: and againe the people was diuided into thirtie fixe claues or companies. But such diuisions according to the diuers enceasings of the people, and more easie and commodious giuing of voices are often time changed. So Romulus at first diuided all the people in Rome, which then was about three thousand into three tribes or parts: and after that euerie part into ten companies, appointing one euie one of them all head: howe be it the voices (as Liny faith) were then al giuen by poll. But by the ordination of king Servius the people was againe diuided into fixe companies, according vnto every mans wealth and revenue: in such sort, as the first company wherein the richeste were enrolled, had as much power as all the rest: if the centuries of this first company were al of one accord and mind in giuing of voices, that is to say fourecore centuries, which were but eight thousand persons, for in that case the voices of the other five companies were never asked. But if two or three centuries of the first company were not of the same opinion with the rest: so many centreis of the second company were drawne out as might supply that defect, and that so often in euerie company, till the number of fourecore companies were filled vp. So that in taking voices they seldom came vnto the third & fourth company: but most seldom vnto the first, and vnto the sixt nearest: in which sixt company was the refete of the people, and poorest citizens, which according to the view then taken, were in numbers above threecore thousand: befeide the bourgeffes and citizens of the five first companies 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 fouraunitic. But shortly after the expulsion of the kings the common people seeing themselves oppressed by the wealth & power of the greater, resoluted thrice from the nobilitie, and held their state apart: so to intent they might every one of them, as weel the poore as the rich, the base as the noble, have their voices alike; neither could they be before quited, until they had obtained power out of the body of themselves to chuse their Tribunes, the maintainers of their liberties: whereof their Tribunitiall assemblies began first to be holden. But for as much as the nobilitie & richer fort dispersed among the tribes, caused the poorer & meaner fort (for the most part their followers) to give their voices at their appointment & pleasure; there was a decree made, That from henceforth the nobilitie should no more be present at the assemblies of the common people: which was then divided into eighteene tribes, which by little and little in continuance of time rooke such increase, that they grew to the number of five and thirtie tribes: who at length by meanes of their factious Tribunes got into themselves the fouraunitic of the Commonweal, with power to make all the lawes, and chuse all the magistrates, except the Consuls, the Praetor, and Censor, which for that they were the greatest magistrates, they were still chosn by the greatest assemblies, that is to say of the nobilitie and people together, the whole body of the people beinge (as wee said before) divided into tribes or companies. But forasmuch as the enfranchised men, and such as by desert had obtained the libertie of the citie, mingled through all the tribes of the people of Rome, in number far exceeded the natural and antient citizens, and so by multitude of voices, carried all things away from them: which (as we have before said) was by Appius the Censor done, whereby to gratifie the vulgar people, and by that means to obtaine of them what so he would: Fabius Maximus the Censor by great wisdom overthrow all the grace that Appius had by cunning got, by thrusting all the enfranchised men, and such as were of them descended, into four tribes by themselves so to prettre the antient and freeborn citizens in the right of their voices. For which onely fact by him brought to passe without tumult or sedition, he obtained the name of Maximus, or as wee say, the Greatest. Which his order still continued, until that about 300 years after, Servius Sulpitius' Tribune of the people, would needs have the enfranchised men againe enrolled into the Tribes of their maimers by whom they were before manumitted or set at libertie: but before this his motion was brought to effect, he was himselfe slaine: which for all that in the time of the ciuill warres between Marius and Silla, was by Marius (having ceiffed upon the citie) effected: so to make the estate of the Commonweal more popular, and to weaken the autoritie of the nobilitie and richer fort. Demo:thene after the victorie of Philip king of Macedon at Chorio:na attempted the like at Athens; by presenting 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 even openly rejected, albeit that there then were not above 20000 citizens: which was euery thousand more than 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 fould for slaves: and yet the multitude of the slaves was than ten times more than the number of the citizens.

This which I have said, may well serve to answer: for which which might bee alleged, That there is nor other haplyuer was any so popular a Commonweal, as wherein the subiects had all voices alike: or if they had, that they could all meet together to make lawes, create magistrates, and vfe the other markes of fouraunitic: a good part of them
them to the contrary being ordinarily still absent, and so the lefle part making the law. But it suffixed, that the greater part of the tribes carried away the matter, albeit that haply in some one tribe a thousand citizens were in voicces equal into another, where in there were ten thousand; considering that the prerogative of euetic manes voyce was in this tribe reforted unto him. Yet hereby it came to passe, that the more ambitious sort of men oftentimes by bribes or favour corrupted the chiefemen, and as it were the ringleaders of the tribes, especially at such time as the lefle part of the people was present at the assemblies: Which to meet withall, it was therefore oftentimes 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 present at the assemble, who gave their consent to the revoking thereof; as is oftentimes to bee seen in Demophiones. And the Ofstraiime (as Plutarch writeth) tooke no place upon 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 also obfervd in the lawes of the Venetians, being of any great weight or importance; and namely in laws concerning the execution of justice, whereto this clause is adiyned, That the great Council fhall not in any thing derogat from the law established, except there be at the lefle a thousand Venetian gentlemen there present; and that of them, eight hundred all agree in one and the same 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 Collegiats, and of them alfo the most voyces must agree, to give any law or order unto the rest. And in all the assemblies of the Venetians, which have bene called together for the government of the feigniorie in our dyes, there have scarce at once met together fittene hundred gentlemen: so that when the law willeth a thousand of them at the lefle to be present, the meaning of the law is, that there shoulde two third parts of those which have voyces in the flate be fitt present, and of them eight hundred to bee of one opinion for the pasning of any matter: which I thinke to bee therefore done, for that eight hundred of them make the greater part of fittene hundred: a thing requifit, where voyces are taken by the Poll, as in Venice, and not by tribes or companies, as they did in Rome and other popular effates, by reaſon of the infinite multitude of them which had part in the feigniorie. And in Rome, until the law Fufla, (made 693 yeares after the building of the citie) they confounded the voices of the tribes, to the intent it might leffe be underftood which way every tribe had gone, so to avoid the difpleasure of the citizens among themſelves, about the gining of their voices. So at Strasboug the most 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 Gritons, 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 luffragges or voyces. True it is, that the cantons of Ve, Schwic, Vnderwald, Zug, Glar, and Apenzel, which are true Democracies, and hold the more popular libertie, for that they are mountaineers, make their assemblies for most part in open places, and there euerie one of them (being forteene yeares old) giue their voices for the chusing of the Senat, the Aman, and their other magiftrats, which they doe by lifting vp their hand, after the antient forme of the Athenian xaparvne, and manner of other fuch popular Commonweales, sometimes confaining their neighbours with drite blowes to hold vp their hand, as they did of old. In like manner the tribes of the Gritons, which are of others most popular, and most popullty governed of any Commonweale that is, make their common assemblies for the choice of their Aman: (which is the foueraigne magiftrat in euerie one of their little cantons:)
where he which hath bene Aman the three yeares before, standing uprigh, and excusing himselfe vnto the people, caueth of them pardon for whatsoever hee hath done amiss in his office before: then after that hee appointed out three citizens, out of whom the people chose one for their Aman or chief magistrat for the yeare following: after whom they chose also his lieutenant, who is as it were the chancellour, and thirteenth other councilors, of whom four are of the council for the more secret affaires of the state, and after them the Camarling, or Chamberlaine treasurer for the common treaurie. But in this there is a notable difference, betwixt the government of the Grifons, and of the other Cantons of the Swiflers: for that hee which can giue 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 sway 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 seene by the letters of the bishop of Bayonne, ambassadour for the French king: and afterward by Maistre Belliere ambassadour also, and a man of good vnderstanding in matters of state, hauing the fame charge, gaue the king to vnderstand, in the moneth of May 1555, how that the ambassadour of Spaine had almost caueth all the companies of the Grifons to renoult, in somuch that in assemblie of the Cade, there were more voyces for Spaine, than for Fraunce. And after that how that they of the Commaillial of Linguedine, hauing not receiued the money promiseth 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 treaurie. Wherein the French ambassadour likewise haue brought himselfe, that notwithstanding the Spanish prudence, they within two moneths after, together with the rest of the cantons of the Swiflers sent 27 ambassadours into Fraunce, to renoult and confirme their former alliances.

These examples of popular cities we have set downe, that thereby the force and natur of popular states and Commonwealthes might the better be understood: Wherefore let vs then conclude, That to be a popular State or Commonwealth wherein the greater part of the people haue the foueraignty, whether their voices be givenc by poll, by tribes, companies, parishes, or communities. 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 foueraignty: And afterward for example bringeth forth xiii. hundred citizens in a citie, of whom a thousand of the better & richer fort haue the foueraignty, excluding the telt: 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 foueraignty, being men of the poorer fort. And after that hee concludeth thus: The popular estate is wherein the poorer fort of the citizens haue the foueraignty: 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 not. And by this means Aristotle to establishe his owne, receieth the common opinion of all people: yea even of the Philosophers and law-givers themselfes: which common receiued opinion hath alwayes beene, is, and shall be mistris in matters of state. And yet hee had neither true nor probable reason to depart from the common opinion; where-at thereof enuenteth a thousand intolerable and inequitable abudanties. For so we might say that the faction of the Decemviri or ten commissioners, appointed for the correfting and amending of the euill lawes and customes of Rome, taking vpon them the foueraignty, was a popular estate: albeit that all histories call it an Oligarchie, although they in that barenes of the Commonwealth were not chosen for their wealth, but for their
their wisdome only. And to the contrarie, when the people for the maintenance 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 forf had the soueraignitie, and but five hundred of the poorer forst were excluded, that that state were an Aristocratie. And againe to the contrarie, if there were but five hundred poorer gentlemen, which had the government out of the rest of the richer forst, one should call such a Commonweal a popular estate. For so faith Aristotle, calling the Commonweales of Appollonia, Thera, and Colophon popular states, wherein a few auntient verie poore families had the soueraignitie over the rich. Yea he faileth on further and faith, that if the greater part of the people having the soueraignitie, giue the great offices and honours of their state vnto the freeft or talleft of their citizens, it shall no more be a popular, but an Aristocraticke estate: which is an other foule erroure in matter of state, considering that to judge of an estate, the question is not to know who haue the magiftracies or offices: but only who they bee which have the soueraignitie and power to place and displace the magiftrats and officers, and to giue lawes vnto every man.

And these absurdities, and others also much greater then they, ensue hereof, in that Aristotle hath mistaken the manner and forme of the government of a Commonweale, for the soueraignitie thereof. For as we have before faid, 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 fo undifferently 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 forst onelie, or some few of his favourts. And to the contrarie, if the people having the soueraignitie, 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 Aristocratie. So if the nobilitie, or a few of the beiter forst should haue the soueraignitie, and yet bestowe the most honorable charges and preferments vpon the poorer and bafer forst, as well as vpon the rich, without fauour or respect of persons: the state should be Aristocraticque, and yet popularly governed. But if all ot the greatest part of the people having the soueraignitie, shall giue the honorable offices and preferments indifferently to all, without respect of person, or by lot bestowe the same vpon all the citizens: a man might wele judge that estate not onlye popular, but also to be most popularly governed. As was done at Athens at the request and motion of Aristides the juft: whereby all the citizens were received into all the offices of the Commonweale, without respect of their wealth, contrarie to the law 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 forst should haue the soueraignitie in the state, and fo exclude all the rest of the people from the honorable places and preferments in the Commonweale, to to kepe them to themselves alone: one might say that estate to not be aristocratike only, but also aristocratically governed; as wee 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 auntient, and much lesse of the moderate writers which invent of matters of state or Commonweales, haue once touched this point. True it is that I cannot deny the same; yet this distinction neverthelesse seemeth 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 infinit
nate labyrinth of errors, where into we see Arisotle himselfe to have fallen: mista-
king the popular Commonweal for the Aristocratique: and so contrarie wise, con-
trarie to the common received opinion, yea and contrarie to common sense also: For
these principles evil grounded, nothing that is firme 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 have for good reasons be-
fore rejectted.

Wherefore let vs firmly set downe and resolve that there are but three forms of
Commonweals, and no more, and those simple also, and without any confused mix-
ture one of them with another, albeit that the government be sometimes contrarie to
the state: As a Monarchie is contrarie to a Democracy or popular estate; and yet ne-
evertheless the souveraigne may be in one onely prince, who may popularly govern
his estate, as I have before said: and yet it shall not be for that a conntion of the popu-
lar estate with a Monarchie, which are states of themselfes incompatible, but is well
(as it were) a combining of a Monarchie with a popular government, the most airted
Monarchie that is. The like we may deeme of the Aristocratique estate, and of the
popular government: which is by farre more firme and sure, then if the estate and go-

ternment were both Aristocratique: the state standing almost immoveable, when as the
subjicets by such a moderat kind of government are amongst themselves combyned as
also vnto 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 selfe receiued no comparison of
more or lesse. For the souveraigne 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 fors of Commonweales by vs let downe. And as for that which we have said,
that the government may be more or lesse popular, may be deemed fo to be, by the
Commonweales of the Swifles, where the mountaine Cantons of Vri, Schwits, Vndecuald,
Zug, Glaris, and Apenfel are fo popular, as that the souveraigne of the Com-
monweal resteth onely in them all, so that they be fouereene yeares old, in forsuch
that their chiefe magistrates & places of greatest commnaund are sometime given even
to vere Sadlers, and such other mechanicall men: neither of the aforesaid Cantons is
any one of them walled except Zug. The other new Cantons and Genuea, are lesse
popular, governning themselfes by certain lords, which they call the Councell, as I
have learned by Mafter Baffe: fountain Bishop of Limoges, who long and discreetly
without blame, as any one embasfladour, hath to his great honour managged this
charge. And albeit that the Bernoies and they of Zurich compose their Senat of dif-
uers handy crafts men, yet they vse commonly to treat their Auoyers (or chiefe ma-
gistrats) of their moff noble and auintent families: whereby they are lesse sufciet vnto
seditions and tumults: whereas the lords of the three Cantons of the Grifons being
more popular, are also more sufciet vnto seditions and tumults, the people in their
affembles being hard to be governed: and once moued, hard to be pleased; as the am-
basfladours of princes haue alwaies by experience found. For the true nature of the
people is, to desire libertie without restaint of bit or bridle whatsoever: and to have all
men equall in wealth, in honour, in paynes, and rewards: without regard of nobiletie,
wisedome, or vertue: and as Plutarch faith wisely to have all cast into lot, and even bal-
ance, without respect or favour of any man, then if any valiant or honourable minded
of the nobiletie or richer sort shall by any means attempt to restraine the people so in-
temperetly abusing their libertie; them straight waies they do what they can to kill or
to banish, and confiscating 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 puff vp with the punishment or slaughter of some one mightie man, violently breaketh out vpon the rest, and that especially if it be once come to armes, and that the nobilitie be by the force of the people outrethowe. As it happened at the establishing of the popular estate of the Swiflers, after the battell of Sempach, where all most all the nobilitie was slaine, and 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 Berne (which is in them the leffe to be maruellod at, for that the nobilitie there, with great falletie and without force of armes, made their peace with the victorious common people, now before quite spent with ciuil wattres.) Yet for all this infolencie, did the Swiflers more moderately vse their popular libertie, than did in antiquite the Grecians or Italians, who oftentimes would needs have all bonds and obligations burnt or canceled: yea sometime the common people set on by such as were faire endeavoured, and put vppon the creditors and rich men, robbed their houses, and enforced them to make an equall division of their posesfions and lands, forbidding them the having or posesfion of cattell or lands, above a certaine number or rate by them set downe: from which kind of dealing the Swiflers have alwayes abhorr'd. And albeit that the publike pensions of princes, and gifts of strangers, in some of the Swiflers cities, are not laid vp in the common treasur, but divided among the people in particular; in the diuision whereof he that hath most male children hath also a greater part than the rest: yet for all that, when as they of the canton of Glarisi requested of Merlet, the French kings ambassadour, in the yere 1550, That the privat and extraordinarie pensions, which the greater men yeartly receiv'd of the king, might together with the publike pension bee equally diuided amongst them all: King Henrie denied it to doe, and said, He would rather restraine his bountie, than suffer his privat libertie to be so at their pleasure confoundt with the common. Yea that worse is, the insolent libertie of the aunciente Grecia popular Commonweales, proceeded to that libertie (should they) or rather lewed madneffe, as to banish them that were more wise and discreet than the rest for the manning of their affaires; as they did Damon, maifter to Pericles: and not onely wise and discreet, but euen the moft iuff and vertuous alfo; as was Aritides in Athens, & Hermoloras at Ephesus: which what is it else, than to go about to pluck vp vertue itselfe by the root? But they were afraid leaft so great brightnesse of vertue in one great citizen, or subiect, should so dazzle the eyes and minds of the rest of the common people, that forgettting their libertie, they should chuse rather to live in subjection vnto vs wise and vertuous a man, than to rule theselves. Which thing they the more feared, if vnto his vertues and good parts were joyned nobilitie, or power, or experience in great matters; who with force joyned thereunto, might from the citizens either with their will, or against their will, extort their libertie. Whereas the nobilitie and better sort, to the contrarie make no account or reckoning of the popular state: but think in good reason, that he which hath the moft 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 alwayes desire and seek to have themselves alwayes diuided and seperated from the dregges and rascall sort of the common people. Sith therefore the princes and nobilitie so much differ from the common and base people, it is a thing impossible by any meanes to make them together equal: or being made in honors and command, even to reconcil the among themselves, together with the Commonweale: and so (as they say) with one and the same breeding 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 indifferent, both for the rich and the poor, the nobilitie and the base; which the nobilitie thought Solon to meane of the equalitie in Geometrical proportion; and the people of the proportion Arithmetical: whereby it came to passe, that both the states yielding vnto him, gaue him power for the making of them lawes, and establishing of their Commonweale. But these things, as also what commodities or inconueniences attempted vpon euerie Commonweale, shall in their due places bee more at large declared: sufficient it is now with what breuitie well might be, to haue set downe the descriptions and kinds of all Commonweales, as also what is to euerie one of them proper, straunge, or common with others; and also who in euerie Commonweale hath the power of Soueraigne maieftie. Now let vs prosecute euerie part and limme, as it were, of a Commonweale, which are tied vnto the Soueraigne maieftie of the state, as members vnto the head; viz. the Senat, the magistrats, the officers, colleges, and corporation, and that in such order as we haue here rehearsed them.

*Pinas Lib. Secund.*
THE THIRD BOOKE OF
OR CONCERNING A
COMMONWEALE.

CHAP. I.

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

Senat is a lawfull assembly of Councillors of Estate, to give advice to them which have the soueraignty in euerie Commonweale. For so order requireth, that having before spoken of them which have the power of soueraigne majes-
tie, and of the marks thereof, and also touched the diversi-
tie of Commonweals: we should now also speake of the Senat, as of the chiefe and principal part of a Commonweal,
next vnto the prince. Not for that a Commonweale can-
not 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 having not whom to trust, taketh advice neither of his owne people nor of strangers;
but of himselfe alone, as we read of Antigonus king of Asia, and of Lewes the ele-
teenth the French king; whose the emperour Charles the fift doubted not in that to imitat: as also of Caius Julius Caesar among the Romans; who never spoke any thing vnto others, of the enterprizes he had in hand: nor of his journies, no not so much as of the day of cartell; and yet performed great matters, albeit that he were befet with many great and right puissant enemies: and was therefore the more redoubted, for that his designs were so close and couert, as that they were still executed before they enemy could perceive them: who still was by that means ouertaken, and ere hee were aware surprised. Besides that, the captains and souldiers reposing themselves in the wise-
dome of such a prince or generall, were alwayes in expectation, preit, and readie even in a moment, to performe whatsoever he should command, but with the holding vp of his hand. No otherwise than the members of a bodie well composed are alwayes read-
die to receive & put into execution whatsoever reason that command them, although they be no whit partakers of the conceale 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 govern the same without counsell; or a dull and vnsift man of himselfe for government, but well proyded of a grave and wise counsell? And truly vnto the wise neither the one
not the other seemeth any thing worth. But if the prince be so wise as they supposse, as

That a wise prince neereht not alwayes to be advised by his counsell.

The definition of a Senat.

This man, as hee is, shall not be advis'd by any man.
that he greatly needeth not of counsell: yet the greatest point for his advantage in matters of any consequent, is to keep his dignities and resolutions secret, which once laid open and so made knowne, serve no more but as minnes discovered; cauing oftentimes the ruine and decay of most famous cities and states. And therefore the wisest princes haue still vied to speake and take most of such things as they meane least. And as for an brave headed and foolish prince, how should he be well provided of a grave and wise councell, fith that the choice thereof dependeth of his owne will? and that in a prince there is no greater signe of wifdomne, 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 wifedomne is fo tare amongst men, and that we must with all obedience retenue such princes as it shall please God to send vs the fairest with that they can make is, That they may have a grave and wise counsell. For it is not by much so dangerous to have an euill prince and a good counsell, as it is to have a good prince misled by euill counsellors; as said the emperor Alexander. Wherefore we say, that a prince ought to follow the good advise and counsell of his grave and wise counsellors, not onely in his more great and weightie affaires, but euin in his meane and leaft matters also (albeit that in truth nothing can be meane or little, which concerneth the Commonweale.) For there is nothing that giuent greater credit and autenticke 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 advise 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 have done. And that of all others, Charles the fift, the French king, was woont best to doe: For hauing a purpose to drive out of his kingdome the Englishmen, who in seatie held all the castles and townes in Aquitaine; and now proued of all things, which he thought needful for the doing thereof, he receiued the complaints of the Frenchmen of Aquitaine (the king of England his fubiects) against the English gournons, directly contrarie vnto the tracts of Bretagne, who for such appeales and complaints vnto the king, had vied them euill. Upon which occasion, whether of purpose fought for, or by chance offered, the king tooke hold: but yet would not undertake the warre, without the counsell and good liking of the nobilitie and people, whose helpe he was to vs therein. Wherefore he commanded them all to be assembled vnto the parliament of Paris, pretending that he had sent for them to haue their advise, and by their wisedomne 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 success. But when the subiects see things done either without counsell, or contrarie to the will and decrees of the Senat or counsell, then they contemne them and let them at naught; or els fearfully and negligently do the commandes of their princes and magistrats: of which contempt of lawes and magistrats, ensue the feditious and flanderous speches of the people; and so at length most dangerouse rebellion, or els open conspiracie against the prince, drawing after it the vter subversion of all estates. And so Hiero king of Sicilie was together with all his kindred and friends most cruelly slaine, for that hee so proudly and insolently contemned the Senat, nor in any thing asked the advise thereof, by the advise whereof this grandfathier hauing invaded the foueraignty) had before gouerned the state fiftie years and more. The same errour committed Cefar, not only in the time that he was Confull, but in his dictatorship also, neuer ving the advise or counsell of the Senat: The principall occasion that was taken for the killing of him, being for that he vouchedfas not to rife vnto the whole bodie of the Senat, (conflifting of about a thousand Senators) comming at once vnto him; too arrogantly and
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) persuaded not to doe. For which selfsame cause, 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 Senatours to death: which thing was not dangerous onely vnto those princes which wee haue now spoken of, but also vnto Lewes the eleventh the French king, who in nothing asked the advice of his Counsell, but had thereby (as hee afterward confessed) brought himselfe within an inch of his vertue: for which cause, hee would not that his soune Charles the eight, should understand any more but three words of Latine (and those, suche as are razed out of the historie of Philip Commer,) to the end that muttering of his owne wildeome, he shoulde confesse vpon the graue counsell of others, and to by their advice to manage his affaires rather than by his owne. For it is right 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 in-structed 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 Traian, neither any of greater knowledge than Nero; and yet for all that, this man had never his peace for crueltie, 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 proffitable in a Monarchy, and so necessary in all Populace and Suprastiticall eateasts, as is in man wit and reason, without which his body cannot long gomme it selfe, or haue at all any being let vs first speake of the qualities requisite in Senatours 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 vnto the Senate or Counsell in a Commonwealth.

First we sayd the Senate to be a lawfull assemblie: which is to be understood of the power which is giuen them by the prince, or soueraigne 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 occurrents doe oft times of themselves require, and as it were point out the same. Yet is the decree of Lycurgus in the mean time to be commended, forbidding any profanitries or pictures to be in the place where the Senat shuld consult, for that the object of such things as we behold, oft times detract the phantasticks, and transport reason else where, which ought wholly to be intent to that which then is to be consulted. We said moteouer in the definition of a Senate, That they should be Counsellors for the estate: to put a difference between them and other counsellours and magistrates of the Commonwealth, who are oftentimes called to giue their advice vnto the counsellours of estate, yea and vnto the prince himselfe, every one according to his qualitie and vocation; and yet are not for all that counsellours for the estate, but onely vpon occasion men extraordinary called. And as for the name and title of Senatour, it signifieth a man well stricken in yeares: as also the Greeks call the Senat yaparion, which howeth well that the Greeks and Latins composd their Senats of seniorit or aged men, whom our countrie men call Seigneurs, for the authoritie, reuerence, and dignitie, which hath alwaies beene giuen vnto the ammients, as vnto the wilest and men of greatest experience: vpon that hope and opinion that they

Great learning in
a prince fomenting
dangerous.
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 fideltas per
stipitatur, nisi nobis & uniamis, proprio seniori: Let credit be gien to no man upon his
oath, but unto vs and every proper elder: whereby he meant the manumitted mens
patrons, rather than the Senators; as if honour and reuerence were due rather unto
the elder, than the younger. Also by the outome of the Athenians, when the people
were assembled to give their advice, the hustler 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 prerogatixe
unto the aged, to give counsell unto the Commonweale, but also the Egyptians, Persians,
and Hebrewes, who taught other people well and wisely to gouerne their eftates. And what more divine order would we have than that of God: who
when he would eftablishe a counsell unto the Israelits his people, * Assemble unto me
(saith he) of the most aumtient of the people, wise men, and fearing God. For albeit
that a man might find a number of diferent, wise, and vetuous yong men, experimented
also in the affaires of the Commonweale (a thing for all that right dificult,) 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 counsell should not
be received, either of the yong or of the old: for that they of like age would essentime
themselves as wise as they, and the other themselves much wiser than such yong coun-
fellours. And in matters of state (if in any thing in the world) opinion hath no less
yea, and oftentimes more force than the truth it selfe. The common people thinketh,
and that right well, yong men worser, or else right seldom to excell in wisedome: but
they which are such, can neither gouerne the people, nor chastifie the offendours, or in
the open assemblies of the people persuade them vnto that which is good and profis-
table. Neither is there any thing in a Commonweale more dangerous, than the sub-
jects to have an euill opinion of the Counsell or magistrats which command ouer
them: for then how shall they obey them? and if they obey them not, what issue is
thereof to be expected. And therefore Solon forbad any yong man to be admitted into
the Senat seemed he neuer to wife; which the Grecians in their owne language have
better set downe than the Latins saufet, utrique senis et vetustatis ejus. And Licurges before
him, had compose his Senat of the elder for. And not without cause have the lawes
given the prerogatixe of honour, privileges, and dignities vnto the Elders; for the pre-
fumption we ought to have that they are wiser, of better understanding, of more ex-
perience, and fitter to give counsell than the younger for. Yet for all that, is not that
granted to all old men; no not to them which having before excelled in vertue and
wisedome, are now growne to old and decrepit, as that their natural forces faile them,
and their braines weakened, can no longer do their dutie, but are now as men defituite
of wit and judgme, unable longer to use the instruments by nature gien them to
reason with, so that in them their vertie mind seemeth to be with age both weak and
sick; whom Plato himselfe, who appointed the Elders to be keepers of his Common-
weal, hath excused from any longer bearing of charges in the Commonweal, or for
any more giving of counsell. It is also said in the holy Scripture, That God having
chosen several Elders, powerd upon them abundance of wisedome: for which
cause the Hebrewes call their Senators, the Sages, or wise men. And Cicero elegantly
(as he doth all things) calleth the Senat the soule, the reason, and understanding, of a
Commonweal: meaning thereby to conclude, that a Commonweale can no more
maintaine it selue without a Senat, than the bodie can it selue without a soule; or a man
himselfe without reason: and that Senats should by long experience and praftice be
able
ABLE and readie, to havee, 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 reforming the manner and conditions of the people; and in briefe in the whole disposing of the Commonweale, are all nothing else but the execution of such things as are by a wise counsell determined and resoluted upon: which the Greeks for that cause called τεφευα ῥαωβάλη, as if nothing could be more facted than good counsell, and the Hebrewes תובים, 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 vpon the downe. When I lay a wise counsell, my meaning is that politike wisdome should bee euer ioyned with faith and justice: for it is no leffe, and I know not whether more dangerous, to have a Senator or Counsell consiting of euill and wicked men, how wise and expert fouter they bee; than of the ignorant and foolifh: for that these as they cannot much profit, so can they not much hurt the Commonweale; whereas the other by their mischiefous counsell to revenge themselves, make no question or doubt to endanger or overthrow the whole state of the Commonweale, so that they onely may stand safe in the midst of the ruines thereof, yea and many times contribat to their own confience, stick not most earnestly to creede their aduenturous opinions, although most profitable to the Commonweale, turning their pittie hatred vnto the common destruction: albeit that they reap no other profit 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 sort of Senators there are also which are led neither with ennitie, hatred, nor loue of any man, but with an obstinate conceit and loue of their owne opinions, from which they will not by any reason or persuauion 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 feeme to have erred in their discourses, or lightly to have changed their opinions. And that was fome, such strong conceited men, account it a great shame to them, to agree with any other man in opinion; but thinke themselves to have most bralyly acquired themselves, if as when men drue but one naile with another, they also shall obturde 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 wrought sea, if he cannot by reason of the tempest in saftime put his ship into the desired port, yeldeth then vnto the wind, and taketh in all his sailes, lest otherwise carried away by force of tempest he suffer shipwrecke: and forthwith it out, vntill the sea be againe calmed, and more favourable winds arise: Even so the irremovable resolution of a Councellor, in consultations of matters of state, was neuer of wise men commended; but alwaies deemed as a thing ioyned not onely with a certaine obstinacy, but also arrogancie of mind: Whereas to the contrarie, sometimes to change a mans opinion, is not onely commendable, but also wholesome and profitable unto the Commonweale: and according to the new occurrents of time, to apply also the deuices of new counsellors; sometime with the agreeing voices, approving the opinion even of the more ignorant and simple sort. And therefore Sir Thomas Moore in the Vtopian Commonweale by him deuised, wifely set downe, That nothing should be 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 vindfully deliwered his opinion, should not afterwauers force himselfe to maintain the same, tharte.
ther than to yield to reason.

Wherefore it becometh a wife Senator, even in the entrance of the Senat, to lay down all favour towards his friends, all hatred towards his enemies, and all high conceit of himself; aying in 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 ready to defend whatsoever was once decreed for the good of the Commonweale, as that they which had before impugned the same, would now to conform themselves for the effectuating thereof, as that they would themselves repel 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 Senat: which manner of custome the Achaen and Florentine Commonweales, afterwards borrowed from the Lacedemonians. And albeit that learning be alwayes necessarie for a Senator or Councillor, especially the knowledge of antiquitie, and of the effates of Commonweales: as also to be seen in the lawes of his owne country, which he ought not to be altogether ignorant of, yet is a sound judgement joynd with faith, justice, and integritie more necessarie: by means whereof he may easily perswade 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他

holden to any forren lord or prince, for any thing that he holdeth of him, whether it be by realtie and homage, by mutuall obligation, or by pention, which hee receiveth: which although it be a thing most dangerous in a Commonweale, and ought therefor to be capitall: 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 Senat to free from this kind of base corruption, as that even for that cause their priests (bee they never so free or nobly borne) are not comming into the Councell of state; for that they are thought to be sworn 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, crieth out aloud * Fora i Preti. And namely they banished Hermolius Barba-
rur their ambassadour vnto the pope; as they did not long ago cardinal Mule, their ambassadour vnto him also, for that they had of him receiv’d the cardinals hat, without leave from the Seigneurie. But I finde, that in this realme there have bene thirtie fine chancellors, which have bene cardinals or bishop at least: and so in England the like. And in Polonia, where the archbishop of Gniefe is by inheritance alwayes chancellour of the realme: the kings of that country have bene glad to make a lay man their vicechancellor; by no oath bound vnto the bishop of Rome. As for petitions given by strangers vnto the minions or ambassadors of other princes, it is a thing so ordinarie, as it is growne into a verie custome. Yea Mounfier Coignac 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 instigation of Mehemet Baffa, the duke of Naxo, would likewise have married the prince of Valachia his sifter: which poore prince for refusing to give his consent thereunto, which he for fear before graunted, was by the Baffa thrust out of his estate, and Stephen Bathor (who now gouvemeth the kindeome of Polonia) placed in his stead. All which, with other such like enterprizes, are dangerous in an effate, and therefore in a well ordered Commonweale, in none wife to be suffered. And these vnto me seeme to be the chiefe qualities and ornaments of a good Councellour of Eestate.

But beside these, in many Commonweales nobilitie of birth is alwaies in a Senator required; as at Venice, Rhagus, and Nuremberg: and amongst the Polonians it was by
by Sigismundus Augustus, in the year 1550 by law provided, That no man should be chosen a Senator, except he were nobly defended, by the fathers side at least, & had also borne arms. In other places choyce was made of them by their wealth, as at Genes, and in antiquitie time in Athens by the lawes of Solon: and so almost in all other antiquitie Commonweales. And namely Augustus the emperour, would not that a Roman Senator of his time should be lesse worth than thirtie thousand crownes, supplying of his owne bountie what the wife Senators being poorer wanted: not that it was so necessarie unto their Counsell, but that so they might have where with to maintaine their estate, answerable unto their calling: as also least the rest proud of their wealth,should conumine the other which were poorer, as commonly it falleth out in the Arisocratique estate, where the Senator is chosen by his wealth. And by the antiquitie 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, regisitred in the roll of the Senat, all them which had borne any great or honourable office or place in the Commonweales: &c. such as had bene Consuls, Praetors, Aedes, or at leaft Quaistors. And for that in the ouerthrow of Marius 90 Senators were slaine; Sylla created Dictator, to supply the order of the Senators, which he fauoured, created twentie Quaistors, and Caesar fortie, who at the same time should be made Senators, with power also to give voyces, which before was not lawfull, until they had by the Censors bene nominated and registred. Which indeed is a laudable custome, and in many well ordered Commonweals at this present obserued. As in Polonia none is receited to be a Senator, which is not a Palatine, a Bishop, a Castellan, or Captain; or else before hath beene imployed in some honourable ambassagge, or bene general of an armie. Neither hath any man place in the Great Turkes Divano or Counsell, but the foure Visiter Baffles, the two Cadilifquiers or Chauncellors, and the twelue Beglerbeks, gouernours 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 those vertues which we faied to be required in a Senator, namely iustice, faith, integritie, wisedome, experience, and knowledge in the lawes both of God and man, are things so facted and divin, as that they cannot for any reward or money be bought. Now that a Senator should by the Senat be examined or tried, is a new and vnwonted thing: as men whom eitber the Censors, or the other offices and honors by them before obtained, had sufficiently alreadie tried. Yet in the time of the Gothes, the Commonweale being by them changued, we read it to haue bene done: For so faith Theodoricus, with Castodore, Admittenos in Senatum examinare cognit faciticius honor Senatus, The careful 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 aristocratique Commonweales, to avoid seditions, and to feede the enraged famine of the ambitious, which haue part in the fouraerigeticke: they are oft times enforced to augment the number of the Senatours; as in Athens by Solons law, they by lot every yeare made choice of four hundred Senatours; whereunto it pleased them afterwardes to adde another hundred, that so fifty might by lot yearely bee drawn out of every one of the ten tribes: unto whom they ionued also another hundred, to make vp the full number of 600. After that they had vnto the ten tribes ionued two others, namely the tribes of Ziiij Antigonum.
Antigonus and Demetrius, albeit that in the time of Pericles, there were not in the city about 12 thousand citizens, and 20 thousand in the time of Demophobus. For which cause (as I have said) Plato, in his popular Commonwealth, by him let downe, appointed the Senate to consist of an hundred thousand and eight of the better and wiser sort, which was the thirtieth part of 3000 citizens, the full number of them, of whom he would have his Commonwealth to stand. And in like case, Romulus tooke the thirtieth part of his subjects to make the first Roman Senate of, choosing out of 3000, (the whole number that then was of the citizens) an hundred, and them also by him chosen not by lot, but by dilferent, even of the nobler sort of his people: viz. such as whose ancestors had never suffered as slaves. But afterward, the Sabins being according to the league received into the citie, hee added unto the former number another hundred, vnto whom, after the kings druen out, Brutus also put an hundred more, which number of three hundred Senatours, so continued by the space of almost four hundred yeares, 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 fiftene Senatours, to have given voices when Pub. Claudius, who was afterwards tribune, was brought in question for having polluted the sacrifices of Bona Dea, by committing of adultery with Pompeia: at which time, when the Senatours 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 owne affaires, or lent out with age and sickness, were then also absent. And after that, Caesar to have noe beholden vnto him, and for the better establishling of his owne government, augmented the number of the Senatours vnto a thousand, chusing into that honourable order, not onely citizens of all sorts, but even Frenchmen and other strangers also, namely Lu. Licinius the Barber, as saith Aver. But Augustus (after the Commonwealth againe pacified) seeing the danger of so great a number of Senatours, brought them to the number of five hundred, with purpose to have brought them also to the antient number of three hundred, which was not more than the ten thousand part of the whole number of the citizens, being then also in infinite.

Wherefore the number of Senatours is not to bee appointed, according to the multitude of the people, neither to serue the ambitious desire of the ignorant; and much lesse for the drawing of money from them, but only for the respect of the virtuous and wisedome of them which have deferved 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 aristocratie Commonwealths, but that of necessitie the gate of the Senate must bee opened vnto the multitude, that it be yet so ordered, that none should therein haue deliberrative voices, but such as had borne the greatest offices and charges in the state: as in the Cretenian popular Commonwealth, all the citizens had free access to and entrance into the Senate, and there might franke and freely deliver their opinions, but not with authoritie to determine any thing, that power being still reserued vnto them oneely which then were, or had before bee the great magistrates. And in the Senate of the Achaean, none but the generall and the ten Dimiurgi, had power to determine of such things as were in counsell propounded. Howbeit a wife lawgiver will never goe to farre, if hee may otherwise avoid the popular sedition: for beside the manifest dagger, which is for reueling of counsell communicatit to so many persons: it giveth also occasion vnto the factious for troubleing of the state, if they which haue the power to determine and resolue vpon 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 antient Greeks in their Commonwealths...
weales, still created a councell apart, of the graufet and wiseft of their Senators (whom they called προεδρον and προεξολος) to consult of the motte secret and vrgent matter of state; as also by themelves to dispose of the motte affaires of the Commo-
weale, and to conuerse what thing were to be consufed of in the open Senat, or public-
likely to be propounded unto the people. Befides that, what an hard matter it was of
such a multitude of Senators, to assemble so many as were requisite, and to make
t hem to agree when they were feeled the estate in the mean time standing in dan-
ger & the oportunitie for the well manning of matters passing. The Senators office
amongst the Romans was moft glorious and full of honour; and yet could Augustus
the emperour neuer bring to passe, that the Senators should be present at the ordi-
natie Senat, which was holde the calends or ides of euerie moneth at the faftbeft; al-
beit that he fet great fines vpon them that were absent, and gaue not their afitance:
which grew fo heauie vpon the offenders, as that he was glad to take of them so offend-
ning euerie fict man by lot. And Rufius Ceipio the rather to invite them to that their
duty, by his laft will and testament left a certaine summe of money to them that came
into the Senat. For it was requisite that there should be fiftie Senators at the leaff for
the making of any decree, and ofentimes an hundred, or two hundred, yea and some-
times foure hundred, which was two third parts of fiftie Senators; as in corporations
and collidges the manner is. Howbeit Augustus the emperour at length taking away
the necessitie of fo 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 nor the Confull(without whose commandement the Senat might not
assemble it selfe) or the grauest and magiftrat in the absence of the Confull, sometime an
whole yeare passed without calling together of the Senat: as Cæsar did in his first Con-
fulship, having the Senat bent against him; and yet in the mean 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, having before the ordina-
rie Senat of 400, euerie yeare to be changed, appointed also a privie and perpetuall
Councell of the Areopagi, consisting of three score of the wisest and grauest fott of the
citizens, men without reproache, who by all the degrees of honour were rifen to have
the manning of all the motte secret affaires of the state, and to foresee that in time of
danger the Commonwealth should take no harme. Of which councill how great the
need was, was then well vnderftood, when as Pericles to gaine the favour of the com-
mon fott, had taken away the authoritye from the Areopagits, and translated the
faume vnto the people: for shortly after, the state of that Commonwealth for faken
both with forren and domesticall waures, began forthwith to decline and decay. We
faw also, that the Aetolians, beside their great Council, which they called Panatarium,
had also their privie Council choofi of the grauent and wisest men amongst them; of
whome Linie speaking, faith, Sanctius et apud Aetolos consilium non quis apollet ap-
pellant, There is among the Aetolians a more facetd (or privie) Council, of them whom
they call apolletos: and immediately after, Arcanum hoc gentis Consilium, This is the se-
cret Council of the nation: Whereas before he had fayd, Legibus Aetolorum caebe-
tur, se de pace bellone, nisi in Panatario & Pilacico Consilio ageretur. It was prouided
by the lawes of the Aetolians, that nothing should be entreated of concerning peace or
warre, but in their Panatario, or Pilacian Council. We read alsio, that the popu-
lar Commonwealth of the Carthaginenians, beside their Senat of fouete hundred Se-

nators, had also a particular or privie Council of thirtie Senators, men of greatest ex-
perience in their publike affaires and matters of state: Of whome Linie thus faith,

Cartha.
Carthaginenses xxx legatos seniorum principes ad pacem petendam mittunt: id erat sanctius apud eos Consilium, maximeque ad Senatum regendum ut, The Carthaginians sent thirty ambassadors, the princes of their elders to sue for peace: and that was the more sacred Council with them, and the greater power for the ruling of the Senate: which manner of Council the Romans wanted. And therefore Livius wondereth (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 Senate, against Perseus king of Macedon, Eo silen- ticaria clausa erat, The court (as Livius) was with such silence shut vp: Whereby he sufficiently swayed, that in his time, as also long before that, nothing was done or agreed upon in the Senate, which still was not by one or other of so great a number re- tealed. For which cause the Senators themselves sometimes were constrained to be- come clarkes and secretaries in the secret affaires of the state, and to take of every man an oath, not to teuele any such thing as was in the Senate declared, vntill such time as it was put in execution: For as yet no capitall punishment was appointed for such as flould reveale or betray the secret council of princes. And indeed how could any thing there be kept secret, where fluce or 600 Senators were privie to all that was done in the Senate, besides the clarks and secretaries for the state? Whence as also the young Senators children, before the time of Papyrus ex post scriptus might come into the Senate, & carry the news of such things as were there done, vnto their mothers. Augustus was the first, who out of the Senat made choice of some few of the wiser fort to be of his privy cou- cil, without giving the rest of the Senat to understand, that he would with them re解决 of the most important and secret affaires of state, but only to have their advice concerning such things as were to be afterward propounded in the open assembly of the Senat: Immediaely after whole death, Tiberius the emperour requesteth of the Senat, to have twenty Senators appointed him, with whom he might (as he would have them) consult of such things as the Senat was farther to bee moued of. Whose example the wiser fort of the emperours afterwards followed; namely Galba, Trajan, Adrian, Marcus Aurelius, and Alexander Severus: of whomne Lampridius speaking, He ushereth (as Livius) made decrees without the advice of twenty lawyers, and diuers other of the Senators, (men of great evidently and understandeing in matters of state) even to the number of fiftie, to the end there might be no fewer than were necessarie for the making of a decrees of the Senat. Whereby it evidently appeareth, that in that pri- vate Council of fiftie Senators, with the prince, were the greatest matters dispatched; and that it was not only to consult of that which was to be in the Senat propounded, but even to resolve 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 privat council of the prince. By which meanes was also provided for another difficultie (otherwise in a Monarchie ineluctable) which is the multitude of Senators, which could not still follow the prince; vnto whome for all that his counsell ought to bee alwayes assistant, especially in a Monarchie, where the Prince is to vise diuers his provinces: or is himselfe in person buffed in his warres. For which cause and no other, the auentient diuines and poets, have saigned Pallas alwayes to sit on the right hand of Jupiter, but not Ji- piter on the right hand of Pallas: to give vs thereby to understand, That the Coun- cill ought alwayes to be present with the prince, but not the prince to bee tied to the place where the Counsell is resident: which were a thing not onely not aggreeable with the majestie of a fonetaigne prince, but also impossible. And albeit that there bee many things in euerie Commonwealth dispatched by the privat Counsell, wherewith it is not needfull either the people or the rest of the nobilitie to bee made acquainted: yet so
it is, that in a Monarchie it is expedient and requisite, that the prince should himself understand them: or at least wise that every man should think that he doth, so to give the greater authoritie and credit unto such things as are by the Counsell decreed, and that the subiects should not complain and say, The king understandeth not hereof. And for this cause the Grand Signior of the Turks hath alwaies a lattice or grate, opening into the Divano, or chamber wherein his Counsell sitteth, to the intent to keep the Baffales and them of his counsell in awe; while if they think him their prince alwaies to see them, and to observe their proceedings and doings.

But it may be (may some man say) that a Commonweale may be so little, and men of experience in it so few in 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 great a Commonweale, it is not needfull to divide the Senat from the priuie Counsell. And in the Common- weale of the Pharsalians (which was within most narrow bounds) there were but twenty persons which had the foueraintie, who in that state setted for the nobilitie, the Senat, and priuie Counsell. And yet noteworthie in the Lacedemonian Commonweale alwaies 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 manning of the secret afaires of their state, as we read in Xenophon: establishing the fame 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, ouet whom Lyfander placed ten chief men, without any other Senat or priuie Counsell. And the reason was, for that they had resoluted to change all the popular states of Greece, into Aristocracies; which they could not have done in the lesser 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: yet and oftentimes beside both them, a Trinmunit of some few, for the manning of the more secret afaires of state, and that especially in a Monarchy. For so Augustus the emperor (albeit that he outpasse all the rest that came after him, both in wildorne, and happiness) beside 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 resoluted of his highest affaires, calling vnto him none but them two after the victory of Actium, to resolu with, Whether he should still hold, or discharge himself the empire. So Julius Cæsar, had none but Q. Pedius, and Cereulius Balbus of his most inward counsell, vnto whom also he gave his manner of writing in secret character, for them the better to understand his secrets thereby. So Cæsiodorus speaking of the secret of princes, faith, Arduam nimos est principis morisque secretum, Too high a thing it is (faith he) to have defiered to be of the princes priuie. We see in like case, that the court of the parliament of Paris, was the auncient Senat of the realme of France: but when it tooke pleasure in deciding of ciuill controuerties, nor could not well bee removed from the citie: the kings appointed another counsell, which for that it handled matters of greatest importance, in the time of Charles the fourth, was called the Great Counsell: which when it was also entangled with deciding of extraordinarie suits and controuerties, by the laws of Charles the eighth, and much more by the laws of king Lewes the xij, who appointed a court of twentie judges; king Francis the elder removed that Great Counsell from medling with the secret affaires of state, haung got vnto himselfe another counsell of certaine seete princes his friends: which of the Laines is called, The Familiar Counsell, and of our country-men, the princes priuie Counsell. But Francis
his sonne got another council also: which for that it consisted of few, was called the narrow or strict Council. But at last, when that Familiar or private Council was thought to exceed also with the multitude of Councillors, Henrie the third, his sonne of Henrie ordained another Council, which for that it was only to consult of matters concerning the State of the Commonwealth, and not of suits and controversies, was called the Council for the State. Beside these, it was thought that there should also be a more secret or chamber Council, wherein the king rising from his bed, should confirm or reiect such things as were by the Council decreed: there are princes letters opened, ambassadors reported, and messages delivered. There is also a part another Council of the Finances instituted by Henrie the second, and by little and little taken from the auditors, wherein are assiduous 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 strict Council, of two or three of their most inward and faithful friends; who to highly fland in the princes favour, not so much for their youth or person, as for their wisedome and vertue. As for the chamber Council whereof we spake, it consisted but of a few, and albeit that by the decree of Charles the ninth, made in November, in the yere 1543, it is in the first article expressed, that so sonne 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 seuen, beside the strict and inward Council, which are alwaies in duets chambers seated vnto 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 enformed of his affairs: as namely the council of Spaine, the council of the Indies, the council of Itacie, and the council of the Low countries, the council for the warres, the council for the order of Saint John, and the Inquisition. Now if any man there be, that thinke the greatnesse of that kingdom (than which never yet was any greater) to require so many councils: I denie it not, but yet so he may see also in Venice, which hath no verie great territory, foure councils, beside the Senat and Great Council: viz the council of the Sages for matters at sea, the council of the Sages for matters at land, the council of the Decemviri, or ten men, and the council of the Septemviri, or seven men; where the duke maketh the seuenth man, which they call the Seignorie, when it is jointed with the council of the ten men, and the three presidents of the fortie, beside the Senat of fixtie; which with the magistrats may come to the number of fix score. And what then should 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 privie counsell leffe, and yet divided from the Senat also. The state of the Rhugasians is but strait, & comprised almost within the same bounds, wherewith the walls of the citie are enclosed, and yet the Senat consists of three score. In the city of Nuremberg is a Senat of twentie fix Senators, and a privie council of thirteene, beside another council of the feuen Bourgiomasters. The Canton of Schwits is the leaft of all the Cantons, and yet for all that beside the Senat of fortie five persons, it hath a privie council of feuen, of whom the Aman is chief. Which selue fame forme of counsell is also kept in the canton of Vri. As for the cantons of Zurich, Berne, Schaffhouse, Basile, Soleuree, Friburg, and Lucerne, they have alwaies beside the Great Council, a little council also. The Great Council of Berne consists of two hundred Senators; and the little of twentie fix: At Lucerne of an hundred, and the little of twentie eight: At Saint Gal also the Great Council is of fixtie six, and the little of twentie four: At Coire the Senat is of thirtie, and the privie council
A counsell of fithene. And without going to farre, it is well knowne, that the state of Geneva is enclosed within the compaite and circuit of a mile, yet for all that beside the counsell of two hundred, it hath a Senat of sixtie; and after that a priuie counsell of twenty five. Neither is there any canton fo little, (except the three cantons of the Grifons, gounerned by the common popularitie) which hath not a priuie counsell beside the Senat, wherein some haue three, and some haue foure. As in the canton of Bas- fill, where the secret affairs of state are manag'd by two Bourgomasters, and two other chief men of their colleges, whom they call Zunft masters. And in like case at Berne, the two Anoysers, and foure ensigne bearers, haue the ordering of all the secret businesse of their state; as hath the priuie counsell in a Monarchie. And namely in the diuers and assemblies of the thirteeen cantons, there is none but the priuie counsell of the ambassadours, which make their decrees, and direct their commissions, concerning their common affairs: I say then that it is a thing most profitable in euerie Common weale, to haue at the leaft one priuie counsell beside the Senat, fith that the auncient rulers of both the Greekes and Latines haue so taught vs, reason so shewed 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 duties and consultations are had in the fecret or priuie counsell; but the resolutions and decrees are all made in the great Counfell, 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 communicat'd or imparted to the people, or the nobilitie; but such things as seeme vnto the Senat doubtfull, or being of greater importance, are still referred vnto the priuie Counsell; and if the matter concerne the fouveraigne, it is referred vnto the judgement of the fouveraigne prince onely. And albeit that the Senat or Counsell in a Monarchie seeme to do all the rest of it, yet still we se all to depend of the princes command. And this which we have saied concerning the manner of consultation, is almoft no where better put in praxis then in Venice: where if any difficultie arise in the counsell of the fages, it is commonly disdained by joining of the Decemuriti vnto them, (and therefore vnto such decrees as are by them made are joined Con fi Giunta) and if they cannot so agree, but still rest among themselves in opinion divided, they call vnto them the Septemuriti or counsell of seuen: but if so nothing can be decreed for the diversitie of opinions, the matter is then propounded in open Senat: And sometimes alfo (although but seldom) if the matter be of such consequence, or so much concerne the maiftie of the State, as that the authority of the Senat seemeth not to be thereunto sufficient, or that the Senat be thereupon divided, it is propounded in the great counsell of all the gentleme of Venice, where it taketh the last and finall resolution; which as Aristotile witteth, was alfo 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 resolving and determining, proceedeth from the diversitie of the fouveraigne, and of them which haue the namanging of the government: for what the Senat decreeth in an Aristocratique, or popular Commonweal, that the nobilitie, or people ratifeth and commanndeth if the matter so require: contrarie to that we fee to be done in a Monarchie, where the wiser the prince thinketh himselfe, the leefe he veth the counsell of the Senat: (albeit he oft times asketh the advice thereof, to make his doings the more acceptable, or for the easing of himselfe, committeth vnto them commisions for extraordinary justice, or the judgement of inextricable matters and causes of appeals) especially if the Senat be so great as that the prince by publi-
thing of his secrets to so many persons, shall not come to the point of his designs. By this means Tiburiius the Emperour fought to kepe the Senat busied in deciding 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 Appeals which before were made unto himselfe, and that the fine for the offence fer done by the Senat should be as great, as if he had heard the cause himself; By this means making of a Senat an ordinatie court and jurisdiction of Judges: who in the time of freedome of that popular Commonwealth never vied to judge, except ordinarie 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 unto the Senat. For which cause Cicero accusing Verres faith in this fort, Quo consiugent socii? quem implorabunt: ad Senatum deuenient, qui de Verre supplicium sumat? non ess ofstatum, non ess Senatorium: Whether shall our friends and allies flee? whom shall they ask help of: shall they come unto the Senat, to take punishment of Verres? it is nothing in vle, it appertaineth not vnto the Senat. Wherein many deceide themselves, which think that the Senat judged, when they saw that the Senators were drawne by lot to judge of publicke and criminall causes, sometimes by themselves, sometime with the knights, by the law Lucius, and afterwards with the knights and the Treasurer, by the law Aurelia: for there is great difference between the bodie of the Senat, and the Senators taken in the qualitie of judges, and betwixt the privie Counsell, and the counsellours thereof comming into the soueraine courts to judge. For before Nero the Senat never had so much as ordinatier jurisdiction or power to judge of any matter; And namely Augustus would not that the Senat should trouble it, with the judging of the honour, or of the life of Senators, albeit that he were thereunto importunated by his friend Maccenas. And albeit that Tiburiius the emperour often times sent vnto them such causes, yet was it but extraordinarie and by way of commissioun: which Adrian the emperour afterward causd to passe into the forme of an ordinatier jurisdiction. We see in like cafe that Philip the faire, or as some others say Philip the long, to discharge himselfe of the Court of parliament, and easifie to take from it the dealing with the affairs of state, made it an ordinatir Court, giving it jurisdiction, and a sitting place in Paris: which Court was in auncient time the Senat of France, and yet at this day calles it the Senate of Peers, erected by Leone the young, (according to the true opinion) to giue counsell vnto the king; as we may see by the creation of Counti D'Majcon for a Peer, by king Charles the first, in the yeare 1359, where it is said that the king of France ordained the twelve Peers, to giue them their counsell and aide, and teameed it, for yeit it doth at this present, (by way of prerogatiue of honour) the Court of parliament (without any other addition) as it is to be seene in the letters which it wrote vnto the king: whereas the other Courts of later time establisshed, vse their particular additions; As, The Parliament of Tholouse, of Roan, of Burdeaux, of Dion, of Graianople, and Aquafectia. But in the raigne of Charles the ix, at such 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 goutent of the kingdome without a Regent, according to the law of king Charles the first: the king being vnder age, aduised the court, to meddle only with the deciding of controversions, and the equall administration of justice: for that the king his predecessors had for that onely purpose appointed that Court, and there placed them, and not to become his tutors, or protectors of the realm, or keepers of his towne of Paris: and therefore commanded such lawes and edicts as hee had appointed to be proclaimed in the court of Paris, to be published: wherein if any thing
thing should be contained that seemed not to stand with right and reason, he could (as he said) be content to be thereof lost; but yet so as that after he had underslood the matter, if it were his pleasure to have the law proclaimed, they should forthwith without farther reply do that they were commanded: 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 hereunto seem unreasonable or vuiul. Wherewith the king displease, caused his priuie Counsell to be called, and by the authoritie thereof a deeree to bee made the xxiii. of September, whereby the Parliament of Paris was forbidden once to call in question the lawes or decrees proceeding from the king concerning matters of state: which was also before by king Francis decreed in the yeare 1528. In like case the great Counsell which was not almost employed but in affairs of state, in the reigne of Charles the feauenth, and Charles the eight, was by little and little so filled with fretes, that Charles the xij. made it an ordinary court of feauentene counfellours, whom Leaves the xij. made vp xx. before the Chauncelour, who was President thereof, (in such sort, that vnder king Francis there was but a President in feeld of a Chauncelour) who were not imploied but in hearing of extraordinary causes by way of commission, or remitting of the priuie counsell, and ordinarily the appeals of the Provost of the houenhold. We fe also the priuie Counsell itselfe to be as it were brought into the forme of an ordinary court, by hearing the differences betwixt the Townes and the Parliaments, and oft times betwixt particular men, even for small matters: to the end that such a great company of nobilitie, and men of marke, should be burdened with some thing, having as it were lost the understanding of the affairs of state, which can never be to good end, if they be communicate to so many persons: where the lesser sort are commonly not ruled by the greater part, joining hereunto also, that it is impossible, to keepe the counfell of the state secret: or to know in such a multitude who it is that discovereth the same, nor to cast them out who are holden for suspect: Except by vning the custome of the auitent Athenians, by vertue whereof the Senators by a secret judgement which they called τις ἑπικαλογίας might with all libertie, and without displeasure condemn the blabbing Senator, or him that had defiled the honour of his estate. As in like case the Roman Censors without forme or fashion of process, had accustomed to remove the viwvorthie Senators, and by that means to exclude them out of the Senaet; except they would put themselves vpon their triall before the judges which were above the Censors, or that the people had given some new office, or honorable charge to him that was so removed by the Censors, or condemned by the judges. But the Romans were much to blame, both for too eafe receiving and removing of the Senators, and that in too great number: For Fabius Buteo made Dictator to supply the defect of the Senaet, at one time received in an 177 Senators. Whereas Lentulus and Gellius Censors at one daie removed 64. Howbeit, it were more feemly and agreeing with the dignitie and honour of a Senaet to receive into it few, and them also chosen and called out as pearles; than to exalt vnto so high degree of honour men worthie and vaworthie, and afterwards to cast them downe againe with eternall infamie and dishonour, vnto whom they had before given their helping hands: Besides that it cannot always be done without danger and sedition, or the dishonour of him that ruleth. It is foure hundred yeares since that the Priuie Counsell of England, at the instance and suette of the Archbishop of Canterburie (then Chauncelour) established, there were there into but fifteene persons then chosen; neither hath it euer since passt the num-

The priuie counsell of a monarch might bring in to the forme of an ordinary court by hearing of priuate and particular causes, not without danger to bee communicated unto many.
ber of twenty; and yet by means of that little Counsell they have retained their state most faire and flourishing in times both of peace and warre, as is by their histories to be feene; and by the treatie of peace made betwixt Lewis the ix, and Henry the first, king of England; which for the more assurance thereof was sworne by the Prince and the xvij prime Counsellors: viz. one Archbishop, one Chauncelor, one Bishop, six Earls, and six other Lords, with the great Treatatur, and a magistrat whom they call chiefe Iustice of England. Now I doubt not but that in every Commonweale, many by vaine ambition, favour, impudency, or corrupt briberie, in fort euyn against the Prince and peoples will find meanes to enter into the sacred Senat; against which in- congruenice remedie might be well prouided, if we would but vse Solons law. For he would have none to bee admitted into the Senat of the Arcopagits, but such as had without touch, by all the degrees of honour ascended vnto the highest places and preferments of the Commonweale: for he deemeed him to be well able to hold a place in the Senat without flaggering or falling, that could hold himselfe vpright in such dangereous and flippere ways. And that is it for which all the auuntens both Greeks and Latins, haue so highly commended the Senat of the Arcopagits, composed of sixtie persons, as we read in Athens. The fame manner is yet vied among the sixt lesser cantons of the mountaine Swisser, 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 affaires of state in secret, in that the Senators of the little cantons, which are fortie six in Zug, and an hundred sixtie four in Appenzel, and more or leffe in the others, when question is of matters of importance, may euerie one of them bring with him into the counsell two or three of the citizens, such as he liketh best of. Whereby it commeth to passe, that sometyme there are four or five hundred, part Senators, part others, assembled together into the Senat, and yet all have deliberate voices therein. Whereas multitude is euer an enemie, vnto wise resolutions.

And thus much concerning the number of Councellors of estate: let vs now also briefly speake of them that are to propound matters in the Senat; and then of such things as are there also to be propounded. As touching the first, men of auuntent time haue alwaies had great regard vnto the qualitie of them which were to propound any thing in the Senat. For we see that to have bene the proper charge of the greatest magistrats in Rome, whome for that cause they called Confuls: or in their absence the greatest magistrat that was in Rome (for the Praetor of the citie) supplied the place of the Confulls: receiuing the particular requests both of the citizens and strangers, of ambassadors from forren princes, and allies letters from the gouernours of their provinces: which letters he read in the Senat, asked euerie mans opinion, commanded the decrees of the Senat to be written, & also dismissed the Senat. Amongst the Grecians the greatest Praetor executed the same office, who among the Athenians was called ἅρμον ἱστανζης; & the rest as they were created in some places προκαλτοι & πρέσβευοι, who bare almost the same office that doe the prouidors in the commonwealth of Rhague, & the lages in the state of Venice: howbeit that there the three Auogadors ordinarily propounded vnto the Senat, whereof it is to consult. In the counsell of the Greeks the president caufed to be cried aloud by a serjeant, That if there were any pers- son that had any thing to say concerning the good of the state, he should speake: which Titus Lius, speaking of the Achaians affirmeth generally of all the Greeks. Burys for the Aetolians, their custome was most notable, worthy to be of all men regarded, being highly commended and approved by Philipemen generall of the Achaians league; which was, that the president, or hee which in full council propounded any thing which
A which seemed unto himselfe good, should therein have no voice himselfe. A great means to take away the practices and couetous traffies, which are commonly made in Popular and Arisloteciae eftates, where the busieft 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 please himselfe. For befdie the difficultie of speaking with the duke on enemie Side befoe, and troubled with infinit affaires, and to lay before his eyes a thousand divers reasons for the debating of the matter in the councell: it is also daungorous to give so great authoritie to one person, that he may open or keep secret to or from the Senat, whatsoever himselfe please; it being not lawfull for any man to propound any matter but himselfe. It is also much perilous one citizen, who first delibereth 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 wilie profouned in the realme of France, that it is permitted to all them which have access into the councell (although they therein have neither deliberative voice nor place) enemie man to propound his owne requests, & to aduertifte the councell of that which is profitable for the Commonweale; to the end it may be the better provided for. And offtimes their opinion is also thereof demanded, and then afterward the advice of the councellors of the estate, which in councell have place and deliberative voice, in such sort and order, as that the great lords deliver their opinions last; to the end, that the libertie of the lefter should not be impaired by the authoritie of the greater princes or magiftrats, and especially by the power of ambitious and factitious men, who cannot in any cafe abide to be contradicted. In which course they which have onely voyces confultative, make way for them which have voyces deliberative: and offtimes broach unto the councell good and liuely reafons: and where they in any thing err, they are without icelousie againe by the others brought into the right. Which is a custome much more commendable than that of the Romans, where the Consull first demanded the opinion of the chief man in the Senat, or els of him that was appointed Consull for the yeare following. And yet nevertheless the contrarie was vied 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 intent that the libertie of the lefter should not be prevented by the authoritie of the greater. Ioyne hereunto also, that the ambition to speake first doth offtimes draw after it the enuie of some, and the icelousie of others. So wee fea the cruell emperours to difcharge upon the Senat, the difcontentment 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 gainefay or seeme to dislike of was death. Which was not to demand the advice of the Senat, but indeed most impetuously to command the same. Whereof an aient Senat or complaining in faithful, * Vidimus curium elinguem, in qua dicere quod velles periculo sum: quod multas misericordiam esse, euae feene (faith hee) the court dombe, wherein to speake that thou wouldeft was daungorous: and to say that thou wouldest not, was a thing right miserable: For that the emperors Dometian, (quos futus cenfebat quod omnes sequerentur) alone decreed what all men should follow: and commendeth Trajan (quod ite pote stare in libere dicere licet, vincereque sententiam non primam solvere) for that he propounding of matters, euetic man might freely speake his mind: and that opinion prevaileth not which was first, but best. By the custome of the aient Senat, the king refrained from comming into the Senat, leaft any should bee contrarie vnto him, or hee to any; for so they writ in their Commentaries.

It were also to be wished, that the Councell should sit in the morning yet fasting,
for that is not to be holden for a counsell well digested, which is done after dinner, as faith Philip de Commines, and especially in countries where the people are subject vnto 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 the inordinate desire of their lust theing & broken lust, & with new nourishment kindle the fire of new desires: Which he in three words declareth, WO (faith he) vnto princes which eate earle. Which is a thing so much the more to be detest'd, by how much many thinke it to be the greatest brauerie, to bee well whetted with wine. For what can be more beastly than was the old manner of the Germans, who never vied to confute of their greatest affaires but in middelt of their cups persueded so that every one of them warme me with wine, should discover the verie secret of his hart, and to be the more eloquent to persuade what they thought to bee most expedient. Which custome they haue now well changed, insomuch that even their privat and domestick councells made when they are in drink, are to none effect or purpose, it being alone a sufficient caufe for the judge to renounce them being loe made. Now as concerning such things as are to be consulted of in the Senat, they depend of such occasions & affairs, as in course of time present themselves. The ancient Romans first confessed of matters concerning their religion, as the marke and end whereof all humane actions ought both to begin and end. There was never also, faith Polybius (the himfelfe being an Atheif) a people more deuout than this: adjoining therunto moreover, That by means of religion they had establisht vnto themfelves the greatest monarchy in the world. Then after matters of religion, and worship of the immortal gods, are to be entreated of the greatest and most urgent affaires of state, and most concerning the Commonwale, as the making of peace or war: in both which, long delay is no leffe 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 counsell any thing to be done, whereof we doubt whether it be iust or iuift, profitable or hurtful: 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 contrarie, there is then no deliberation to be had or doubt made which to chose. But the doubt is greater, when as that which we are to consult of, hath in shew more & greater profits, if we can bring it to good effect, than it hath hurt if we faire therein. Howbeit the more wholesome opinion of the ancients is to bee preferred, &c. That when question is of matters of estate, things doubtful, or subject to the change of fortune, are not at all to be embraced. And therefore the subtiler fort, cause the that be more simple, to propound and persuade in coucill such things as seeme vnto themselves doubtfull, to the intent that so the blame may rest upon them, if things fall out euill; & yet the honor redound vnto themselues if it fall out well. Howbeit nothing ought to be thought commendable and well done, which dependeth of the event. For it behoveth vs by most certayne arguments and reasons to shew what whereof this or that is to be done, and not by the event: yea it behoveth a wise man rather to feare unfortunat events, than to presume of happie success. And therefore a wise counsellor or neuer refeth himfelle vpon the chances of fawning fortune, or vpon adventures, but still forseth hismefle by good and wise discourse to gather the true effects of precedent causes: albeit that hee oft times see, the most adventurious and rash, to be the most happie & fortunat in their attempts. And therefore the antient diuines (who covered wise-dome in failes) doubted not to exclude that goddefe whom they called Fortune, out of the coinecell of the gods; lest that which should be sought for by wise-dome, should seeme to have bene obtained by the rashnesse of fickte fortune. And yet for all that see noe thing
A thing to be more commended or blamed, than the good or evil end of mens actions: and so wisdom measured by the foot of fortune. But if the law condemne the foolish that fighteth with the enemy without the cominationment of his captain, although hee carry away the victorie, how much more dangerous ought it to be, to put the hope of counsell, & state of the Commonwealth in the uncertaine hope of fortune? Besides that, such continual aduentures do oftentimes draw after them the ruine of aduenturous princes. And therefore to avoid that nothing should be rashly or unadvisedly decreed in the counsell, I like well the aduise 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 haue voice in the counsell: for in that case it is much better to resolute upon the matter the same day, & without delay, than to attend until the sound judgement of some be prevented by the subtilties of others, & that men come prepared with long traines of reasons, to render 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 is it most certaine, that they which disguise it by figures or colours of Rethorique, take from it the lufhte and naturall beauty 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 furiie to peace and quietnes, is a thing not onely commendable, but necessity also. But al these things are far to be removed from a Senat or counsell, if aduise be to be fough for or required of such Senators as we haue spoken of, that is to lay of wise men. And the Lacedemonian breuitie full of good reasons, is to be vfed, that they all may haue time to speake: & that no orator hauing got the possession of speaking, shold with long discors of speech exclude the best & wisest of the Senators. And therefore by an old decree of the Areopagis, it was not lawfull 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 gratefully commend of either, but especially if the matter in consultation consist of many points, of which some are to be liked of, and other some to be rejectted: so that it is necessarie to propounduerie article or point apart, which the Latins term de divers intentiam, and so to calue 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 glie the fame by word of mouth; which they vfe to do, when question is of the life, fame, or fortune of any man, according to the manner of the antient Greeks & Romans: a thing which cannot by secret voices, by lot, without injustice be done, for the infinit varietie of cases which may presnet themselves to be judged upon. Now as the Senat of a Commonwealth 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 contouerseyes of the greatest magistrates, or foueraigne courts among themselves. And for this cause Tiberius the emperour, in the beginning of his raigne protested in the Senat, That he would not alter any thing in the course of justice, neither haue to do with the jurisdiction of the ordinarie magistrates. And they which make a confusion of a Senat & private council, do greatly diminish the dignitie & honor thereof, for that it ought to be regarded as to conforme the princes actions, & wholly to attend the publike affairs; worke enough to buifie 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 importance,
tance, as may well deserve the assemblie of the Senat; as in ancient time the Roman F Senat, by commission from the people, had the hearing of the treasons and conspira-
cies of their allies, against the state, as we see in * Linus.

Yet reflect the last point of our definition, that is to say, that the Senat is establish-
ted to give advice and counsel to them which have the souveraigne in euerie Common-
weale. To give advice (I say) and counsel; for that the Senat in a well ordered Com-
monweale, ought not to have power to command, nor to direct out their mandats, 
neither to put into execution their advantages and consultations, but only to make report 
thereof unto which have the souveraigne. 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 
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 souveraigne, and that much lesse in a Monar-
chic, than in an Aristocratie, or a Popular eftate. And in that the majestie of a sou-
veraigne prince is knowne, in that he can, and his wifedome, in that he knoweth to weigh 
and judge the advice of his counsell, and to conclude according to the resolution of the 
wise part, and not of the greater.

Now if any man think it strange or inconvenient for all other magiftrates and so-
veraigne courts, to have power to command, in their owne names to direct out their 
commissions, and the Senat that judgeth of their authoritie and controversie, to be de-
prived of this power: let him consider that vnto such magiftrates and courts, power is 
given them even by their institution, election, and creation; and by the charters and 
grants unto them made for the limiting of their charge and power, without which 
neither martiall nor civill or domestical affairs can well be govern'd: whereas there 
was neuer Senat in any auentient well ordered Commonweale, which had any pow-
er to command by vertue of the institution thereof. So we see, that in the kingdoms 
of France, Spaine, and England, the priuie counsell is not erect'd 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 anything, so as is necessarie for all magiftrats, 
as we shall hereafter declare. And as for that some will say, That the priuie coun-
cell may diuall and reuse the judgements and decrees of the magiftrats and sou-
veraigne courts: and so conclude, that it is not without great authoritie and power; 
meme answere is, that the decrees of the counsell depend not in any thing of the coun-
icl it selfe; but of the royall power, and by commission onely, in quality of extraordin-
ary judges for the execution of justice, 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 carrie these words with them, 
by the king in his priuie counsell: which can do nothing if the king bee not present or 
at leastwise confirm the acts of his counsell. But wee haue before shew'd the power of 
all magiftrats and corporatiors to enlae, and bee suspendt in the presence of the 
prince. Now if the power of the Senat be nothing in the absence of the prince, and 
much less in his presence, where then is the Senats power? And if the Senat cannot of 
it selfe decide and determine a contoversie; how can it then dispose of such things as 
belong vnto the state of the Commonweale; and that is wherfore we see such things as 
are decreed vpon by the Senat, to bee still referred unto the prince: or if they bee of 
lesse importance, yet to be still confirmed with the princes authoritie, hand, and seale. 
Which is no new matter, but of auentient time done. For we see an old charter making 
mention of one Endobalde, countrie of the Palace of king Clother, who fitting in 
counsell with the Senat, was to report the decrees thereof vnto the king, to the end to 
haue
A haue them by him either approved or reiect.

But the doubt is greater, whether the Senat in a Popular or Aristocratique estate ought to haue 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 commander of his people; and an infinte number of men; as in a Popular estate. Besides that, we read also, that in the Roman Commonweale (which is helden to be that of the most flourishing and best ordered that ever was) the Senat haue power to dispose of the common treaure, and publike revenue (one of the greatest points of fouraigntie) to appoint lieutenants and governours of princes, to grant triumphs, and to dispose of religion. And for this cane Tertullian faith, This never any God was receiued in Rome, without the deeree of the Senat. And as for ambassadours of kings and people, none but the Senat receiued and dismisshed them. And that which more is, it was forbidden upon paine of treason, to present any request vnto the people, without the aduise of the Senat before had, as we have before declared. Which was not onely in Rome obseruued, but also in all the Grecian Commonweales. For offending where- in Thrasybulus was in Athens accused of treason, as was afterwards also Androtian by Demophilene. Which order is even at this time better obseruued and kept at Venice, than euer it was in Rome or Greece. And yet notwithstanding all this I say, that the Senat of the Popular or Aristocratique estates ought not to haue but the aduise and consultuon of matters of state onely, the power still depending of them, which had the foueraigntie. And as for that which is said of the power of the Roman Senat, that which it had, was nothing else but dignitie, authority, counsel, and not power: for that the people of Rome might when it was good conforme or repeale the decrees of the Senat, which had no power to commannde, and much lese to execute the decrees thereof; Dionysius Halicarnasen hath well noted, and Lince himselfe oft times vuing this forme of speech, Senatus decreet populos interfat. The Senat decreed, and the people commannde. Wherein Festus Pompeius is deceived, interpreting the word interfat. commannde, for decreet, or decreed. So that it belonged to the Senat to decreed, and to the people to commannde. As when Lince, speaking of the authonie of Scipio Africanus, faith, Nutus eius pro decretis patrum, pro populis interfat, His becke was in stead of the Senators decrees, and the peoples commannde. And that the least Tribune of the people, opposing himselfe against the Senat, might stay all the decrees thereof. I haue here before noted certaine places out of Titus Lanius: whereby it euidently appeareth, that the Senat could in nothing commannde, and especiall by the decree where it is said, That the Consul if he should thinke it so good, should præsent the request vnto the people, for the making of a dictator: and if it pleased not the Consul, then the Praetor of the city should take that charge vpon him: who if he would therin do nothing, that then one of the Tribunes should do it. The Consuls (faith Lince) would therein doe nothing, and forbad the Praetor also to obey the Senat: Now, had the Senat had so much power to commannde, as had the Consul, or one of the Tribunes of the people, it would never haue vied such kind of speech; neither would the Consul have forbidden the Praetor to obey the Senat. For indeed the Consul could not commannde the Praetors, but vied these or like words, If it should so seeme vnto them good; or if so it were their pleasure. So the same man in another place faith, Deceuerunt patres ne Marcus Iunius Praetor urbanim si ei quieteretur, Deceutoris agro Senamti, Appuleque, quoad eius publicum erat metiendo, deuidendique creraret. The Senators decreed, that Marcus Iunius, Praetor of the city, if he should thinke it so good, should appoint ten men for the measuring and dividing of so much of the Saminite and Appulian land, as belonged to the Commonweale.

Whether the Senat in a popular, or Aristocratique estate ought to haue more power than in a Monarchie.

What power the Senator couched ought to haue in a popular or Aristocratique estate.

That the Senat of Rome had no power to commannde in matters of state.

Now
Now if any man should say that these words, *si et videretur* (if it should so seeme *unto him good*) imported a command: the contrarie is proved in that, that *Liuie* speaking of the punishment of the Campanians, faith, *That the Consull *Efulus* having red the decree of the Senat which caried these words: *Integram sem ad Senatum referet si et videretur: interpretatum esse, quid magis Republica duceret, affirmatiorem scrip- furnam:* That he should, if he thought it good, referre the whole matter vnto the Senat: to have so interpreted the decree, as if the matter had beene commit- ted 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 lives and goods of all the Campanians, part of whom the Consull of himselfe without farther authoritie from the Senat cauled to be put to death, and the rest to be sold by the drume. But that the dignitie of the Magistrats was in the Roman Commonweale greater than the Senats, it appeareth by that, that such as writ letters vnto the Senat and people of Rome, if they therein comprehended the Magistrats also, they still placed them in order be- fore the Senat; as is manifest by the inscription of their letters, in this fort: *Cn. Plancus* 


Plancus Generall, Consull eft, vnto the Consulls, Pretorts, Tribunes of the people, the Senat, People, and Commonwealth of Rome responded greeting. Wherefore *Ciceron* doth but orator like taunt *Vatinus*, when he faith, Art not thou a most certain murthe- rer of thy country? thou leftest not vnto the Senat, that which neuer man tooke from it; that *Legates* should be appointed by the authoritie of that order. And he in *Liuie* when as he speakeith of Triumphes, saying, *It was neuer before by the people deter- mined of triumphes, the estimation and bestowing of that honoure having always beene with the Senat: no not the kings themselfes to have impaited the maieftie of that order: he speakeith (I say) but like an orator: for that there was nothing which might not be taken from the Senat, the magistrats propounding a request to the con- trarie vnto the people: as we haue by examples before declared. But how floor 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 decreted: neither had it so much as any *Lictors* or Sergeants, the true markes of them which haue power to command. But the Magistrats having the decrees of the Senat in their hand, directed their owne mandats and commissions for the execution thereof, if they thought it so good: affurin their felmes to be out of blame in doing that the Senat had before de- creed, it being alwaies readie to maintain them in so doing; So the Senat being no way able to restraine *Cesfar*, tooke their refuge to that auncient decree of the Senat, which was commonly made but in the dangerous tymes of the Commonweale, *vi-

*Videant Consules ac efteti Magistratus ne quid detrimenti capiat Republica:* *Let the* Consulls and other magistrats forefee that the Commonweale take no harme: with which decree of the Senat (faith *Cesfar*) the Consulls armed, seldenly taile their power and took vp armes against *Cesfar*: by which words it appeareth, authoritie to haue beene in the Senat, but the chief command in the Magistrats. But if any Tribune of the people once opposed himselfe against the decree of the Senat, not onely the au- thoritie of the Senat, but of the Consulls and other magistrats also ceased. And for that cause there were ordinarily some of the Tribunes at the gate of the Senat, (before that the law *Atinia* gaue them entrance into the Senat house) vnto whom the decrees of the Senat were brought and shewed, for them to confirm by writing outem them this letter *T*, or reieft by putting thereunto this word *Peto*, that is to say, *I forbid it.* So that the Senat did nothing but by suufferance of the people, or of the Tribunes, who were as it were epifals of the Senat, and keepers of the libertie of the people, haung alwaies...
alwaies 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 pro-
pounded, vnto the Senat, without the interruption of the Tribunes. As it did at the request of Tiberius Gracchus Tribune of the people, giving leave vnto the Senat for that yeare to dispole of the Consulatarie provinces, with express prohibition vnto the Tribunes for the oppofing of themelves, for that time only. For after that time the people of times gave the provinces and governments, without the audivit or authoritie of the Senat. Now to say that the Senat had the dispolling of the common treasure, true it is, but that was but vpon suffrance, and fo long as it pleased the people; as we may see by the law Sempronius, whereby the people decreed that the soulieours should be apperalled of the charge of the common treasure. And he that hath no power but by suffrance, and by way of intretatie hath no power at all, as we haue before fayd. So in like case we fee the Auogadours or Triumuiuri in the Venetian state often times to oppole themelves, not onely against the proceedings of the Sages and Decemuiuri, but even of the Senat also, and fo cause the matter to be brought vnto the hearing of the grand Counfell.

But here againe a man may fay; that if the Senat in bodie or lawfull assemblie had no power to command, there was then no difference between the decrees of the Senat, and that which they call The authoritie: for so it was that if there were leffe then foure hundred Senatories, by the decree of Augustus, (who were afverward brought to the number of fiuie) that they agreed vpon, was called an Authoritie, but not a Decree of the Senat. As alfo we may fee by the law Cornelia, publifhed at the request of a Tribune of the people: whereby it was forbidden the Senat any more to grant priviliges or dispensations, except there were two hundred Senators at the leaff prefent. Whereby it is to be gathered, that the Senat in fuch number had power to command; whereunto I fay that a decree in the nature of it felle carrieth with it no command, no more then the sentence of the judge, if the commiffion be not on foot. Now the Senat never judged or determined, neither could give out any commiffion or mandate; and therefore never had the power to command their decrees to be put in execution, without the power and authoritie of the magiftrats still being of none effect. And yet whatfoever decree the Senat had made, and were it never to well by the power of the magiftrat confirmed; was but anuall as Dionysius Halicarnaffius hath well writen; and not perpetual as Conen suppoeth.

But how then (might some man fay) did the Senat cause three hundred fouldiers citizens of Rome, which remayned of the Legion that had facked Rhegium in Sicilie, where they were left in garrifon, to be led away, and being fr ipt 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 fared lawes to be therein broken and troden vnder foot. But herein question was of militarie discipline, which in that refpeft hath nothing common with domesticall lawes and customes. Beside that it was done but by the audivit of the Senat, the execution thereof being performed by the magiftrats, who were not bound to obey the Senat, if they had not beene thereunto willing. Yea moreouer such was the crueltie and horriblenes of the villanie by the garrifon fouldiers committed at Rhegium, who themselves most crueltly rifled the cite, which they ought with their blood to have defended againft the affaults of the enemy: as that it caused all the ordinarie power of the lawes to caufe; no punishment being thought fufficient to reuenge the fame. Which cases when they chauned, the titles and quertes of lawes were little at all regarded, especially in the midde of fuch a noife of weapons. But as oft as the Senat or Consuls attemp-
attempted to infringe the soueraignty of the people, or to break the laws, as oft times they did the Tribunes, were straightways ready to oppose themselves against them. For in that Cæsars Tribunes of the people, made a request unto the people, that the Senat from that time forward, should not decree any thing against the libertie of the people, and the majestic thereof: it sufficiently declareth the Senat oft times before contrarie unto the law, to have vlipted 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 laws: but then it had left off to be a Senat, and was then become rather an ordinarie court of judges. And yet the magistrats themselves, 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 sufferance: much lefse power shall it have in an Aristocratie estate, or in a Monarchie: and so much the lefse in a Monarchie by how much kings are more eloufe 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 priuitie of the Senat, to propound any request vnto people, that indeed was so provided by the law Popilia and Hortensia: yet was it lawfull alwaies without the priuitie of the Senat, to propound requests vnto the Comminaltie: and although that by the Consularie law Cornelia, it was also forbidden without the priuitie of the Senat, to propound any request vnto the Comminaltie, yet was that law shortly after againe by the law Ponpeia repealed and abrogated. Wherein many with great libertie abuse the words Populi at Plebis Romane, (the People and Comminaltie of Rome) and especially the Grecians, and such as ignorant of the Roman antiquitie, interpret the Grecie 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 referre also for an argument to that which Josephus the historiographer faith, That Moses forbad the king to deny any thing concerning the publicke, 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 terme themselves the principall Senators, or chiefes of their counsell; yet such additions in nothing diminished their majestie. Yea albeit that they called the Senators their companions, or good lords and maiifets; as did Tiberius, who in the beginning of his raigne called the Senators, Indagantissimos dominos. His most loving Lords, as we read in Tacitus. But how much princes gaue vnto the Senat, and the Senat vnto princes, Plutarch the younger doth in two words (as it were) declare; where he thus speakeoth of a certaine decree of the Senat.
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 haue in the Commonweale, haue access and entrance into the counsell.

Now if any man ask, Why a Senat in a well ordered Commonweale, should not haue also power to command? The principal reason is, for that it should haue 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 therfor become masters, having the manning of the affaires, and power to dispose of all at their pleasure; a thing impossible to be done, without the impaiuring, or to lay better the vuter subjection of all soueraignty and majestie: which is so high and so sacred, as that it belongeth not unto subiects, of what estate or condition soever, once to touch it either nie, or a lattre off. Whereby it is to be understood, them that give command vnto a Senat, to goe about the definition of the Commonweale, and vter rule of the state. And for this cause the Great Councell of Venice (wherein the majestie of their state confishted) seeing the Decemviri to take upon them a booke that which was committed to their charge, for bad them vpon pain of high treason to command or determine of any thing concerning the state, nor so much as to write their definitieve letters; but to have therein recounte vnto the Seigniorte, vrntill the Grand Councell were assembled. For which selfsame reason, and that most 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 shoulde not breed in them a desire stil 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 Geneua. For the yearly chaunging which they made in Athens, and yet make in Venice, Rha-guifium, Luques, Genes, Nuremberg, and divers other townes of Germanie, doth not only greatly obseue the glorie of the Senat, which ought to shine as the sunne, but also draweth after it the inequitable daunger of disclosing and publishing of the secrets of the estate:Joining hereunto also, That the Senat, all new, cannot bee enformed of affaires pased, neither yet well continue the entertainment of the affaires present. Which for that it feeme vnto the Florentines a thing verry 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 fourescore, shoulde from six moneths to six moneths bee remoued; excepting such as had before bene Gonfaloniers 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 faine also to take in their mutables common Senat, wherein such as haue bene dukers and Syndics are perpetuall Senators. Wherein the Rha-guifians are better provided of their Senat than are the Venetians, whose example they seeme to haue followed in the forming of their Commonweale: For in Venice the Senat changeth every yeare at once: but in Rha-gus 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 turnes may have place in the Senat, we must then imitate that which Solon did; who in the popular estate of the Athenians by him framed, appointed a mutable Senat of four hundred citizens every yeare to be changed: but withall hee made a perpetuall prouice Councell of the Areopagis, to the intent that that mutable Senat, and yearely change of all the other magistrats.
magistrates might thereupon rest, as upon a most fit 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 body of the law concerning Commonweales, are contained many things right full and commodious: so also amongst the rest, the reasoning and discourse concerning publike persons, hath always bene thought most profitable: and albeit that many things concerning magistrates are thought common and sufficient, yet lie the same for most part almost wrapped vp in obscurity: For that they which have thereof reason, do therein define nothing plainly. Wherefore I haue 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 vertue of commissi

dely. Which definitions fo 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 af

terises: of whom there are two sorts, one which hath power to command, whoe they call Magistrats: and another sort 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 that, all publike persons are not Officers, or Commissioners; as Archbishops, Bishops, and Ministers, are publike persons, and beneficed men rather then Officers: which we must not mingle together, considering that the one sort is established for matters divine, and the other for worldly af


terises, which ought not to be confounded. Joynynge hereunto also, that the estabishing of them which are employed in divine matters, dependeth not of the politicke 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 decision 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 seted by Commissioners, before they were seted by Magistrats or Officers (as wee will hereafter shew) it is fit that we should first speake of Commissioners, and of the difference between 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 **epan** which is not proper but to them which are of power to command, and agreeeth not vnto officers that serue, as Viziers, Sergeants, Trumpetors, Scribes and Notaries, whom he putteth into the ranke of Magistrats, and yet haue 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 prouie councell, neither yet deliberative voicic, nor power to judge: for if it were so, there should be but few magistrats in all Commonweales, considering that there are so few councellors of the proui
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 Doctors, who are confesseth, That it alwaies 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 sense and sort all Commissioners should be magistrates. But D. Cusanus, beside the definition of Aristotle, promoteth to bring three others: A Magistrate (in faith) is a publicke person, who hath preheminence in doing of justice; or he, which sineth in state of justice; or else he, which hath jurisdiction and publicke judgement: so that by his account he appointeth four definitions, with that of Aristotle. Which is directly against the Maximes of all Philosophie, and contrarie 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 many which are in one thing: true it is, but an hundred definitions 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 principal mark whereby a Magistrate is known, is, To have power to command; and in these three definitions wanting: and the magistrates' lieutenants have the hearing of causes, are presidents in judgement, and sit in the fear 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 Cicerones house, thus he began his speech, Pontificis religionis sunt iudices, leges Senatus; The Bishops (said he) are judges of religion, and the Senat of law. So doe the Cadiies, or Mahometane Bishops in the East; and yet for all that they are no magistrates, confideting that they had or have no power to command, nor to call men before them, to imprison them, or to put their owne judgement in execution: neither haue they any sergeant or officer whom they can command, no more than haue the Cadiies, or Paradadies in Turkeie, or the antient bishtepe of Rome; which is a thing worth the marking. And sometimes cleane contrarie,some have authentick 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 Commissioners of publicke extraordinary causes, in antient time deputed by the people of Rome, whom the law calleth quinquies partitid, had (as at this present Commissioners appointed by the prince have power to hear the cause, to fit in justice, to judge, to command, to compell, and yet for all that were no magistrates. Which bring to, none of the aforesaid definitions can bee good.

Besides that there is another fault in them, for not having distinguished the magistrates from the other officers, not made any difference betwixt an officer, & a commissioner; whereof a great confusion and medley of commissioners and officers must needs enue. Carolus Sigonius, who seemeth more curiously to have searched into the definition of a Magistrate, is yet therein in many wises also deceived: For he calleth all them magistrates which haue any publicke charge of worldly affairs, without making of any difference betwixt officers and commissioners, or betwixt the magistrates and other officers, which haue also publicke charge; besides that he giveth power to all magistrates, to judge, to command, and to put in execution, even unto the Apostles. Howbeit as a definition
tion ought not to extend farther, or else way, than doth the thing that is defined: so
ought also the description of a magistrate in this our treatise of a Commonweale, to
agree to all magistrates of all Commonweales indifferently.

Now in the definition by our foresaid, we first said, all officers (whether they
were magistrates, or magistrates serving) to be publick persons: who in that differ from
private men, for that private men have nothing to do with the affairs of the Common
weale. We said also the Magistrates to have an ordinary charge, whereby to differ
from Commissioners, who have also publick charge, but yet extraordinary, according
to the occasions in the occurrences of time presented: such as were in antient time
the Dictators, criminal Quellers, and other judges extraordinarily by the people
of Rome appointed, at the motion and request of the Magistrates. And last of all we
said, their ordinary charge to be to them by law limited and bounded; for the erection
of their publick ordinary charges, erected by the name of offices, which otherwise
should be no offices, if there were not for them an express edict or law. A thing al-
ways observed in the antient Commonweales both of the Greeks and Latins; and
now also better than ever: and to this end Princes cause their edicts to be published, in
their foreign and inferior courts: and in this realm of France, the chaffers of offi-
cies newly erected are sealed with green wax, with labels of green and red flake, and
this style: viz. To all men present and to come, with a continuance perpetual: whereas
the letters patents of commissions, are sealed with yellow wax, with a label of blaine
parchment, without any perpetuity. And albeit that all Corporations and Colleges
be granted by the prince with a charge by law limited for ever, as I have said; yet so
it is, that if the king will augment or increase the number of the corporation or col-
ges of judges, or other magistrates, yes or of the most base or vile officers: as of Serge-
ants, cries, trumpeters, land meafeurus, brokers, and such like, it must be done by
publick edict, verified and enrolled: of examples whereof all the records of the courts
of justice are full. But whereas we said the lawes concerning officers to be perpetual,
that is to be understood of the perpetuity of the offices, which continue for ever after
they be once by edict erected, (what time soever it be that is prescribed unto the offi-
cers themselves,) yntill that by contrary edicts or lawes the same offices be againe put
downe. Although the officer hold his place but for the space of eighteene moneths,
as did of long the Cenfors their censorship, (which for all that was at length prorogued
for five yeares, for that so great an office could not in lesse time well be discharged,) or
for a yeare: as did all the other offices in Rome, by the law Villia; or for three moneths,
as did the Senators of Florence, after it was a popular estate; or for two moneths, as
did the six Counsellours of the signorie which are assistant unto the ducce of Venice:
or for one day only, as the Captains of the two fortresses of the Castle of Rhagune,
whose office is perpetual, albeit that their command last but for one day. But how-
somer it be that offices be erected with ordinate and publick charge, it must still be
done by law: not for that it is needfull to haue parchment to write it in, or green waxe
seale it with, or yet magistrates to publish the edicts concerning the erection of such
offices: for the writing, the seale, the verification, albeit that they give credit vnto 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
those of the Lacedemonians, which Lycurgus forbad to be written, and were for that
cause called Rhetes: for he was persuaded that they should the rather remaine in-
violat and of long continuance, if they were once wriuen in the hearts of his citizens
and not in tables, in their mindees and not in books. The Athenians in like case had
certaine forme of presenting their requests vnto the people, which if the people re-
ceived
The following to the


duty of the Roman magistrates: for the Consuls were created by the law Julia; and the Tribunes of the people by the law Duillia: and when question was for the creation of one of the Consuls out of the people, it was done by the law Licinia. And afterwirds the Praetor for the administration of justice in the city was made by the law Sextia. And the foure Praetors for publique criminall causes, (beside the other before erected) by the lawes Cornelia and Babia. So may we also see of all the other Magistrates erected by the Emperours: that it was always done by expresse Edict, wherein the time, the place, and their ordinarie charge are limited. As in all the first & twelth booke of the Code, and in the Edicts of Justinian it appeareth where every magistrat hath his particular Edict.

We have put alfo into our definition of an Officer, that he must have an ordinarie charge, for that the commandes of the people of Rome granted by commissions and extraordinarie charges were allwell 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 see by the commissions granted vnto the Dictators, which were sometime made by the decreet of the people, as I haue before shewed. And also by the commission granted to Pompey for fute yeares, therein to end the Pirats warre: with command ouer all the coafts and hauen townes of the Mediterranean Sea, all granted vnto him by the law Gabinia. As also by commission given him for the warre against king Mithridates, granted by the law Manilia. But forasmuch as these were not but extraordinarie charges, a man could not call them offices, which are full ordinarie and perpetuall. And for becaufe those warres were in short time to be ended, it was not mee further to create a new magistrat, whose office and charge should be perpetuall, but only extraordinarie to commit the care of that warre vnto a most sufficient Captaine and Generall: vnto whom fute yeares time was limited at the request of Catulus: 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 also. And all such extraordinarie charges we call by the name of Commission. The Dictatorship was also a charge given by commission, and not an ordinarie power: for why, the Dictator was not but extraordinarilie and without law nominated by the Interrex or Consul, some great matter to requiting: and for that all offices ceaft the Dictator being created, his commission was limited but vnto six moneths at the most, and if he had foner dispatched the businesse for which he was appointed Dictator, his commission then alfo expir'd, and his authoritie ceafted: as we haue by many examples before declared. And as a man may see by *Emilius Mamercus, who chooef Dictator, and the same day having dispatched the businesse for which he was chosen, 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 soueraignetie, they may be either reuoked or proseg'd. And albeit that commissions in Popular and Aristocratique Commonweales are almoft full limited vnto a certaine time: yet in a Monarchie that extraordinarie and permittive charge is tyed to no time at all: for why, in Popular and Aristocratique citizenes and...
governments, the greater the charge is given by commission, the more need it is to have it in short time expired; least longer power might give occasion to ambitious minds to take unto themselves the government, and so to oppresse the libertie of the state. And therefore the dictatorship was but for six moneths, neither was that power ever longer proroged to any man in that free Commonweale, except to Furins Caimius. For at such time as the people of Rome had extraordinarily created the Decemviri with a yearely and foueraigne power, for the reforming of their old lawes and customs, and the making of new and more commodious for the state: their commission which should not have paffed, a yeare being expired, was againe by the people for another yeare proroged, with absolute and foueraigne power: and all other magistrates suspended during the time of their commission; vntil that out of the best lawes of other cities they had gathered the lawes of the twelve tables. Vpon which continuance of bearing rule, thefe Decemviri tooke occasion to oppresse the libertie of the state, and to take vpon themselfes the foueraignetie, had it not by force againe bene wrong out of their hands, and that not without the great trouble and turmoile of the cite. 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 magistrates held their places after the creation of the dictator, all other magistrates and officers being for that time suspended. The Florentines did otherwife, who almost eruerie fixt yeare extraordinarily created eight or ten Commissions, with foueraigne power, and without limitation of time, for the ordering of their Commonweale, and the reforming of the abuses therein: who being once created, all other their magistrates ceased. By which meant thefe ambitious in effect tooke vpon themselfes the government, albeit that in outward appearance they made faire shew of the guing vp of their charge. For the suspending of all magistrates in generall, is a thing very dangerous, not onely in Popular and Aristocraticke estates, but euyn in a Monarchie alfo: which yet I never knew to have happened in this kingdom of Fraunce, but at such time as king John was taken prifoner by the Englishmen: For then Charles the fift having gotten of his father the government of the kingdome, appointed fixtie commissioneers for the reforming of the Commonweale, with power to examine the doings and abuses of all the other magistrates, from whom all then power was taken. At which time the Commonweale destitute of governours, was by the feditious wonderfully disturbed: but more of these things in their place.

But the better and the more easily to understand the difference betwixt an office and a commission, a man may in some fort say, that an office is a thing borrowed, which the owner cannot demaund againe before the time it was lent for bee expired: but a commission is a thing which one hath but by sufferance, end as it were by lease, which the owner may againe demaund when he seeth good. And that is it for which Tacitus merely speaking of the raigne of Galba, which continued but three moneths, faith, Præcarium seni imperium, & brevi transiatum. The old mans empire was but by sufferance and in short time to passe away: not for that he had indeed his empire by sufferance, but for that he was now growne extreme old, and being vniue 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 thetof is executed, although it be not reuoked; or that the time was graunted longer for the execution therof, and yet nevertheless may be alwayes reuoked, whensoever it shall please him that graunted it, whether the matter for which it was graunted be yet entire or not, as wee haue before shewne by the example of the Dictators. And to this purpose there is an old
old decree of parliament yet extant in the records of the court of Paris, against the pur-
seuants sent to Troy with the judges for the publike extraordinary causes, being indeed
none of the body of the court, who (the commission expired) neuertheless yet bearing
them selves as pursuants, were by the court commanded to resigne up their office, and
a decree made them to be no officers at all.

I stand longer upon this point, which although it may seem easie vnto men of ex-
perience, yet vnto others it may seeme strange: ye two of the greatest orators of their
time, namely Demosthenes and Aeschines grounded the state of their orations and pleas
vpon this point. For when Ctesphon had presented a request vnto the people, That it
would please them, that Demosthenes for his good defects towards the Commonweale
and namely for having most strongly fortified the walls and castles of the citie of
Athens might in the open theater be rewarded with a crowne of gold. Aeschines De-
mosthenes his greatest enimie, opposed himselfe against the entertainement 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
Ctesphon, or more truly to say, for the crowne he would have had, alleging, That the
law spake not but of Magistrats; and that charge of repairing and fortifying of the walls
and other fortresses, was no magistracie or office, but only a simple commision; and
therefore in his vulgar tongue faith, τη λαϊκία, διυ σέρες ωνικ, ἐλι' ἵππαλεν τινά καὶ
δικαίων. Which the Latines properly called Curatia, which is to say a Commissi-
on. Wherby it appeareth, that publike charge, for repairing of the walls not to have
bene an ordinarie matter, but extraordinary, for that there is not still need for to repair
them. Neither ought it to seeme strange, if Demosthenes well knew to distinguish
and put a difference betwixt a commision and an office (as having bene of long time exer-
cised in the publike affaires, and as it were in the midde of the Commonweale) both
which Arisophil altogether confounded. The one of them also having alwayes man-
naged the affaires of state; and the other as faith Laertius, never intermedling therein.
And that is it for which Nicholas Grumius, and Carolus Sigonius, for not having un-
derstood the difference betwixt an office and a commision, have so much troubled
them selves with replies and reioyners, 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-
ifested, by that which shall be set downe in this booke.

In the laws of Charlemaigne Commissioners were called mifte, a mittendo; which
signifieth sent; which the Germans call by an old word Skaken: whereof they called
the court of judges, which were extraordiainarily sent into the provinces (& were indeed
nothing else but Commissioners) Senacrium. But here perhaps may some man say,
That the Commissioners of the castle of Paris, and judges of the court of Requets of
the Pallace, are also officers: which being so, how could it then be, that an office and
a commision should not be also all one? Whereunto I answeare, That of antient time
those judges were but simple commissioners, with authoritie and power during plea-
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:
their old and former name of commissioners, yet by abuse or for the honor of
that court still remaining: whereby those judges of the court of Requets, are yet called
the Commissioners of the Parliament; as judges appointed, and againe to be revoked
at the pleasure of the prince. Which judges of the court of Requets (for all that) can-
not now be revoked by the king himelyse, except they first bee by capitall judgement
condem...
condemned, or willingly of themselves resign their places: for so it was by the law of 

*Laws* the eleventh provided. Not for that commission is incompatible with an office, most part of commissaries being not directed but into magistrates or officers: but for that an officer in the quality of an officer, cannot be also a commissary, for the same charge limited unto him by his office. For such commissions as they call Excitatives, extraordinary directed unto 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 alreadie set: 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 magistrat, it is to be now determined by commission. Now the difference herein which the lawyers hold, is not at all, 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 bee a concurrence of the commission Excitativæ, with the charge contained in the erection 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 Commisary; and the acts of the officers more assured than the acts of the Commisaries. And so in such concurrence of authority, if the officer commissary also in a matter belonging to his own 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 firme and sure. It is also manifest, extraordinary commissions exstenuating the power and authority of magistrates or officers to be odious, or at least vilely gratious, 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 evene yeare in Genes, where the Sindies are afterwards Commissaries, to hear the abuses committed by the magistrates & officers (which in aumtint time in Athens was given to certaine ordinary magistrates) as also at Rome by the law Bebia; when as before Quaetors 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 civill wares 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, having directed his letters patents, in the yeare 1570, for the generall reformation of the waers and forrests of Normandie, which drew away after the question of the fairest of his domaine; from the hearing whereof the precedent and counsellors of the parliament of Roan were forbidden: Which interdictio although they left nothing attempted to have leetered, yet so it was, that in fine they agreed thereto, after that I had againe and againe presented unto them the kings commands, to that effect and purpose, and commenced suit not onely against the principal men of thar provincial court, about matters concerning my commissary, but also against the whole bodie and corporation of the citie of Roan, for the rights which they pretended against the king; and that, that was the cause for which I had obtained the interdictio.

But briefly, and yet more plainly and plentifully to make plain all sorts of Commissions, whether they be for the government of provinces, or for the waers; or for the administration of justice, or for the kings receipts and treasure, or other things concerning the state. We say, that the commissions come still from the fouraigne princes
prince, or from the magistrates, or from commissioners deputed by the soueraine 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 privat men. And if the commission be directed unto 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 haere and proceed in the caufe; either withoutappeale, or else with appeale referred vnto the soueraine 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 soueraine hath deputed: as sometime commission is given out for the instruction of the affaires, or proceedings vnto the definitive sentence exclufively or inclusively, fauing the execution thereof, ifappeale 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 division extendeth to all Commissioners in what forme of Commonweale foever it be. As is to be seene in the state of the Romans, where the mannaging of the waertes, and government of the countries and provincies newly conquered, at the firft belonged unto the ordinary magistrates and officers, uti the Consuls, Praetors, and Questors, yea euene a good way from the citie, whilst that the Roman empire was yet contained within the bounds of Italie: But after that the bounds thereof were extended further, they then began to appoint Commissioners to gouern their provincies, in stead of their ordinary magistrates, who although they were all by one name called Procefles, yet for all that they gouerned the provincies in stead of Consuls, Praetors, and Questors; they were also called Proconsuls, Praepretors, Proqueftors, that is to fay, Commissioners, or Lieutenants sent in stead of Consuls, Praetors, or Questors: As is in Liiuie to be seene, who speaking of Philo the first Proconfal faith, Alium cum Tribunos Plebis et, ad populus servent ut cum Philo Consulibus abjisset. pro consule rem gereat. The tribunes of the people were dealt with, that they would move it vnto the people, that when Philo was out of his consulship he might rule as proconsul. But after that the empire was growne great, and also extended farre, such commissions were by the suffrangu of the people granted by the Senat, to such as were lately gone out of their offices in the citie, who agreed among themselues for the government of the provinces; or if they could not so fall to agreement, call lots for them, which they called Compare interfe, & fortii: Except the charge and commission were of such conuenience and importance (by reason of some great waertes alreadie rifen, or like to arife in the province) as defuited to have some valiant and great captain without lot thereunto by the Senat appointed: Where if any partaking or factions chanced to arife about the matter, the people at the request of the Tribunes appointed one thither by commission. As it did Scipio Africanus, to whom the people gave commission for the manning of the wares in Spaine and Afrike, and so the means drew Hannibal out of Italy, and discharged that country of a long and most dangerous war. The like commission was without lot extraordinary by the people also granted to Paulus Emelius, to make waire against Persius king of Macedon. And so also to the great captain Pompey against the pirates, by the law Gabinia, and against king Mithridates, by the law Manilia: all they which the yeare before had botne office, being rejected, the people naming whom they pleased and best liked. Howbeit that this was no vifual matter, but right seldome times done: For ordinarily the Consuls, Praetors, and Questors discharged, and so going out of their offices in the cities, call lots for the provin-
provinces, if they could not otherwise agree for the government of them among them. As yet there was no bell species: and for that the charge of the warre against Mithridates, by lor fell unto Cor. Sulla, Marius by the working of Pub. Sulpitius, one of the Tribunes by him suborned, caused it to be by the people taken from him; and by extraordinary commission given unto himselfe: which was the cause of the most cruel and bloody civil warre that ever was in Rome. So also was the province extraordinarily appointed unto Cato Viticenst, against Ptolomeus, king of Cyprus, which by him undertaketh, Cladius boasted, that he had pluckt out Catoes tongue, which had alwaies before beene at libertie to speake against extraordinary powers and commissions. Sometime also if the horrible-neffe of some enormious fact required a more feuerely triall, the matter was propounded unto the people, who put it out by commission unto the Senat; which out of the bodie of it selfe appointed some one or more, not onely for instructions, but even to heare and end the matter. As when Lucius Tabullus the Praetor, had with grievous extortition molt filthily polluted the Tribunall seat, and pervertid justice; so that the people leaving the ordinacie course, and the magistrats to whom the hearing of the matter belonged, referred it wholly unto the Senat by extraordinary commissione: the Senat forthwith deputed Cn. Scipio to judge and end the cause. So also when Tiberius the emperor by commissione appointed the Senat to enquire of the murthers committed between the Nucersians & Neapoliants: the Senat deputed the Consuls to enquire thereof. Yea sometime the Senat without commissione from the people, but as it were by meere boueraignty appointed commissioners, it the cause in question were committed in Italy, out of the territorie of the citie of Rome, as a thing belonging to the Senat, apart from all others; as faith Polybius: as it happened in a strange robberie and murthe, wherof Cicero speaketh in his booke De Claris Oratoribus; to the hearing whereof (hee faith) the Senat deputed the Consuls. By which examples here before produced, it appeareth that Commissioners appointed by the prince, or people having the boueraignty, whether they be magistrats or privatt men, may appoint their deputies, and so commit the matter to others, if it be not expressly forbidden them by their commissione to doe; or that question be of the estate it selde in the commissione: as the ambafladours or Commissioners which are to entreate of peace, or alliance, or other such like things cannot commit the same to others. As is also to be faid if question be of the life, fame, or state of any man: wherein the manner and examination for better instructions may be deputed to others, but not the judgement it selfe, except the judge before appointed by commissione excuseth his absence by sickneffe or some other lawfull cause. But Infinian the emperour afterwards ordained better by forme of a perpetuall edict, That Commissioners appointed by the prince, should depute nothing of their commissione to others more than the instructions of the suit: neither thought he that sufficient, but decreed also, that the Commissioners appointed by the prince shoulthemselfes heare the appeale, and instructions of the suit. But to meet with all that is to be met with, the most sure rule is to have al that is committed particularly in the commissione, expressed, and so the commissioners to be ruled by the commissione, as is the manner in all well establisshed Commonweals.

And albeit that a man might make many questions concerning commissiones granted, as well by the boueraignty, prince, as by the magistrates, in time both of peace and warre: yet will I thereof touch but two or three, and those most necessarie to bee vnderstood of them which have the managing of the affaires of state, whether it be in peace or warre. Wherfore leaving the rest, and to bee briefe: wee say that the commissione ceased by the death of him that granted the same, or by his reposing of the commissione: or in case that the commissioneer during the time of the commissione...
neither in bee for him yet the fion, obtainge for and bee

whether the acts of a commissioner done after his commission revoked, and yet before he had knowledge of the revocation thereof be good or not?

A good decree of Pope Innocent. 287

A.

section, obtains some office or preferment equal to him that granted the commission: for then one of them cannot command the other. But as for the express revocation declared by the princes letters or edicts, concerned as well them which are ignorant of such revocation of their authority and commission, as them which know it. And albeit that the acts of a commissioner so revoked, done after the revocation of the commission, and yet before the knowledge of such revocation to him giuen, hold for good but in regard of particular men, towards whom the commissioner hath executed his commission; and especially, if they have voluntarily yielded unto the commissioner, knowing the commission to be already revoked: and that towards others the acts of the commission after the revocation of the commission, are of none effect by the rigour of the law, yet equity and reason bindeth them thereunto, until that the commissioners or appointed judges doe know that their commission is revoked. For as a commissioner hath no power vnill he have received his commission: so likewise the commission dureth, until the revocation thereof be signified; or at least wise until the commissionet know that it is revoked. And therefore Celsus saith, that the acts of the governour of a province are good and available, if the commissioner know not that his commission is called in. And although Pope Innocent were of opinion, that it was otherwise to be judged, if question were of life or honour, and was therein of many followed, yet he continued not in that opinion. And albeit that he was a pope & souereigne prince, and a man most skilfull in both the lawes, yet willed he no greater authority to be giuen vnto his writings than to other mens, neither to reft thereon further than there were good and strong reason therefore. But to take away these antient difficulties, the secretaries to the state haue vied to ioyne vnto commissions, and almost to all mandats and letters patteines this claue, A die quare scriptum Significatur. From the day that the refeript shall be notified: which claue if it be omitted, yet is it always necessarily to be underftood. And thus much concerning the expresse revocation of a commission.

D.

So also a Commission taketh end by the death of him that granted it, bee hee prince or magistrat; provided alwaies, that the thing committted bee yet whole and entire: for otherwise the commissioner may continue that which hee hath begun, so that it be done without fraud. But it is fraud in law, when a Commissioner not aduerteised by a puruent or express refeript (but by some other certaine means) of the death of the prince, the matter being yet whole, yet hee the less proceedeth therein. Now the matter is not whole and entire, which cannot by the Commissioner bee left off without prejudice to the publike state, or to the right of private men: as in matter of justice, if the parties haue contested, the thing is no more entire, but the Commissioners may and ought to go through with that they haue begun, whether it bee the prince or the magistrat that hath giuen them commission. And so in warre the matter is laid not to be entire, if the battell stande not before the enemy, and that the retreat cannot without evident peril be made: in which case the generall is not to forbear the gittine of battaile, although he be certainly enformed of the death of the prince; or that it be forbid him to ioyne battaile. So if rebellion ariseth, which cannot otherwise be appeased but by the execution of the authors thereof; that is first to bee done, and afterward knowledge thereof to be giuen, (as faith the lawyer) although the death or countenaunce of the prince happen or come in the meane time. Yet the commissions comming from the prince, or letters mandatorie, are in that different from the other letters royall, which they call letters of justice: for that these continue in their force and vertue, whereas the letters of command expire after the death of the prince. Yet nevertheless the new prince oftentimes ratifies that which was done by the command
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 com-
misioners by them appointed, for that their ratifications in matters of justice are never
to be received. And thus much concerning all the forts 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 fort holden in suspense, and as it were sus pended vntill they haue 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 Lewes the eleventh, decreed
that the officers should continue in their charge, as they had before done, vntill that they
received command to the contrary from the new king; following therein an aumt-
cent decree given in like case in the moneth of October, in the yeare 1380. Howbeit
the court of Toulouse after the death of Charles the fourteenth, otherwise deceas'd than
had the parliament of Paris, wiz. That all their jurisdiction should cease, vntill they
had received new commandement from the new king; and yet that if any occurrences
should chance wherein the authoritie of the court should bee requisite, that then the
court should proceed by letters and commissions, intituled The people holding the Par-
lement royall of Toulouse, firm'd with the seale of the court, without any mention ma-
king of the king. But forasmuch as the king comming vnto 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 yeare 1398 (contrary 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
authoritie or power; neither are in any other fort to proceed, but as officers vnto the
king, and vnder his obeyance. 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 being dead,
the maiestie of the kingdom is to returne vnto the people) another thing were to be
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 pow-
er proper vnto the magistrates: whereas Commissioners and judges extraordinarily
appointed, can by no means (the prince being dead) hold their authoritie 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 gracious (as some have thought) for oftentimes
a commission 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 haue like power the king being dead, that they had while
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 annuall, and the
king die before the parliament yeate be expired, yet may the magistrate nevertheless
hold his office for his yeare: or if it be perpetual, continue the same in such fort and fo-
long as the law giueth him leue, for that his office dependeth not of a simple com-
mmand which may still be revoked, or of a charge which cannot be recommaned,
but is grounded upon a law, received, publisht, verified, and registred: in such fort as
that his office cannot be suppreffed but by a contrarie edict or law. As when question
was for the suppreffing of the militatie Tribunes, (for the discord betwixt the Senat
and the people, before created with the power of the Consuls) and in their steads to re-
store again the Consuls, it could not be done vntill that by the law Licinia, that power

**Offices by law established are not but by contrarie edicts or laws to be put downe.**
Of the Tribunes was again taken away. And in our time when as the first and first president of the parliament of Paris were to be supprest, they were not yet therefore displaced (for that against their wills they could not, except that for some capital crime they bad beene before condemned) but an express edict was made, that after their death none should be more placed in their rooms, but to their offices to bee supprest. So by a generall edict made by Charles the ninth, at the request of the electors of Orleans, in the yeare 1560, all offices erected after the death of king Francis his grandfather, were againe supprest. And oftentimes it happeneth, that one officer is by one law made; but more often that many are made at once: as when three or four serjeants were at once created by one edict of king Francis the first; and the criminal judges at once erected throughout the realm by an edict in the yeare 1527, when as before the same man was judge both of criminall and civill causes. Which course was so strictly obserued and kept in the kingdome of France, as that the vertic clarke of the clarke of the parliament, were by express edict made an office, though afterwards by another edict againe supprest, at the instance of the chief clarke, in the yeare 1544, as were other small charges, which the Roman Commonweale were by the magistrats themselves commonly given unto their servants, without any law at all. Neither is it sufficient for the magistrats and other offices to be by the law created, but that their successors also have a particular declaration, to testify that they have obtained their offices, and yet no need of any new edict or law. And for this cause the princes commissions directed vnto the officers in the quality of officers, continue in force to their successors: for that the prince therein maketh choice of the magistrat 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 commission, for that the prince made choicc not of the magistrat but of the person.

Yet there are other differences also betwixt an officer and a commission: for that the power of an officer besides that it is ordinarie, it is also better authorised, and larger than is a commission: & that it is for which the Edicts and laws leave many things to the consciences and discretions of the Magistrates: who indifferently apply and interpret the laws according to the occasions & exigence of the causes presented: Whereas Commissioners are otherwise bound, and as it were tied vnto the vertic words of their commission, and especially where question is of the affaires of state: as in the charges and commissions of Embassadors or Commissioners deputed to negotiate betwixt princes, where the Commissioners may not without danger of their lives passe one point beyond the lefson they have in writing, if his clawe (which is oftentimes put vnto the charges and instructions of Embassadors and Commissioners to treat with princes) be not thereunto annexed, viz. That if any thing else be to be done, the Embassador shall at his wisedome and discretion, according to the change of places, times, and persons, have care thereof: much like vnto that clawe whereof Echines the Orator speaketh in the oration which hee made for the defence of his legation, where he faith, that this clawe put into the the commission of Embassadors, viz: That they should do whatsoever they law to be for the common good; extended not vnto that they had in their express and particular charge: so that the aforesaid clawe extended not vnto the principal obligations and resolutions of treaties, as to the making or breaking of peace, but only vnto the accessories and matters of lesser importance. 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 Embassadors without speciall command to insert thereof: For seeing that in the lesser affaires of private men, an Attorney or Proctor having a generall authority with...
full and entire power, may not yet for all that guile, acquire, or alienate any thing, or give or take an oath of any person without a special charge; much lesse ought he to doe in things touching the publique, and namely in things concerning the state: well may things done without commisnion, be confirmed, yet could they not be done without commission be so done. For albeit that in privite matters he may say him selfe to have well and duely executed his charge, which hath done it better than was to him intioned, yet in publique affaires of the state it is not alwaies so: for the Soulediour which hath affailed the enemy, or the Captaine which hath guien battell contrarie to the Generals commannde, are both worthie of death, although they obtaine the victorie. For what could ever haue more honorable bene done, or more worthie eternall praire, than was that which was done by Fabius, collonell of the hastefmen under Pappius Casar the Dictator? who with the lesse but of an hundred men only, flew twenty thousand of the enemies; and yet for that he contrarie to the Dictators command had ioyned battell with the enemy, he was brought in question of his head, neither had so escaped, had not the Dictator (overcome by the easie allure, and of the people) restored contented. And therefore Casar in like case speaking of one of his captains called Syllanus, said him to have done well and wisely in not giving of battell, although he were sure to have carried away the victorie: for that said he it is not the dutie of a capitaine, to do any thing that is by his Generall forbidden him. Yea so much it concerneth not to doe any thing that is forbidden in matteres of warre, as that the Lieutenant generall to an other man, ought not to give the enemie battell, except it be so expressly given him in charge: which was the cause that the Countie of Aiguesmond was shrewedly shent of the Spaniards, for giving battell into the Marshell of Termes (although he therein tooke him prisioner and discomfitted the French armie) for that he had hafted the whole state of the low Countries, if he had lost the battell. But this latter point is to be understood of such as be Lieutenants, or subject to the commannde of others, who by vertue of their office haue power to command. For an officer, as the Consull, or in his absence his Lieutenant, or with vs the Consibable, the Marshell, or other Generall of the armie, placed in the office, to haue full and absolute commannde over the armie, and to manage the warre, as by vertue of his office, and without attending any other special commannde, make warre upon the denounced enemies, pursuie them, and give them battell, besiege them, and take their fortefles and strong holds, and dispoole of the armie according to his discretion, if he haue not expreste commannde to the contrarie from his soueraine, and so his power suspended: yet hauing taken any strong places, or the enemies Genetall, he may not without special commannde deliver them, or yet make peace with the enemie. True it is, that in popular states these points are not, neither can be so straitly kept, the generals thereof themselues doing almost all; which in a Monarchie depende 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; of one man, than of many thousands. As we may stilllee in Limit large commisnions by the people guien into the generalls of their warres: as in the warres against the Hettoucians, all power was guien into Fabius, Omnium rerum arbitrium & a Senatu, & apothes, & a collega, Fabio Consuli Commission: The disposing of all things (till he) was both of the Senat, and the people, and his fellow in office committted to Fabius. And in another place, initio liberum pacis a bellis arbitrium permisset: At the beginning the free disposing of peace and warre was committted into him. And yet nevertheless they kept this difference between them which had the manning of their warres by vertue of their office, and them which did the same by commision: as that the Consul, Praetors, and others, having power to
A to make warre by vertue of their office, might auow and justifie their owne actions, without any other ratification, except they had taken upon them some thing that concerned the fouerainetie of the people; whereas the Commissioners, if they therein passed their commission, must of necessitie have their actions by the Senat or by the people ratified. As Pompey having had commission for the managning of the warre against king Mithridate, passing farther made warre also against divers other nations and people, at his pleasure bestowing the kingdomes, estates, and towns by him conquered and wonne: and albeit that the people would infringe or reuoke nothing of that hee had done, yet neuer the lesse after his triumph, he oftentimes requested the Senat, that those his doings might by it be ratified: and finding the Senat to make thereof difficultie, and

B to see therein long delays; he to strenthen and backe himselfe against his enemies, and such as were about to looke into his doings, joined himselfe in friendship and alliance with Cefar, so to make themselves both of them the stronger. For albeit that hee had a generall commission, 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 clauses of commissions being alwaies to be interpreted and ruled to the best good and profit of the Commonweale, not in any thing gluing power to doe that is hurtfull vnto the publike state; which is not a thing lawful or permitted eu'n vnto a privat man to doe, having a charge in generall turrets committed vnto him. Wherefore these words expressed in commissions, be they Governors, Captaines, Judges, or ambassadours (for things to be done)

C At their discretion according to their wisdome; or at their will and pleasure: and others such like, are still to be so interpreted and vnderstood, as euery good and wise man would interpret and vnderstand 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 interest to be enquird after: no excuse of errour, 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 sought for: neither offered vnto him, but by force by him extorted. For if priuat mans 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.

D But to the intent that the force of Commissions and offices may the better bee understood, it shall not be amisse to produce the examples of the auintent Romans, and to compare their manner of speech in the making of them, with that of ours. As in that which Peflus Pompeius faith, Cum imperio esse disebatur apud antiquos, cui nominatio apud populum debatur imperium, He was laid of the auintents to have power, to whom by name power was by the people giuen: which is as much as to say, by expresse commission, without appeal unto any other magiftrat, vnto whom so authorized the law gave power to command: For that a magiftrat or office cannot be without power to command. So we see in Lince, at that time as Hannibal besieged Rome, Placuit omnes qui Dictatores, Confules, Censoribus, poteuere eis commissi, omnes, that is to say, A decree was made (or commission giuen) that all such as had bene Dictators, Confuls, or Centors, should have power and authoritie to command, vntill the enimie were departed from the wallis. So Cicerone speaking of Augustus, Cesar faith, Deimus imperium Cefari, sine quae res militares geri non potes. Let vs giue (faith he) power and authoritie vnto Cesar, without which militatia affaires cannot be manag'd. For why, Ottavianus yet but yong, could by the law neither bear office, nor lead the armie, much lesse without power and authoritie take vpon him a genera

E How the auintent Romans gave extraordinary power vnto their generals by commission.
The Third Book

The manner of propounding the request for the creation of a magistrat, and of a Commissioner: For the magistrat was virtuately created by virtue of the lawes before made; the magistrat thus asking the people, Quos vellect Conules scri, Whome they would to be made Conuls? and so of the other magistracies and offices being vacant. But for commissions of command, they vied these words, Vellent inherent vel huic vel illi imperium est in huic vel illa provincie, If they willed and commanded that this or that man should have the government in this or that province. As is reported of Scipio Africanus, who had commissions with power to command, although he were not yet of age to beare office, or to be a magistrat. And Cicero speaking of all sorts of commissions faith, Omnes potestates, Imperia, curationes, ab omnino populo proficiunt, It becometh all potestats, communds, and commissions, to come from the bodie of the whole people. Whereby by the word Potestates, he understandeth the gouernours of princes, who were properly so called. And by the word Imperia, Captains, who had particular commissions to manage the warres (howbeit that the word Imperia, is understanded also of the ciuill magistrats) with power to command. By the word Curationes, is meant all other charges, without power to command. The word Imperator, signifieth properly a generall or chiefe captain, as tunc speaking of Pompey, Tothas Imperator antequam miles, So often a generall before he was a fouldier. But generally the word Curato, importeth all sorts of commissions; as is easily to be gathered by this place of Cicero, Idem transfero in magistratus, Curationes, Sacerdotia: The same I transereto into magistracies, Commissions, and Priesthoods: which are the three sorts of publike charges. Veliam the lawyer also well distinguiseth a magistrat from him whom he calleth Curator republie, of whom he hath made an expreste booke: whom the law calleth by a Greeke word apajes; who had no power to cond. mine, 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 paffe into the nature of offices, as of that is by law made an ordinarie charge, which was before done by commissions as we haue by the examples of our owne Commonweale before declared. And that which was before giuen at the pleasure of the magistrats, becommeth also an office, if he that hath the soueraigntie doth by law establishe the same. As in auentit time the Conuls, as it were by commissions made choice of the six Colonels, whom they called Tribunos militum, vntill that about 642 yeares after the foundation of the citie of Rome, it was by an expreste law (made at the requett of the Tribunes of the people) set downe and decreed. That from that time forward it should be an ordinarie office, and the people to haue the choice of them: which was enuer after obfobted, except some such great warre were in hand, as that it was thought needfull, that extraordinary choice should be made of those Colonels by commissions: As in the Macedonian warre against king Perseus, Liciiurus and Caffius the Conuls, made a motion vnto the people, That the Tribunes, or Colonels of the fouldiers, might for that yeare bee chosen by the Conuls, as indeed they were. So likewise in auentit time also, the Conuls, Pretors, and other great magistrats made choice of their slaves and feuellants for their vshers, secretraries, sargeants, Trumpeters, and such like; as they did also in this realme, vntill the time of Philip the Faire, who was the first that tooke this power from the bailiffs and senfe-

schals.
of A Commonweale.

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A schals, and yet leaving unto the lords justices, power to establish sergents and notaries in the provinces of their jurisdiction and territorie. And in like case the kings attorney generall, in the time of our fathers, made choice of such advocate as he thought best for the pleading of the kings causes; who are now as ordinarie officers created by the prince himselfe, the particular commission before given unto the attorney general, being converted into the forme of a most honourable office. And thus much in generall concerning Commissioners and officers: it followeth now that wee should also speake of Magiftrats, and of such other things as are unto every one of them properly belonging.

CHAP. III.
Of Magiftrats.

Magiftrat is a publike officer, which hath power to command in a Commonweale. And an Office we said to bee a kind of publike person, who hath an ordinatire charge by law appointed unto him. But a Commissioner wee said to bee a publike person also, with a publike, but an extraordinary charge, at the pleasure of the prince. Now orderly proceeding required that wee should before speake of Commissioners, then of officers; for that they were before any lawyers or Officers established. For right certaine it is, the first Commonweales were by foueraigne power governed without law, the princes word, becke, and will, feruing in stead of all laws, who both in time of peace and war, by commissions gave our 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 lawes or customes at all. And that is it for which Pomponius writeth, the Roman Commonweale to have bene at the first governed by regall power, without vie of any law. And Josephus the historiographer, in his second booke against Appian, desirous to show the most honourable antiquitie of the Hebrews, and of their lawes, faith, That Moses of all others was the first that ever writ lawes. And that in five hundred yeares after, the word Law was never heard of. Alleagings in prooe thereof, That Homer in so many books as were by him written, never veth this word V\l\de- or Law: a good argument that the first Commonweales veth not but Commissioners, considering that an officer cannot be established without an expresse law (as we have said) to give him his ordinatire charge, and limited to a certaine time: a thing seeming to diminish from the power of foure signte. For which cause kings and princes (ie. their estate and greatnesse) have usuall annexed unto all their letters patterns of office, an amautent clause retaining the marke of lordly Monarchy, viz. That the officer should enjoy his office so long as it goeth with the princes pleasure. Whereby it appeareth the officers power to depend of the princes power, rather than of order. And albeit that this clause be to no purpose in the kingdome of France, for that by a law by Loues the eleventh established, ordinary officers and charges by the prince one lawfully bestowed, cannot from them on whom they are fo bestowed be againe taken, except they have committed some criminal cause worthy of death; and that in Spayne, England, Denmarke, Sweden, Germanie, Polonia, and all Italia the like order be obturated: yet for all that, the Secretaries of estate never forget the same: a great argument that all charges and offices were of amautent time in the nature of commissions; which whither it bee profitable unto Commonweales or not, shall in due place be hereafter declared. But let vs before speake of the Magiftrat which whaine before de-
fined to be a common or publike officer with power to command.

Now there is no lesse difference amongst writers between the officer and magistrat, then there is betwixt the officer and commisioner. For albeit that every Magistrat be an officer, yet every officer is not a magistrat; but onely they bee Magistrats which have power to command, which their greeke names ἐπίσκοπος, and ἐπισκόπως well declare: as who should say Commanders; and the latine word Magistratus, which is as much as to say masters and commandners. And for that the Dictator was he which had the greatest power to command, the antient writers called him Magister populi, the word Dictator signifying a Commandeur: as who should say, laying the word, and it was done: for that edicere is as much as to command, which is proper vnto Magistrats: for that edicts are the Magistrats commandnts. Howbeit that many herein deceive themselves, who supposing the bookes written in latin in the name of Mar. Varro to be his, say that the Dictator is so called, quae dictus ab interregae, as so called of the Interrex: But by the same reason the Colonne, and the horsemens might be also called a Dictator; for that he was then also so appointed by the Dictator, as is to be seen through all the historie of Luie, and should rather be called Dictatus, as a man appointed; in the signification pastime, than Dictator in the actiue. Wherefore Dionsius Haliearnassicus Varro his domesticall friend better faith, the Dictator to haue bene so called as an Edictator, that is to say, a foreigne, commanduer, and was therefore called Populi magister, or the Master of the people.

Now we haue before declared the definition of a Magistrat by the younger lawyers, and by Aristote himselfe let downe, to be in no wise to be allowed or maintained: who call none but him a Magistrat which hath a deliberative voice in judgement, and in the priuie counsell, with power to command; and principally faith hee to command: for in his firste booke de Republica, seeing the number of officers to be infinite, whom he calleth all ἐπίσκοποι, a name proper vnto Magistrats hauing command in the Commonweale: he findeth himselfe therein much entangled, for that hee seeth others also besides them necessarie for the ornament and glorie of the Commonweale: and then after them all the Magistrats, minifters, as Sargeants, Whets, Secretaries, Notaries, all whom he calleth by the common name of Magistrats: euen as he doth them which haue power to command: and so passing on further, faith, such minifters to haue also power to command, τοιούτως ἐπίσκοποι. And yet for all that in an other place he maketh question, whether that the Judges and Orators are to be called Magistrats: whereunto he answereth, that a man may say them to be no magistrats, hauing no part of the command of the Commonweale: And therefore Cato Vitruvius chaflisng the Registers, 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 Orators whom he calleth ἰερός λαθητής, if so it be that they haue no command or ordinarie power, it is right certain that they are no magistrats at all: but yet ofte times they are also Magistrats, I mean such as in Popular and Aristocratie eftates and Commonweales haue power to perswade or dissuade the people, to or from such things as they thought to be for them vnprouitable or diſ- profitable, whom they called Rhetor. 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 speech vnto the people, but by the leave of thechiefe 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 grant the diuision of judges let downe by Justinian the emperour 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 publique
and ordinarie charge; that is to say, of Officers, some of them are Magistrates, (viz: such as have power to command) and some of them not, (as having no such com-
mmanding power) but wearing only as the magistrates迷你sters: which division sec-
meth vnto vs necessity for the avoiding of such businesse as might arise of a division
of it selfe imperfect. Wherefore we have said that such publique 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 Emperours of latter times often times in their
lawes call officiales, being indeed but ministers vnto the magistrates. The auncient Do-
ctors of the law haue for most part followed the opinion of Acursius, who fet downe
B neither any definition nor distinction of Officers; nor of Commissioners, nor of Ma-
gistrates; but simply faith, That there are foure sorts of Magistrates, viz., them whom
they called Illustres, the Spectables, the Clarissimos, and the Perfectissimos, to whom
he giues all command. All which are rather honorable qualities and titles attributed
vnto the magistrates and Officers, according to the conditions of their persons. How-
beit that in this division of them also according to their titles and qualities, he hath left
out the Patriae, who were of greater reputation and dignitie then the rest: as also the
Augustales, who were superiours vnto the Clarissimos: for why lustinius the empe-
rous appointeth these degrees of honour, the Patriae, Illustres, Spectables, Clarissimis,
Sine Spectos, and the Perfectissimos, all which honors and titles were given alwvnto
private men as vnto magistrates. But as for that which Bartholus 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 administration of justice, it
defesteth not answer; for that he therein is most manifestly contrary vnto himselfe.
So also is there small probability in that he faith, Scholasters as magistrates to have
jurisdiction over their schollers, and power to establish lawes and ordinances: for so
domesticall power and the discipline of families should be also altogether conounded
with the publique jurisdiction, which we haue before shewed to be a thing impos-
ible. Alexander Imolenfs the greatest lawier of his time, hath touched much neeter
the true definition of a Magistrate: in that he faith, None to be Magistrates but they
which are ordinarie judges; And yet is not this enough: for why they are such magi-
strates as haue power to command, and yet haue not any ordinarie jurisdiction: as the
Centors, and the Tribunes of the people. And so to the contrary some there be (which
being no magistrates) have an ordinarie jurisdiction, but without any commanding
power, without Purtuant or Sargeant, as had in auncient time, and now also in every
place the Bishops, who haue the hearing and determining of all facted and religious
things, and yet were nevertheless no magistrates. The Bishops faith lentulus are judg-
es of Religions, and the Senat are judges of the law. So one may see neither the aunc-
tient nor late writers to have handled this point, or yet so much as touched the diffic-
culties or differences of Officers, Magistrates, and Commissioners, as the matter well
defercd. And albeit that the true definitions of Magistrates, officers, and commision-
ers be not to be found in the papers and writings of Lawyers, yet are the fame to be
gathered from them, and from the dicourse of good histories. For vilian writeth it
to be lawfull for all magistrates, excepting the Duumuir, by inflicting of judicall pains
to defend their jurisdiction: which extendeth not onely vnto the imposing of fines up-
on the offenders, but even to the attaching of their goods and bodies, and casting of
them into prison. And yet it appeareth (may some say) that vilian having excepted
these Duumuir (who were in like power that the Sheriffs were in towns without
any jurisdiction at all) yet nevertheless accounteth them in the number of Magistrates,
and seemeth also to say, these Duumui to have also had jurisdiction: For otherwise in vain were they excepted, if they had not such authority and power. And yet the same lawyer in another place saith, these Duumui to have had no jurisdiction, nor the hearing of any causes whatsoever, but were only to receive needfull cautions, and to deliver possession: which favoured more (as faith he) of power than of jurisdiction. And yet in this case (faith he) they were but simply the Praetors deputies, who in their absence gave them this commission, for preventing of the danger which might in the mean time happen, if men of necessity must be driven to runne still unto the Praetors: who in like case also afterwards gave them power to appoint tutors unto the poorer sort of orphans for the preservation of their goods. Wheretby it is evident them to have had no jurisdiction or power by vertue of their owne magistracie, but only part of the Praetors jurisdiction, and that also by leave and sufferance. But they which have nothing but such deputed or preparie jurisdiction, can of right call nothing thereof their owne: Wherefore whether the power of the Duumui consisted only in having power to command, or in jurisdiction, it was undoubtedly but by leave and sufferance: whereby it is to be understood, these Duumui not properly to have bene at all magistrats. But they which have power to command, together with jurisdiction, may call men before them, attach them, and with penal judgement defend their jurisdiction, & also put their judgements in execution: whereas 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 Alteria Tarpeia power was giuen to all magistrats, to impose fines vnto the summe of three- score six shillings, therefore suppose all magistrats to have had judiciall power also. For if the fine were by the magistrat imposed for publicke 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 Livie oft times to bee seene: which was done by the law Icilia. For why the fine of it felde inflicted not any infamie vpon the partie so fined, but for the publicke crimes fake: as the punishment of beating with flates 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 an- swering being asked, or for any other cause, not impairing his credit; it was lawfull for the magistrat by taking of distresse to exact the fine, without appeale: For that by the law Tarpeia, there was a certaine fine and measure for fines appointed, and so downe vnto the magistrat, that to the disobedient citizens might without any trouble of the state be kept in order, and their infolencie restrained.

Now the least fine vpon any man to be imposed, was one sheape; and the greatest two oxen, or thirtie sheepe: which for that according to the diueritie of the cattell it made the penalty either lighter or heauier, and for that they could hardly be brought and looked vnto in the citie, a sheepe was valued at ten asse, 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, extraordinie and greater fines were imposed, if greater cause so required. As Livie writeth of Fulvius, who for that he being Praetor and generall against the enemie, the Roman armie was put to flight, and the Praetor reported to be the first that fled; the Tribunes of the people fined him at thirtie thousand pieces of brasse, when as before the greatest fine was but two oxen, or thirtie sheepe: howbeit that the fine was oftentimes forgiven, for that the sentence of the people condemning a man vnto a fine, carrie alwaies with it the note of infamie.

And for that we are by way of discourse drawneth thus farre, wee will here amend an
error in *Aulus Gellius* (about this matter) not as yet corrected. For hee in his *Notiti...* Attila, speaking hereof, writeth, The greatest fin to have bene of thirtie oxen, or two sheepe, in stead of thirtie sheepe, or two oxen: and thereof gathereth, that as then there were moe oxen than sheepe in Italie, and that it was thereof called Italie: the word *italia* with the Greekes, and with Varro signifying an oxe. But Dionysius Halicarnas. *seus, Varro* his domesticall frienid, writeth, That by the law of Tarpeia, it was permitted to all magistrates, to impose fines: and yet a measure thereof to have bene by the law appointed, *vixi*. That the fine should not exceed two oxen, or thirtie sheepe at the most. In like error offendeth *Festus Pompeius*, and in the same words with *A. Gellius*; so that the one of them seemeth to have bene deceived by the leading and authority of the other. Both of them also writ, a sheepe in ancient time to have bene called *Ouis*, in the masculine gender, which yet you shall no where find; although wee see *Boues* for oxen, to be oft times vied in the feminine gender: But it may bee that they mistooke *Duos Ones, tharis, Two Sheepe*, for *Duos Boues*, which is, *Two Oxen*. And least any man should thinke me to attribute more to Dionysius Halicarnas. *seus* a Grecian, than to *Au. Gellius*, or to *Festus*, both citiſens of Rome, they themselves are of themselves refuted: For both of them confesse, the least fine to be imposed, to have bene 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 said, the least fine to have bene of one oxe. Neither do we as yet fee whome we may preferre in the searching out of the Roman antiquities, before this Dionysius Halicarnas. *seus*, excepting Varro, whose domestical and familiar friend this man was, out of whom he had many good things: For as for the books which are in his name carried about in the Latine tongue, as well the fooliſhes 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 *Au. Gellius* writeth, *Varro* in his one & twentieth booke *Rerum Humanarum*, to call *Multiam* a Sabine word: but the latter Grammarians to take it to be so called by the contrarie: whereby it is cleere those books not to have bene *Varroes*. Yet these things which we have written concerning the estimation of the cartell exacted for a fine, are confirmed by the authoritie of *Demetrius Pharalus*: For he writeth, a dramme of Siluer to have bene appointed by *Solon* laws, for a reward to him that had killed a thee wolfe; but false drammes vnto him that had killed an hee wolfe: for that a thee wolfe easily killeth a sheepe; but that the hee wolfe being stronger, killeth an oxe. Whereby it is manifest, oxen to have bene thrice as cheape in the countrye about Athens, as in Italie. For ten *Asles*, or the Roman Denarius over-weigheth the Greece dramme. And in the same place in *Au. Gellius* there is another more notable fault, where he faith, *Multiam, qua suprema dicitur, in singulos dies institutam fuiffe*, The fine which is called the greatest, to have bene 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 to be that many of them had in the same fault offended: for otherwise it had not bene 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 should ensue. For prove hereof let that example of *Au. Gellius* leere, *Marco Terentio quando neque status respondit, nec exculatus est, ego et ouem multiam dico, Forasmuch as Mar. Terentius, being summoned, answered 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. Mencius Lanatus, & Seftius Capitolinus* the Confuils, to have made the law concerning fines: for it is a thing not heard of, lawes to have bene made by the Confuils: 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 Aet. Aet. were chosen Consuls: but true it is, that about six years after
T. Aet. Aet. and Pub. Sextius Capitolinus, being Consuls, made a request unto the people,
That the fine before imposed in cattle, might be converted into money, valuing euerie heape to ten Ases, and euerie oxe at an hundred. But whereas Dionysius writeth it to have bene 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 Commonweale, which he to the imitation of Plato had conceiued, amongst the rest made one, whereby he giveth vnto 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 shewe, all magistrats not to have had also jurisdiction, which yet seemed vnto Cicero both good and profitable. And yet the magistrat that hath jurisdiction (to speake properly) whether it be that he have it in his owne right, or from others, hath also (as feith a certaine lawyer) all such things as without which he cannot exercise that his jurisdiction; that is to say, power to command: which is full saied to be annexed vnto jurisdiction, and without which jurisdiction is but vaine and to no purpoe. Whereof it followeth, that the jurisdiction of the auentif bishops, and of our bishops also, without power to command, was not properly a jurisdiction, but onely a simple heating and vnderstanding of matters. For that which Lucullus the bisho said in the Senat, The bisho to have bene the judges of religion, and the Senat of the law, tendeth to that end, and is to be vnderstood, as that when question is of religion, credit is to bee 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 terme them Delegates:) or for the vnderstanding of that is just and right, who more truely are arbitrators by law appointed, and not by the agreement of the partie, and yet are often called judges. And therefore we see the Veftall Virgins (in Lutine) which had polluted their virginitie, to have beene alwaies chastised and punished by the Praetors of the citie, but never by the bishops. And so when Publius Clodius was about to have committed adulterie with Pompeia Ceasaris wife, in the temple of the goddefe Bona Dea, the full Senat had the determining of the matter, concerning the religion and facriecies by him polluted. So in the beginning of the Christian religion, the Christian bishops (as Augustine, Icsephorus, and Iustian do witness) had not to much as the least jurisdiction of any matter, or the examination of the priests themselves: howbeit that Iustian granteed to them the examination of them that were of their owne order and calling. Neither would our ancestors have any part of commanding power to be given vnto bishops, and that the court of the parliament of Paris, hath ofteines by the decrees and ordinances thereof witnessed. But why then (might some man say) do we see constories, priions, examinations, and fines to be permitted vnto bishops? What other thing else do all these things declare, but a meere commanding power? Yea Philip the Faire, and king Lewes his sonne, granted vnto the bisho of Paris power to apprehend and arrest men offending in his Diocese. Howbeit I suppose thosc 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 granned to the bisho of Paris was by a decree of the Senat forthwith againe from him taken. And although that not long since Henrie the second had granned vnto all bishops the power to stay and apprehend men for heresie and impietie: yet neuertheless it was that law shortly after againe abrogated. Yea the bishops themselves do in their owne decrees professe
themselfes to have no power for the execution of any thing: yet it is with vs permitted vnto them, to stay and apprehend offendours, within the boundes of their consitteries 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 cull, A liuely summoning or Citation. For there is an old decree yet extant, whereby the Bishoof of Paris was grievously fined, for that he had vsd such calling of men before him. But when as the Bishops under the colour of ministring of oathes, and of the contempt of Religion, had with vs drawn vnto themselfes the hearing almonst of all matters, (for Alexander Immolensis was of opinion, the power of administring an oath to be sufficient to giue vnto the Bishops jurisdiclion 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 have the hearing of the causes concerning the possession of benefices: and to after much, long, and hard suit, 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 most skilfull interpreter of the Popes decrees) to have beene. And albeit that certain ambitious decrees do giue vnto the Bishop of Rome more authoritie and power than to all other princes and people: yet pope Innocentius the fourth, and euery 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 Counsell of other Bishops and Princes. And Bartholom himselfe when he had fearfully written, The subjectes not to be guilty of treason, which for the honor and wellfare of the Bishop of Rome had taken vp arms against their prince; granted pardon for that his error. True it in mine opinion it were better and more profitable alfo for the Commonwealth, commanding power to be giuen vnto Bishops together with so great jurisdiclion as they haue: or else that their jurisdiclion, to be restrained vnto the hearing of matters of religion onely: as we fee the amiable Romans, the Swiflers, them of Geneua, and the Germans to haue done. And yet the cenuring of manners is of necessitie to be giuen vnto the Bishops: which seeing once taken away, I fee not what courfe would be taken for the punishment of secret wickednes & villainie, whereby 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 bee 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 appeale be made as from the bishop abusing his power, vnto the more higher cours; which with vs is seldom done, for the heuines of the penalitie, if it 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 chance to be disdained in the bishops consitterie as belonging vnto the magistrat, they confesse them to be to no purpose. So that if a Priest be convicted of incend, or of forgerie, before the magistrat, and confesse the same, in the bishops consitterie no regard is had of such his confession made: for so it is in the Popes decrees expressed. But when this case had happened, wherein the Popes Legat called before himselfe the acts and things done before the magistrat, & disannulled the same: appeal
was made vnto the parliament of Paris, where I remember it was long time doubted, whether the evident proofs whereupon the priff was before the magistrat condicted, ought to be void or not; for of the rest of the acts it was lesse doubted: wherein the court at laft judged, That it was in the Counsell to be decidid. And againe when the like case was in question before the criminal judges, I my selfe being present, the same court delayed against the caufe; and referret it vnto the Counsell: laft it shold have seemed either to abrogate the ambitious decrees of the Pope, or to giue vnto the wicked licence to offend. For what could be more absurd, than to suffer a priff by the law Cornelia condicid of forgerie, and by witnesses published, by etracting the caufe, to reheft the witnesses; and so when as no moe could justifie the matter, freely and without punishment to commit villainie even in the midde of the Common-\[\ldots\]\n
Our ancesstours neuer handled the publique judgements of priffs, with divid-\[\ldots\]ed examinations: But the Court of Paris, although it often times by iuff decrees either quite abrogated, or with equitie tempered the Popes decrees and ordinances, yet neuer more iustly than in this case: which when it had often times beeone delayed, at length by a law made at Molines, that decrees of the Popes law was with vs taken away. So by little and little are the Pope lawes to be cut short and abolishid. For at fift in the beginning of the Chrisitian Church, the autoritie of Bishops was melt vp within vertie strait bounds, which Iustinian would have to extend farther by this law by him made. S\[\ldots\]
hands upon them: otherwise 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 Sergeant and nothing else: and that they which had power to doe both, had both Sergeants and mate-bearers: whereas they which had neither power to call men before them, neither to lay hands upon them, had neither Sergeants nor mate-beaters. When I pay say power to lay hands upon men, my meaning is to have power to teife upon the bodie or goods of men: for by our custome many having pradiall jurisdiction, (or as we term them mannours) may lay hand upon men and, but not upon their bodies: which was not by the autentick Roman laws permitted; of whom it is needfull here to speake, and in breife to declare their power, the more manifestly to show the power of all forts of Magistrats, in euery kind of Commonweale. For the great magistrats, that is to say, the Consuls, Prators, and Cenfors; and amongst the commissioners, the Dictator, and he whom they called the Interrex; then also the Proconsuls, the Proprators, and in generall all the Lieutenants & Gouernours of countries, had power to call before them not onely the privat citizens particularly, but euery one of the 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 onely sumon and apprehend men, but it was lawfull for them also to punish and imprison them, and in breife to pluck downe and raze their houses and pallices, who refused to obey those magistrats commending 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 euery one of the Consuls themselves. So L. Drausus Tribune of the people called in prison Philip the Consul, for that he had intrerupted him as he was speaking vnto the people: which then by the law was death. Beside that it was also lawfull for them to oppoſe theirſelves not onely against all the magistrats, and the whole bodie of the Senat, but the opposition euery one of the Tribunes was of power to stay all the proceeding of the reft 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 jurisdiction. Which thing Labeo the lawyer gave them well to vnderſtand, who being by one of them summoned, refus'd to make his apperance before him, openly proteting for defence of himſelf, That the Tribunes were not ordaimed or appointed for the administration of justice, or to have jurisdiction, but only to oppoſe their ſelves against the violence and abuse of other magistrats, and to give aye and succour vnto ſuch as appealed being vnitſſly oppræſſed, and to imprifon them which would not yeeld and give place to their opposition. So the Tribune Sempronius, seeing that the Cenfor Appius would not giue vp his office, after that he had bene eurteene moneths Cenfor, (according to the law Aemylia, which had brought the teatne of feue yeares before prefix'd to the Cenfor, vnto the teatne of eurteene monethes) told him that he would thrust him into prison, if he obeyed not that law (which he did by consent of six otheres of the Tribunes his fellowes in office) but Appius haueing practised with three other of the tribunes to oppoſe themſelves against the commandement of the other feauen, by that meaning held still his office: for why the opposition of one onely of the Tribunes suffic'd to stay the proceedings of all the reſt, if order were not otherwife taken by the people, by taking from him his power and office; as by the requent of Tiberius Gracchus, it was taken from Marcus Octavianus the Tribune, oppoſing 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 faid, Faxo ne inmei xxii lita Vuito, qua Collegeta nostros communicantes tum lati auditis, I will make 

(swords he) that this word \textit{Veto} shall not help, where with you to metric hearre our fel-
lowes in office finging in accord together. And but a little after, \textit{Contemni am Tribu-
nos Plebis}, quique qua potes \textit{as iam suam ipsa cum frangit intercedendo, non posse aequo sure agi; ubi imperium penes illis, penes se auxilium tantum sit, nisi imperio communicato; nun-
quam Plebem in partem Reipublicae esse, The Tribunes of the people (he said) now to
be concerned, as whose power did now of it felte brake the strengthe of it felte, by oppo-
sing of it felt against it; 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 Common-
weale, except the power to command were made common vnto both. The Tribunes
complained the people to haue no magistrats which had power to command: the
Tribunes (they said) to haue power to oppose themselves, and to yeild the people re-
leefe, but yet to haue no power to command; neither that the comminatilie 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 comminatalie, as out of the nobilitie: which when it could not be
obtained of the nobilitie, it was agreed, certaine Tribunes of the souldiours with the
power of Consuls, to be indifferently chosen out of both fortes: which manner of go-
government continued fortie five yeares, without any Consull, vntill such time as that
it was agreed, That one of the Consuls should be still chosen out of the people. Howbe-
it a man might say, That the Tribunes in so sayyng made their power lesse than indeed
it was, they being power to oppose themselves, and to command men to prifon;
which is a part of power. For so \textit{vlpian} speaking properly and as a lawyer, faith, That
it is not unlawfull without cuele and commissioun from the magistrat, to call into judge-
ment the Consuls, Pretors, or Proconsuls, or generally any of them faith hee, \textit{Quis impe-
riam habet, simulque possunt in carcere duci}, which haue power and can command
men to be laid in prifon. And fo were conclude, that they which haue power to com-
mit men to prifon, although they have no jurisdiction, are in right magistrats, as the
Tribunes in Rome, the kings attorneys in Fraine, and the three Auogadours at Ve-
nice. Neither do I think that agree with \textit{Plutarch}, who faith in his \textit{Problems}, That the
Tribunes were no magistrats, for that they had neither make-bearer nor seate of Iuoric,
the true marks (as he faith) of magistracie: for why, they had sergets, the token of
their command; as \textit{M. Mofsala} affirmeth. And leffe is it to the purpose, that hee al-
leather of \textit{Appius} the Consull: of whom, contending with one of the Tribunes in the
ambling of the people, \textit{Livy} thus writeth, \textit{Tribunum viator inmittit ad Consulem, Con-
sul Littorem ad Tribunum; primatum esse clamites, sine imperio, sine magistratu}. The
Tribune sent a serget unto the Consull, and the Consull sent a Lictor unto him again,
crying, That he was but a privat man, without power, without magistracie: For so
the Consull said but to impeare the power of the Tribunes. Which for all that was
so great, as that \textit{Lictinius Stelo} one of the Tribunes, was so bold, as by force to constrain
\textit{Manlius} the Dictator to depose himselfe of his Dictatorship. Another of them also
committed both the Consuls to prifon, for that they would not at the request of the
Tribunes discharge ten souldiours from going to the warrs. Yet true it is, that the
power of the ten Tribunes of the people was shut vp and contained within the walles
of Rome. And therefore \textit{Mar. Fabius, and Luc. Valerius} the Consuls, seeing that they
could not leue their souldiours, for that the Tribunes opposed themselves against
them, commanded 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
Of A Commonwealth.

A

cditibs and prohibitions. Whereof Linie speaking faith,Communiter edicit Tribunis ne quis Consilem faceret: si quis se dixisset se id suffragium non observareos, The Tribunes generally forbaid any man to give his voice to the making of a Consul, but if any man did, that they would have no regard of any such voice giuen. Which was but an abuse, and presumptue upon the power of the people, to forbid them the free and entire choice of their magistrates: ouer whome in generall, albeit that no man could command, yet did the Tribunes do ouer euerie one of them in particular, although they could by no right so 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 seen in Plutarch, where he faith, That the Tribunes administered justice in the place which was called Basilica Porta. And Aesconius Pedaninus faith, Tribunos, Questores, Triumviri Capitolares non in fellis Curialibus sed in subseiljs iura dixisse, The Tribunes, the Questors, and Triumvirs, judges of criminall causes, to have administered justice nor in Juristic chaires, (as the manuer of the great Roman magistrates was) but upon their benches. And Apian also faith, Lissus Drusus the Tribune, to have bene most diligent in the administration of justice, and doing of right to euerie man. Pompous also reckoneth the Tribunes of the people amongst 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 shoulde it have bene, if they had wanted iurisdicition? Yet they had not onely taken upon themselues iurisdicition, but appointed also commissioners: and in many causes made them whome they called Aedes, edituos, their deputies or Lieutenants; which they could not have done, had they not had such authority and iurisdiction.

B

For why, that authority thou fhould haft not, thou canst not give vnto another. Howbeit yet all this their presumption was but vfurpation and abufe; as Labeo the lawyer well shewed them, who being left for by them, would neuer (as we faid) come before them.

The same opinion we are to have of those officers or magistrates whom they called Aedes Curales, who had neither power to call men before them, neither to attache any mans bodie; and therefore neither had male-bearer nor sergent, (as Marcus Varro and Messalla have noted) and yet by the suffereance of the Pretors vustred a great part of their authoritie and iurisdiction. Which the Pretors of the citie oppressed with the multitude of causes easily suffred, at the first committing vnto them causes concerning the fale or alienating of things mouable: who afterward tooke vpon them to haue to do with lands and things immovable also: and after that drew vnto them also the hearing of courthians and common harlots caues, who might by no meanes fet vp that base and filthie trade of life, but that they must first openly professe the fame before the Aedes, and that they would profeste themselues. Which the auntnents did, to the intent that such women as reason could not keepe within the bounds of modestie, should yet for shame of such publike profession (of so lowd a life before the magistrat) be restraine. But after that in latter times many even of the most noble dames in Rome (hauing together with their chaititie also lost their modestie) ashamed not right impudently to make such open profection before the Aedes, that they would professe themselues. The emperor Tiberius toke order, that from henceforth the magistrates shoule proceed against them by way of justice. & at the same time also to reprefs the presumption and encroaching of the Aedes and others, by decree appointed vnto what summe, and what causes, their authoritie was to extend: which yet they had not by their auntnent instittution, and much leffe to call particular men before them, or to com-

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

As for the Questors, I see not that they ever had, or yet tooke vpon them to haue had any jurisdiction or power to commit men: for so Varro faith, that they had not: albeit that the yeare after their office expired, they had sometime the government of some province bestowed vpon them: as Gracchus the younger after his Questorship had the government of Sardinia giuen vnto him. From which time they had as much and more power in the government of the provinces committed vnto them, than had all the magistrates in Rome: but that was not by way of commission, as had all the rest of the governours of provinces.

As concerning Cenfors, Fr. Ottomans and Carolus Sgonius (both of them most skilfull antiquaries) 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 Potestas (or power) in termes of law, or in the person of a magistrat, importeth always with it power to command. And namely Ffianus, 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 Potestas. And wee oftentimes in antiquities read, the Cenfors Edicts, that is to say, their commandments and lawes. Varro also and Mathias call the Confuls, Cenfors, and Pretors, Maiores Magistrates (that is to say) greater Officers; and the rest, Minores, or lesser. And faith moreouer, 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 Cenfors might. Pretori exercitum urbanum convocare non licere: Confuli, Cenfors, Interrex, Dictatores licere. He saide it not to be lawfull for the Pretor to call together the armie of the citie; but yet to be lawfull for the Conful, 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, Confuls, or Cenfors, should haue a commandning power, vntil such time as that the enemy had rais’d his siege. Plantin (faith Lutet) omnes qui antea Dictatores, Confuli, Cenfors ne suffrent, cum imperio esse donec hostis a mari descensisset. Which they would not haue done if the Cenfors had not had a commandning power, whilst they yet were in their offiice especially seeing that they which had bene Pretors, had no suche power giuen them. Besides that, if the Tribunes (whom Varro puteth in the number of the lesser magistrates) had power to command, why should not then the Cenfors haue, whome he calleth the Greater Magistrates? Yea that more is, Plutarch giueth more authoritie and power vnto the Cenfors, than to any other of the Roman magistrates: yet attribute I not so much vnto his writings, but that I see him being a Grecian, to be oftentimes deceived in the antiquities of the Romans. Wherefore that it is which hath deceived many, that the Cenfors, although they had power, yet had they no jurisdiction: albeit that Onophrius writ, That the Cenfors in some cases, and for some crimes had power to condemn men: but what those cases or crimes were, hee theweth not. For either they must haue bene publike crimes, or priuat crimes: of priuat crimes the Pretor of the citie judged, but of publiche crimes the Pretor of the publike judgements, and Triumviri of criminall and capital causes determined. True it is, that the Cenfors were controllers of the peoples manners: but there is great difference betwixt the judging of criminall causes, and the reprehending of mens manners and behaviours. And therefore Cicero said, The Cenfors judgement, no farther to touch the partie by them condemned, than to make him blush. And that therefore, as all that the Cenfors judgement concerned only a mans name and credit, so it was called an ignominie or discredite, but not an infaame. For why, he faith not, That the Cenfors toucht any mans honour, to the intent
tent to note it with infamie, but rather with a certaine ignomynie, or kind of disgrace. Which many have rashly abused for infamie: howbeit that there is great difference betwixt infamie & ignomynie. Carolus Siganus hath therein erred defining ignomynie to be an infamie: and in the same place faith, That there are certaine capital causes, which draw infamie with them, and yet without crime, contrary 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 worthyly by his captainæ casired, was thereby become ignominious, but not infamous, vntill that by the Pretors expressæ edict he were so declared. The auctorial doctors of the law have called Ignomynie, the infamie of a fact done: Whereof Caisius the lawyer faith, That he thinketh that a Senator put out of the Senat, can neither be judge, nor beare witnesse, vntill he be againe restored: howbeit he doth say, That hee doth but think so. Which phrase of speech Vpian also veth, when as he faith, Se putare eique in adulterio deprehensæ est et absuluta: notam obeffe, That he did thinke, that vnto her that was taken in adulterie and acquited, yet the note thereof was a blemish. For certainly it is, that he which is by judgement acquited, is safe from the infamie of the law, but yet not from the ignomynie of the fact. And Calpurnius faith, That hee did alfo thinke the honour and reputation of a man to be impaired, Quando quis ordine mueatur, when a man is put out of his place. Festus Pompeius also letteth downe three sorts of militarie punishments, ut Deprehensæ, castigatae ignominiae, Deprehensæ, faith he, is greater than castigatæ, and lefther than ignominia; and above all these the law addeth infamy. For otherwise if infamie, and the Censores note of ignomynie were all one, the three and foure Senators by Lentulus and Gellius the Censores at once displaced and thrust out of the Senat, as also the foure hundred knights, who by Valerius and Sempronius the Censores were casired, and their horfes and publike wages taken from them, had bene alfo infamous. Yea that more is, all the people of Rome had bene noted with infamie, by the centure of Lium Salinator, who rafed and noted all the tribes, and as Valerius Maximus faith, Inter avarios retulit, put them all from their freedome, and made them to pay all duties as strangers: For that they had by publike sentence first condemned him, and afterward made him Conful and Censor: only the tribe Metia he excepted, which had neither condemned nor acquited him, neither thought him worthy of those so honourable offices in the Commonweale. Hee alfo afterward noted Claudius Nero his companion in the Censorship, who also required him againe with the like. VVherefore Ciceró speaking of the Censorship, thus faith,

Illum communem proponam, nunquam animadverſionibus Censoris hoc civitate semina contentam, ut rebus indicatis supple, I will (faith he) set before you that common matter, this city neither to have bene so contented with the Censors animadversions, as with judgements. And bringeth for example C. Gets a Senator, who by the Censores thrust out of the Senat, was afterwards himselfe made Censor. And after that he addeth, Quad sit illud quoque judicium putatur, ut ceteri turpi judicio damnati in perpetuum omni honore ad dignitatem præventur, sic hominibus ignominia notata, neque ad honorem, neque in curiam reditus eft: timoribus enmis causam non vixit paras in illa potestate esse voluerunt. Quare qui vobis in mentem venit has appellarent indicas, quae populo Romano resstimati, ab iuratis judicis repudiari, a magistratibus negligent, ab ilis qui censenda putatur adceptis sunt solent commutari? If that (faith he) should also be thought a judgement, as others with infamous judgement condemned, they should for ever be deprived of all honour and dignitie: fo vnto men (by the Censores) noted with ignomynie, should bee no meanes for them againe to retire unto their honour, or into the court: For why, our auncients would cause of fear, but not danger of life to be in the Censores power. Wherefore
fore how came it into your mind, to call these judgements, which may by the people of Rome be revoked, by the worse judges be rejected, by the magistrats be neglected; and of them which have obtained the same power be visally changed. Whereby it evidentl appears the Cenfers to have beene without all manner of jurisdiction. For the Pretors had the hearing and examination of the suits of the farmers of the publike reuenes of all such things as concerned tributes, rents, writings, reparations, and farming out of publike things, made or done by the Cenfers: for that the power of the Cenfers was quite different from the jurisdiction of the Pretors. And so with us (here in France) power is given vnto the governours of prouinces, but yet without jurisdiction: except it be, that they by consent of both the partes, take vpon them to decide or determine any matter. And so we may in like sort say, That the Cenfers had power to command, but without any jurisdiction.

There were also other magistrats in Rome, which had power to command, and jurisdiction also in criminall causes, as those whom they called Triumviris Capi tales, whose power and authontie extended yet onely vnto strangers or slaves: except perhaps such were the vnworthinesse of the magistrats, and their corruption, or offence so great, as that the other magistrats did willingly winke at the proceeding of these Capital Triumviris, & at the publike punishment by them taken vpon such notorious offenders. Tho the Triumviris besides this had also the putting in execution of all the capitall judgements of the people, or of the other magistrats.

Now by this discourse of the Roman magistrats and their power, it appeareth, that in Rome there were some magistrats, 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 vnderpinned both. Howbeit I deeme not them to be called Magistrats, which have no power; well they may enjoy some publike honour or charge, but no magistracie. For the true proprietie of the word Magistrat is import in and draweth with it a power to command. And he that will have regard vnto the phrase and manner of speech of the auitent 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 Caiiftratus) et administratio Reipublica cum dignitate, Honour is a governement of the Commonweale with dignitie or reputation: and those which beside their honor had power also to command, them they noted by the word Imperia. As in Livie we see the nobilitie to complain in this sort, Saloos, a Flamines, an Imperius, et potestatibus relinquui, The Salii and Flamines to be left without command, without power: understanding by the word Imperia, the great estates of the citee, whether it were by commissi in, or by office, such as had Mafe-bearers and power to command allowed them. And by the word Potestates, meaning the governours of prouinces, whoe vpiou the lawyer in proper taimes calleth also Potestates. Which also Alexander Severus the emperour meant, when he with a loud voyce faith, Non patiam merceares potestatum, I will not suffer the buiers of the governours of prouinces.

Now as a man may have a publike charge without honour, as Criers, Sergeants, Trumpetors, (which in auitent time were slaves, & of the magistrats famillie without title of office) and especially the townie claires and notaries into the magistrats, or Commonweale, vntill the time of Valentinian, who forbad slaves any longer to have that charge. So a man may say also, That there are publike charges with honour, without power to command; as ambassadores and prince councilors, secretaries of estate, and treafourours; the auitent 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 auitent Roman Bishop, and our
A great Prelats. Others have honorable charge, with power also to command, and yet without jurisdicton: as the Tribunes of the people, the Censors, and our Gouernours of counties, together with the Kings Attorneys. Some others there bee also, which have ordinarie, and honorable publique charge, and power to command with jurisdicton: and those are they, whom properly we call Magistrats: such as were the two Consuls and Praetors; who were encreased even to the number of sixteeene. As for the Dictators, Gouvornours of provinces, and those whom the Romans called Interreges: and Prefectos vulbi Latinarum jeirurum causae: they had more power and authority, then all the other magistrats we have spoken of: yet were they not magistrats, but commissioners onely, as we have before showed: albeit that some called them by the common name of Magistrats; but yet not they which knew how properly to speake. And so oftentimes it happeneth that they which have the greatest honors, 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 honour; and yet without any power. So the Procurators of S. Marke, are also (with them) highly honored, and in all Commonweales the counsellors of estate, Embassadours, Bishops, and prelates, who have no command, and yet are more respected, than the other little Proutists, and duets other judges, which have power to command, and jurisdicton to judge controverfies, with administraffion of justice both high and low.

There are also publique charges, who have neither honour nor command, but rather to the contrarie draw after them a certain kind of dishonour: as the Hangmans office; who after the charge committed vnto him for the execution to death, was by the Praetors edicts commanded still to lodge out of the citie: a custome yet obferued in Tholoufe, and in duets other cities also. Other publique charges also there be, nor much more honest, and yet neuerthelie necessarie vnto the Commonweale, and profitable vnto them that have execution of the same: to the end that the profit ariseth thereby, might in some part cover the dishonour thereof. And vnder this diuision are generally comprehended all publique persons placed in title of office, or in commiisions, or in simple dignitie without power to command.

And in like maner we might divide all publique officers & magistrats, according to the diuersitie of the publique charges, which etuerie one of them hath: some in matters of religion, other some in the affaires of state: these have the administration of justice: others have the charge of the publique reuenues, some of the fortification and reparatior of publique places, and others the provision of vizu als, and other things needfull: these have the manning of the wa wers, for the defence of the subiects against their enemies: these the care of the publique health and welfare of the people, and these the outfight and charge of the high waies, riuers, forrests, ports and passages: all which publique charges may be gien 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 magistrats ministers, towne clarkes, notaries, vifters, turnekeys, sergeants, criers. Which fo great a multitude of honours,offices, and publique charges, to comprehend under the simple name of magistrats, or as the Greekes call it ἐπίτροπος, were but to confound the whole dis courte of publique honours and offices, of all magistrats and commissioners togeth er.

Wherefore in euerie Commonweale for the creatinge of magistrats and officers, and such as are to be imploed in common charge,three things are chiefly to be respe ted: First them that have the choyce and creation of them: then of what manner of pethons

The great diuerfitie of magistrats in their best non,power, and authority.
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 soueraigne, as we have in due place declared. And the second, although it most properly belong also vnto soueraigne, yet for the most part it ordinarily followeth the lawes to that end and purpose established, and especially in the Popular and Aristocratike estats: where in (as generally in all forts of Commonweales) offices, and publike charges are given 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 discouse. And as concerning the third point, which is the manner and forme for the choice and creation of magilтратs 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 lively voyce, or by holding vp of hands, (which the auncient Greekes called μετὰ γενομένων) 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 magilтратs, 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 auantient time, yet is it now at this present a thing most common in Aristocratical estats, and especially in Genes and Venice. As the Romans alwaies also did in making choice of the judges of capittall causses, 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 alfo; 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 estatt, either must all the citizens together judge of euerie one in particular, or of the leffer part together, and that without lot or election. (For where the whole multitude of citizens have authorитie 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 every man in particular; or some, of some chosen by lot or election onely, or by both together; or else some partly by lot, partly by election taken out of all the estats of the Commonweale, to judge of some of the other citizens; or else some by lot drawne out of all, with some other taken out of one or many estats 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 have any publike charge: and for the estatt, qualitie, and condition of euerie one of them, with the forme of their calling and imployement.

Æschines the orator, diuiding the offices and publike charges of the Athenians, hath cut them much shorter, and more obtusely reckoned them vp, than was fit for so great a citie, considering that therein were moe magilтратs and officers, than in any other Commonweale that then was, for the greatnes 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 days, such as were they which had the oversight of publike reparationats and buildings; and the third fort, of such as were by the auncient lawes appointed; as commisioners chosen for the warres, or for the administration of iustice, such as were the magilтратs. But by this diuision cannot the diuertific of magilтратs and officers be judged, no more than by that of Demosthenes, (altogether different from that of Æschines his aduertisar.) 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 diuision also of Pares, and Mesals, 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 Consuls, 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 yayers diuination being more solenn in the choice of the greater, than in the choice of the leflet. But better it were to search and find out the essential diuisions of magistrates, and such as might prove in euerie Commonweale; as are those by vs already set downe, concerning the charge of magistrates. VVec may also otherwise diuide magistrates into three sorts, in respect of their power. The first may bee called Soueraigne Magistrates, as owing obedience vnto none, but vnto the soueraigne majestie onely. The second are lesser Magistrates, who owe obedience vnto the soueraigne Magistrates, and yet have command over other magistrates also. The last sort are they which owes obedience vnto other superiour Magistrates, and yet have no command but over particular persons onely. Let vs 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 vnto the Lawes and Soueraigne Prince.

Eeing that the Magistrate next vnto the Soueraigne Prince, is the principall person in the Commonweale, & vpon whom they which have the soueraigne discharge themselves, communicating vnto him the authoritie, force, and power to command it is good reason before we passe further, briefly to touch what obedience he oweth vnto 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 priuat man: for that the Prince feeth no man in the state or Commonweale, whome he may compare or preferre before himself: but as one placed in a most high degree, and next vnto the immortall God, beholdest all his subjectes. It is a great way benefitting him: where as the priuat man cannot by any publike right command over any other subject, although that he by priuat and domestick commands rule and govern his owne familie. As for the Magistrate, for that he is to regard many persons, hee must oftentimes change his port, his gestures, 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 himselle vnto 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 justice to all. And that is it, for which the aumtients commonly said, 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, a man to show what his office is: For if he be such an one as he ought to be, hee gracesthis place: whereas if he bee otherwise, hee debaeth not only the authoritie of his place and office; but out of the majestie of the state and Commonweale. So Lucius speaking of Quintus Flaminius, a man unworthy his high place, faith of him, Non qui siti honorern adiecisse, sed indignitate sua vim acius Magistratuque quem gerebat dempiesse, That he had not (by
his office) encreased his honour; but by the unworthinesse of himselfe, impaired the force and power of the office which he bate.

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 command euery Magistrat to doe. For why, the lawfull commands of Soueraigne Princes are right diuers, and unlike themselves. Some of them for the gaine of the publicke, or for the protection of the subject, or for the preserving of the peace, or for the erecting new houses, or for the erecting of the armyes, or for the erecting of the new instruments of warre, or for the erecting of the new instruments of peace. Some of them for the erecting of the new instruments of warre, or for the erecting of the new instruments of peace. Some of them for the erecting of the new instruments of warre, or for the erecting of the new instruments of peace. Some of them for the erecting of the new instruments of warre, or for the erecting of the new instruments of peace. Some of them for the erecting of the new instruments of warre, or for the erecting of the new instruments of peace. Some of them for the erecting of the new instruments of warre, or for the erecting of the new instruments of peace. Some of them for the erecting of the new instruments of warre, or for the erecting of the new instruments of peace.
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ordinarily joyned vnto letters which they call letters of jurisdiction or justice, whereby the prince leauneth vnto the discretion of him to whom such his letters are addressed, to allow of them, or to refule them, as his conscience, and the equitie of the cause shall require: which is not in letters of commandement or which leave nothing vnto him to whom they are directed, except happily sometimes the examination of the fact onely: as in these words, si paret &c. (If it shall appeare 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 contrarie, that by our lawes and customes it is most religiously provided, that the magistrats or judges shoule vnto such charters or letters have no further respect, than in that they were agreeable with equitie and trueth. And although that the same forme of letters of justice, be granted in England, as alio in Spayne, and other kingdoms; yet so it is nevertheless, that it is done rather for the particular profit of some one, than for the greatnes or increasing of the maiestie of the king, (who granted them by way of benefit vnto the partie) or for any necessity 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 grant thereof. Which was the caufe that the people in the assembly of the Estates in parliament at Orleans, presented a request vnto the king for the cutting off of this formallity of letters: as seeming not but to the oppressing of the people, without any profit thereout of to be drawne vnto the king or Commonweale. The antient Greeks and Latins alfo 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 grant of such letters of justice. And the claue, Quantum sati crux quadliqueat (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 quan mihi iusta causa videbitur, (if any just cause shall seeme vnto me.) True it is that the power to correct, supply, and expound the lawes, concerning the citill jurisdiction, together with the restitution & retaining of them which had beene circumvented, or deceived by the formalities of the lawes, (a power before given vnto the Praetors by the vertue of their office) refeth now (I know not how) amongst the marks of foueraigne maiestie; and for this caufe 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 conferreth vnto himselfe such things as belong vnto the magistrat: even so alio are the rights of foueraigne impaire, when they are by the magistrats viuprised. Now as for the declaration, and correcting of the edicts and lawes, we haue before said that it appertaines and belongeth vnto them which haue the soueraignitie: 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 haue lef 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 aforesaid claue, If it shall be iuift, If it shall be agreeable vnto equitie and trueth, is infertted: which claue so much displaced 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 haue raced out the same; taying the maiestie of the king to be thereby impaire: howbeit that he was therein to be excused, as being a stranger, and not well seen in the lawes and customes of a strange countrey. But how could the maiestie of kings be in this respect empaire or diminished? seeing that the antient kings of Egypte causeth their magistrats solemnly to swear, neuer to obey their commandements, in case they commanded them any thing...
that was vnifiit: as we read in the layings of the Egyptian kings reported by Plutarch. Seeing therefore that the allowance or rejecting of letters of justice directed in the kings name vnto the magistrats, dependeth of the equitie and discretion of the magistrats themselves, it needeth not vs to speake any more thereof. Wherefore let vs now proceed to those refcripts or letters of command, which for that they concerns the state of the Commonwealth, and publique and not privat causes are called refcripts of State; or letters of command or lates. 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 defect thereof; whether (I say) the magistrat fully informed of the truth of the fact according to the tenor of his letters, ought to proceed to the further execution thereof being vnifiit, or to hearken vnto the vnifiit commands of his prince? The other, whether the magistrat having neither power to examine the equitie nor truth of a matter, may refuse the vnifiit commands of his prince: the doubt therein being the greater, if they shal be thereunto by the prince more straitly vrged, or expressly commanded: For sometime princes by their particular and secret letters, vs to request the magistrats; so with court requests accompanying their vnifiit commands: whereas oftentimes in their letters patents their requests are joined with their commands, because they would not seeme to wrack all things from them against their wills; 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 own majestie: for if the thing be just and honest which hee commandeth, what needeth requests? if vnifiit or dishonest, why doth he command it? Now the magistrat is neuer to be requested to doe hisdute, or intreated not to doe wrong, or that which is vnifiit or dishonest, as Cato the Consour faith. Besides that, to command is a thing incompatible with request. It is wisely said, του τυφίαν τον μη χρησις παρεγγιδων ἐκείς, Tyrants requestes to bee commands: wherefore let vs suppose nothing to be more straitly commandad, than that which the prince seemeth by fyled speech or intreate to perfuade. Wherefore to resolute this point, if the princes letters vnto the magistrat neither the examination nor the bearing or disiciding of the fact, or of the right and truth of the cause, but that only the execution of the princes command be vnto him committed: the magistrat in this case may not in any sort take vpon him the examination or bearing 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 Pharaoh 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 towmes and cities as he had taken in, threatening his souldiers 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 cause, nor yet any colourable cause, for his taking vp of armes against his country. Now if a man subiect vnto 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 commandeth be both just 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 vnifiit and dishonest, the prince in this case tranfrogising and breaking the sacred bounds of the lawes both of God and nature? But some will say, no prince to be found so euill addicted, nor that it is to be supposd that he would command any thing contrary vnto the lawes of God and nature: and true it is; for why he worthily loseith the title and honour of a Prince, which depar-
departing from reason, and forgetting the duty of a prince, breaketh the laws 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 majesty, 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 dishonore and vnuit thinges are by princes commanded, which the cuill 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 cuill warrs, (wherewith all France was on a light fyre) the president of the court of Normandie (whose name detlereth to be buried in perpetuall oblivion) being commanded extraordinarily to leue 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 crueltie) sharply reproued the governour of Egypt for exacting more of the subiects than he was commanded: saying, Tonderi oues me mocs non custem detrabi volo, I would have my shepe 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 diphrot of their Commonweales. For albeit that the princes (as wee haue faid) 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 neverthelss of duetie ought to keepe the lawes and customes of the citee and Commonweal 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 contrary vnto his oath or the due tie 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 censure the doings of his prince, or vnto his proceedings concerning mans lawes, from which the prince may as hee feeth cause derogat. Yet if the Magistrat bee commanded by the Prince to abrogare an antiquit law, being more vpright and profitable to giue way vnto another lesse uirt, and lesse profitable for the Commonweale; he may lay the execution of such a law or commandement in suspense, vntill hee haue chewed his reasons therefore vnto the prince, which he is in duty bound to do, not once, but euen twice or thrice: and then if the prince notwithstanding his remonstrances, will not by him selfe be aduised, but refuse his wholesome and profitable admonition, and will needs haue the law to passe further; then the Magistrat (as haung 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 be vnuit: which is to bee understood of cuill justice and vtilitie, but not if such commands bee contrary to the lawes of nature. Which interpretation may serve alse for the right understanding of that which the lawyers say, That the prince may derogat even from the law of nature. Vnderstood that a prince may derogate from the law of nature, should thereby rashly presume to break the facted lawes of God and nature.
Now if any man shall object and say, That the emperors \textit{\textit{Anastasius}} expressly commanded, That the judges and Magistrats should not so much as suffer men to produce the princes requisits or letters granted unto particular persons, contrary to the general edicts or laws: Mine answer is, that is to be under stood, if in such the princes requisits or letters no special clause be comprehended, derogating from the general laws: notwithstanding which derogation, yet the Magistrat ought not to refuse to adhere to the prince thereof, and to put him in mind of his duty: 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 unto the laws. For why, the Magistrat having to do his duty, is not to expect but the second command, as is by the law provided. To the example whereof the edict of \textit{Charles} the ninth was made, concerning the magistrats admonitions unto their prince. So long before this \textit{Theodorus} the Great, at the request of \textit{Saint Ambrose} the good bishop of Milan, made a law, whereby he willed, That the execution of his letters patents and commands, should be helden in suspense thirteen days after the signification thereof, when he had commanded any to be more rigorously punished than the usual manner and custom was. The occasion of the making of which law was, the execution of seven thousand Thessalians, put to death: by the commandement of this \textit{Theodorus}, for that they had murdered and slaine certaine of his Receivers and Magistrats. For which cause \textit{Saint Ambrose} excommunicated the emperor, neither would suffer him to be reconciled, vntill he had made the aforesaid law. And hereof (as I suppose) proceeded those requisits, which are yet vsed by the bishops of Rome: the first called \textit{Monitorio}, the second \textit{Instricio}, and the third \textit{Executorio}; 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 vpon them that have offended against such his edicts and lawses, as by the antiquite of themselfes, or by the negligence of the Magistrats seeme to have bene quite forgotten and abrogated. For why, the long sufficience of the prince, and conniuncion of the magistrats, in the sight and knowledge of whom the lawes are to broken, remitteth the penalitie due by the law: which could not otherwise have bene infringed, by the abuse of them which transgref sed 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 fame to be againe republishd, being by his default before neglected. Yea, the prince ought rather to proceed against his magistrats, who through their remisse negligence have suffered his edicts and lawes to be contemned. For otherwise it should be a thing very vniust and taimouring of tyrannie, to make edicts and lawes, and after long neglecting of them, vpon a soudaine to proceed against them, who by the example of others, had transgressed against them, seeing others before them to have escaped unpunished. Which was one of the tyrannical flights of the most cruell emperour \textit{Nero}, as of other auntient tyrants also. Whereas the good emperour \textit{Traian} to the contrary commanded \textit{Plinio} governour of the lesser \textit{Asia}, of newe 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 contrary vnto the law of nature, albeit that
that indeed they be not contrarie the one unto the other. For the equity and reason which we call natural is not alwayes so cleere and manifest, but that it findeth impugners. Ye often times the greatest lawyes and philosophers are therein intangled, and of quite contrarie opinions, and the lawyes of people are therein sometime so repugnant, as that some of them appoint reward, and some others punishment for the same fact, whereof bookes, lawyes, and histories are full, all which to prosecute were a matter infinit. Whereunto I answer, that if that which the auentures say may take place, a man never ought to doe that whereof he doubteth, whether it be just or not; and much leefe ought he so to doe, if he be thereof certainly persuaded that the thing which the prince commandeth, is of itself by nature unnuyft. But if question be of ciuill justice only, the magistrat ought in such case to verify and put in execution his princes commandments, although he thinke them to be in ciuill equity or law unnuyft. And therefore the magistrats in euytie Commonweale were compelled to sweare to obserue the lawes and ordinances: to the end they should not call into dispute or question, that which they ought to hold, as before resolved upon. And this was the manner and usitume of the Romans, when the old magistrats received the oath of the new, before they entred into their charge: which was commonly done vpon the calends of Januarie, in the capitol, after Solemnitys factices there made: for otherwise the magistrat lost his place of effate, if hee tooke not his oath within five daies after. Ye sometimes the Tribunes which held the effate of the people, constrained them in particular which had with them the publificing of a law, to sweare to obserue the same, after that it was once published, and that vpon the paine of banishment. So L. Metellus Numidicus was by a decree of the people banished, for refusing to sweare vnto the lawes, published at the instance of the fauentious Tribune Saturninus. So also after that the lawyes of Lewes the twelfth were published in the high court of the parliament of Paris: for that many disliked of the fame, the kings attourney generall there made a request, That they might be duly offered, and prohibition given for any man to call them in doubt, and that vpon paine of high treason, as is to be scene in the records of the court. For why, it is lawfull for euytie man before the publishing of the law, to dispute and reason of the equity thereof: which to doe after the publication thereof, is not lawfull. And so, before that, when as king Lewes the eleventh had commanded certaine vnuyst decrees of his to be publificed in the court of the parliament at Paris: the court refused to yeeld thereunto, for that they seemed vnto euytie man vnuyst: but the king nevertheless still vring his former requests, joyned thereunto grievous threats also; as that they should lose their heads that would not yeeld thereunto. Which thing Lusace, president of the parliament understanding, accompanied with the rest of the judges of that honourable court in their red robes, came vnto the king, not to execute the fault by him and the rest committed, in refusing the kings vnuyst decrees, but to shew the reafons of such refusall, and to request, That he with the rest might rather bee put to death, than enforced to give their consent to the publishing of the propounded lawes. The king beholding the grauitie, the poet, and dignitie of these persons, and almoft abashd with the same constant resolution of such his great magistrats, and withall doubting the power and authoritie of the parliament, caused thole his decrees so much disliked, to bee abrogated, and in their presence tore in pieces, requesting them to continue still to maintaine justice; solemnly protesting never mote to send vnto them any edict which should not bee both just and reasonable. It is a wonderful thing to say of what power and moment this thing was to keepe the king within the bounds of reaion, who otherwise had alwayes vfd 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 cal-
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, protestinge. That he would neuer goe out of the cite, vntill it were done, or yet take vppon 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 kept, which are yet preferred vnvedaced. Now those words, De expresso mandato, and De expressissimo mandato, whereunto these words are also sometimes annexed, Multis visibus iterato (or oftentimes repeated) which are many times to be found in the records of foueraigne courts loynd vnto the publication of the princes edicts and decrees, have this illusion or meaning, that such edicts and privileges (granted by the princes express commandement) should not be so precisely kept, but that shortly after they might by the suffereance of the magistrates be againe forgotten and neglected, as not much regarded. And by this secret of the courts, hath the state of this kingdome bene preferred in the greatnesse thereof: which otherwise would have bene ruined by the flatterers of princes, who by such extorted privileges ferape vnto themselues whatsoever they desire: and the good kings not still able to satisfile the hungry courtiers, sometimes well eased, which have vied these restricctions, being so of their subjects well beloved, the confirmation of such edicts and privileges not carrying with them any effect vnto the subjects, or disobedience vnto the king to give good words, or charge of conference vnto the magistrat in not performing it.

But yet farther question might be made, Whether a magistrat may be suffered to give vp his place, rather than he will allow an edict, a commission, or commandement from his prince, which he for certaine thinketh to be vnjuist and contrarie vnto naturall reason, when as the equitie of it is called in question, & especially if the other magistrats and multitude of the people shall hold it to be unjust, contrarie to the others. For the force of justice, and power of upright reason, is not perceived but of the fewer and wiser sort: and a wife man being as it were the rule of reason, is of all others the greatest enemy vnto the multitude. Which if it be so, why should a wise man bee enforced to give his consent vnto the multitude of mad magistrates. In that case I say, whether a magistrat be not to be suffered to give vp his place, if it please not his soueraigne prince he should doe, but ought rather to be constrained to obey his princes commandments, if the equitie thereof being called in doubt, be approved by the greater part of the magistrates, which have charge to confirme such edicts: For otherwise if they should be permitted to give vp their places, rather than to passe an edict approved by others, it would open a perilous gap to all the subjects, by their example to refuse and reject the edicts and commandes of their prince: and so cutrie 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 shadow of an opinion of injustice: which may haply be but a deceit of a subtile braine, to no other purpose than to contradict the more common opinion. And therefore among the most lawdable laws made by Lewes the xij, there is one which importeth, That if the judges be of three or more opinions, those which were the fewer in number should be constrained to confomse and ioyne themselves 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 confidence of the judges contrarie to their own opinions, and so 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 priuate judgements,
Op a Commonweale.

judgements. Yet neither the after the court had considered of inconueniences which
is law ordinarily to arise upon the variety of opinions, and that the course of justice, and
the concluding of many good decrees, was thereby also often letted, the court confirmed
the aforesaid law, which by process of time hath bin found to be most iuft & pro-
fitable. Hereunto also agreeeth the manet and custome of the antient Romans; for their
judges oftentimes to change their opinions, and to joine themselves into the greater
part, albeit that they were not thereunto constrained. As is to be cene in Plutarch, of a
judgment wherin one part of the judges had condemned the guilty person unto death,
another part had eeletry and fully acquitted him, and the third part had for a time bani-
ished him; in this diuerse of opinions, as well they had before acquitted him, as
they which had condemned him to death, conflented both to them which would haue
him banned. But our law is in that point better, which compelleth the fewer to joyn
themselues unto the more. For in all corporations & colleges reason would, that that
which pleafeth the greater part should take place and preuaile, as strengthened with the
most voices. Howbeit that in all such consultations and actions the rule of the antient
wise never faileth; which willeth, That of many honest and profitable things pro-
pounded vnto vs, we should chuse those which be most honest, and most profitable:
and of many inconueniences and daunger, to make choice of the leaft: for other-
wise mens actions should never fort to good end. And a man may also say, That the
equity of a law is not properly natural, if it bee obscure or doubtfull; for that true na-
tural justice is more cleere and replendent than the brightness of the sunne, as not
wrapped vp in obscuring, nor depending of the erroneous opinions of men, but of the
most cleere and immutable wifedome of the everlafting.

And yet neither the since the law of Lewes the xij. I finde not that any magiftrat
hath gien vp his place, as fearing to be informed to maintaine or yeeld to any opinion
contrarie vnto his conscience; and especially since the places of justice were gien vnto
men for vertue, and not for reward and fauour. Neither hath the law of Lewes the xij.
at any time constraint the judges to judge contrarie vnto their conscience, but hath
rather silently gien them leaue to gue vp their places; howbeit that it were more
equite fo to constrain them, than to leaue it vnto their will and pleasure. For which
caus the kings Attorneys general haue oftentimes constrained the Judges to judge
according vnto Lawes and customes of the land, albeit that all the Judges were of con-
trarie opinion. As I remember that while I was at Tholouse, one Bartholomeu Pre-
ident of one of the Chambers of Inquirie, seeing all the counsellours 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 constrained them to change their opin-
ions, and to judge according to the law: And that iustly also: for who enforced the

to secke for thine office: or to accept of it being offered thee: and having taken it vp
on thee, (being happily got either by suspending of voices, or by suite, or briberie,) and be-
ingen sworne, wilt thou now for wifdome the lawes, which thou mightest before haue red,
or at least wife oughtest to haue red: wilt thou by thy false 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 themselues seeme vnto every man
most iuft; may vpon some sudden occurrent appeare and proue to be most vnift. In
which caze, whereas the wrong is in the fact presented plaine and evident, wife magis-
trate vse to certifie the king thereof, (as I remember it to haue most oftentimes been
done in the parliament at Paris,) who imposing the matter vnto his Counsell, doth
as he seeth cause derogate from the positive law; or add some thing vnto the same:

Ee iij (which
Great care to be had by the greater magistrates in the publication of laws.

Better it is for the magistrate of himselfe to give way unto the law contrary unto the laws of God and nature.

That a prince's faults which cannot be amended ought by all menes to be of the magistrates concern.

(which our men call the exposition or declaration of the law) a thing properly belonging into the soueriaintie of a Prince, as we have before declared. So that in this ease, it is not lawfull for the magistrate to judge against the law, although he may suspend his sentence untill that the Princes pleasure be further knowne. But other wise the law being cleere and without difficulcie, the magistrate is to judge according thereunto without disputing of the equitie thereof: for otherwise if the judge shall wittingly and wilfully judge contrary unto 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 unto the law; he is not therefore to be accounted infamous: howbeit that such his judgement is of it felt void, as if it had not beene given at all, in such fort as that a man by the auntient Roman law need not at all to appeale therefrom.

Now there is great differencie whether question be of the lawes alreadie established, or of those which yet are by the magistrate to be published. For why, such as be alreadie establisht, euery man is bound to keepe, and especially the magistrates, who if they wittingly swartue therefrom, (beside the penaltie appointed by the law) are subiect all to the note of infamous, as pernicius and sodomy. But as for such Edicts and lawes as are not yet published, but are but as yet presented unto the magistrates to be confirmed and published, of them it behoveth the greater magistrates (to whom the publication of lawes especially appertaineth) well to consider, and to shew the reasons if they shal dislike of them unto the prince, albeit that it concerneth but the particular intereft of one priuat person: but much more, in case it concerneth the great harme or good of the Commonweale: which good if it be verie great, may in some fort confute the insufficiency of the law: (as the auntient lawes men say.) Yet must we not proceed so farre in respeckting of the publike profit be it neuer so great, as therefore to forget reason, and to be caried headlong with wrong and insufficiency: as were in auntient time the Lacedemonians, who measured all justice by the common profit, whettom they directed all their lawes, all their judgments, and counsels: so that if that were once in question, neither oath, nor reason, nor justice, nor yet the law of nature was by them once respected. But much better it were for the Commonweale, and more becomming the dignity of the magistrate, of himselfe to giue vp his office (as did the Chauncelour of Philip the secon) Duke of Burgundie) than to giue way unto a law that is contrarie unto the lawes of God and nature, or that in euery mans judgement seemeth to be dishonest or vnjust: howbeit the Duke seeing the irreconcilable confinacie of his Chauncelour, readie to giue vp his office, thought it better to renounce such his commands, than to want so stout & wise a man. Which so constant resolutions of the magistrates, hath oftentimes preferred Princes from infamous, lawes from decay, and Commonweales from destruction. But when such confinacie cannot heal the dissiplines of the Commonweale, or faults of soueraigne princes; and that the prince commanded the magistrates, to have his actions excused vnto his subiects: it is much better for the magistrate to obey his command, and in so doing to cower and burie the memorie of a wicked fact alreadie done, then in refuing so to do, to irritate the prince to the doing of worse; and so (as they say) to cut the helpe after the hatchet. As did Papinian the great Gouernour of the empire, (and by Sessorius the Emperor in his will appointed Tutor vnto the yong emperors Anthonius Caracalla, and Geta his fones) who by Caracalla commandeth to excuse vnto the Senate the murder by him committted vpon the petition of his brother Geta, would therein do nothing, but cut him off with this sharpe and fogetter answer, saying, That murthers were more hardely excused, than committted: which was of him more stoutly then wisely said. For Caracalla with this auntient were enraght, and yet not satisfied with his brothers blood, in his rage commanded Papinian
A Papinian also to be slain: 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, murthet, and tyrannize, vntill such time as he had brought himselfe together with the Empire vnto destruction. Which I would not have to bee so vnderstand, as spoken of vs in any respect to impaire the worthie praiseth of so notable a man, (for that can in no wise 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 faued his owne life, and counterpeased the tyrannies and cruelties of the Emperor, who alwaies before had him in greatest honour and regard. Which fault in Papinian I haue thought good to note, for that many haue right highly commended him for the same; without respecting, that such his resítance auailed nothing, but brought an irreparable losse vnto the affairs of the empire, being so depruited of so great a personage, as might therein doe more than any other; for that he was a prince of the blood, and the greatest magistrat in the state. But had the matter then stood whole and entire, and that the Emperor had commannded him to put his brother Geta 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 unnaturall fact, for one brother to mutther another. But Seneca and his companion Burra (the governours of Nero) shall be for ever blamed, as hauing no excuse to pretend for their most wicked counsel, perswading Nero to kill his mother, who by chance had escaped drowning: which most cruel counsell, command, 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 reuoke his former command; 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 farther: following therein the maximines of the law. Howbeit to attempt were right thereunto, the matter is by distincction to be opened; that is to wit, that if the thing so begun may be left off without the publick harme, it is then so to bee left off according to the latt command: but if it be so begun, as that it cannot bee left off, without the manifest hurt of the state and Commonwealth; the magistrat in this case is to proceed on with that he hath so begun, notwithstanding the latter countermand, and that especially in matters of warre; as wee haue before saied. And to this purpose Marcellus the Consull faith, Multa magni Ducibus siuit non aggredienta, ita semel aggressa non dimittenda. 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 gienuer. And this in time of warre. But if at home the magistrat following the commanndement to him gien, hath begun to execute the condemned, or them that the prince hath commannded to be put to death, he ought forthwith to surcease from any further execution, if the commanndement be revoked: and not to do, as did the Consull Fulius, who hauing taken the city of Capua, as he was punishing the authors of the rebellions, and had now caufed the greater part of the Senators of that city to bee beheaded, receiving letters from the Senat of Rome, willing him to stay and cease the execution, put those letters in his bosome, without reading of them, & doubting of the contents thereof proceeded to the execution of the rest, vntill he had put to death foure score of them. True it is, that the Senat had no power in any thing to command the Consuls (as we haue before faied) yet for all that, the governours of provinces, and the generals of the Roman armies, yea and the Consuls also, vsed most commonly to be obeyed.
ent vnto the Senate, and to yeeld vnto the decreees 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 have declared. Yea it is almost a perpetuall thing, for them which are in authoritie and have power to command, to be able of their owne right to execute that was commanded them, yea after that the time of their authoritie is expired, if he that gave them the authoritie and charge knowing and wittingly shall diſsemble the fact, or not forbid it when he might.

Now all that we have hitherto said, is to be understood onely of such letters or re-
scripts of command, as yet carrie with them no power for the magiftrat to examine the fact or matter they concerne. But then what shall wee say, if such reſcripts or commandes report such things as certainly knowne and true, which yet are neither publickly, nor vnto the magnifrat fo knowne to be. Here we must againe confider, whether the examination of the matter, be by speciall command exprimely taken from the magnifrat, or else left vnto him: if it be left vnto him, there is then no doubt, but that the magnifrat may and ought to enquire of the truth of such things, as are reported in the princes reſcripts or letters: but if al examination of the matter be taken from the magnifrat, then some doubt, whether he may inquire of the truth thereof or not, and especially if it be exprimed in the reſcript or mandate, that the prince being well enform'd of the truth, commandeth the magnifrat to procede to the execution of his letters or commandes: howbeit the best opinion is, that the magnifrat both in the one cafe and the other, ought to examine the truth of the matter. For when to inquire of the truth of the cause, is neither forbidden not commanded, although it be exprim'd in the princes reſcripts or letters, to procede to execution, yet ought the magnifrat neverthelesse to examine the truth of the matter. And to the intent, that the magnifrats shoulde not pretend to exclue themſelves by ignorance, the emperour Conſtantine, prouided by an exprimell law, that the magnifrats shoulde enquire, whether these things were true or not, which were fet downe in his reſcripts or letters of command, whether it were fo in them exprim'd, or left out. And as for the other point, if in the reſcripts or letters, it be exprim'd fet downe to procede to execution, for that the prince is well enform'd of the truth of the matter; yet neverthelesse ought the magnifrat to examine the truth thereof: notwithstanding the clause which I have sai'd, which ought not to hinder the examination of the matter, nor to be prejudiciall to any other mans right: and so much better vnto the publique, and left of all vnto the truth: and so generally, all such narratiue clausæ as are but reported in reſcripts, mandates, commiſſions, lawes, priviledges, testamentes, and sentence, cannot be any thing prejudiciall vnto the truth. And albeit, that during the tyrannye of the Sforces, they made a law, that all faith and credence should be giuen vnto the princes commaundes and letters, yet was the same law againe difannulled, after that they were by the French, driven out of the eſtate of Milan. And if the faith and credite must needs be giuen vnto the narratiue clausæ of princes reſcripts and letters of commaund, that is to bee understanded, onely of such clausæ, as whereby the obscure places of their edicts, and lawes, commiſſions, mandates, or judgementes 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 shall in the beſtowing of offices, places of charge, or other his grants in his reſcripts or letters, teſтиſe for the fidelity, integrity, wifedom, or religion of any man, it is farre from, that the magnifrat should rest con-

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A tented with that certification, as that he 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 vnwise man. But contrary wise, if the prince shall simply give vnto 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 wisdome hath thought him worthy such honourest 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 the reigne of the Gothes, triall was made of the Senators, before they were to be admitted into the Senate. For Theodoris, king of the Gothes, writing vnto the Roman Senate, for the receivin of a new Senator, faith, Admuendos in Senatum examinare cogit solicito honor Senatus: the care (we have) 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 faine pretended colour shall entroach vpon the prince the profits and commodities vnto him grated, being in the princes reftcript expressed, yet is he therof by the magistrat to be embarrased, and the rather, if the common treasurie be with inmoderat gifts exhausted: vnto which diface eutrie where spending, remedie might be given, if the law of Valois concerning gifts might take place. For Philip Valois the French king, commanded 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, where in as all publicke things lie open vnto the power of all men; so for the same cause occasion is minfiftred vnto the fidiuous, to the trouble and oftentimes to the ruine of the Commonweale. And for this cause it was most straitly provided by a law in the twelue tables, that no privilege or dispensation might in any wise be granted, and that vpon paine of death, but only in the great assembly of the whole estate of the people; the words of the law being these, Privelegia nifi Committis Centurias ne sevrio vnto quid faciat Capital est. Let no privilege be granted, 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 damnos facit, nec legibus contraria imperatori sert." It is not fit, things hurthill vnto the common treasurie, or contrarie vnto the laws, to be obtained: howbeit that all privileges are direcly contrarie vnto the law; for otherwise they should not be privileges. And if it bee so, that they must needs palle after the second command (as we have before laid) yet becommeth 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 contrarie vnto the law; and not by faufable interpretations to encrease their strength, or to draw them into consequence, as hetherofte have the judges and the clerge, which by their faute glozes, have drawne the profit and privileges granted onely vnto foudlirs, vnto themselves also; vising these faire gloasing words, of worldly Soulidours and heavenly Soulidours: so laying all the burthen vpon the poor country men, 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, sufficeth it in passinge by, in generall to aduertise the magistrat to have speciall regard vnto the privileges by princes granted, and most straitly to examine

| Privileges in things odious and contrarie vnto the laws, how they are to be interpreted. |

| Privileges to be most straitly examined. | Whether the ma-
gistrat ought to arrest the sufficient of him of whose wisdom and ingenuity the prince hath himself by his re-
scripts, or letters senteth in the be-
flowing of any office or other charge vpon him.
mine them, what good report fouer the prince therin make of him that hath obtained such priuilege: For that every man well knoweth, that the prince oftentimes knoweth not them to whom such priuileges are graunted; vnworthy men still do so much obtaining them, as indeed wrestling them from princes, even as it were against their wills: no craft or subtiltie in this case left vnlookt out, to defraud the lawes, and abuse the prince and magiftrats, and that with so many fifts and quirkes of words, and so much deceit, as that they feeme hardly to be by the magiftrat to be met withal, but by plaine force. Such is that clause, De motu proprio (of owne moore motion) which inuened at Rome, hath from thence ceptr 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 differenations and priuileges, joyneth not thereunto this clause, De motu nostro proprio (Of owne proper motion) howbeit that the same princes have bene importuned, and as it were enforced to graunt that even vnto vnknowne and moft vnworthy men, for whom they have bene so importunately requested. There is at Rome a field called Flory, or Flourifhing, not so much for the plente of flowers, as of witnessles that are therein; out of which erie man may take testimonies, for the bestowling of benefices vpon them which dwell euene in the remo- teft places of Asia and Africa, and that with these words, De motu proprio. By which onely clause, all the fraud and deceit of them that used for preterment, be they never so bad or vniust, are easily excused: and by vertue of which words the examination of all flye incomings or craftie intrusions, cafe, if wee will receive the opinion of some moft pertinious and daungerous vnto the state: but such sleights and deceits we haue long since bid farewel out of our Commonwale. And for that princes and magiftrats circumvented with the wiles of deceitfull men, could hardly, or not at all escape the fame: it was wisely decreed, That the princes rescripts, nor letters patentes, should be of none effect, except they were presented vnto the magiftrat the same yere that they were obtained; neither should be of any force, before they were by the magiftrat approved. 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 receiued after the yere expired: neither those that were directed vnto the magiftrat after a moneth were past: and that not onely the yere and day, but even the vertic howre also, should be therein set doone, as themanner is almoft throughout all Germanie; following therein the opinion of many great lawyers, to stop the suits and controversyes which oft times arisit for gifts, offices, and benefices graunted vnto dyers in one day, as it was decreed by the parliament at Blois, at the request there made by Bodea deputie of Vermadois.

But what if the prince by his rescript or letters patentes, shall expressly forbid the magiftrat to examine the truth of such things as are contained in them, albehit that they be false or doublfull? ought the magiftrat in this case to examine the matter? And it seemeth that he ought so to doe: For we have before said, that hee may, and ought to examine the cause, and enquire of the truth of things expressed in the princes rescripts and letters, albehit that the prince therein declare himselfe to know the truth thereof. Yet for all that, I say, that it belongeth not vnto the magiftrat in this case to passe beyong the prohibition of his soueraigne prince: For there is great difference when the prince declareth, That he knoweth the truth; and when he forbiddeth to enquire thereof: For in him it is to be presumed, that he hath bene circumvented, and doth mistaking things false for true, and things vnknowne for knowne, to have commanded them so to be put into his rescript, which he would not have done, had he beene truely thereof enformed: As if hee should giue a judges place vnto a fouldier, or a captains place vnto...
Vnto a lawyer, neither the one nor the other ought by the magistrat to be admitted or received, although the souldiour were commonly called a lawyer, and the lawyer a souldiour, such pretended quality having happily given occasion vnto the prince to be so in his gravant deceived. 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 remedie by vs before spoken of, and shew the prince the truth, and the importance of his command, with the inconuueniences and harms ensuing thereof, and so in what he may to draw him from his former purpose: and having so discharged his dutie, yet neuerthelesse then to yeeld his obedience, if he shal be againe commended: for otherwise the maiestie of a prince or Commonweal should be but a mokerie, as still subject vnto the controlement of the magistrates. Besides that, it is much more alio to be feared, leaft that the other magistrates, by the example of one or two, and after them other priuat men also, should presume to contemne the princes command, to the great endangering and rune of the Commonweale.

Now if a man should say that a Prince ought not to commannd any thing that is dishonest or vniust, he therein sayth well: neither ought the prince (if it were possible) to commannd any thing not becomming his honour, or that were so much as subject vnto reprehension or flander, or knowinge the magistrates to be of contrarie opinion vnto his, to contraine them thereunto: for that the ignorant and common people is no way more moued vnto disloyallie, and contempt of their princes edicts and lawes, then to see the magistrates hardly dealt withall, and the lawes by them contrarie to their good liking published and forced. But now here the question is, what the magistrat ought to doe, in case the prince for getting his dutie, 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 commannde, or to give vp his place: And if so it be, that the worldly magistrat ought to be obeyed, albeit that he commandeth such things as are vniust: Ne Preteris maiestas as contempta videretur. Left the maiestie of the Praetor should seeme to be contemned (as faith the law) how much more then ought men to obey their soueraign Prince, of the maiestie of whom all magistrates 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 counsel of all the wife which have hereof written. And to this purpose faith Cicero (albeit that he was a mortall enimie vnto the Tribunes of the people) that men were to obey even the vniust oppositions of the Tribunes, in these words: Parere igitur secundum legem, non quia praestantius: impediri enim bonum rem melius esse quam concedi male. The law (faith he) commandeth vs to obey the magistrat that oppofeth himselfe, then which nothing is better: for better it is a good thing to be crooffed then enflant grunted. And before he had said: Nihil exitiosius ciuitatibus, nihil tantum contra volitionem sui ac legibus, nihil minus ciuile et humanum, quam composita et constituata republica queque dixisse viam. Nothing is mote dangerous vnto cities, nothing more contrarie vnto right and law, nothing mote vnjust or inhumaine, then in a well ordered and feeled Commonweale to have any thing done by force. We oftentimes fee the subiects to take vp arms against their prince, the lawes violated, and justice go to wracke, and all for the false opinion that the people haue of the equitie and integrite of the judges, refusing to vefifie and put in execution the Edicts and commands of their prince. O but say thee it is a vnjust Edict or law, neither can we, nor ought we, to obey the same: an honest speech, if indeed thou canst not; but wherelearned thou that thou oughtest not: from whence haddest thou that doctrine? wile thou (being a magi-
A notable example of a wise governor or magistrate.

magistrate) with stripes, imprisonment, fines, yea, and with death: it selfe enforce priuat men to obey, yea euen thine vniust commands, and yet thy selfe not obey the commandement of thy Prince? But thou wilt denye thine owne commands to be vniust: so doth the prince also denye that which he commandeth to be so: shalt thou now be judge herein, or he? or if thou wilt needs be judge, why shouldest thou not thinke to suffer the same in thine owne decrees concerning priuat men. Besides that, as no man enforced thee to take upon thee thine office, so no man forbiddest hee to give vp the same, if the law thou likest not seeme to thee so vniust: it is therefore the desire of bearing rule, that maketh thee that thou wouldest beare rule ouer priuat men, and yet not obeye thy prince thy selfe. Wherefore let vs upon this conclude, it to be much better in all obedience to stoupe vnto the soueraigne maieftie, than in refusing of his soueraigne commands to gie example and occasion of rebellion vnto the subiects; yet still keeping the respects that we haue before set downe, and especially when it concerneth the honour of God, which is and ought to bee vnto 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 shoulde beare him selfe herein, amongst many examples we will vse but one or two. Saul commanded all the priests of God without just cause in his presence to be faine, yet was there no man which refused not his vngodly command, except Doeg, who him selfe alone performed that so cruel an execution. An other notable example is of one Petronius governor of Syria, who received commandement to place the image of Caligula the emperour, in the fairest place of the Temple of Hierusalem, as it had beene in all other Temples of the empire: howbeit that the luews had never suffered those images to stand in their Temples, but had still cast them downe, and broken and beare them all to peeces, even to the vear shields of the emperour, which they had there placed. Whereof Petronius aduertised the Emperour, and that it could not be done without great trouble and slaughter of the people: wherewith Caligula more incensed, sent more express and strait command vnto Petronius, to assemble all the old bonds of his gaition fouldhous in thole quarters, and so with a puissant armie to put his commision in execution. Of whose comming the Iewes hearing, left their Townes, and the tillage of their grounds, and to in great companies all vnarmed, went to meet him, if happily they so might by their humble prayers interst him; telling him withall, that they ought not so much to feare any mortall man, as to commit so abhominable a sinne against the maieftie of the immortal 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 he most sauci Temple of God to be so polluted with the images of men. Nevertheless Petronius told them that it concerneth his life, to performe his commision: and so to terrifie them the more, marched with his armie vnto Tiberias, (as supposing himself to doe nothing contrary to his owne religion, or to the lawes 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, bowing themselves, and bowing their heads before the armie whetwith 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 chuse 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 pitifull complaint and teares, (and being himselfe also a man of a courteous and milde nature, and farre from that cruelie, which the Iewes feared not whatsoever it had bee) he commanded them all to returne home; promising againe to write in their behalfe vnto the Emperour, and rather himselfe to die than to execute his commision, accoun-
ating his life a worthie ranSome for the sauing of the guiltles blood of so many innocent people. Neuer theelte Caregula therewith the more enraged, sent vnto him a new command, with grievous threats to put him vnto the most grievous torture that he could possibly deuie, if hee forthwith put not his commissioun in execution, according to his command. But the ship, together with them that brought the commissioun, was by force of tempest carried another way, and newes brought into Iurie of the death of the tyrant, before that the cruel commissioun could come thither. And in Petronius haung discharged his conscience towards God, his ducie towards his prince, and well showed his great love toward the subiects, and discharged all the parts of a most wise Gouernour: it was himselfe by the diuine prouidence wonderfully preferred from the cruelties vnto him by the tyrant threatened. But yet this is especially to be considered, that we pretend not the vaine show of religion, or rather of superstitioun, against our princes commans, and so vpon a conscience euill grounded open a way vnto rebellion: for when the magiftrat maketh conscience, and a matter of religion, about the executing of his princes commans, he seemeth himselfe (and ginet occasion vnto others also) to suspeect euill both of the religion and conscience of his prince. Wherefore he ought to be well assured of the true knowledge of the eternall God, and of the true worship and frustrate vnto him due: which consiUeth not in vaine and counterfeit shewes of religion or conscience. Divers other examples I could to the same purpose produce, were I not afraid left those whom we call Pagans should there in shame vs, with whom the feruall zeale vnto the honour of God is abated, and by porcel of time cooled, as that it is to be feared left at length it be altogether rotten. And thus much for the obedience of the Magiftrat vnto his Soueraigne Prince. Let us now also speake of his power and authoritie over particular and privit men, and what a manner of man we with him tor to be towards them.

CHAP. V.

Of the power and authoritie of a Magiftrat over particular and privit men, and of his office and dutie.

E haue before said, That a Magiftrat is an officer which hath publike power to commannd, or to forbid: Now he hath power to commannd or forbid, which hath publike power to enforce or constraine them which will not obey that which hee enioyneth them, or which do contrarie to his prohibition, and may also cale the prohibitions by himselfe made. For albeit that the law faith, That the force of the lawes consisteth in commannding, and for bidding, in sufferinge and punitinge; yet is this power more proper vnto the Magiftrat, then vnto the law, which is of itselfe dombe: where as the Magiftrat is a huing and breathing law, which puteth all this in execution, seeing that the law in it selfe carrieth or containeth nothing but commans or prohibitions, which are but mockeries and to no purpose, if the Magiftrat and the punishment were not attendant at the foot of the law, ready for him which tranquistleth the same. Howbeit that to speake properlie, the law containeth nothing but the verie prohibition, and the threats for not obeying the same; considering that he which commanndeth inclusively forbiddeth to tranquistle his commannd: and as for sufurance, that is no law: for sufurance taketh away prohibition, and carrieth with it neither penaltie nor threat, without which the law cannot be, considering that the law is no other thing, then the commanndement of the soueraigne, as we haue before declared: and whatsoeuer threat or penaltie is propounded by the law, yet the punishment neuer theelst never enueth the breach thereof.
The force of the law to confift in the Magiftrate, or him that hath the power to command and conftraine. What power the Magiftrat ought to have?

We have said, that the Magiftrat ought to have publike power, to put a difference between this power and the dometickall power. We said also, that the Magiftrat should have power to conftraine 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 conftraine men, or to put their sentences or commandements in execution; such as were in autintent time the bishops, and now our bishops also: such were also the autintent commissiorms, delegates vnto the Magiftrats, having power to heare the caques vnto them committt; as also to condemn the parties, but yet had no power to conftraine them, but sent their sentences vnto the Magiftrats, to be ratified or renuefed, 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 Magiftrats themselues had by virtue of their autoritie so commannded. And therefore he was not in danger of the law, who had by force rescued a privit man, as he was to be brought before these priuit judges or delegates appointed by the Magiftrats, 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 virtue of their decrees which they give out, signed and sealed with their owne hands and seales: whereas the bishops with vs have no such power to conftraine men, but send their sentences to be executed by the Magiftrats. As the Cadies, and Paracadies do in all the East, who haue the hearing of all matteres, but yet have no power to conftraine men, but send their judgementes vnto the Sabbaffiages, which haue the command and power in their hand.

We have before said, that the first constraunt of all them which had power to command, is the ceasing or attaching both of mens goods and persons; which the autintents called prebenfio, or as we say an apprehending or laying on of hands: for it were to no purpose, for the Magiftrat to call a man before him, to judge him, or to fine him; and when all is done not to have power to feife vpon their goods not person of him that shall disobey him. Now we have before said, that some there be, which haue such power to apprehend and attache men; which yet have no autoritie or power to call a man before them, neither to examine a matter, neither to rescue a man, neither to enlarge them wchoe they have committed; as we have shewd of the Tribunes of the people, of the eleuen Magiftrats in Athens, of the Capitall Triumvir in Rome, of the Auogadours in Venice, of the kings Attourneries, and the deputies of them which haue power of the common trefure in other realmes and Commonweales: and of the Commissioners of the Chaffelet of Paris, who may all impifon men, and feife vpon them, and yet for all that cannot releue or enlarge them, which belongeth only vnto the publike Magiftrats, which have power to commend and acquite, and to judge, some of them of mens goods only, other some of mens goods and honour also, and other some of mens goods and honour, with power to inflict 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 highest degree, is of such as haue the absolute pow-
er of life and death; that is to say, power to condemn to death, and again to give life viado him which hath defended to die; which is the highest mark of soueraigne, above all laws, and above the power and authoritie of all Magistrats, as proper only unto soueraigne, as we have before declared. Whereby it appeareth, that there are two kinds of commanding by publike power: the one in soueraigne, which is absolute, infinite, and above the laws, the Magistrats, and all other privat persons: the other is a lawful command, as subject unto the laws and soueraigne, and is proper unto the Magistrats, and then which have extraordinary power to command, untill it be againe renouc'd, or the time of their commissioun expired. The soueraigne prince next vnder God knoweth none greater than himselfe; the Magistrat vnder God holdeth his power of his soueraigne prince, and remaineth alwayes subject unto him and his laws: the particular man next after God (whome wee must alwayes put in the first place) acknowledgeth the soueraigne prince, his laws, and his Magistrats, euerie one of them in his place. Vnder the name of Magistrats 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 Magistrats, in such forts, as that it seemeth that there are none in the Commonweale but the soueraigne princes, which may properly vfe these words, Imperio & iubete, I charge and command: which in ancient time signified, I will and command, seeing that the will of euerie Magistrat, and of all others also, which have power to command, is bound and dependeth wholly of the soueraine, which may alter, change, and renouc't at his pleasure. For which cause there is neither any one Magistrat, nor yet all together, which can put in their commissions, Such is our pleasure: or this clause vpon paine of death, for that none but a soueraigne prince or statute, can vfe the same in their edicts or laws.

And hereof fifteth a notable question, which is not yet well decided, viz. Whether the power of the sword (which the law calleth Merum Imperium, or meete power) be proper unto the soueraigne prince, and inseparrable from the soueraigne; and that the Magistrats have not this merum imperium (or meete power) but only the execution thereof: or that such power is also common vnto the Magistrat, to whome the prince hath communicated the same. Which question was disputed betwixt Lothaire and Aton, two of the greatest lawyers of their time: and the emperor Henrie the feuenth choused thereof judge, at such time as he was at Bononia, vpon the wager of a horfe, which he should pay, which was by the judgement of the emperor vpon the aforefaid question condemned. W herein Lothaire indeede carried away the honour, howbeit that the greater part, & almost all the rest of the famous lawyers then held the opinion of Aton, saying, That Lothaire equum ilerat, sed Aton aquum (Lothaire had carri'd away the horfe, but Aton the right) neuertheless many since haue holden the opinion of Lothaire: so that the question remaineth yet (as we said) undecided, which for all that deuereth to be well understood, for the substance it draweth after it, for the better understanding of the force and nature of commanding, and the rights of soueraigne

mastic, But the difficultie thereof is growne, for that Lothaire and Aton neither of them well knew the estate of the Romans, whose laws and ordinances they expounded; neither tooke regard vnto the change 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 Magistrats had power of the sword over the citizens: yea that which much lesse is, they had not so much power, as to condemne any citizen to be whipped or beaten, after the law Portia published at the request of Catone Tribune of the people, 454 yeares after the foundation of the citie. By which law the people tooke this power, not from the Magistrats onely, but dipoyled euych it selfe thereof also so much
much as it could, giving the condemned leave for what fault or offence soever it were, to void the country, and to go into exile: and that which more is, there was not any one magistrat, which had power to judge a citizen, if once question were but of his honour, or good name, or of any publick crime by him committed; for then the hearing thereof was removed unto the communitie, or common people: but if it concerned the lost of life, or of the freedom of a citizen, none then might 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 Cæsare for transgressing the same escaped not, but being Conslull, and having caused certaine of the conspirators with Cæ- line 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, hatched and rods from the heads and backs of the citizens of Rome: Cornelius Sylla the dictator published his lawses concerning publick judgements, whereby were appointed a certaine number of Pretors, as ordinaire officers, which were to judge of all such causes as whereof the communitie before judged, or at leastwise appointed commissioners for to judge of such crimes, as of murders, of robbing of the common treasure, of treason, or of extortion; but yet so, as that these Pretors had their lesson by writing, beyond which they might not paffe a jot. For they by lot drew a certaine number of particular judges out of them, which by the lawses might in such causes be judicarie judges, who before all the people having heard the accusations and defenses both of the one part and the other, had brought vnto euerie one of them the judges, three little tables of dierues colours, vpon one of which was written an A. vpon another a C. and vpon the third N.L. the A. signifying acquitted, C. condemned, and N.L. as much as to say, Non Ligated, or it is not manifeest, or the matter is farther to bee inquired of (which they called Ampliare, and Amplius quere.) With these tables was also brought vnto the judges a vesell whereinto euerie one of them did cast one of the three aforesaid tables, without which speaking: Which done they counted the tables so cast in, and if there were more 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, Rem parum causis videatur, which is to say, It semeth that the partie accused hath not kept himselfe from doing amisse; or else Non in vere seciis videatur. He semeth not to have done right; or Videatur propriam solis, He semeth to have spoied the province. This was the Roman grauitie in judgement mixt with modestie, leaft they should seeme therein to lie, or rashly to affirm any thing which was not altogether most manifestly tried. Of which sort are these words also, Siquid mei inducet eff, If my judgement be any thing. So presently after the Pretor had pronounced the aforesaid words, the penalty of the law was put in execution, the partie condemned voided the countrie and went into exile, and the receivers seised vpon his goods. If such penalty were for the offence of the law appointed, vnto which law except the partie so condemned yelded himselfe obedient, he was forthwith by the Triumphatie of causes capital, apprehended and cast in prison. Wherefore, might some man say, that these capital Triumphatii had power over the citizens: But wee laid before them to have had power onely over strangers, and that true: and so men condemned to exile, are but to be accounted strangers, for that they have lost the libertie of the citie. To like purpose is that which Martian the lawyer writeth, concerning the decree of the Senat, at the motion of Tulpian, Si judex pronunxerit hac verba, calamitia est, condemnans eum, If the judge (faith he) hath pronounced these words, Thou haft slandered, he hath therein condemned him: and albeit that he say no more con-
cerning the punishment of the offender, yet shall the penalty of the law nevertheless be executed upon him. Not to speake in the meanest time of the inscriptions of their libels, with the examination of witneses and writings. This was the manner of the publick judgements vld by the auintent Romans: Wherby it is eaily to be vnderstood, that the Pretors or judges were but only the simple executioners of the law, without power to adde or diminish one iot thereof, having not onely no power of the sword, but not so much as to whip, or yet lightly to punish a citizen.

Now if question were for the fine of any publick 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 vfe to doe which haue the soueraignty in all Commonweals: neither were voyces in these cases gven 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 fuch like, Si M. Poithinuus anto Calendas Maias non prodidit poeque excusatns efs, videt eum in exitio ebf: ipfi aquas & igni placer e interdicti, If M. Poithinuus made not his appearance before the first of May, neither made his excuse, it shoule seeme good that hee 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 Limne Acomius, and Cicero. But if the state of the Commonweale being chaunged, 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 judicia available proceedings, even after that the forme of the Commonweale was chauenged from a Popular estate into a Monarchie, as a man may see in the time of Papinian the great lawyer, who gau occasion vnto Lothaire & Azon, to make question of the matter, in these words by him set downe as a maxim, Whatsoever is it that is giuen to Magistrates by decres of the Senat, by speciall law, or by the constitution of princes, 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 bee not in their absence which is not so (faith he) in them that have power, without the limitation of speciall laws, 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 say, vsing the words, Exercitum in publicis indeciis: as if he should say, That they which haue the soueraigne maiestie have received vnto themselfes the power of the sword, and by speciall law giuen, 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 haue 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 auintent Pretors of Rome, and so kept himselfe withing the tectures and compasse of Papinian his rule: but in that he was deceived, that he supposeth that maxime or rule of Papiniun, 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 so the power of the sword giuen vnto them even by vertue of their offices. For the emperours and law givers having in the proccess of time scene the inconvenience and infinuch that arifie by condemning all murthurers, vnto one and the selfe same punishment, or els quite to absoct them: and so the like in other publick crimes also, thought it much better to ordaine and appoint certaine Magistrates, who according to their confidence and devotion, might increafe 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 lawful for the judges to pardon them, who by other mens fraudor deceit had offended the law, as wee read in Suetonius. And by little and little the ancient order and manner in the judical or penall laws for downe, was changed; the penaltie by every one of them appointed yet neuertheless full remaining, not by any to be encreased or diminished, but by them which we have before said, what diversitie of causes soeuer happened. And ofte times the emperours commited it vnto the Senat, or some other the great and most worthy magiftrates extraordinariely 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 laws. But in the time of Papinian, Seuerus the emperour gave power vnto the great Prouoft of Rome, extraordinariely 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 couete of law were to judge of cuill causes 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 theweth example. And sometime the Pretor presenting the great Prouost,so by way of prevention extraordinariely judged of extraordinarie crimes, together with the great Prouost. As for the presidents and governours of provinces, in that they had power and authoritie of all the Magiftrates of the citie, and extraordinariely judged of all offences, and according to their owne discretion appointed both penall and capital punishment vnto all men, except the citizens of Rome; no man can reaonably doubt, 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 governours of the provinces which had the power of the sword; whom they yet call euens to this present in Italie, by the name of Potestats. Now it is plaine by the maximes of the law, that the Magiftrates which had power extraordinariely to judge, might condenme the guiltie parties to such punishments as they would, yet so, as that they exceeded not measure: For so Vlpian the lawyer writeth, him to exceed measure, who for a small or light offence inflicted capital punishment; or for a cruel mutille imposed a fine. Whereof we may then conclude, that the great Prouost, and the governours of provinces, and generally all such Magiftrates as have extraordinarie authority to judge of capital crimes (whether it bee by commision, or by vertue of their office) have the power of the sword, that is to say, to judge, to condenme, or acquit; and not the bare execution of the law onely, whereunto they are not in this respect bound as are the other Magiftrats, vnto whom the law hath prescribed what and how they are to judge, leaving vnto them the naked execution of the law, without the power of the sword.

And thus much briefly, concerning the question betwixt Lothaire and Azon: for the fuller and more plenteous declaration whereof, it is needless for vs yet to search farther: where it is first to be enquired, Whether the Magiftrats office be proper vnto the Commonweale, or vnto the prince, or vnto the magiftrat himselfe that bareth 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 be proper vnto the prince, the execution thereof of 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 propriete belong vnto the Commonweale(excepting in a lordly Monarchie) the bestowing of them, resting with them which have the fouraingtie (as we have before said) and cannot by inheritance be appropriat vnto any particular persons, but by the graunte
A grant of the foueraigne, and long and secret contenf of the estates, confirmed by a long lawfull and iuft possession. As in this kingdom, the Dukes, Marquesses, Countes, and fuch others as haue from the prince the government of the caftles in fundrie provinces, and to the commandant of them, had the fame in antient time but by commiffion onely, to be againe revok'd at the pleasure of the foueraigne prince, but were afterward by little and little granted vnto particular men for tearme of their lines, and after that vnto their heires males, and in proceffe of time vnto the females also: in much as that in fine, through the negligence of princes, foueraigne commandes, jurifdictions, and powers, may lawfully be fet to faile, as well as may the lands themselves, by way of lawfull being and selling, almoft in all the empires and kingdomes of the W尹, and fo are accounted of, as other hereditary goods, which may lawfully bee bought and sold.

B Wherefore this jurifdiction or authoritie which for that it feemeth to bee annexed vnto the territoye or land (and yet in truth is not) and is thereof called Praediatorie, is proper vnto them which are possessing of fuch lands, whether it bee by inheritance, or by other lawfull right, and that as vnto right and lawfull owners thereof, in giving fealtie and homage vnto the foueraigne prince, or state, from whom all great commandes and jurifdictions flow, and in fauing alfo the foueraigne rights of the kings, and the right of the last appeale.

Other publice offices there bee also which haue neither jurifdiction nor command, but only a certayne publicke and feruile charge: as the foure offices of the W尹 echafters in this realme, by right of inheritance belonging vnto certain men, by the grant of king Leues. Dukers also have attempted by proceffe of time to precribe the office of the Confable both of Normandie and Champagne; as also the office of the great Chamberlaines, by right of inheritance to belonging vnto them: howbeit that in that their fute they have beene often times by ducers decrees relented, and amongst others by one folemne one, in the records of the court made in the yeare 1273. True it is that the word (Confable) was in antient time no other thing than the captainte of a companie, which they called a Confableship, as we oftentimes read in Frofard. And in the records of the Chamber of accounts I remember I haue read three hundred Confables to haue beene at once in the arme. We read alfo that by the decree of the yeare 1274. Simon Countie of Montfott was excluded from the successuire right which he pretended to the honor of the Marshallsip D la foy, which the lords of Mirepoix challenge vnto themselves in their styles. And forasmuch as certeyn Mar- shals of France would have continued their eftates in their pottertie and succesors, they were embarred to doe by a decree made in Parliament in the xxij of January, in the yeare 1361, as to be found in the records of the court: wherein it is expressly set downe, That the eftates of the Marshallsip of France should bee as part of the demaine of the Crowne, and the execution thereof to remaine vnto the Marshals so long as they lited. And albeit that the power of the Marshals was not of force but in time of warre, (as was judged by a decree of the xv of Auguft in the yeate 1450,) yet nevertheless the militarie discipline carri'd with it the power of the fword, albeit that it were not given vnto it by expresse Edict or law, as in nothing communicating with the decrees and lawes of ciuill policie, or of other the ciuill magiftrats; which feemeth from the antient manners and customs of the Romans to haue beene vnto vs translat'd. For albeit that the power of the sword, yea and of punifying with rods also was by the law Portia taken from all the Roman magiftrats (fo that it was not lawfull for any of them, or for all of them in the citee to beate or confche a Roman citizen, as we haue before noted,) yet nevertheless the Consull had still full power of life and death ouer the fouldiours and men of warre, (without which their militarie discipline
could never have bene kept and preferred; from whom there was no mean to appeal as faith Polybius, and for that cause faith he, the Consuls had royall power: howbeit he marked not, that the Praetors, Dictators, Quaestors, and other Generals of their armies, had even the same power. In like manner the Constable of France by his letters of commission hath not the power of the sword, or of life and death granted unto him: but having the managing of the warres, and conducting of the armies, as in his absence the Mathehals of France have: the power of the sword is also left unto them, as without which military discipline cannot possibly be maintained: which martiall power the simple captains abused also, putting their fouldiers to death, with out any formt or fashion of just triall. Vnto that Henry the second the French king, at the request of Francis Colines the Dandelot, then Colonell of the footmen, by express edict forbid them any more to do.

If then the martiall Magistrats and Generals have in euery Commonweal the power of the sword without any limitation or restriction unto the forme of proceeding or of the punishment to be by them inflicted, according to the varietie of crimes and offences, all being as it were left unto their owne discretion and judgement, a man then cannot truly lay them to be but the simple executioners of the law, considering that they have no law whereunto they are in this regard subject: and fo consequently we may conclude, that the power of the sword is transferred unto their persons, that power now not remayning in the prince alone. Whereby it also followeth, that they being present, may commit vnto others, so much of that power and authority which they have by vertue of their place and office, as they please, and retaine thereof vnto themselves what shall seeme vnto them good, which they could in no wise doe, if by speciall law they were constrained and bound, to heare & determine of matters themselves, and from word to word to follow the solemnitie and paines set downe in the lawes. And this is it for which the law faith, That the Praetor of the citie, being himselfe present, might commit his authoritie and power to whom soeuer hee law good, which the Praetors for publike caufes could not doe: for the Praetor of the citie had the hearing and disdicing of all civil and criminall caufes, (except such as they called publique, as belonging to the common state) which fell out betwixt the citizens of Rome: as had also the Praetor, establifhed for the hearing of caufes betwixt strangers and citizens, who according to their discretion condemned, or acquitted such as were condenmed before them, moderating, correcting, or supplying the rigour or lenitie of the law as they law caufe, which their power was limited by the will and discretion of the Praetor in judging, and not by the necessitie of the law. And yet when as by the law or decree of the Senat, any particular case otherwise out of their jurisdiction was committted vnto them, albeit that it were referred vnto their conscience to judge thereof, yet neverethelsse could they not in this case commit the same vnto others, as is to be seene by many examples noted by the lawyers. Whiche point so manifestly leadeth vs vnto the disdicing of an other question by vs before propounded: viz, That the power and authority granted vnto Magistrats by vertue of their office, is proper vnto the office, albeit that the honour and dignitie of the office be not proper vnto the person: for Papian laying, That Commissioners and Lieutenants have nothing proper vnto themselues, but that they use the power and authoritie of them, which have commisionate and deputed them, sufficiently showeth, that the power is proper vnto them which co commissionate and deputed them, whether they be Soneraigne Princes, or Magistrats having power so to doe. And so in like cafe the lawes saith, That the Gouvernour of a country or province, hath within his government all power and authoritie next vnto his Prince: wherefore it is not then only in the prince. But the
The proprieties of offices to belong unto the Commonweale, and to be with the magistrates but as things left with them in trust.

When the power and authority is vested in the magistrates, and what not.

Two things to be observed in every Commonweale by the magistrate principally respected.

The difference between a judge & a decree, and to like wise of magistrates, which have power and authority to themselves, and others which have not.

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 autoritie is proper vnto the Magistrat in the qualitie of a magistrate, 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 trust, and that he is but the keeper thereof. So we call the Prouofof Paris the keeper of the Prouofofhip of that citie; which is to speake properly, and to shew, that the estates and offices rest and remaine in the possession and propriety of the Commonweale, as a thing put in trust vnto the magistrat. And for that cause the Bailiffes of cities and townes 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 soueraineitie by the name of Bailifles. And that is it for which the Court of parliament in the decree concerning the Marechals 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 so we may divide the general question, and discerne the controversy betwixt Lothaire, and Rům, who spake but of the power of the sword onely: and conclude, that as oft and whensoeuer the Magistrats and Commissioners are bound by the lawes and decrees, so is the power and authoritie which is given them, in such precept 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 case they are but meece executors and ministers of the lawes and of the princes, from whom they have their authoritie: yet not having any power in this point or respect in themselves, whether it be concerning ciuill politie, or the administration of justice, or the managing of warre, or treaties to be had betwixt princes, or the charges of Embassador: but in that which is left or committted to the magistrats integrity and discretion, in that case the power and authoritie lyeth in themselves.

Now as in euery Commonweale there are two principal 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 auctients called Legis actionem, and Judicii 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 Justiciam, or judgement, is properly understood of that which is ordained by the magistrat following the strictest termes and tenour of the law: so the word Decretum, is likewise properly understood of that which the magistrat ordained or decreed, following equitie without the precept law; the law itselfe being still referred to the strict execution thereof, and equitie vnto the dutie of the magistrat. And for this cause all the decrees of the Prince are properly called Decretae, and not Judicia, Decrees I say not judgements: for the foueraigne prince is not subject vnto the law; wherein they decreete themselves, which take a decree to be any thing else then the resolute sentence of the Senat in their consultations: or the decree of a foueraigne prince, or the voluntarie ordinaunce 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 case wherein they are not subject vnto the law, resemble arbitrators: but being striehtly and wholly bound vnto the law, are but as judges appointed to underrisand of the fact only, without any power of themselves to determine of the merit or justice of the cause, otherwise than the true striehtnesse of the law appoin-
appointeth. Now of these the one is is semeile, the other is noble; the one is bound vnto the law, the other is not so; the one vnderstandeth but of the fact, the other of the right; the one is proper vnto the magistrats, the other is refueted vnto the law; the one is precisely written in the law, the other is without the lawes: the one is in the magistrats power, and the other quite without the same. And the better to note and perceive 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 magistrat, but onely from that the judge hath declared and denounced the partie accused to be guilty: 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 distinction of the power of magistrats, whereby not onely the question of Lothaire and Azon is decided, but many others also concerning the charge and dutie of magistrats, where with diuers haue fore entangled themselues, some mistaking the practice, and some the theoretique, but most part, for not hauing vnderstand the Roman estate, albeit that they were well exercised and seene in all the parts of their lawes, and yet nevertheless in the state of magistrats, concerning their power and authoritie they found themselues greatly troubled. For Moulin himselfe (the honour of lawyers) not vsing the distinctions by vs before set downe, hath without reasone followed the opinion of Alciat and Lothaire: Whereunto he added the Pretors of cities, whome wee call Bailifes, and Senethals, 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 visagers or occupiers, and that he which hath a thing but onely to vse and occupie, cannot make any other visager or occupier but himselfe; which is a reason without apperance, as we haue before shewed. Whereunto Ioyne also, that it is not past an hundred or six score yeares at the most, since that Charles the seuenth, and the eight, were the first which made an office of the Lieutenants, or deputies of Bailifes and Senethals. For if Moulin his opinion were grounded vpon reason, why should Papinian expressly say, That magistrats may depute and commit in their prefectu so much and so long, and with such limitation as they themselfes please, of such things as they haue by vterne of their office, and which are proper to their estate? Now their magistrats estates and offices in auintent time were much lese proper, and lese appropiato vnto 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 must with much better reason than they appoint their lieutenants or deputies. Besides that, the lawyers themselfes haue made and written diuers expresse booke concerning lieutenants and deputies, which were all to no purpose, if the comparison of him, which hath but the vs onely vnto the magistrat, were to be admitted and receiued. And as for others, the auintent doctors and interpreters of the law, they haue in such fort entangled themselfes, as that it evidently appeareth them to haue had no insight into the estate or government of the Roman Commonwealth: without which it is impossible to determine any thing concerning these questions. For whereas the Romans had properly separatd the office of the Proconsulls Lieutenant, whome they called Legatum, from the office of the Proconsull himselfe: and so of the deputie tearmed a particular Commissioner, whome they called Judicem datum, from the Commissioner himselfe, and of him vnto whome power was giuen by the magistrat to command, whome they called Eum cui mandata infrisdicito est, the doctors have confounded all together vnder the name of Delegates, which were a thing too long, and too superfluous to refuse, hauing proposed vnto our selues no other end, but to entreat of that which concerneth the estate and dutie of magistrats in general.
A. It is also worth the noting, that in Popular and Aristocratical estates, such as were those of the Greeks, and of the Italians, their chief drift was so much as they could, for to bind their magistrates, gouvernours, ambassadors, captains, lieutenants, and other their great officers & ministers vnto their lawes, as that they should not one iot, swerve or stray therefrom: which the auntients did much more than of their time: where as in a regall monachie it is quite otherwise, where in publique judgements all pains and penalties, and in privat judgements that which concerneth euerie privat mans right, is left to be judged and determined according to the discretion of the magistrates. And albeit that Justinian the emperour made a law, That euerie mans right should be tried by the law, so to haue 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 obtayne the same his law, being impossible to be kept, and incompatible with the other auntient former lawes. For why, that which concerneth euerie mans right, confieth in fact, and not in the law: by which words Paulus (the great lawyer) setteth even by the root to have cut vp all the opinions of all the interpreters of the law, being not onely in number almoast infinit, but alfo altogether inexplicable, thereby giving men to vnderstand, that that which concerneth euerie mans right, ought not only in privat, but euen in publique judgements alfo to be left vnto the fidelitie, integritie, confidence, and wisdome of the magistrats. Which with vs is by a royall constitution provided for, and by the vie of judiciall proceedings, in respect of the infinty of cases, places, times, and persons: which for that they are infinit, can in no lawes, writings, or tables, be compript, and much leffe vnder any certaine rule be comprehended.

Now I haue before saide, that there was a new officer erect in Rome, who was the Prouost or Pretor of the cite, with power giuen him, to correc, supply, and amend, the lawes and customes, in that which concerned his jurisdiction, to faiie as hee law good in privat judgements; and euerie yeare the new chosen Pretor in the Tribunall seat appointed for the making of editions, after he had thanked the people for the honour he had of them receiued, gave them there to vnderstand of his edicts, and in what for his purpose was to administer the law. Which his edicts he caufed afterwaies to bee painted, and set vp in some publique place: which for all that were not lawes, neither had the force of lawes, but were only edicts (that is to fay, the magistrates commands) wherunto neither the people, nor the Senat, nor the Consuls, nor the other Pretors, nor the Tribunes, nor yet the succesors in the felle same office, were not in any wife bound, but onely particular men, and they alfo but in that which was within the Pretors power and authority, as concerning their privat suits, and businesse betwixt man and man. And therefore Cicero taunting Verres, intemperadly abusing the power and authority of his Pretorship, saith, Quipulrimum edicto tribunali legem annu amappellat, tu plus edicto completeris quam lege, They which attribute most vnto an edict, call it but an annuall law, but thou comprehendest more in an edict, than in a law. For the magistraf how great foever he be, cannot of himselfe derogat from the law, and much leffe abrogat the same: for these things we haue shewed properly to belong vnto soueraignty. Neither must we vnderstand, 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 difanull them, which is the highest point of soueraignty: 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 giue 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 magistrates together, to make
The Magistrat may revoke his own edicts or commands but not his judgement once given.

The Magistrates simple commands of right ought to be obeyed.

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 definitive sentence declared, the
succession to belong to such, or such a man, whom the law or the testator had appoin
ted heire. And albeit that duers of the Pretors edicts were more reasonable and indi
different then the lawes themselues; yet so it was, that the first Pretor that would, might
(without regard vnto all the edicts of his predecessors) make all new, or againe renew
such lawes, which by reason of their antiquitie, were before buried in oblivion. And
this was the cause that the Tribune Aemilius presentted a request vnto the people, which
passt 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 vfe, might by an expresse law bee repealed 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 themselues did not alwaies in
the administration of justice 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 occurrents so required; sometimes also changing them for the gudge or fa
vour that they bare vnto certaine privet men: which thing Cicero by way of reproach
objected to Verres, saying, ulla nulla religione motus, contra quâm edecret, decrenetbat.
That he moved with no religion, judged quite contrarie vnto that which bee himselfe
had before decreed. Howbeit that this reproach was but a flourith of the Orators, and
not of any great importance: For as no man was libecfe into the law which bee his
selfe made, so also might he vpon good and just cause derogat 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 do everie other magistrat also should bee constrained in gi
ving of judgement, to obserue their owne edicts by themselves published, and fet vp at
their first entrance into their office, and not to depart therefrom; which cut off many
courteyes and favours which the magistrats before newed vnto such as they thought
good. Neuertheless this law being publisht without the good liking and content of
many: and also contrarie vnto the nature of lawes (which can never bind them that
made them) was shortly after aboliished. Howbeit that the magistrats for their owne
particular, and in their owne caues, were constrained to endue the same edicts, judg
ments, and decrees, which they themselues had made, and caused 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 publisht for the whole
year that they were Pretors, or for a moneth, or for some few dayes or howres. For
generally the law faith, That the magistrat may revoke that which he hath decreed, and
forbid that which he hath commanded, although that he cannot revoke 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 injurie be requesfted or cha
nged, as also for that nothing ought to be more firme and sure then judgements once gi
uen, as whereby all ciuill societie is especially maintained: wherein many interpreters
of the law have deiued themselues, calling the magistrats simple commands, pre
cepts, and not edicts: whereas an edict (as faith Varro) is nothing els but Magistratus
usurari (that is to say) the magistrats command, and whereof another eror hath ri
len also, viz. That such the magistrats simple commands should bind no man: For
so the aunient doctors affirme. VVhich their opinion, if it were true, wherefore then
should the law command vs to obey the magistrats bare command, without regard
whether it be iuif or viuift? Or why should the lawyer Metian fay, Reipublica inte
ress, ut inuitus & ambitiosus decretis parentur, It behooueth the Commonwale, that
euen viuift and proud decrees (of the magistrats) should be obeyed. Yea and all the
aunent
Auentient Philosophers and law makers, have more religiously recommended nothing into vs,not onely than the lawes, but euene than the writings and decrees of the wise. Now it is more reasonable to obey a simpole verbal command, which is but for a day or an howre (if we doubt or mislike of the equitie thereof) than to the commandements which were for a yeare, as were all the edites of the magistrats: 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 themselves bind no man, if the commission (that is to say, the magistrats command) be not on foot. And therefore the Roman Pretors, and other their great magistrats, seldom times troubled themselues with gijing of judgementes, but were full occupied in appointing of judges, in commanding and the putting in execution of the sentences and judgementes of such judges as had by them bene appointed. Whole verbal commands (as these men teame them) had they bene of no force to bind men, the decrees and judgementes of such as were by them appointed, should have bene to no end or purpole, neither should they have bene obeyed. And therefore the lawe permitteth all magistrats by punishment or penalty to cause their commandes to be obeyed, without distinction whether they bee commandements verbal, or by way of commission, or by decrees by them made, or by judgementes by them gien.

Of this errour (for not obeying the magistrats command) is risen also a fatte greater, some defendeing that it is lawfull for men in fact, and by force to resift the magistrats, offering them violence, (for that is the word which they vse) whether it be in the administration of justice, or otherwise out of the same. Howbeit that the difference is great between the one and the other: for that the magistrat out of judgement, and out of the qualitie of a magistrat, is more then but as a particular man, and so if he by word or deed wrong any man, he may be resifted, in such sort as the lawe permitteth: but in the execution of his charge within his power, not exceeeding the boundes of his jurisdiction, there is no doubt but that he ought to be obeyed, whether it bee right or wrong, as faith the law. But if he shall exceed his authoritie or power, a man is not bound to obey him, especially if the exceede be in it selfe notorious, but may defend himselfe by oppositions and appeals: but if he may not appeal, or that the magistrat will not admit his appeal, but proceed against him; in this case it is to be considered, whether the griefe be to be recuperated, or otherwise irrecoverable: which if it be to be recuperated, no resfistence is then to be made against the magistrat: but if the case be irrecoverable, as in question of life, or of corporall punishment, and that the magistrat will needs proceed without regard of any appeal, in this case it is lawful for every man to make resfistence, not of purpose to croflie or offend the magistrat, but only to defend the life of the innocent man in danger, yet so farre as that it be done without fraud or seditious tumult: not for the violating of the magistrat, as we said, but for the deliuerance of him which is in iniure by the magistrat oppressed. As when Aupius Claudius enflamed with the desire and lust of the faire maiden Virginia, (wrestling the laws) was about to give sentence against her libertie, Virgins her father to preferue the honour of his house, and willing rather the death of his so faire a daughter, than that she should lose her virginitie, strow her openly with his owne hand, and so let all the citie on an uproate. Which desperat boldnes of the man was not indeed to have beene suffered, neither ought the quiet estate of the Commonweale to be with such outrageous facts troubled, what violence sooner be done by the magistrat. Howbeit that it belongeth not vnto priuat men to judge whether the magistrat offer to doe wrong, or not: which to determine, if it appertaine but vnto the greater magistrats, or the Prince only, in vaine then it is to ask whether priuat men may by force resift the
For it the but 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 appeales 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 goods, or fines, or imprisonment, I think it not to be lawfull, for that all these things may be amended, either by intercessions, or by appeales, or by actions of trefpasse, or inuiri, or by way of petition. But in other cases lawfull it is not by the law either of God or man to withstand the magistrat offering vs violence: as many enim taught, and worse instru\footnote{ed in ciuill policie and gouernement most duangernously affirme: by whose position (if they will be like themselfes) the estates of all cities and Empires must needs be troubled and confounded. For if it were lawfull for the subjectes by force to defend themselves against the magistrates, they might upon the same reasons and grounds refillet their Souveraine Princes also, and tread the lawes underfoot. Wherefore we see the lawmakers and lawyers to haue respected nothing more, than to keep all force; and violence, not from the magistrates onely, but even from privat men themselves, having violence in so great detestation, as that they haue restored euen theirues and robbers into places, vnustly by them posse
ded, if they were from thence by force caste out, and excluded the true owners therefrom of their rights for proceeding by way of force. And albeit that some particular men having territorial jurisdiction, may (in the opinion of many) in a sort in their owne right of themselfe lay violent hand, upon the land holding of them: when as the vassall neglegeth his dutie vnto his Lord, yet the true opinion is that he cannot in his owne cause so doe, for that it is a thing injurio\footnote{us and unreasonable, that any man should be a judge in his owne cause, or gie sentence for himselfe. Now the law which forbiddeth privat men to doe that, which ought to be done by the magistrat, hath this reason joyned with it, left occasion should be gien of greater stature and tumult. The law also of the xij Tables, which faith: \textit{Vis in populo absiste.} 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 publicely or private\footnote{ly done: but alfo when men would haue things otherwise done then by the ordinarie way of justice: as when things are done by privat mens authoritie, 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 territorial lord of himselfe to enter or seize upon lands, the proprietie whereof belongeth vnto an other man? Wherfore the opinion of Plato is to be of vs refected, who in his bookes of lawes hath left the shamefull violence and abuse offered vnto maydens or boyes, to be reuenged by their kinsfolke, and not by the Magistrat.}

Now of this question dependeth another: as whether the Magistrat may reuenge the wrong and injury offered him, as he fittheth in place of justice: whereof to say the lawyers have not yet determined. Neuertheless without entering into farther dispute, it is and alwaies haue beene lawfull for all Magistrats exercising their estate or commissi\footnote{on, to condemne or chasctice them, which gie vnto them rash or consamemious speech, and to proceed against them by way of fine, or by seizing vpon their bodies or goods, according to the power and authoritie vnto them gien; if the wrong or injury offered be not such as may deturce corporall punishment: for then the magistrat ought to lay aside his publice person, and to receive iudicke at an other mans hand. But yet if the injury 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 seemeth to be, for that in so doing they punish not the wrong done vnto themselves, but vnto the Commonweale, which is therein farre more wronged than are they which bear the person of magistrates. And albeit that the law saith, The action of iniurie is easily to be forgiven, and that it is soonest by sufferance buried, that is to be understood of particular men, & not of publicke persons, and especially of Magistrates vnto whom whosoever shall offer violence, is by the law in danger of reason. And for this cause an outrage committed against the person of a Magistrate, the indignity of the fact is together with the heauiness of the punishment thereby increased: and that not only when he exerciseth his estate, but also in what place soever 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 auntient Latins say, sacro sanctus, or most holy: for that word the law, Horatio (published for the safety of Magistrates) vieth, conceived in these words: Qui Tribunos plebis, Editibus, Judicibus nocuerit eius caput toti iuris esse; familia ad aedem Cereris, liberi, liberaeque vanum in, He that shall hurt the Tribunes of the people, the Aedils, or Judges, let his head be facticed to Jupiter, and his family and children, male and female, sold at the Temple of Ceres. Wherein some are of opinion that the word judicibus (or judges) is meant or to be understood of the consuls, who were afterwards the only 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 city was given to one special Pretor, they were called Consuls. Howbeit neuertheless it seemeth that the law Horatio having put the judges after the Tribunes, and the Aedils whom they called Editos, (for why, the great and honourable Aedils, whom they called Curules, were not yet created) was meant to comprehend all judges; considering withall, that the law itselfe was not published at the request 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 Horatio was made fortie four yeares after the sacred law Iunia, made for the safety of the Tribunes of the people: whereby they were as by a special law, more religiously provided for than were the rest of the magistrates. Whereby it appeareth this law to appertaine to all magistrates, but especially vnto judges, whose lives and persons are the more subject to all dangers, in that they are to judge of the lives, honour, and goods of all the subjectts. And therefore the law saith, That he that killeth the judges (shall die therefore) but if hee shall offer them no more 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 said, as they are exercizing their authortie and juridiction only, but even in what other place soever they bee: which otherwise were but to open a gap to haue them flaine in euery other place where they sat not in judgement. So when as with vs a certaine noble gentleman being 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 haue his right hand cut off, his bodie afterward to be quartered, his goods confiscated, and a most great fine to bee paid vnto the judge. But if the magistrat 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 magistrat, but as vnto a priuat man. So Aulus Hostilius the Aedile, when as by night hee had attempted to haue broken open a Courtians doore, was there grievously hurt: whereto he 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 magistrat. Which ought not to seeme strange, seeing that one of the Tribunes, who had unlawfully abu...
fed a boy, and taken by the Capitall Triumvir, was by him punished as a slave or stranger (the rest of the Tribunes his fellows forbaking him, as abhorring his most filthy lust) albeit that the sacred 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 priuat men went masked also, carrying with them the marks 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 punisht as done vnto a magistrat, but vnto a priuat 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 unlawfull to offend or abuse the magistrats by word or deed, but necessarie it is, that we should dutifully respect and honour them, as them vnto whom God hath given 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 observed, than did the other nations. For the Centors disgraced and degraded from his order a boursous of the citie, by taking away from him his horfe, for that he had but coughed and spat a little too loud in their presence. And Vettius a citizen of Rome, for not rising vnto the Tribune of the people, but passing by him, was by the people slaine. Yea the law it selfe calleth it sacrilege, not to reuerence the magistrat. Y Ve understand also not the fame, but yet great reuerence to have beene giuen vnto the magistrats even amongst the Greekes also, in that it was not lawfull for a man to laugh in the couneell of the Areopagis. Y Ve read also, that Fabius Maximus his sonne seeing his father a farre off coming towards him, and that the Lictors or officeres for his fatherly reuerence durft not caute him to alight from his horfe, commanded him himselfe to alight: which his father obeying, alighted and embraced his sonne, making much more of him than if he had done otherwife. For domestical power (as faith the law) ought to stoope vnto publike authoritie. True it is, that in those times and in those places offices were giuen to vertue, and not to them that offered moft: for then vertu 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 haue bene ofentimes in Rome, de lapide emptos, as faith Cicero. But howsoever power and authoritie be got, whether it be by fauour, by wealth, or force of armes, we must not therefore contemne the magistrat, which cannot be done without the contempt of God, from whom he hath his authoritie, in whatsoever sort it be. As wittnesst that speech of God vnto Samuel judge of Israel, now growne weake with age: whose commandes when as the people did refuse, it is not thee (faith he) but me, whome they have despised.

Now if these desirers of authoritie and power, be not to be mov'd either with the feare of God, or the touch of religion, yet can they not doe, but that it is more necessarie for priuat men to obey, respect and honour the magistrats, for the defence of Commonweales, and of the ciuill societie of men. W hich the auncient Poets have vnto very well set forth in their deified fables, making the goddesse Pitharchie (which signifies the obedience of subjicts vnto their princes and magistrats) wife vnto Iupiter Saviour: and of that marriage Eutychia (that is to say Felicitie) to have bene engendred and borne. Wherfore the magistrat on his part also ought to give a good opinion of himselfe, for his justice, wisedome, and sufficiency; that so the subjicts may have occasion to honour and reuerence him: and not by his unworthiness to suffer the honour of the Commonweale to be troden vnderfoot or despised: for the fault which in a priuat man is but light, is in the person of the magistrat doubled. And therefore Solon in his lawes gaue leave to kill the drunken magistrat, without any daunger of punishment;
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ment therefore. Truely an unreasonable law, for that it was thereby to be feared, least vnder the pretence of drunkennesse the magistrates life should be oftentimes endangered. Whereby yet we may gather, how much more was then detested, as alfo with what integritie, feueritie, and widdome, magistrates ought to excel all other men. And yet ought we not to imitate them, who by the rigour of punishment feele to bee accounted fevere; or by their too much lenitie, desire to bee accounted gentle, both the one and the other being therefore worthily reproved by the law. Wherein many have maitaken themselves, 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 equity is of such a nature, as that it is nothing communicateth either with rigour, or with mercie; but declining from both the extremest, crueltie (I say) and mercie, keepeth clemencie, the preserver of them both: nor unlike the Lesbian rule, which being of lead, yeelded as well vnto 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 leffe, he may with like equity mitigat the punishment by the rigour of the law appointed. And truely the magistrat in seeking to bee accounted pitfull offendeath more, than if he should seeme to be cruel: For crueltie, although it be indeed to be blamed, yet keepeth it the subjectes in obedience vnto the laws, for feare of punishment; whereas too much lenitie giueth libertie vnto offence, and causeth the magistrat himselfe, the lawes, yea and the prince which establiished the lawes, to bee altogether contemned. And this is it for which the law of God expressly forbiddeth to haue any pitie of the poore in judgement. Some others there bee, which judge well and vprightly, endeling neither vnto crueltie nor mercie, but yet cannot keepe that grauitie and feueritie which best becommeth a magistrat: as in our time one of the chiefest magistrates of this realme, who in the highest feart of justice, and even when he pronounced the sentence of death vpon the condemned, would with one mercie conceit, or other, minister vnto the heaters occasion of laugher. Whereas Augustus Cæsar did faire otherwise, who albeit that he was accounted a sincere and vpright justicier, yet for all that he never pronounced sentence of death vpon any, but with deepe sighes he fled even from the bottome of his heart. Some other to the contrarie, all enraged, threaten and rumile them whom they give judgement of: as did ordinatly the emperour Claudius, who one day with a countenance more like a beaft 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 graue exhortations, and bitter reproofs of the magistrat vnto the offenders, and then especially, when as he meanteth to vse more lenitie than the rigour and extremitie of the law requireth. For why it is one of the things most requisite in a magistrat to ease the offenders to haue the better understanding and feeling of the greatnesse of their offences; that so they may the better also perceive and see what they haue therefore offended, and so to be the rather induced to repentance. But it were a kind of iniquitie, and not becomming the authoritie and widdome of a magistrat to charge him whom he hath condemned to death, with opprobrious words also.

Papirius Cursor was of all that lived in his time (than which none is laid to have bene more plentifull of verses) a man most famous both at home and abroad in the wars, but so terribile with the majestie of his command, as that he caused euery the stoutest of his followers to tremble and quake at the force of his commandingspeeche: which his roughnesse of speech he for all that wisely tempered with great lenitie in the executing of punishment. As when the general of the Prenestines was come vnto him with his promised aid after the battle fought & the victorie obtained, Papirius with sterner counse-
countenance, and such speech as caused all there present to tremble thereat, having first reproved him, forthwith commanded one of the Luciers to unbind his bundle of rods, and to make readie his axe: the fearfull captain in the meantime expecting nothing but present death, when loquently Papiarius commanded the same Lucier standing readie 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 walke, 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 Papiarius would not have pardoned a Roman. But as there is great difference between 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 martial magistrates use another manner of fashion of commauding, of punishing, and execution of penalties, than must the magistrates in time of peace. For that the discipline of warre ought to be much more seuerer than the domesticall or ciuill government. And yet for all that ought not this martiall rigour to passe into crueltie, nor the general to exceed the bounds of severitie, as many commandments do, who in nothing show themselves valiant, but in killing their soldiours without hearing. As Seneca pronounced one act of Piso the Proconsul, for an example of his notorious crueltie towards his soldiours. For seeing a soldiour returning alone out of the field into the camp, 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 flayne him: the soldiour full allying. That his fellow was comming after him: which his excuse for all that Piso would not admit, but sent him prently to be executed. But lo, whilest that the execution was about to be done, he sodenly returned who was suppos'd to have been flayne. Whereupon the captain which had the charge to see the execution done, returned to the Proconsul with both the soldiours, who embrasing one the other, were with great applause and rejoicing of their fellow soldiours brought before him: Wherewith the Proconsul enraged, cau'd them all three to bee put to death: The first, for that he was before condemned: The second, for that he was the cause of his fellows condemnation: And the captain, for that he had not done what he was by him his generall comman'ded: So that for the appearing of one innocent man, he put three to death: which was not justly to ye, but most crueltly to abuse his authoritie. Which his crueltie was so much the more to be detested, for that there was there no means to appeale, nor prince to flye unto, nor ciuill exception to bee taken, by reason of the rigour of the martial discipline. And thus much concerning the power and authoritie of Magistrats ouer particular and priuata men: It remaineth now to speake also of the power and ductie of one of them towards another.
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Chap. VI.

Of the mutual duties of Magistrates among themselves, and of the power that one of them hath over another.

Every well ordered Commonweale there be three degrees of Magistrates: The highest, which is of them which may be called soueraigne magistrates, and know none greater then themselves, but the soueraigne Maiestie only: The middle fort which obay their superiours, and yet command others: And the lowest degree of all, which is of them which have no command at all over any other magistrates, but onely over particular men subjicet to their jurisdiction. Now of soueraigne magistrates, some haue power to command all magistrates without exception, and other some acknowledge no superiour but the soueraigne Maiestie, and yet haue no power over all the rest of the magistrates which are placed in the middle & lowest degrees, but other such onely as are subjicet unto their jurisdiction. Of the first sort of soueraigne magistrates which haue power over all others and that know none their superiours, but the soueraigne power, there are but verie few, and fewer at this present then in auncient time: for that it is by daily experience found, nothing to be more dangerous in a Commonweale, then for some one magistrat to be above the rest, who may lawfully command all the rest, alwell private persons as magistrates, wanting himselfe but one step or degree to mount vnto the soueraigne, and that especially if his soueraigne magistrate which hath such power bee alone, and without a companion, hauing all in his owne hand: as had sometime the Grand Prouost of the Empire, whom they called Prefectum Pretorio, who had command over all the Magistrates throughout the whole Empire, and might receive the appeals from all the other magistrates and gouvernours; but might not be appealed from himselfe, no not although the appeal were made even vnto the Emperour himselfe, albeit that the first which were promoted to this dignitie and honour, were but captains of the praetorian legions: as Seius Strabo the first that was preferred vnto this office vnder Augustus: and after that Selenus 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 good experience and prooie: such as they would in some sort to be their imperiallyl Lieutenants, vpon whom they for the most part discharged the manning of their greatest affairs, such as were by the Emperours themselfes to haue beene discharged: as the hearing of imperiallyl causes: the receuine and dismissing of Embassadors: 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 need of captains of their legions, preferred lawyeris to that honour. So did Otho the emperour promote Martian: Severus, Papinian; and Alexander, Flavian. And at last vnder the Greek emperours, two great Prouosts of the empire were by the Emperours created, and at last three also, that the greatnes of their power so divided might be le Isened; and yet the honour thereof imparted to moe. Such soueraigne Magistrates were with our anceszours: 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 Baffe in the Turkes empire: and the great Edgounar or Diadare in Egypt vnder the principality 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 above all the Baf-
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E hegneware commandes oute all the reit of the Magistrats, excepting luch onely as had the keeping of the castles & fortresses of the kingdom comitted to their charge, ouer whom he had no command. Which manner and custome whether the Princes of the East tooke it from ours, or our Princes from them, we still keepe together with the Italians, Germaines, Spaniards, and most of other Nations also. Wherefore the foueraigne power to command ouer all Magistrats and officers without exception, ought not to be giuen to one alone, but in caue of necessity; as when the Common

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Soeveraine power
to command ouer all magistrats
not to be giuen to one alone, but in the most dangorous times of the commonweal.

Wherefore many are deceived which thinke those lawes or Edicts which are publifhed or ratified in the counsell or court, in the presence of the prince, to be so publifhed 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 himfelfe being then present, seruing to no purpose at all. And in Popular eftates, the greatest magistrats as well as the leafe, in token of their humilitie, laid downe their maces and other tokens of honour before the people, and so standing, spake vnto the people fittting: showing, that in their presence they had no power at all to command. So all the motions made by the magistrats of Rome, were by way of humble request, as in this forme, Felice, lubetis, May it please you, or command: Whereunto the people there present, giuing their consent with a lowd voice, before the law Caffia Tabellarius, vted these words, Omnes qui hic affiident volumus, subveniteque. All we that here fit will and command. And after the lawes called Tabellarius, the letters A. and V. R. written in the tables, signified Antiquo, (or, I repeale the law) and Vt Rogas (or, as you request). And in like manner the people of Athens gave their voyces fittting, the magistrat in the mean time speaking vnto them standing, fo long as they had any thing to say vnto them.

But then might some man fay, It is befo, that the magistrats had no power to command particular men, nor yet one another, in the presence of the people which had the

fates, and had the preheminence and precedence before them: and in Egypt the great
the foueraigne. VVhy did the Tribune of the people send his vther vnto Appius Claudius the Consul, to command him to silence? And why did the Consul to requite him with like, send his sergente vnto him likewise, crying with a lowd voice, That the Tribune was no magistrat? VVhereunto I aunfwered, that such contention and debate oftentimes fell out amongst the magistrats, and especially betwixt the Consuls, and the Tribunes: yet may we not hereof conclude, that either of them had any power to command the one the other, in the presence of the people, both their authorities then ceasing. So a controverfie arizing betwixt the high court of Paris, and the court of Aids; for wearing of their purple robes, and accompanying the king, not late from Henrie the second the French king, the president of the greater court of Paris fent a ser-
geant vnto the judges of the court of Aids, to forbid them to go any further: (and albeit that the king was not fo nic as that he could heare such the presidents command) yet receiued he fuch aunfweres from the judges, That hee had no fuch power to command ouer the court of Aids, and if he had, that yet he could not rigtly there vfe the fame in the presence of the king.

But yet some man might object and say, That if the magistrats had no power to command in the presence of the prince, they were no more magistrats, neither should so great regard be had of their honours and dignities the prince being present, so as we see there is. VVhereunto mine aunfweres is, That the magistrats by the præence of the prince loofe nothing, but still continue in their offices, and fo conueniently in their dignities and honours, their power to command being but suspended. As in like case the Dictator being created, all the magistrats continued in their estates and offices, howbeit that all their commanding power was then holden in suspense: but so foone as the Dictators commission was expired, and he once out of his office, the magistrats againe commanded by the same right they had before: which they could not have done, if their magistracies and offices had so, & indeed bene from them taken. Which may leere for aunfwer to that which might be allaged of these words, which are of ten times to be read in the writings of the antient Romans, ex C. Creto Dictatore magistratus abdicat, Whereby it might feeeme that the Dictator being created, the magistrats were out of office: which is not to be understood of their offices, but of their power, as we haue before faied, which was fo for a while suspended. For otherwise the Dictator yeelding vp his office, the magistrats must haue sough for new power and authoritie from the people; their former power being before together with their office expired. And the reason is general, that the power of the inferior should bee holden in suspense, in the presence of the superiour: for otherwise the subiect might command contrarie to the will of his lord, the fubieute contrarie to the good looking of his master, and the magistrat contrarie to the will and pleasure of his foueraigne prince: or might at leaftwise oppose him selfe against him, and by the vertue of his office forbid the inferior persons to performe the commandes of their superiours: which can in no wife be done, without ineuitable prejudice vnto the foueraigne; except it be that the prince laying afide the soueraignty of his præfent, goeth to see how his magistrats command; as the emperor Claudius oftines went openly to see the doings of his magistrats, and without diguisinge him self beneath them, foolishly gowing to them the more honourable place: or else in caufe that the prince, his majestie in a foff for afide, giue leave to the magistrat to judge of his caufe. For the maxim of the law, which faith, That the magistrat of equal or greater power may bee judged by his companion or fellow in office, or by his inferior also, when he submitteth him selfe vnto his power, hath place not onely in privat persons and magistrats, but euern in foueraigne princes also; whether it pleafe them to submit them selves or their causers to the judgement of
other princes, or of their own subjects. And albeit that they may bee judges in their own causes, into whom power is by God given to judge, without being bound to the law, as Xenophon faith; yet nevertheless it is much better becomming their majestie, and more indifferet also for them in their own causes to abide the judgement of their magistrates, than to become judges thereof themselves. But to the intent that the soueraine majestie of princes should not in any thing be impaire of the greatnesse thereof, and yet that the brightnesse and glorie of the royall name should not daile the eyes of the judges, it was wisely in this realme ordained by our auncetors, That the king should not plead but by his attourney; and that in all publike causes wherein the king or Commonweale were primitly 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 jurisdiction, have afterwards imitated and followed. So Augustus the emperour writ unto the lieutenants of his provinces, That they should not tuffer his name to be debaied with being too common in their commissions, as Tranquillus reporteth. Yet is it by a certaine speciall custome by our auncetors received, that if the king will in privat judgements against privat men, be restored, the kings attourney shall not in demandaing thereof hold his seat and place, but change the name, least he should seeme to plead a publike and not a privat cause. But whereas we have saide, the power of the magistrates to be suspended in the presence of the prince, belongeth vnto the whole princes familie, so long as they waite vpon the prince: for ouer them the civill magistrates have no power, except such magistrates as the prince hath appointed for the executing of the jurisdiction of the court.

Yet a man might demand, Whether the magistrate might forbid a subject to come vnto the court, being within the jurisdiction of his territory? Which is not without some difficultie: howbeit without enting into farther dispute, I say, that the magistrate banishing the guilty subject out of the territorie of his jurisdiction, where the prince may then be secretly also forbideth him to approach the court, albeit that he cannot expressly forbid him to come vnto the princes court. Wherein the rule of Vipsian the lawyer taketh place, which faith, Expresse nocens, non expresse non nocens. Things expressed hurt, but things not expressed hurt not. And I remember how that it seemed a thing right strange vnto the court, and especially vnto the chancellours of the housethold, that the Commissioners deputed by the prince, for the trial of the president Alemand (who familiarly vied my counsell) hauing by their sentence condemned him, forbad him also to come within ten leagues of the court. Which thing the counsell understanding, decreed, That it was lawfull for no man but the prince only to make any such prohibition. And haply was the chiefe cause that the president (of whose counsell I was) obtained of the king to have the judgement reverst. For it were not onely an hard and inhumane thing, to kepe the subjects from hauing accessse vnto the prince, to deliever 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 majestie of a soueraine prince, as I haue before saide. And albeit that the superior courts of this kingdom have vied to banish men out of the realme, and so out of the bounds of their jurisdiction, yet should such their judgement take none effect, if the king in whose name the courts of Parliament giue judgement, gave them not commission so to do, and that his royall commands were not vnto such their sentences subscrib'd: So their decrees alfo in forme begin in the kings name.

Now as the presence of the Prince holdeth the power of all Magistrates in suspence, so is it also to be deemed of the power of the superior magistrates or commissioners over the inferior. As a man may see in Fraunce, where the Presidents & Councilours, euer
every one in his jurisdiction, and the Masters of Requests in all states of justice, (except the foreigne courts) have power to command the Seneschals, Bailiffs, Provosts, and other inferior magistrates, when they come into their provinces, and sit in their places of justice, and there may judge, ordain, and command as superniors unto their inferiors: and prohibit them to proceed any further, which is general to all superior magistrates towards their inferiors, as faith the law: Indicium solutis, etante eo qui indicaverat, vel qui maius imperium in ea indicissione habervat. The judgement is stayed, he forbidding it which commanded it, or he which hath greater power in the same jurisdiction. Where the word, Imperium, or power, signifies not only the power to command, or forbid, but even the magistrat himselfe: As when Cicero faith: 

*Mainis imperium a minori rogari ius non est*, Lawfull it is not, for the greater power to be examin'd by the lesser: he would say, that the magistrat or commissionet equall or superior in power, is not bound to answere before his companion, or one lesser then himselfe, which is a Maxime of the ancient, which Mesala the Lawyer declaret by example, as thus: *A minore imperio, maius aut maiore collega rogari iure non potest*: quare neque Confides aut Praetores, Sénioribus, neque Consjores, Consulibus aut Praetoribus turingi, aut retinent auspiciis, at Consulibus inter se, furfur Praetores Consules, inter se et sicutiam et obstantem, The greater power cannot by right be examine by the lesser, or a fellow in office, by another his fellow officer though greater then himselfe: wherefore neither the Consul or Preterors trouble, nor keep the south-fayings from the Consuls, neither the Consuls from the Consuls or Preterors, but the Consuls amongst themselves; and so against the Preterors and Consuls amongst themselves, do one hinder another, and so preuail. And thebe is the words of Mesala, which hee faith himselfe to have writ out of the xiiij booke of C. Tuditianus, but hath failed in that which he faith after: *Pretor est collega Consulis est*, neque Pretorem, neque Consularem iure rogare potest, The Preter although he be the Consuls companion, can by right examine neither the Preter nor the Consul, which was happily done by the errour of him that write it: For he should haue said: *Pretor est collega Pretoris est*, The Preter although he be the Preterors companion, and not, Consuls, or the Consuls: except we should value the matter, in sayning that the Consuls, Preterors, and Consuls were all fellowes and companions: *Quia soli sibi dem auspiciis, sibi dem comitiis, id est maioribus creabantur, eis erat magistratus minoribus auspiciis et comitiis, for that they alone were created and chosen, by the same diuinations and assemblies, that is to say the greater: whereas the other magistrats were chosen by the lesser, for otherwise the Latins never abused the word (Colleaga) in that sense; Besides that the Preter was neuer the Consuls companion or fellow: but well to the contrarie, appeal might lawfully be made from the Preter to the Consul. As we read that *Amphilus Lepidus* the Consul receiv'd a man appealing from the Preter Orfles; and by a contrarie decree recreed the Preterors decree. So we read alfo that *Lucatius* the Consul tooke the triumph from *Valerius* the Preter, for that he being Consul was the generall of the armie, although he was that day from the armie wherein the victorie was got. That showeth also the power of the Consul to have bene greater then the Preterors, for that the Consul had twelve Lictors, and the Preterors but two in the citie, and sise at the moat if they were sent into the provinces, whom the Greceks therefore called Ιηπακις, for so it is by the law Lectoria provided, which was made concerning the power of the Preter of the citie; who was of all other Preterors which the greatest: *Pretor Vrbannus duos Lictores apud se habet, ifque ad supremum sibi occasum vni inter cines dicit*, The Preter (or Preoff) of the citie, let him haue with him two Lictors, and let him administer 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 magistrats of like and equal power, nor 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 oftimes great controversyes haue fallen amongst magistrats about such prerogatives. And the difference is right great between commandement, and empeachment or opposition: for companions or fellowes in office haue no commandung power one of them over an other, and yet nevertheless they may in publique actions one of them oppose themselfes 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 citie, sitting in judgement of causes betwixt citizen and citizen: causeng his tribunall seat to be brought neere vnto the tribunall seat of the Pretor of the citie, so to hinder the vniust and injurious decrees of Verres; and so administrated justice vnto the citizens flying from the tribunall seat of the citie, vnto him, as by the law they might. And therefore Cicero in one of his lawes fayth: Magistratus nec obedientiam, & nocium iuuen, multer, verberibus, vinculis correptis, nisi per maiorum potestas probibesit. Let the magistrat restraine the disobedient and hurtfull citizen, with fine, stripes, and bonds, except an equal or greater power forbid it to be done: neither sufficeth it to lay prohibebisit, 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: Ajud emum cui non imperium est, manumittere non posse, & Pretorem adjud Pretorem manumittere non posse, Before him which hath equall power (with himselfe) a man cannot manumiz. and a Pretor before another Pretor cannot manumiz. Neither doth that saying of Vpian contradict or impugne the fame: Confu-lemus et Confulemus manumittere possat, which is That one of the Consuls may manumize before the other Consul: seeing that that is to be vnderstood that he might not doe it vpon the same day that he which did manumize or enfranchise had the bundels of rods and power to command; for that they both never had power vpon the same day, as faith Feslius Pompeius, as is in many places to be scene, whether they were at vniue betwixt themselfes or not. And therefore Linie familiarized the Salter, car-ried away the triumph from Claudius Nero his fellow and companion in the Con-fulship, for that he commanded that day wherein the victorie was obtained (as faith Linie) albeit that the battell were gien against Hadsrubballe by consent of them both; For Lucius Caesar (as Feslius Pompeius writeth) deemeth him to be called the greater Consul, which had the bundels of rodes or maces; or him which was first made Consul; which Paulus himselfe confirmeth. And all this wisely, for if both of them should at one haue had the power, nothing could haue beene peaceable, nothing firme or sure in the great affairs of the Commonweale. Wherefore the Decemuri being created at Rome for the reforming of the Commonweale, and making of the lawes of the xii Tables; it was added vnto the law, That they should by turns haue the ma-ces with the power to command. Now if any man ask the reason why a fellow in office may impeach or flaye his fellow officer in his proceeding, if they both haue au-toritie and power at the same time: it is grounded vpon the reason generally, of all them which haue 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 preeaileth also, when question is of the force & power of laws, wherein the
A the force of the law which forbideth is greater then of that which commandeth. But whereas we have said Magistrats of like power or fellows in office not to be bound to the power or command of their companions or fellows, that is so true if that they both be in number equall: for in all Corporations and Colleges, they which are in number most, are also lupiter in power: and therefore the lesser part of magistrats fellows 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 edicts, Pro Colloge, for the Colledge, (which shall in their place be expounded.) But if it be true that we have said, why did then Mesals lay: Confeles ab omnibus magistratibus consionem autocrac posse, ab eo nominem: deinde Pratorem ab alio preterquam a Consulis: B miniors magistratus suquam nec consionem nec comitatem autac seu, That the Consuls might call the assembly 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 fessions of the people. Whereof it followeth, that the impeachement & opposition of the lesser magistrats could not in any forth let or hinder the actions or commands of the greater. Whereunto I auint were, 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 Mesals faith is true in other magistrats, but not in the Tribunes of the people: whom wee have showed 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 imprisoning of their persons, and sefing of their goods: for if they commanded any thing, and the magistrat refused or refeeted their commands, they forthwith for such their contempt, commanded them to be cast in prison: For so Servilus the Senator directing his speech vnto the Tribunes, fayes Tribuni plebis Senatus appellat, et in tange discrimine Reipublicae Dictatorum dicere Conules pro vestra potestate cogatis, Tribuni pro collegio pronuntiant, placere Consules Senatus dicto audientes esse, aut in vinculis se ducti invaros, The Senat calleth vpon you the Tribunes of the people, that in so great a daunger 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 Icilia, if he that had so interpreted the Tribune in his oration or speech, paited nor the fine or amercement imposed vpon him by the Tribune. As the Tribune D Drafas well caused Philip the Consull to understand, whom he made to be cast in prison for interrupting him in his speech vnto the people. That alfo which we have said, the greater part of a compagn, or college of magistrats to proueagai against the lesser, taketh not place amongst the Tribunes of the people, one of the Tribunes voices being able of it selfe 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 fellows and companions openly opposed himselfe against the same. As is in Limie to be scene, where he faith, The farmers of the publicke demaine to have been 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 Centurion by force held his power and Centurionship 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 subeo nisi Aemilia legi parueris, appobantibus sex Tribunibus actionem collegae, tres auxilio suarum summamque inuidia omnium ordinum fuisse Censoriam gessit._ I will command thee, O Appius, (faith he) to be cast into bonds, except thou obey the law Aemilia; and if 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 Centurionship, with the great enmity and hate-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 favor of the people vnto himselfe alone, nine of the Tribunes of the people to restrain such his inmoderate 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 Cicerones 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 fauced ouely 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 Senators, of the Consuls, yea and of all his companions and fellows in office also? Yet most certaine it is that he might so do, if the other Tribunes preferred not a request against him vnto 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, withstanding the profit of the people, and the enacting of the laws for the diuision of lands, was of necessity to be thrust out of his office of the Tribunship, before the law Sempronia for the diuision of lands could be established.

And to that end tendeth that speech of the Tribune vnto the Senators, in _Linie. Ex aequo inuenisti voce ilia voto, sua collegae ad nostrum timet laeti conscientes auditis, contendere animo Tribunos plebis, guippe potestas Tribunis saepe vasa frangat intercedendo._ I shall make (faith he) that this word _Veto, _ (or, I forbid) which you now so merrie heart our fellows together singing, shall helpe you nothing, the Tribunes of the people must now needs be constrained, for that the Tribunitiall 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 priuate profit of the Tribunes themselves: who if question were of any particular of theirs, whether it were in cuius or criminal causes, were not in any thing respected, but suffered judgement, as other men did, if some one or other of their fellows 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 anwerte nor pay his creditors, _Fiducia facro anilia potestatis,_ as beating himselfe upon the reputation and credit of the most facted power of the Tribunship; his companions in office openly denounced vnto 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 colledge or companie of Tribunes, should be also bound vnto the same lawes and customes that other colleges 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 _Linie_ faith,
Ex authoritate Senatus latum est ad populum, ne quis templum arcumne in ipsum Senatus aut Tribunorum plebis maioris 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 caffle. 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 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 assembly of the states to be called. Whereas otherwise the wilfull rage of one furious Tribune might have troubled the whole state of the Commonweale. And this was the cause why the Consul being about to assemble the greater estates of the people, by sound of trumpet caused an edict to be proclaimed, forbidding all magistrates lesser than himself, to have regard unto the Augustus, that is to say, unto the disposition of the ayre, or the flight of birds, for the coniecturing 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 lightened not so little, or if the birds were scene to fly on the right hand, or if any of them there present fell of the falling sickness, (which was therefore called Morbus commutatis) or if any other monstrose were borne, the assembly was accounted thereby polluted, and so the people presently broke vp and departed without any thing doing: the Soothfayers thereby denouncing unto them, That the gods were then angry, and not well pleased with their doings.

Which was the charge of the Augures or Soothsayers so to denounce vnto them, but yet might not lawfully oppose them selves against that was to be done, as might the magistrates of equal power, or greater: but if the magistrates were inferior vnto him that held the assembly of the estates, their opposing of themselves could not let the further proceeding of the superior magistrates, howbeit that such acts or proceedings were thereby defective, and so forbidden to reuocation. In such fort, as that Caius Figulus the Consul with his companion, after he had bene chosen, taken his oath, and transported his armie even into Spaine; yet was he nevertheless with his fellow Consul, by a degree of the Senate, called backe againe home and enforced to give vp their power and authority: For that the Soothfayers had before declared vnto Tiberius Gracchus the Consul (then holding the great assemblies for the choyce of the Consuls) That the signes 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 already assembled from them, but such magistrates onely as were equal and of like power with them. But the Tribunes of the people although they might not interrupt the assemblies of the greater magistrates, or call the assembled people from them, yet might they by opposing of themselves hinder their other actions and proceedings: and in case that the magistrates would yet needs proceed contrary to their oppositions, the Tribunes would then use plaine force against them; so that oftentimes murders were thereabout committed. For so Afridus the Pretor, or Proudus of the city, for honouring 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 Consul, in the very assembly of the people.

And as publike actions are troubled or letted by magistrates equal or greater in power than they by whom they are done, opposing themselves against them: so being once done, appeal is to be made from the lesser magistrates vnto the greater, fauing vnto every man his jurisdiction and power. Now if it be not in the lesser magistrates power
power to command the greater, or to stay his proceedings, much less can he vndoe what he hath alreadie done, recover his judgements, or receive appeals made from him, which are not lawfully to be admitted from the greater magistrats vnto their fellows or men equall in authontic with themselues. But even to the contrarie, if a magistrats depurie or lieutenant be preferred to like esate or degree with the magistrat whose depurie or lieutenant he is, his commissione of deputation or lieutenancie cease, and the acts by him begun are ierupted and broken off. Wherefore if the equall or leffer magistrat, shall receive one appealing from the equall or greater magistrat, an action of iniurie may be commenced against such a magistrat, as also against him who hath so appealed vnto the leffer magistrat, or fellow in office with him from whom he hath appealed. For fo Cefar as then but Pretor, being accused before one of the Questors, as having an hand in the conspiracie of Cateline, caused both the accuser and the Questor being both grievously fined to bee caft in prizone, and especielly the Questor, for that he had suffered a greater magistrat than himselfe to be accused before him, as faith Suetonius, So the court of Paris by a feuerue decree forbade the judges or magistrats of them which haue territoriall jurisdiction, to bind the kings magistrats or judges with their edicts or prohibitions: and that if they did otherwise, the kings magistrats or judges might by way of iustice proceed against them for so doing. But here a man might doubt, Whether the inferior or leffer magistrat, who may be commanded by the superiour magistrat, may also be commanded by the superiour magistrats lieutenant, or depurie? Which most haue thought to be a thing without doubt, considering that the lieutenants, or deputies, command nothing in their owne names, neither can do any thing but in the name of the magistrat whole place they hold, and vnto whom the inferior magistrat oweth obedience. For otherwise if they were lawfull for the inferior magistrats to disobey the lieutenants or deputies of their superiours, other particular men by the same reason might likewise withstak them, which were the way to ruine & ouerthrow the whole estate of the Commonweal. Howbeit that it might also be said, that magistrats lieutenants erected in title of office haue power and authoritie by the law, and so also power to command in their owne names, and in that qualitie to constraine the inferior magistrats to obey them. Yet nevertheless I say, that in that they are lieutenants or deputies vnto other the superiour magistrats, they cannot command or give out commision in their owne names; which if they do, the inferior magistrats are not bound to obey them: As was adjudged by a decree of the parliament of Paris, at the suit of the Seneschall of Touraine against his lieuentan, who published edicts and decrees in his owne name, which should haue bene set forth in the name of the Seneschall himselfe. Which was a thing without all doubt before the edict of king Charles the seuenth, that the lieutenants should bee placed and displaced by the Seneschals: but the doubt arose after that they were by him erected in title of office, as hauing then their power from the king, and not from the Seneschals. But we must not thereupon presume, that the purpose and intent of the king therein, was to take away the power from the Seneschals or Bailiffes (which could not be done but by an expresse edict for the suppressing of those offices) but contrariwise the erection of their lieutenants in the title of lieutenants, was much more to establish the honour of the Seneschals and Bailiffes, and yet fo to diminish their power. As first the Senators at Rome, and after that the emperours themselues, were woot to appoint lieutenants vnto the Proconsuls (or gouernours of their provinces) who yet for all that had not their power to command from the Senat or the emperour, but from the Proconsuls or gouernours themselves. Wherefore the law saith, Apud legis num Proconsulis now est legis actio; that is to say, that he might do no exploit or act of iustice, but
but in the name of another man: not that it was not lawfull for the Proconsuls to name a lieutenant, as it was for the lieutenants of other magistrates to manumiti or enfrancklie within the precinct and territory of the province of those magistrates whose lieutenants they were. Which the doctor Cuius hath denied, and in the ancient reading corrected these words, Ex quo provinciam ingréssus est: Which his correction if it were to be admitted, there of should follow ductus inuctabilis altitudines, these words (as hee would have them) being left out: for the lieutenants could not in the territory of their magistrates, ordaine, decree, commaund, 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 province: and yet notwithstanding the Maires, and Dumiurs, or Consuls of villages & towne, had power to manumiti or enfrancklie, 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. Yea the magistrate himselfe, who doth but exercise another mans jurisdiction, can in his owne name commaund nothing. Whence it commeth, that a man cannot appeale from a lieutenant or deputy, vnto him whose lieutenant or deputy he is: for so appeale shoulde be made from the same man to himselfe. Howbeit that the magistrate may examine the injurie 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 lesse in anciennt time, than at this presens; when as the lieutenents of the Proconsuls or gouernours 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 commaund and power over all soldiery, of what degree or condition foever, 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 fouraigne prince himselfe; or at least wife vnto the chapter of the knights of the orde, especially in cause it concerne either honour, or life. And in much more strong reasons, if question be of ecclesiastical discipline, onely the bishops are not bound to aufwere before the archbishops officiall, or vicars generall; as it was by a decree of the parliament of Paris, adjudged for the bishops of Troy, and Nevers: Whereby 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 magistrates over the inferiour, is to bee understood in their owne territorie, feath and jurisdiction, out of which they are but as other prinett and particular men, without power or commaund.

But now the question might be asked, Whether that magistrates equal and fellowes in authoritie and power, be also equal in honour and dignite: Whereunto I answer, that honor and dignite doth in nothing communicat with authoritie and power: yea oftentimes it shameueth and commeth to passe, that hee which hath most honour, hath so much the lesse power: than which secret none is almost greater, or more profitable for the maintenance & pretencion of the Aristocratique 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 Consull was also first named in all their publicke acts and safeties, and so had the honour of precedence: but if they were both at once chosen, he that was the elder was in honour also above his fellow, untill the law Pappia Poppeia, which gaue the prerogative of honour vnto the married Consull: 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 college or companie, and their power all one; he which was called Urbanus (or the Pretor of the citie) was in dignite, and
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 states, 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 authorised in his name, and gave himselfe names also unto the Annales and publick acts and decrees, and was thereof called επιφανεια του θεοτοκου. So amongst all the parliaments of France (being almost all of like power) the parliament of Paris hath the prerogative of honour above the rest, as more ancient; and by a certaine singular right is yet called the Court of the peers of France, usurping the triall and judgment of the peers, which none of the rest of the courts of parliament have. And albeit that in the time of Charles the viij, the great Councell manag'd the affairs of state, yet, it is, that the king by express edicts ordained and appointed, that in all edicts and mandates, wherein mention should be made of the court of parliament, and of the great Council, the Court of parliament of Paris should always be set foremost. So whereas the kings Attorniees are almost in number infinite, he of the parliament of Paris hath alwaies the prerogative of honour above all the rest of the kings Attorniees, who all are sworn into the judges of the soueraigne courts (wherein they are Attorniees) except the Attornie generall of the Parliament of Paris, who is not to bee sworn but into the king only. So we fee, that the Constable of France, and the Chauncelor, albeit that they haue not power or command one of them above the other, but are equall in sitting, and in going side by side; yet neuertheless the more honourable place is refered unto the Constable, which is on the right hand of the king; and the Chauncelor on the left: except some haply may say him to have that place for to beare 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 Chauncelor, and next unto the Chauncelor followeth the Grand Maister of France. Which I would have 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 perceiue how much honour differeth from authoritie or power.

But farre much as we haue said, that magistrats equall in power, or which hold nothing one 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, hee may be restrayned or corrected by the other princes or lords his euals? For why, jurisdiction is of itselfe by nature indissoluble: and lords of one and the same jurisdiction have one of them as much power as the other; and everie 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 command one of them the other; and much lesse when many magistrats in one bodie or collidge have one 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 collidge given him. Yet many there be which hold, that one of these lords may be restrained and corrected by the other lords his compeers and coequall, 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 hee 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 haste thought them to have:
A haue: yet so it is, that the fact in question is always in judgment to be tried, whether it were done or no; and in 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 compeere, 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 every man is thereto to be judged where he hath offended: which is fo true, if there be no lawful caufe which may hinder judgment to be in the same place given. 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 challege any one, or the leffer part of their fellowes: as they did in the Senat of Rome, after the law which Adrian the emperour made for the judging of Senators; and as they doe in all the courts of this realme. But betwixt many equall lords or compets of the same territorie, the reason is fare otherwise; for that every one of them hath himselfe the whole jurisdiction and power, nor cannot judge but by turns, one of them after another, neither have more than one seat of justice, in one and the same jurisdiction, but by the new grant of their patron or predominant lord. And in this, servituere different from jurisdiction; for that servituere suffereth it selfe to be at once & together enjoyed of every one that hath right theretoon: but jurisdiction not so, as many haue thought, having excepted dutchies, marquifats, and counties; which by the auentent lawes of fees are of an indivisible nature. But it is neither for vs needfull, neither doth this place require vs by reason to refute the opinion of them which apperne jurisdiction so to cleaue into the territories, as if they were indeed servituere; least in so doing we should passe without the bounds of our purpose. Sufficeth it in passing by, to say, Jurisdiction to hold so little of fee, as that the foueraigne prince selling or giuing a fee, of what nature soever it be, is not therefore to be reputed to haue giuen or sold the jurisdiction thereto belonging; as it hath of times bene judged, & at length because it should no more be doubted of, was by an edict of Philip the faire more straitely provided for: yea although the donation were by the foueraigne prince made to religious or deuout vses; which many (but without caufe) haue 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 commanded or corrected one of them by another; much lesse can the equall lords or compets of the same territorie and jurisdiction command or reforme one another, but the superiour magistrat or predominant lord is to haue the hearing and determining of the matter. By our customes the superiour courts haue refetued vnto themselves, the controvouries of the kings magistrats and officers amongst themselves, concerning their power and jurisdiction. 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 leaue before obtained: howbeit that by a new law, that custome is taken away out of this our Commonweale, and power giuen vnto pursuants to put in execution all the magistrats commands, almost throughout all the kingdome. As for foueraigne princes, not subiect to the power or command of others, they must in such case, of necessitie vs requests one to another, for that they cannot be compelled by the command of any greater power, as magistrats may, who without any leaue asked, suffer the judgements of other magistrats to be put into execution in their provinces: or in case they refuse to doe, are to be constrained by the superiour powers. Whereas asking of leaue of the greater or equall power to execute or suffer judgement giuen out of their territories, 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 observed and kept. Howbeit it seemeth the Roman empire
yet flourishing, that to put in execution a mandar or judgement out of ones owne terri-
torie, it was needfull first to obtaine the Emperours letters of command, seeing that
the law faith, Sententiam Rome dicitam, postum Prefides in provincis, si hoc sit et fuerint
exequi. The Presidents in their provinces may put in execution a sentence (or judge-
ment) given at Rome, if they be thereunto commanded: 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 Emperour saied vnto him which complayned of
his companion, without having before spoken vnto him, Alloquere illam, ne rem ini-
figam factis, Speake vnto him, that he do the not wrong: forasmuch as the princes
command, or constraint of the superiours in such case, giueth occasions of quarrels
and jealousies amongst Magistrats, seeing the decrees of their equals, or of their infe-
tiours, against their wills to be put in execution in their owne territories: which oft
times tyme to the great hurt of the subiects, and dishonour of the Commonwale, one
of the magistrats, or of such as are in authority, in dispite of the other discharging their
chaolique passions vpon the poore innocents: As did the Consul Marcellus, who in
despite of Cæsar caueth certeine of the citizens of Nouocome to be whipp'd, to make
them to know (as he saied) that Cæsar had no power to giue vnto them the right and
freedome of the citizens of Rome. But much greater is the poore subiects harmes if
such contention and difference for power and authoritie, fall out amongst the greatest
magistrats, or highest Courts. As I remembre such a difference fell out betwixt the
parliament of Paris, and of Burdeaux, about the execution of an arrest giuen in the
parliament of Paris: which the parliament of Burdeaux vpon the princes command
suffered to be executed within the jurisdiction thereof, but with condition, that if any
opposition or appeale were in the doing thereof made, the parliament of Burdeaux
should have the hearing and disceding thereof. He which had the execution of the
matter, willing to proceed farther, notwithstanding the opposition of the defendant;
appeal was by the partie made vnto the parliament of Burdeaux, whom the plaintiffe
presented within the parliament of Paris. This contention betwixt the two parliaments
was by the king referred vnto the great Counsel; where it was decreed, That to receive
and heare the appeale belonged vnto the parliament of Paris: for that 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 already judged, at such time as the partie guilte 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 partie guil-
tie, if the officer giue not way, then it is vtille to appeale, not so much from the sen-
tence of the higher Court, as from the iniurie of the officer which would not heare the
opposition, which he must needs, except the Court haue commanded the judge-
ment thereof to be put in execution, notwithstanding any opposition.

But what if the Magistrats shall haue no respect or regard vnto the requestes or de-
crees of his equall, or of the inferior magistrat, nor suffer their commandements to
be put in execution within his jurisdiction. Truely in this case he is to be thereunto by
the superior magistrats compelled: or if they be of the higher sort of magistrats which
are at controuersie among themeselves about their jurisdiction and power, they are by
the princes authoritie to be enforced: for so these words of Vlpian the Lawier are to
be vnderstood, Si hoc istis fuerint, If they shall be so commanded: sic, by the prince,
(but not by the magistrats) at such time as the Presidents or gouernours of countries,
cuerly one of them in his owne province had the chiefeast power and authoritie next vnto
the
A 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 antiquite times the kings Putsuiuants or officers, if they were to put in execution the commands of the royall magistrats in the territorie of such lords as had therein trettorial jurisdiction, were first to ask them leave; vntill that afterwards it was by the most strait decrees of the highest courts forbidden them so to doe, for that therein the soueraine maestie of the king seemed to be something empearid.

But yet it might be demanded, whether the inferior Magistrats might cause their commands to be put in execution, without the leave of the superioit magistrat, vnto whom appeale was made? and that after the same appeale let fall, and the time past, appointed for the professing thereof; which the Lawiers to no purpose call Fatalia, enuced thereunto by an old errour and inuertet fault of them which have translated the Code, and authentiques out of Greece into Latin, wherein in sopias αυ&i;ς, they have red κυμις μυρίας, which is to say, fatall daies, for daies prefixed and of signification: which the law of the twelve Tables called Status dies, daies appointed; as in this law, Si fatty dies cum hoffe, that is to say, If the day appointed with a stranuer. Neither euer did lawier or man that could speak Latin, vse this forme of speaking, neither hath any of the Latins or Greeks called them for κυπις μυπίας κυπις or Fatali.

C The Lawiers have ofteentimes divided Dies fesbonum, a diebus continuos, Dales of Sesjion, from daies of Continuation. And if any thing were by the magistrat commanded to be done within a certaine time, the Lawiers called it Status tempus, and editum peremptorium, a time appointed, or editect peremptiop: but when the time wherein the fute ought to be determined is expired and past, or that the fute is let fall, we say, Litem mori, the fute to die; or instantam perim, the instance to be lost: as before, we say, Litem vinere, or, the fute to live: but none of the Lawiers hath vfurted Fatalem diem, or Fatall tempor, a fatal day, or fatal times. But all this errour is derived of the chaging of this one Greeke letter υ. into η, for seeing that by the word υλο, or η, the Greeks as well as the Hebrews significit Fatum, or definiit, they must needs translaite κυπις μυριας, fatalem diem, that is to say, a fatal day. Demosthenes oft times calleth it κυπις μυριας, which the Latins call statum diem; and we in our prattie prefixam, that is to say, an appointed, or prefixed day: for so Demosthenes faith against Media, την ἀκαίρια κυπις τῆς ζωῆς, & against Stephanus, κυπις γηγεναι; and sometimes also he faith, κυπις δεκαμερωνιας, as to Nicostates: and the later Greeks have calleth it κυπις ευκροτερον, & εορρωτερον, but never called it κυπις. And so pope Sympius metaphorically calleth the last day of a mans life κυπις, because he would not call it κυπις, or Fatall: a word vnto Chrifian men and true religion strauneg. Wherefore for Fatall daies of appeales, we shall more truely and better vse the termes of Appointed times, for so the lawyer calleth them. But that istantes

D lawes were written in Greece before they were written in Latin, I suppose no man to doubt. And that the Theobalban and Hermogenian Codes, out of whose istium Code was almost all compiled, were as well written in Greek as in Latin, it is plain and so the law Properandum to have benne translaited rather by a Greek then by a Latinist, being altogether writ in the Greeke phrase, as namely calling the defendant fugititem, or the partie flying away; which is the proper Greeke word φυγοντα. Neither ought it to seeme strauneg, that the Greeks translaited the Roman lawes, and even istimians Initiurions into Greece; seeing them to have translaited most of the writings of Thomas Aquinas, as also the latter bookes of Aristotles Metaphylikes out of Arabike.
bike into Greece, the Greece copie being before lost. But to rerurne againe from whence we have digested, and to resolute the propounded question; I say, that it is not needfull for the inferiour magistrat, the appeal being let fall, to haue leaque of the supe-riour magistrat (unto whome the appeal was made) for the putting in execution of their owne judgements: as in the time of our ancestors, the manner was, by letters of justice (as they termed them) which by a decree of Charles the tenth, were vterly abolished and taken away: sufficeth it the appeal being once giuen over before the judge that gave the sentence, to request, that the same may now be put in execution, except the supe-riour magistrat vnto whome the partie condemned hath appealed, hath expressly before forbid the execution to be done. In which case it is needfull, that such prohibition be taken away, before the inferior magistrat proceed futher. For otherwise it is not requir'd, that the appeal should by the supe-riour magistrat be declared to be let fall or giuen over, that the sentence may be put in execution; for that the benefit of the appeal let fall, is obtained by the law, & not by vetue of the magistrats sentence. Nei-ther is the honour or reputation of the supe-riour magistrats impaired by the inferiours, not hauing from them expreffe prohibition: in reverence & respect of whom, the inferiour magistrats ought to flay the execution, if the fay thereof be not perillous vnto the Commonweale. In which case they may proceed, although it was in question of life, and afterwards write back their auns ware; whereas otherwise, in causes concern-ing life and death, if the magistrat giue not way vnto the appeal, he himselfe is in danger of capitall punishment. Yet and in this case, the magistrat for not yeelding vnto the appeal, is guiltie of treason, albeit that question were but concerning the whippin of a ciftien.

Now all that which we haue hitherto saied concerning magistrats, and of the obedi-ence that one of them oweth vnto another, is to be understood of magistrats that be of the felle fame Commonweale. But what shal we then say of magistrats of divers Com-monweales? As if a man by the magistrats condemned in this kingdom fell fly into Greece, whether shall the Grand Signior of the Turkes, at the request of the French king, or of some other privet man whom the matter doth concern, cause the judg-ment to be put in execution, without futterer enquire 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 request for the Seigneurie to that purpose, as the visull manner & custome of soueraigne princes & lords in such cafes is: For a mutual respect and care which all princes haue vnto justice, whett they hold their Scepters and Crownes. The French marchant excepteth against the Venetian, 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 execution, without any farther examination, whether it were rightfully judged or not: which otherwise might come a wrong offered vnto the Seigneurie of Venice, which might vfe the like circumftance, & examine the judgements of the magistrats of France, and also rerecte them, rather in revenge of their wronged majeftie, than for the iniqui-tie of the fame. Yet for that the marchant was condemned by default, it was thought meet to haue it enquired, whether he had by couenant in this point submitted himselfe vnto the Venetian Seigneurie and jurifduction or not? And then, whether the judg-ment were duly giuen, after certaine perpetrorie edicts and appointed times, accor-ding to the laws and custome of the Venetians! Which being found to be so, the court adjudged the sentence to be put in execution. And this is the course in privat judgements.

How
Howbeit if question were of the honour, or life, not of one of our owne subjectes only, but even of a straunger flying vnto vs, the judgement of a straunge magistrat is not to be put in execution, but the truth of the matter be againe of fresh and thoroughly examined and tried. Yea Adrian the emperour commanded the governors of his provinces, to vfe ἀκαίρων (for that word the law vseth) that is to say, to judge againe of them which had beene condemned, by the justices of peace euin of the same Roman empire. And that which I have said, is right straitly observed and kept in the Commonweales of the Swifers, of Geneue, of Venice, Lucque, and Genes, who cause the condemned straungers flying vnto them, to be againe of newe tried, before they restore them vnto forrein princes, demaunding from them such their condemned subjectes againe. For so all lawyers almost with one consent say; Souveraigne 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 ciuill obligation, from which all soueraigne princes are exempted: but they without any distinction of the Law of nations or nature, altogether denie that a forrein subject is to be restored vnto his prince requiring him againe. Onely Baldus addeth, this condition therunto, Not to restore him to be right, so that the prince vnto whom the condemned or guilty person is so fled, do vpon him jusitice. But if they will confesse euyry Prince by the lawes both of God and nature to be bound to do justice; they must also confesse that he is bound to restore another mans subject vnto his owne natural prince, demaunding him; not onely for the more manifest trying out of the truth, and discouerying of the conspirators their partakers, for which their personall presence and confrontation is most necessarie; but also for exemplatie 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 Commonweale by punishment, 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 Commonweale 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 protecting 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 emperor of Constantiople, even he which was surnamed the Great, is worthily commended, in that he caueth the murtherer, who had most cruelly slaine Julian de Medeces in the Church before the Aultrar, to be apprehended at Constantiople whether he was fled, and so bound hand and foote, to be restored to Laurence de Medeces and the state of Florence, requesting of him: which he did not as respeeting the power of the Florentines, being then but small, but as searing the hand and power of the immortal and almighty God. And in this Realme the custom hath alwaies beene to restore the guitty fugitives vnto their owne Lords and Princes demaunding of them, except therein question be made of the maiestie, boundes, or state of the kingdome, which hath beene by their decreees determined. One of the parliament of Paris: Another of the count of Rome against the king of England, who demaunding his fugitive subject, was denied him: And the third of the parliament of Tholouse: that of Rome being then grounded vpon the fouetaigion of the See of Rome over the realme of England. But out of taremes of estate, and where question is but of publique punishment, there is no Prince which is not bound to restore another mans subject vnto his Prince demaunding him, as hath beene solemnly judged by the parliament of Bourdeaux: howbeit that the same hath beene also expresslie articulated in divers treaties of peace. As in the treaty which
the Swifers made with the emperour Charles the first Duke of Millan, the vij article caired an expretfe claue, for the restoring of guiltie 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 Didato an Italian, his Receiuer generall 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 Repriſal against them of Geneva; who before had refolved in their grand Councell of two hundred, in no wise to refolve him: but afterwards being by an Heralt sent from them of Berne, willing to deliver him vnto the king, they changed that their former opinion for the detaining of him: So at length the robber of the common treasue was forfaken by them of Geneva, left they in doing otherwise should have stirred vp the displeasure of a moft mighty king, or of the Swifers against them, as also feme to have opened a fanguiniae or place of refuge for theeues, and other fuch like wicked men. And this we have gathered out of the letters of the French embassador to Anne Monmorancie Confole of France, so that they are to be blamed which otherwife either think or write. Wherefore I hold it to be an injuriue vnto the effate of another man, to detain a guiltie fuguite after he is demanded to be againe vnto his owne prince restored; and much more if he should be fo detached by the fubiects among themselves. For which caufe all the Tribes of Israel combined themselves againft the Tribe of Benjamin, which was so vterly destroyed, except five hundred persons, for refuing to refolve the guiltie persons demanded of them. And for the fame caufe we find that the Hippoce were all destroyed, and their cite vterlie razed by the Thebans; for that they chose rather to defend the murtheless of Phox the Beor, and for them to take vp armes, then to refolve them vnto the Thebans, demanding them. But if the Prince vnto whom the fuguite is retied certainly know him whom he hath fo received, to be an innocent and guiltiles man, and to be vniuflly purfued and fought after, as having but escaped the crueltie of a tyrant, it is not only a shamefull and horriuous thing to betray the poore innocent and ftraunge man vnto the cruel tyrant; but he should rather for the miserable mans defence, and safegard of his life take vp armes, seeing that by the law of God, we ought not to refolve a fuguite ferman vnto his angry mafter, from whose furie he is fled into another mans houfe.

And thus much concerning Magiftrats; and the obedientne that they owe vnto Princes, and of the power that they have vnto particular men, and of the respect that they ought to have vnto others towards another. But to compare the Magiftrats of antient time, with ours now, belongeth not to this our purpose, conſidering that they are all in change, bowbeit that wee fee them to be like in effect, although that they differ in names. As we read in the booke of the kings, where it is laid, That Azaar the fonne of the high prief Tfadow was neere vnto the pefon of Salomon to infruct him in matters concerning Religion; that Iofaphat was chief of his councell, or his Chauncellour; that Eliphore, and Aiah were his Secretaries for the effate; that Banais was his Confole; and Azaar the fonne of Nean his Lieutenant generall over the governments of the twelve Tribes, which he haue and haue beene as it were like in all Monarchies. So in like manner we see in the Turkish Empire, that the first and principall Bofa is Geneall of the armie, as Confole or chief of Marechall; and Begletbegg are governors generall of Provinces; the Zanzacks are as more particular and infciuent governors; the two Caddlesquiers are the Chauncelours, attending vnto the ad- ministration of justice, the one in Asia, the other in Europe; the Sabbafaes and Cadies are the ordinarie magiftrats and judges; the Mophtis is the great Bishop. So in the kingdomes
A kingdomes of Thunes, of Fes, and of Maroch, the Munasfe is as Chauncelour, the
Admirall is Generall of the armie 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 diuers, as the Great Master of Ethiopia is called Bethudere, which is
an Hebrew word, signifying Master of the househould. 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.

B 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 Famillie, and of the parte
thereof, of Soueraignty, and of Magistrats; we must speak of
Corporations and Colledges also: wherefore let vs then first
speak of the cause of Corporations and Colledges, and after
of their power and privileges in generall, 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-
millie, 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
community of many heads of a familie, or of a village, or of a towne; or of a countrey,
may be without a Commonweale, aswell as a familie without a collcge. And, as many fa-
milies by aunitie alyed, are members of one corporation and communite: so many
corporations and communities allied by a foreign power, make one Common-
weale. Now a familie is a communite naturall; a collcge is a communite civill;
and a Commonweale hath moreouer, That it is a communite governed by a fo-
ueraigne power, and may be so strait, as that it may have neither corporation nor
colledges, but onely many families in it. And to the word Communite is common

D vnto a familie, a collcge, and a commonweale. And properl: a Corporation is un-
derstood to consist of diuers families, or colledges, or of many families and colledges
together. But the beginnings of all civill societie are derived from a familie, which is
(as we say) itselfe a naturall societie, and by the father of nature itselfe first founded in
the beginning together with mankind. But when reason, by God himselfe ingraffed
in vs, had made mandefirous of the companie and societie of man, and to participate
together both in speech and converzation; 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 civill societie to imitate the
naturall societie of a familie. For why, a Commonweale is a civill societie, which can
of it selfe stand without corporations or colledges; but not without a familie: besides
that, Commonweales may be disloubled, for that they are derived 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 encherishing God himselfe planted, at the first to haue filhing 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 proceffe of time became Boroughes and

I Townes.
Townes, But being growne to such a multitude, as that they could not longer be contained within the compass 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 into 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 vnto 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 defensible and strong, or else by art or wisdome to fortifie themselves, their children, wives, and families, with ditches, trenches, and walls, whereof strong townes and cities arise. For to Dionysius long since writeth king Servius to have placed certain places of refuge in the mountains & strongest hilles, whether the poore country men might retirre themselves out of the fields, so to save themselves from the incursions of their enemies. And yet could not the enemies force be so kept off with walls and other fortifications, but that they which had so flout vp themselves therein, were yet nevertheless begieng by the stronger. For why, the first sort of men was most gien to rapine, murder, and theft, delighting in nothing more, not accounting any honoure greater than to robbe and kill, and to Oppresse the weaker sort as flames: as Plutarch well agreeing with the sacred historie most truly writeth. And long before Plutarch, Thucididas the most famous historiographer of them that flourished among the Greeks reporteth, all Greece but a little before his time to haue beene troubled with the robberies and outrages committed by the mightier sort; and then robberie & theft to haue bene no difguise or flame. Yea such as trauelled by Sea or Land (as the same authour reporteth) when they met, before they came neere together, vSED commonly (and that without any reproach or imputation) to ask 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 Theues 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 faile, (prouiding alwaies that it were not from the subiectes of their owne state) as appeareth by these words, \( \text{εἰπεν} \) \( \text{δικηγοῦν} \), which the Latin interpretest thinking to be absurd and false, hath wrested them another way: For what other thing is \( \text{εἰπεν} \) \( \text{δικηγοῦν} \), than to robbe? And what other thing is \( \text{λεγε} \), but \( \text{ἐν τῶν καλειναν λέγοντι} \)? Neither were robberies lesse allowed of the auintient Latines than they were of the Greeks and Hebrewes, as it is to be percieved by the first league made betwixt the Romans and the Carthaginenfians: wherein it was thus expressly set downe: *Vita Promontorium pulchri praece aut mercature gratia Romani ne nauigare*, Beyond the faire Promontorie, the Romans shall not faile either for bootie, or in trade of merchandize. From which kind of robberies long it was before other people also abstained: for Caesar speaking of the Germaines in his time saith, *Latrocina nullam habent iamminiam, quae extra fines quisquecumque ciuitatis sui, atque ea inuentitis exercerenda, ut desideinuende causa fieri procerit*, Robberies done without the bounds of euery cite, have with them no infamous; and those they say to be done for the exercise of the youth, and avoiding of flouth. This licence and impunitie of robbing and reasing, constrained men which as yet had no Princes nor Magistrates, to joynce themselues in societie and armie for the defence of one another, and to make Communities and Fraternities, which the Greeks called \( \text{φρατρίαις} \), and \( \text{φιλάδελφοις} \), as brethren which drew water of the same well, which they called \( \text{φρίας} \), as also \( \text{παραγό} \), which are ruttal and countrie people vuing the faire fountaine, which
The Dorians called ἐραύνω, and whereof such country villages were called ἐραύνοι, as the Latines also said them Commefari, who in the same country villages, which the Greeks called κοινωνία, did ordinarily eat and drink together: as * Festeus writeth. Whereby it is plainely to be seen, the societies of men among themselves, to have bene at the first fought out for the leading of their lives in more saftic and quiet: and them first, of all to have sprung from the loue which was betwixt man and wife. From them to have flowed the mutual love betwixt parents and their children: then the love of brethren and sithers one towards another: and after them the friendship betwixt colours and other nie kinmen: and last of all, the loue and good will which is betwixt men joyned in allience: which had all at length growne cold, and bene vitally extinguished, had it not bene nourished, maintained, and kept, by societies, communities, corporations, and colleges: the union of whome hath for long time in saftic maintained many people, without any forme of a Commonweale, or souetaine power over them. So the people of Israel for a long time, flourished in great tranquilitie without kings, and without any Populare or Aristocraticall estate; euerie man living at his pleasure in all libertie, euerie Tribe being in its selfe united by the bond of blood and kindred, and all of them together by the community of their law and sacrifices. Who when they were by any enemie to be affaid or invaded, the estates of their Tribes and communities assembling together, made choice of a chieftaine, unto whom they gave souetaine power; and namely of such an one as God had with his Spirit enspired and stirred vp among them. So of many Tribes and families together united, was made a Commonweale, by meanes of a souetaine power seuer over them. And for this cause the princes and lawgivers which first founded Commonweals, who had not yet discovered the difficulties they were to prove, to keep & maintain their subiects by way of justice, ordained and maintained fraternities, communities, and colleges: to the end, that the parts and members of the selfsame body of a Commonweale, being at accord among themselves, it might be for them the more easie to rule the whole Commonweale together. So we see that ἡμείς Πομπηίου, king and lawgiver unto the Romans (after he had abolished the name of the Sabines, which some thing diuided the Roman state) established certaine fraternities, and colleges, or companies of men, of all manner of occupations, appoyning unto euerie fraternite certaine pautons, priests, and solemn sacrifices, which were kept on certaine appointed dayes of the yeare. And afterwards also ordained a fraternite of merchants, to whom he gave Mercurie for their patron, which he seemed to have done to the imitation of Solon, who by a poittie law permitted all manner of fraternities and communities whatsoever, with power for them to make such lawes and statutes among themselves as they should see good, so that they were not contrary vnto the publike poittie lawes of the state. Lycurgu also did not onely permitt, but straitly commanded also to maintain and cherish such societies and communities, as well generall as particular; and that all his subiects should take their refection and diet in companies of fifteen and fifteen together: which for that they were kept for friendship sake, were called συστήσεις, of the friendship that they had one of them with another. As also in almost all the other towns of Greece, there were the like fraternities and companies, whom they called τρυπείς; as in Italie the same colleges and companies were called Socieities for the vnitive, company, and friendship they had among themselves, eating and drinking together for the most part: and having no judges but themselves, if any difference or strife chanced to fall out amongst them, being such companions and fellows: as knowing, that amity and friendship was the only foundation of all humane and civil societie; and 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, yeelding of the right of it selfe, beft establishe\nthe true natural justice, and plucketh vp all contoversies by the root, with great quiet-
nesse and loue reconciling lubeets among themselues, together with the Common-
weale. Now the principall end & scope of all laws, both divine and humane, is to keep
and maintaine the loue of men one towards another amongst themselues; and them
altogether in their dutie towards God; which cannot better be done, than by ordina-
tie and orderly consuentaing and combining of men themselfes together.

Wherefore the Cretenians in aunient time did all eat and drinke together, young
and old, men and women; for to maintaine the loue and amitie which we haue before
spoke of amongst them: Howbeit that afterwards to avoid confusion, the ages and
sexes were into certaine orders diuided. So we see in the law of God, the feast of Paf-
lemon, to haue beene commanded to be helden by companies of ten and ten persons to-
gether: beside the feast of Tabernacles, and the ordinarie banquetts of sacrifice, which
God commanded to be solemnified with all joy and gladnesse: and that for no other
cause, but that no men might be together vined in religion towards God, and mutuall
loue and friendship one to another amongst themselues. The same was also well obser-
ued & kept in the Christian primitif church, who oftentimes made such feasts, which
they called aytewaa, for the devout kissings, and charitable embraces one of them
(in the furentie of their zeal) gaue to another, in the ending of them, besides their or-
dinatie behauionr and communication. And albeite that many things are long since
by trait of time growne out of use, yet nevertheless a resemblance of those old feastes
is yet shadowed in our holy feasts and banquets: which not faigned but true feasts the
Venetians do with most great care and solemnitie keepe: but the Swifers better than
in any place of the world, where the fraternities and companies in euclie towne haue
their common houses or halles, wherein they oftentimes make their feasts and banquets,
neither is there any village so little, which hath not a common house in it for that pur-
pofe. Where if any strife or contention hall arise amongst them that be of the fellow-
ship or company, it is by the common content there ended, and the determinate sentence
there written, not in paper, but upon the verie table whereon they haue banqueted, and
that not with inke, but with chalke. And as in aunient time artifans, marchants,
priests, bishops, and all sorts of men had their fraternities, and companies: so had also
the philosophers, and especially the Pythagoriaam, who ordinarily mettogether, and li-
ued for most part of their time in common. And thus much concerning the cause, the
beginning, and progresse of corporations, and colledges, communities, and companies:
which afterwards by succeffion of time haue in all Commonweales beene better ruled
by lawes, statutes, and customes.

But that all things which are to be fald of corporations and colledges, may in order
be declared: Let vs first orderly let downe and show, what power euery corporation
or colledge is of, and what pruillige is to euerie one of them givens; 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 beft fittin a Commonweale. Which the better to understand, we may
say, that all colledges and companies are ordained either for religion, or for policie, and
so concernes worldly things. If they be instituted but for policie, either they haue
jurisdiction, or are without all jurisdiction. Colledges without jurisdiction, are such
as are ordained for the bringing vp of youth, or for fellowship of phyfitians, or of other
chollers, or of marchants, or of handie craft and trades men, or of companies of hub-
bandmen.
A handmen: but such as have jurisdiction, are colledges of magistrates, and judges, such as of whom we have before spoken: Colledges ordained and made for religion, or for publick denotion, are grown into number almost infinite, differing as we see, in laws, manners, life, attire, orders, fashions, and apparel. And it may be, that a colledge may be particular to one occupation, or to one science, or to one companie of merchants, or to one jurisdiction; and it may also be, that two or more colledges may bee united into one bodie, as all manner of occupations together, all sorts of marchants, or all maisters of sciences, or all the magistrates; which ought not of right to bee called a colledge, but a bodie politique, or corporation: albeit that by the ambiguity of words they be oftentimes together confounded. For there was one colledge of the Tribunes, another of the Praetors, and another of the Quetors: but when these three colledges meet together into one and the same name bodie, it is foolishly called a colledge: and yet can it not rightly be termed an University, 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 together growth of many colledges, or persons of unlike condition. And it may be also, that all the particular colledges may have the right of a general communitie, or of an University. And that not only all the colledges and communities, but that also all the inhabitants joined together with the corporation & colledges of a town, or of a countrey, or of a province, may have the right of a communitie to hold their states. Moreover the right of a colledge or companie may be giuen to use mysteries or occupation in particular, and yet forbidden them in general. And euerie one of them may have diuers rules, statutes, and particular privileges. So that we may say, that euerie corporation or colledge, is a lawfull communitie or confociation under a soueraigne power. Where the word Lawfull importeth the authority of the soueraigne, without whose permission there can be no colledge: and is referred not onely 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 bee entreated of, in their assembly. And the word communitie, or confociation, signifieth that there ought some thing to be common to all that be fellows of the colledge or societie: 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 privileges giuen vnto the colledge common vnto all the fellows thereof: albeit that they have not well defined a colledge, which haue said it to bee a fellowship of three persons dwelling together, having their goods and substanties in common. Wherein they are two wayes deceived, for it may be, that three persons or more may have their goods in common, and live together, and yet be all no colledge, but a societie of themselves, contracted for the getting of goods, and living together: as also to the contrary, fellows of the same colledge may dwell separat in houses, not having their goods in common, nor any common treaure; neither yet commonly living together: and yet enjoy indeed the right of a colledge or companie, as having by law and the princes grant, power to assemble themselves and meet together at certaine places, and times: and to institute of certaine their affaires, such as are the fraternities or companies of artificers and tradesmen, w hom the law calleth Collegia, or colledges. Yet some colledges there be, which have almost all those things among themselves common, as wee see those to have, which are together joined for studie, religion, or denotion sake.

As for the number of fellows in a colledge or societie, 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 the Romans called it not a college of their Cenfors, or Consuls, as they did of their Pretors, Tribunes, and Questors. And as for the fellowes themselfes, my meaning is, that they should be equal of power, in respect of their commoditie or fellowship, havingeuerie one of them a deliberative voice in their affayres: howbeit that it may be, that the college, or prince, may make chyse of one of the fellowes to command, reforme, and chastifie euery one of the fellowes in particular, but not all of them in generall: such as are our bishops and abbats, havinge power to chastifie their religeous and chanons. But if this head or chief haue power over the whole body of the societie or college in gross, 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 buffors or fellowes, which have therein any deliberative voice: For if it haue in it any such buffors or fellowes, havinge the right of the societie or college, and deliberative voice in their assemblies, it is then a college, altho' that the rest of the younger fott be vnder the power and correction of the principal.

And hereof ariseth a question, Whether a bishope in the companie of his priests, or an abbat amongst his religeous, bee to be accounted fellowes, havinge the vertie title and right of a fellow, and himselfe making a part of the college: without the qualitie or title of a bishope or abbat: Which question being by the learned on both parts disputed, yet remaineth vndecided. But to leave the disputation apart, it seemeth, 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 fellowes, and another in respect of the whole college or societie: where in regard of the fellowes he is called Principall, Bishope, Abbar, Prior, President, or such like, havinge power and authoritie to command euery one of them in particular: howbeit that in the bodie of the college or corpora
tion he is no more than a fellow, although he have the place of precedenc: and that is it for which they put their titles divided, as, the Bishope, Chanons, and Chapite; the Abbar, Religious, & Convent; the Principall, Buffors, & College. Wherein one of the chiefest lawyers hath bene deceived, saying, That the Philosophes haue called the persons of a college, the college; shoung indeadvert Philosophs in so saying, confidering that a college is a name of right, and that all the reuenew and right of a college may remaine in one person, the rest of the fellowes being all dead. And in case that all the fellowes of a college were dead, yet doth the right of a college remaine: neither can the lands or goods thereof be confiscate, except the right of a college be before the supreme authentie suppressed. For one of the principal privileges of corporations and colleges is, that legacies may be vnto them given by testament: whereas as societie by the law forbidden, are not colleges, but unlawfull assemblies, vnto whom it is not by the law permitted to leaue any thing by testament, albeit that legacies may be vnto euery one of the colleges. But to the intent such unlawful assemblies may be suppressed, I thinke it needfull, that it should by law bee forbidden, any lands or legacies to be vnto al or any of them left by testament, as vnto fellows of such corporations or colleges.

And whereas we haue said, that a college or societie may be without any common stocke or treasure: that is also to be vsrstand, that a college or societie may bee ordained with such prouide, that nothing shall be left vnto it by gift or legacy. Antoninus the emperour was the first which gave leave for legacies & donations to be giuen to al colleges, except to the colleges of the Jewes, vnto whom it was yet lawfull to meet together for religion sake, and to have their Synagogues: as is to bee seen in the oration of the ambassadour Philo, vnto the emperour Caligula. And Augustus himselfe by letters pattems directed vnto the gouernours of the provinces of the empire, command-
And thus having set downe and declared the beginning and definition of colleges, and communities: let us now also speake of their power in generall; which is not determined by their particular foundations, statutes, and privileges, which are divers and almost infinit, according to the diuersitie of the particular colleges and communities themselves. Nowe the chief eorporations or colleges, and which have most power in a Commonweale, are the colleges of judges and magistrats: 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 jurisdiction, and yet within their college. And in this the colleges of judges and magistrats notably differ from other colleges: for that other colleges are esta bli shed euerie one of them for the good government of that onely which is into themselues common; whereas the colleges of judges and magistrats, are principally erected for the good of other subjects, and to rule the other colleges, as also to chastise them if they shall transgress their lawes and statutes. But as a wise man ought first to be wise for himselfe, and then for others; as also to looke first into himselfe, before he can rightly judge of others; or as the Hebrewes in their proverbs say, That caritie ought first to begin of itselfe, if it be well ruled: So ought the colleges of judges and magistrats, first to esta bli sh justice amongst themselues, euerie one of them in particular, and to themselues all in generall, the better to distribute the same to the other subjects.

But question might be made, Whether it were more expedient that the colleges of magistrats 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 college for the most part be composed of euill and naughty men, it is not to be left unto themselues, to judge of their owne misdemeanors; but they must be judged by the superniour magistrats, if they have power over them; or by the prince, in case they be not by any other superniour 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 college and the Commonweale, that the fellows should be judged by their fellowes, rather than by other judges: For that euerie 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. Joynine hereunto also, that by this meanes the love and vnite of the fellowes among themselues, is in their college and societie the better maintained. And for this cause chiefly the emperour Adrian decreed, That the Roman Senators should be judged by the Senat one-

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\text{The colleges of judges and the chief colleges in a Commonweal,}
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Whereupon 

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\text{A dded, That they should permit and suffer the Jews to enjoy their colleges. Whereupon Naborianus Proconsul of Asia, sold the magistrates of Ephesus in any sort to let or sell them. Yea that more is, Augustus himselfe commanded a daily and perpetuall sacrifice of a calf, a goat, and a ram, to be made at Hierusalem, for the welfare of himselfe, and the Commonweale: and willed an ordinarie almes or doale to bee 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 magistrats, which yet are not capable of teftamentarie legacies, if they have not expressely beene made, and the same spirit, to doe. As was judged against the Senat of Rome: whereunto Rufius Capio one of the Senators, had given by legacie a certaine summe of money, which he was to be still distributed to them only, which came vnto the councell; which legacie the Senat demanding, Capio his heires denied it to bee vnto the Senat due: in which controverie Domitian the emperour gave sentence for the heire, and excluded the Senat, although it were the most auenture, and most necessarie corporation of all the Roman Commonweale.}
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And for the felte same reasone the civil jurisdiction of merchants, and for the trade of merchandius hath bene wisely in all Itaile, and since that in Frence committed and given to certaine magistrates and Consuls of the corporation and compaines of merchants, summarilie to decide the differences arising about the contractes of merchandie, which haue in them I know not how certaine sectets, not to others well knowne.

As for other corporations and collidges, as of physitians, and tradesmen, albeit that by their foundation they have not any jurisdiction or commannding power; yet nethertheless so it is, that they alwayes have a certaine refraighting authoritie and power by their statutes and priviliges, limited and allowed them; and sometime without any limitation at all left vnto the wildome and differentiation of the corporation or collidge, or of the head thereof; which ought to be used with much moderation, as the father is to vse towards his children: which ought not to be with cruelie or rigour. For if the law condemne him to pay the price of the slave, slaine by him that hath taken vp vnpon him to teach him, albeit that it were in correctinge of him: of much greater reason were he to be condemned, which having but the moderat correction of men of free condition, should vse such rigour as that death should thereof ensue? As it sometimes happened in IIacedemonia, where yong children were by the Great Maister of the youth so rigorously whip, as that sometimes they gave vp the ghost upon the altar of Diana whilst they were yet in whippinge; most part of them not daring so much as to fighe or grone, for feare they had to be accounted faint hearted cowards. And albeit that the emperour Frederike the second gave power and authentique vnto the restours of Vniuersitie, and that the principals of schooles and collidges have alwayes had the correction of their discipiles and schollers: yet that is to bee understood but of ligh matter; and not of such chastisement and correction as the magistrat hath by the princes graunted ouer priviatt offenders; as many have bee of opinion. For why, neither the German emperour, nor the pope can give any such power vnto the principallies of collidges, or vnto the collidges themselves: but in suche countries as are vnto themselves subject. For albeit that pope Gregorie the eleventh in a Bull graunted for the confirmation of the priviliges of the Vniuersitiie of Paris, before graunted by the popes Urban the fift, and Innocent the fift, in one article provided, That if a scholler committed an anything defearing punishment, the hearing thereof should belong vnto the bishop of Paris onely: and in another article also, That no scholler shoulde from thenceforth bee imprisoned for whatsoever debt. Yet the French kings and magistrats haue oftimes well declared themselves not to bee bound to any such the popes Bulles. Yet true it is, that collidges instituted for religion, have ordinarilie 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 vpon them such profession, are exempted from the power and correction of their owne fathers: albeit that many hold the contrarie: whose opinion for all that is not in that point followed. And yet nethertheless certaine it is, that the naturall dute and reverence of children towards their parents, remaineth alwayes in force and power, notwithstanding whatsoever bond and vow they have made to any corporation or collidge. For why, neither mans lawes, nor the statutes or priviliges 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 other wise free, or yet deliver themselves, than by lawfull emancipation: or their fathers silence, who in laying nothing, seeme to have conferred vnto their childrens voices, which by speaking they might have letted; which offent for all that execuceth not children from doing
the honour and reverence due unto their parents, although that they being so professed be from thenceforth accounted children of the college; unto whom also their colleges in right of inheritance succeed, they themselves being accounted of serulic estate & condition. For which cause the canonists give unto the abbies power and authority over their own religious, except from the bishops, which hath oftentimes by the decrees of the parliament of Paris been confirmed. In such sort, as they which are once entred into such religious orders, may not from that time be called to account or into queftion 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 theses and murderers, to retire themselves into such colleges, as into forrests, for the avoiding of due punishment; as indeed it oftentimes happeneth: wherewith the wise magistrats ought to meet, & according to the law of God to draw the murderers from the altar to doe upon them juftice. As the court of parliament of Thoulouze (not long agoe) condemned two religious monks of the order D’aurade, to be in their habits shamefully drawn upon a hurdle to the place of execution, and there to be quartered, without disgracing of them, for having most cruelly murdered the head of their monastrie, whose benefitie they could by no means endure. Yea the abbat himselfe may by his monks be conuented before the ordinarie judge; and that as well in criminal as ciuill matters: who may also freely appeale from the sentence of their abbat into his superiour, as it hath oftentimes beene judged by the decrees of the parliament of Paris, & that without leave, as witnesses * the abbat of Palermo; and hath also bene judged by the parliament of Bourdeaux. And for the same reason if the college would without cause thrue out or deprive one of the fellows of his right, privilege, and libertie in the college, the hearing of the cause belongeth to the ordinarie judge of the college. Howbeit that in auent time the corporations and colleges of Artifians, Marchants, and other such like, had this power (for the removing of their fellows) as we read in Cicero of the Roman marchants, Mercuriales & Capitolini, M. Furium hominem nequam, equitem Romanum de collegio dicercunt, The Mercuriales et Capitolini (faith he) thrue M. Furium a naughty man, and yet a gentleman of Rome, out of their college or companie. And in Lacedemonta (as Plutarch writeth) it was lawfull for to thrue out of their colleges or companie, him that had diffcourted or reneale the sectets of their companie. As in like case Panormitan the abbat writeth, That in abbies or colleges eracted for devotion, the chapters have power to thrue out any of the fellows, or to deprive him of his ordinarie diuidents, but not to beat him, or to venere 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 aske, Whether a college may make a decree, That none of the fellows shal consent or sue another of his fellows, 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 ciuill penaltie in the decree set downe? Wherein Scouola 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 penaltie in the decree of the college expressed. Howbeit (in mine opinion) this decree is not general, neither can take place in ciuiles criminall, no more than the conditionall penalties set downe in arbitrments, which have no place if they concerne matters of crime. Secondly mine opinion is, That the decree of a college or companie, even in ciuill causes hath no place, if all the fellowes of the college or societie glie not thereunto their consents, as they do in arbitrments, whereunto no man is bound that would
How decrees are
in colleges and
focietie to be
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Whether decrees
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whole college or
focietie may by
the greater part
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be abrogated,

would not. For in all communities, corporations and colleges, and so generally in
eritie focietie and companie, if question be of any thing which is common to them all
in particular & apart from the community, the exprefs consent of every one of them is
then requisite, if any thing be therein to be done. But if question be of that which is com-
mon to them all jointly & induifibly, it sufficeth that the greater part be of one opinion;
for the binding of the refl: Provided alwayes, that nothing be ordained or decreed, con-
tarie to the statutes of the college, established by the foueraigne prince; or by the
founder of such corporation or college, authorized by the prince: Wherefore the laws
of the Commonweale, and the statutes of the college standing whole and entire, the
college may make decrees which may bind the leffer part all together, and all the fel-
lowes in particular; yet still provided, that two third parts of the fellows consent unto
the making of the decree: albeit that they be not all of one aduice 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 leffe the whole corporation and col-
lege: no more than the prince is bound to his owne law, or the teftator to his owne
will, or particular men unto their owne agreements, from which they may by their
common consent renounce, nothing being more agreeing with rea!on and nature, than
erietie thing to be disfolved, by the fame means that it was made.

But yet it might be doubted, Whether decrees made by the consent and good li-
king of an whole college or focietie, might bee againe repealed and abrogated by the
greater part, or two third parts of the fame focietie or college? Which I doubt not
but that they may in all common eftates, corporates, and colleges, if question be but
of things common to them all in general (as they are one united body;) but if question
be of euerie mans right, by himfelfe particular and apart from others, then euerie man is
to give his consent thereunto. Wherefore if the assemblies of the eftates in a Com-
monweale conflitt and be of duets 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 Nobiltie, and Commalnifie, nothing can be done or decreed by any two of
the orders, to the burt or prejudice of the third; especially if the matter concern
one of the orders by themselves apart. By which rea!on I caused two of the orders of
France, to change their opinions in matter concerning the third. For at fuch time as
I was bent deputie for the province of Vermandois to Blois (whether king Henry the iii
had called an assembly or parliament of all the kingdome of France) a great and weight-
lie question was moted amongst the three eftates, Whether it were more indiffer-
ent, and better alfo, 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 chufe,
than by the prince himfelfe with his councel? And now the Clergie and Nobiltie had
not onely fo decreed, but had drawne a great part of our fort unto their fide alfo, ha-
ing with hope of great rewards gained their voices. At which time I perceiving the
dift and purpofe of certaine ambitious perftions that were dealers in the matter, an-
swered. That the matter was further to bee considered of. For why, it was labou-
red, that fuch 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 thoroughly debated, I denied that the matter could fo by vs bee pafled, without a
more speicall commiffion from the people. Neither that if wee had any fuch spe-
ciall commiffion from the people, could it yet by vs bee done, without the great
danger of the whole Commonweale; and that for many reaons, by me then
discovered: whereby I drew the rest of my fellows backe againe to mine opinion,
who laied this charge vpon mee to remove alfo the other two orders of eftate
from
from their former receiued and seetion opinion. But when the Arch bishop of Lyons (President of the Ecclesiasticall estate) earnestly withstood me, seriously alleging that the Clergie and Nobilitie had before to resolved; I shewed him, that such a Prerogativie had from all antiquitie beene kept to everie 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 difficulty passed in the Parliament at Orleanc; and as it is also vied in the diets of the Empire, and the Parliaments of England, and of Spayne. For which caufe, and other reasons then allaged, 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 caufe, that the thing beening againe called into consultation, both the estates chaunged their opinions. Which the king hearing, and dissembling his grieu, saie in the presence of Rake 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 colledge, and which concerneth not any the particular members apart from the whole bodie; but the whole and entire bodie onely; the greater part of the societie, may at their discretion thereof determine: albeit that the whole communitie haue 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 Communitie is alwaies reputed for the whole. Yea the law willeth, that he which is chosen of a communitie or colledge to entrate and disdise of their common aires, may bind euery one of the colledge. Wherefore they are deceiued which write the greater part, or two third parts of a Colledge, to be able to do nothing, if the colledge haue 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 aduict, decrees, and resolutions of the whole societie; which is confrarie to the formal disposition of the law, which willith, That in all acts concerning a communitie 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 needful 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 & consequence, it is needful 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 iudiciall lawes of Lewes the xij the French king, it is ordained, That two parts of the Judges, and no fewer, may in the higher Courts end any ciuscall caufe: whereas in cimnall causes, equall voices acquite the partie accused; who yet otherwise is to be condemned, if the greater part do but by one voice exceed the lefser. So also by a decree of Gregoire the x., concerning the election of the Pope, he must haue two third parts of the colledge of Cardinals that is to be chosen Pope. As also in many elections of the heads of Colledges, it is necessarie that two third parts of the colledge should agree in one. Yea sometime it is necessarie that all the fellows should be of one and the same accord. As in Rome it was by the Tribunitiall lawe requisite that all the ten Tribunes should be of one opinion and mind, or at least wife not openly to dissent, for that otherwise one Tribune alone might empeach and stay the proceedings of the whole Colledge. Now if they all agreed in one, then vnto the decree were ioyned these words, Pro Colledge, for the Colledge: otherwife if there be no speciall statutes or law to the contrary, the greater part of two third parts sufficeth in all acts concerning the communitie of corporations and colledges.

It is also necessarie, that the consent whereof we speake, bee given in the common
To whom it be longeth to call the fellowes together in a colleged or societie. For the making of a decree in a colleged or corporation, the consent is to be given in the common assembly of the same, that in time & place by the statutes thereof appointed.

assembly of the corporation or colleged: for albeit that all the fellowes had seperately and apart consented vnto any thing concerning that which is common to all the Colleged, yet so it is that such act is not to any effect or purpose, neither for nor against them which have so given their contents, although it were done even before publique notaries: for that it is not done by the Colleged, which is done by all the fellowes apart. Neither sufficeth it that all they of the Corporation or Colleged were called together, if it were not in time and place, by the Statutes appointed. Wherefore two parts of the fellowes gathered together, can do more, than all the fellowes contenting apart.

But here some man may aske, who shall call the fellowes together? Wherein many are of opinion, that the most antient fellow of the Colleged 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 colleged; as certain it is that it cannot: wherefore such calling of the fellowes together, by the most antient fellow, is but vaine, except that the fellowes of their owne accord be content to obey the same. And therefore the Senet during the Confuillship of Cesar could not be assembled or called together, Cesar the greatest magiftrat for binding the same, as is afore said. Other some are of an other opinion, and hold, That two third parts of a Colleged may of right call together the rest: but yet who shall then call together those two third parts they say not. Howbeit if two third parts suffice to do and determine the affaires of a corporation or commodity, we need not to trouble our felues with the rest; all the fellowes being called. Howbeit the custome kept almoiste in all corporations and colleged is, for the elders by their tenants or other ministers to call together the rest; or else for them of them felues to come together at the tolling of a bell, or the sound of a Trumpet; as in antient time they did in Greece and Rome, when as the magiftrats which had power to assemble the people, or the Senet, caused their commandes by the sound of a Trumpet to be published to the people in particular; but not to all in generall, for that they could not be so in that sort commandes. And who so obeyed not but refused to come, him the magiftrat had power to fine, or seize upon his goods. As we see how that Marcus Antonius being Confuill, threatned Cicero to pull downe his house, if he came not to the Senet being called. So that there is no question where he that calleth together the fellowes, hath power to command. But if the Colleged or societie be desitute of an head or magiftrat which hath power to command, or having power, yet is not willing to contraine them which will not obey him; then he whom it concerneth to have the societie assembled, is to obteine commision from the magiftrat to contraine them to come together, and so we vse to doe. Yet may the greater part of the fellowes together, deprive every particular fellow of part of the profit and commoditie he is to haue of his Colleged, 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 Colleged, we may say Solons law to haue generally place in every Commonweale, and to be approv'd by the Interpreters of both the lawes: that is to say, that it is free for all lawfull communities, corporations, and colleged, to make such orders as they shal think for themselues best, so that thereby they do not derogate from the statutes of the Colleged, made or establishd by the Soueraigne Prince, or that they be not repugnant or contrary to the lawes and ordinances of the Commonweale. And in antient time it was not forbidden corporations and colleged to make decrees and ordinances within themelues, without derogating from the publique lawes;
A lawes; as also to put the rent upon 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 vnro some small fine. Neither am I of their opinion, which hold that a Colledge may make ordinances and decrees without any penaltie annexed vnto them; for that such an ordinance, degree, or statute, should be but unprofitable and ridiculous, if no punishment were thereunto appos’d 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 haue also a certaine forme of restraining, and visiting of the worke and wares of their occupations or trades, with power to seize vpon them, or to brake or confisce them, if any thing be done contrarie to their decrees and orders: sauing yet alwaies the Magistrates authoritie for the hearing of the matter, if it be so referred vnto him. But whereas we said that a lawfull Corporation or colledge 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 entertain only of that which is vnto themselves common, and not of such things as whereof they are by the law prohibited not only to determine, but even to consult also: leaft in doing they incure the penaltie appointed against unlawful Colledges and Companies.

And thus much concerning the power, rights, and privileges of Corporations and Colledges 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 colledge or corporation cannot offend, nor to 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 colledge or corporation, although all the fellows of the same colledge, or all the inhabitants of a citie, or all the estates of a countrey, had particularly and every one of them apart consented theenteinto: a thing yet altogether impossible in corporations and communites of Townes, Countries, Provinces, & Commonweales, confiding that the children and furious persons which therein are, cannot yeeld their consent thereto. But forasmuch as things done by the greatest part of the fellows of a colledge collegiately assembled, or by the greater part of the inhabitants of a towne or citie in a lawfull assem.bley, are supposed to be done by them all, therefore the whole colledge 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, servises, 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 neverthelesse, if the corporall punishment be for the offence committed, to be inflicted, as whipping, torturing, or death, none of the societie or corporation are to be punished, but they which were therein phươngers, or at least therunto privie, although the whole bodie of the communite or colledge be therefor condemned. As in private offences done by many being of no colledge or communite, there lyeth not an action but against every one of the offenders in particular, and for the whole, in such sort, as that one of them having made satisfaction, the others are thereby acquitted. But if such fact or offence be done by any one, following therein the aduise, counsell, and
deliberation of all, they may be all therefore conuened, and every one of them apart
for the whole, neither one of them making satisfaction, are the others thereby dis-
charged. But happily it may seeme a thing very unreasonable and absurd, that many,
yea the greater part of the same colledge or corporation, should be found innocent,
yet to be altogether punished in the whole bodie, as in the cases by vs before re-
hearsed. Whereunto I answere, That it is yet more strange, that the innocents
should by lot be drawne together with the offendours, and that these should be pun-
ished, upon whom the lot should fall; as the maner was in the Decimation (or as it
were anything) of the armie, for having borne it selle cowardly against the enimie,
where the most hardie & valiant, were oftentimes by lot drawne out, and for cowards
executed. Which example the Senator Cæsus vied, at such time as he in full Senat,
persuaded the Senators to put foure hundred Slaves to death, although that there was
one (and he unknowne) amongst them guilte of the murder committed in the perfou
of their master, toyning thereunto these worde: Omne magnum exemplum habet ali-
quid ex ingenio, quod publica vitiatate compenfatur. Every great example favoureth some-
thing of injustice, which (yet for all that) is with the common profit againe recom-
penced or required. But this is not (may some say) to pay the debt, to alleage one incon-
uenience in defence of another, and of one absurdistie to conclude an other. Where-
unto I say, that the best injustice that a man can doe is, of divers inconueniences at once
propounded, to shunne the greatest, especially when question is of such offences as
may in no wise be left unpunished. For we fee that the wifest & most aduised Lawiers
have decided, That if there be any one slaine, or beaten, or robbed by many, they are
all bound for the whole, albeit that happily it was but one of them which gaued 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 to shew him: But if it
appeare not at all by whom he was slaine, neither that they had confpited against him,
they are all acquitted 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 doubftfull things it is admitted, still to shunne those things which are more absurd
and violeafe. As if a felonie bee done which cannot by one man be performed; as if
many have caried away an other mans timber log, and amongst those many it appeare-
th not who it was that did it, none of them is guilty of the theft, if we will ficke
unto the subtilitie of the words of the law: and yet are they all indeed guilme: where-
of the Lawiers have no other reason, but that the inconuenience fallen greater on the
one side, when they would shunne it on the other, which is (as we said) the greatest
reason that a man can have, to find out the truth of all things, when all other reasons
tale. We speake not here of that which enemies do to townes beleaged, and by force
taken, pilling, killing, sacking aswell the good as the bad; and where the better that a
man is, the worse commonly he fartech: but what a prince ought to do against his re-
bellious subiects. Howbeit that the Romans, although accounted the most industri
people of the world, have not alwaies followed that rule of equity and justice which we
before spoke of, but sometimes punished not onely in generall, but even in particu-
lar, all the inhabitannts of their rebellious Townes after that they had taken them; and
yet alwaies obserued this point, to punish the heads more severely then the rest, and
to prefume them that had reftified the feditious; having still a speciall regard whether
the rebellion were confulted of and decreed in the Corporation and communtrie or not.
So Lucie faith: Valerius Leuinus Agrigentum capto qui capita rerum erant, parvius
cossecum percutit, et eros praedamque vendidit, Valerius Leuinus habiendo taken
Agrigentum beheaded them that were the chief authours (of the rebellion) being
before
A before whipped, the teft and the prey he sold. And in an other place: Quoniam de-
fectionis autore meritis pasu a dys immortalibus , & a vobis habent P. C, quid pla-
cet de immoxia multitudine fieri? tandem ignotum est illis, & cuitis data, For that the
authors of the rebellion (faih he) have from the immortall Gods, and you the ap-
pointed fathers, received their deputed punishment, what is it your pleasure to be
with the teft of the guiltlesse multitude? at length they were pardoned, and the
freedom of the cite given then. The Conful Fulanius, having after a long siege
taken the cite of Capua, beinge revolted from the Romans, beheaded fourecore
of the Senatours, befire xxvij others which had before poisnone themselfes, and
cauted three hundred mor of their chief gentlemen to be in prifon flared, the rest of
the inhabitants he sold for flaves. As for the other Townes which were vnder the obe-
dience of them of Capua, there were none but the chief men punished. Atella, Cal-
ata, in deditiorem accepente, ibi queique in cos qui capita reram erant animaduexerum,
Atella and Calata (faith Linie) were taken in by composition, and there also execu-
tion was done vpon such as were chief deoors in the rebellion. The other Conful Ap-
pius more feuerre than his fellow Fulanius, would have enquire made alfo of their allies,
who had had secret part in the fame conspiracie: Whereunto Fulanius would not a-
gree, saying, That to do, were but to prouoke their faithfull and loyall allies to re-
bell, in giuing credit vnto the traufer Campanians. Whereby it is manifest with
what feueritie the Romans thought it good to punish their rebellious conspirators,dur-
ing the time of their popular government. And as for the Roman Emperours,
some of them vfed towards such offendours grattious favour, and otherfome extreme
crueltie. The emperour Aurelianus for his clemencie deserveth to be for ever com-
med, who laying flege vnto the cite Thyane, sware that there should not a dog
escape alive, if he shoule take the cite: but hauing by force wonne it, chaunging his
mind, as with compassion moued, he ftraitly forbaid any man to be therein faine; and
when fome to prouoke him vnto wrath, put him in remembrance of the oath he had
made the faid it concerned but dogs, which he commanded to be all forthwith kil-
led. The like clemencie Henry the fift the Germaine Emperour, having condemned
the cite of Brixia to bee vterly rafed, and laid even with the earth; yet when he had
wonne the fame, pardoned the citizens neuer theelffe, leaff the innocent people should
so haue perfitied together with the offendours; following therein the mercie of God,
who would not onely the good not to perfiti together with the euill and wicked, but
promised to be mercifull vnto cettene cities, and a multitude of wicked petions, for
some few good men to bee found among them. Some other of the Emperours
haue contrariwise 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 cettene rymes and forges made and fang againft him
at Alexandria, caufed cettene of his garriion fouldiers and Pretorian bandes to
bee entermingled with the people as they were there beholding playes: who vpon
E a signall giuen, flew an infinite number of the poore Citizens one with an other
without respect, as they came to hand. The like whereof he had alfo before com-
manded to bee put in execution at Hierusalem. And afterward at Thefalo-
nica, where the Emperour Theodorus the great caufed feuen thouland of the in-
habitants to bee flaine one with another pellem pellem in reuenge of cettene of his Re-
ceintours and other his magiftrates 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 Persia vfed an other manner of reuenge, not in deede
so cruel as the other, but yet farre more ignominious and delpitful, causing
K k i
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 beide three fcore thousand citizens of Rome by him slain, caused also all the inhabitants of Prenefte 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 muttheret of his country. Which cruelty may yet be borne with, when the vanquished shal chufe rather to die than to become subiects; as in all ages there have bene such; but not if they shall bee content to feme and obey them, by whom they are overcome and vanquished. So the Pifans (in the memory of our fathers) not able to endure the iuft government of the Florentines their lords, by the faavour of Charles the eight the French king, yeelded themfelves to Countie Valentine Borgia, who being not able to protect them, they in vaine offered themfelves first to the Genowayes, and then to the Venetians: By both which fares they being rejeeted, after that they had for a long time beene most straitly besieged, they yeelded themfelves subiects unto the Florentines their old lords, of whom they easily obtained pardon, and so afterwards continued their good and faithfull subiects.

But Lewes care of Flanders, and the laft of his house (for after his death that earledom fell into the house of Burgundie) hauing brought the Gantois rebelling againft him to such extremity, as that they were glad to craue of him grace and pardon, would not to receive them, but propounded vnto them most hard conditions, and not befeeeming a free people to accept of: as that they shouold all come vnto him out of the citye to craue pardon with haltets about their neckes, and that then he would consider what he wert to do with them. Which put the poore diftrefed people into such a deepet fear, 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 Flanders, except Audenard. The earle flying out of the ouerthrow hid himselfe vnder a poore womens bed; who afterwards found means for his escape, by courting him in an heape of apples: but being fo escaped, for euer lofte his power, together with his honour. With which so great an ouerthrow gian, the Gantois became much more arrogant than before, and never afterwards willingly enduring their princes commands. Whereby it was then perceived, No more cruel enemies to be found against the prince, than his despearet subiects, Not any war to be more iust than that which is by necessitie imposd; as said an iustant Roman Senator. But that the aforesaid warre was such, it is evident & plaine, seeing that together with their most shamefull yeelding, most cruel death did hang ouer all their heads, and a reproach heartier than death it selfe; reproach and difgrace being always more dreadfull vnto men of honourable minds, than most cruel death. But in that time it should seeme, that princes tooke pleasure to encrease their crueltie with reproach and despight against their disobedient and disloyall subiects. For so Frederike the second, the German emperour, to revenge the iuticie done vnto his wife, with great disgrace at Milan, hauing besieged and taken the citie, after he had put to death the chiefest of the citizens, and rioted and rafed the citie, vied a contumelie and despight towards the reft that had escaped the fouldiues furie, as was vnto them more delightfull than cruel: & yet worse than death. So Dagobert king of France, not coten ted to haue flaine the inhabitants of Poitiers, for ayding his enemy against him, caused also the town to be rafed; and the ground to be plowed with an eternal curte, and falt to be bowne upon it to make it barren: whereof they are yet called Salted men of Poitiers. But as princes which with sufferance passe over the feditions & rebellions of the corporation or communitie of any towne or prouince, give example to others to doe the
A the like: so those princes also which without measure exercise crueltie vpon their vanquished subjects, get into themselves not only the tide of most barbarous and cruel tyrants, but in so doing sometimes also hazard their whole estates. But hee shall deservne the praise and commendation of a just prince, and preferre also his estate, which shall keep the peace in punishing the authors and ringleaders of rebellions, tempering seueritie with lenitie. As did Charles of Francse king Lewis the ninth his brother: (afterwards king of Naples) who having commissio from the king, to chastise the inhabitants of Mont Pelier, who had flame certaine of the kings receivets & officers: tooke from them all their liberties and privileges; appointed the walle of their citie to be rated, their steeples pulled downe, and a fine of six score thousand crownes to be set vpon them: or as some write, caufed halfe the goods of the citizens to bee confiscat
ted, and of six hundred of them one part to be drowned, another part to be hanged, and the third part burnt. And so indeed the judgement was to the terror of them gi
gen: 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 magistrats had bene so murthered by no publice counsel, or assembly of the citizens orderly called, but by the insolencie of the rash tumultuous peo
dle. With like lenitie Charles the fift the French king disarmed the Panfilans rife in rebellion against him, and executing the authors thereof, restrayned the rest of the whole bodie of the citizens, by imposing vpon them a great fine. And admitt all the citizens of a citie, by their common consent, and the matter being before well debated, to have all together with one mind rebelled, and choosen vnto themselues a new prince: Yea and to have augmented their wickednesse with contumelie and despitig 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 whose he might, for blemishing thereby for ever of his fame and reputation; than which nothing ouer to bee vnto a prince more deere: albeit that he might doe (which yet were a most hard thing) the state of the Commonweale restor’d whole. Wherefore T. Quintinus the Confu
did wisely, who when he could not with the fatacte of the Commonweale chafite the
drych which he then had vnder his conduct and leading, for their rebellious mutinie, af
er he had appeale all matters, and yet thought it not safe for the fouldiers so in dan
ger of the law to returne into the citie, he himselle came first to Rome, and there by
count of the Senat prefentt a request vnto the people, Ne cui militum fraudi effet
resco, that the mutinous revolt must not be daungerous to any of the fouldiers: which he with the great good liking both of the Senat and of the people obtained.
With like wildeome Scipio Africamus the father, represse the mutinie of his army at
Seuerone, with the execution of thirtie five of the fouldiers onely: Certabatur utrum
in authoris tenent uram seditionis xxxv animaduertetur, et plurimum supplicio vindicanda de
fectio magis est quam sedition: sic visceri tenent aemor, ut unde culpa est, et ibi pena con
statet, ad multitudinem civitatum ad fas effet, Quelution was(fmith Lioni) whether execution were to be done only vpon thirtie five, the authors of the sedition: or that so
great a revolt rather than a sedition, were to be vengeae with the execution of moe
where in the milder opinion prevallt, That from whence the offence was begun, there should the punishment rest: and that to suffice for the chastising of the whole muti
itude. And shortly after in the oration which Scipio made vnto the armie, he vther these words, Se non seceu quam vster a sectem faciam, cupitibus xxx xxm hennis
captibus, est etiam vcerum, inquit magis est quam sedition. Him no otherwise but as a man cutting his owne
en тре, with sighes and teares to haue made satisfaction for the offence of eight thou
sand men, with the heads of thirtie. So when Appius the Confuull (with great ruthneffe
K k ii
should
A notable regard to be had in general and popular punishments.

That it be esteemed not a souveraine prince to be the executor or beholder of the execution of such general punishments; (if otherwise it may bee in his absence done) to the intent his subjects minds should not be alienated from him: but to the contrary it is needful for him with a convenient lenity to moderate even the just and necessary severity of his deputies and magistrates, to the imitation of Antiochus, the great king of Asia, who having given commission to Herodes his constable, to punish the rebellion of them of Seleucia: and he condemning the corporacion of the citie in a fine of five 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 himselle almost with the tenth part of the fine, restored againe vnto the citie the auncient liberties and privileges thereof. But not to goe further, Henrie the second the French king, haung given commissione to the duke Montmorencie constable of France, to chastifie the rebellion of the country of Guyenne, and especially of the inhabitants of Bourdeaux, granted them afterward a general pardon, and forgave them the raising of their townie hall, wherein they had made their assemblies, with the fine of two hundred thousand, and the charges of the armie brought against them: in all which the inhabitants of Bourdeaux were by the duke condemned; restoring vnto them also the right and freedom of the corporacion of the townie, excepting them only who had laid hands vpon his officers, and some few privileges and demaines of the townie, which were then abridged and cut off. But the emperour Charles the fist, not so cruelly as wisely, by one and the selfe same judgement, reneged the often rebellions and injuries which they of Gaunt had of old vied to doe against his auncestors, and which till then remained unpunished: partly by the sufferance, and partly through the weakness of the citie of Pauaders. For when the citizens of Gaunt had now compelled the Bourgamafter openly to teare in pieces the emperours edicts, and had sent ambassadors vnto Francis the French king to receive them with their citie into his protection: and herefuting them, had solicited his other subjects, their neighbours to rebellion: the counsell 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 countrie and citie wherein he was borne and brought vp: but executed thirteene of the chief authors of the rebellion, tooke away all their corporations and collidges, depriued the citie of part of the publike lands thereunto belonging, as alfo of all the privileges; and caused a most strong castle to be there built, and a garrison therein to be kept and maintained, and all at the citizens charge. This the emperour sentence I received of them of Gaunt, at such time as I was of counsell to Francis duke of Aniou, and of the Low countries. And not long after king Francis, who had refused to prote& the Gantories going in person himselfe to represse the rebellion at Rochell, raised for the custome of falt, with the majestie of his speech terrifield 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 first, but that he had rather to encreas his commendation, by lauing, than by spilling of his subiects, and by gentlenesse rather than by cruelitie. By these examples before let downe it is well to be understood, what is to be determined for the punishment of Communities, Corporations, and Colledges: wherein they which affect lenitie, doe give occasion vsueto the same citizens oftentimes to rebell: which in a Commonweale is of a prince especially to be taken heed of. In which thing no man feareth to have behaued himselfe more wifely than Charles the first. Yet he that seemed to have bene so feuerse against the Gauntlois, yfed the greatsse lenitie that might bee towards the Spaniards of all forts, at such time as they had not only rebelled against him,

B (when he went to take possestion 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 punishe 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 wholesome thing to cauterize 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 ve fections or cauterizations? Hyperater, the great physitian faith no, forbidding vs to apply remedies to desperat diseaues, and so much the lesse, if a consumption shal 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 community or corporation, that which belongeth unto such a community or corporation so offending, is therefore to be confiscated or forfeited: but if there be no such thing thereto belonging that may so be forfeited, then a fine in money is to be set thereupon, but yet to be exacted onely of them which gave counsell or aid to the committing of the offence: for as much as it could not bee committed by the whole community or corporation it selfe: but if the guiltie paities be not to be known from the guilties, then are they altogether to be fined: but as for any corporall punishment, it is not to be inflicted, except that euerie one of them, and all of them togethers, have most grievously offended. Neither yet are they to be thought all to offend, although they follow the enigmes displeased, except that they altogether and euerie one of them aie and gaue their counsell or consent thereto before: but the community or corporation being punished, doth not therefore exempt them that are guiltie of the offence committed, from their due deferved 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 bee, and alwaies have bene destrois 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 communite, and so 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 wherupon to rest (next unto God) than the loue and amitie of one of them towards another: which can in no wise be maintaine, but by alliances, societiees, collates, communites, fraternities, corporations, and colledges. So that to demand, whether communities and colledges be necessarie in a Commonweale? is as much, as to demand, Whether that a Commonweale can bee maintaine and holde without loue and amitie? without which the world it selfe cannot long stand. Which I have said, that there hour bene, and yet are some of opinion, that all corporations and colledges are out of a Commonweale to bee excluded and banisshed; not considering that a familie, and the vertie Commonweale it selfe, are nothing else but communites.
nities. Which is an error whereat the greatest spirits have oft times stumbled; for one absurditie or incommode it 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 vnto the Commonweale. I confesse that colleged and communities will governed, draw after them many faction, seditions, part-takings, monopolies; yea and sometime the ruine of the whole Commonweale also: and that in stead of sacred loue and amite, there ariseth of them contiurations, and conspiracies of one of them against another. And that more is, it hath bene seen, that under the shadow of religion diuers collegers have couered some inoff detestable and execrable impietie. Whereof no better example can bee giuen, than of the fraternities of the Bacchanals in Rome, which denued vnder the colour of religion, so long covered the most execrable and detestable filthinesse of both sexes, vntil that the sects thereof opened, polluited the citie then mirrour of the world, and all Italy with the loathsome foules thereof, aboue seven thousand persons being partly accused, attainted, confinued, and many of them executed and banished, for the abominable villanies by them committed vnder the colour of that religion, which hath alwaies the fairest and most glorious show that can bee detueth, to bee let vpon a foule matter; as saide Flaminius the Consull speaking vnto the people of Rome, concerning the impieties by him found out, *Nobilis in speciem filiacius prawa religiose; ubi Deorum nomen pretenditur seculibus*, *fuit annum timor*, Nothing is in shew more deceitfull than corrupt religion: For where the majestie of the Gods is pretended for the cloaking of villanies, there feare pierceth the mind. Which was the caufe that the fraternities of the Bacchanals was by a decree of the Senat put downe through all Italy: *V*Vhich decree of the Senat confirmed by the people, passed into the force of a law, That from that time forward no moe facriticis should bee made by night, but alwaies done in publike: *V*Vhich thing Damone a wife Grecian had long time before attempted to persuade the Athenians of, laying, Tho those night-sacriticis to hare alwaies seemed vnto him verticlisious, and better it is in every Commonweale openly to suffer whatsoever assemblies or sacriticis to bee done by day, in the sight of all the people, then nightly assemblies to bee made vnder the colour of religion. *V*Vherto Cato the Censor moff grievously said, *Ab nullo gener num sumnum periculum est, securtis, et confialis, scirem consulationes sefis, in", There is no fort of men from whom the greatest danger is not to bee feared, if you shall suffer conventicles, and secret counsels and consultaties to be kept amongst them: *V*Vhich can to much releafe be avoided, when as the false opinion of religion is pretended for 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 burstinge like to a rotten impoittance, infecteth the whole bodie of the Commonweale. As for proofe thereof in our remembrance, whereas there have alwaies beene many conventicles and meetings of seditions perfons, vnder the pretended thow of religion, fo a more dangerous companie of filthy fellowes never more sodenly in any place brake out, than did that of the Anabaptists in Munfter, the chiefie citie of Vvelfphalia, who there secretly multiplying, vpon the sodaine took vp armes, and by the leading of a Taylour draue out the bishop and magistrats, and fo possessed the citie wholly to themselfes, which could not bee againe recovered from them, nor those phantasticall seditions repressed, but by a strong armie of the whole German empire. The Colledges and Fraternities of the Pythagorians dealt more moderately in Italie, who professing the studie of wisedome, and having drawne vnto them fo
A so many discipels, as that many the greatest lords & princes, both of Italie and Greece, moved with the admiration of their doctrine, were now become both their auditors and followers: they bearing themselves thereupon, went about to hauite every where overthrowne the popular estates, and tyrannicall governements, and for them to have establisht Aristocracies, and the governements of wise men. But that their so good a purpose was overthrowne by certaine ambitious and popular men, who setting the people in an vprote with fire and sword, destroyed all the Pythagorians, Which (as faith Polibus) troubled almost all the estates both of Italie and of Greece. And for this cause the emperours, and almost all other princes, popes, and councels, giuing the Jews leave to have their meetings & Synagogues (which Tyberius, Claudius, & Domitian) the emperours, had of antient time taken from them) commanued yet, That they should alwaies do their factices, and have their prayers openly, and in publique. Which libertie Pharaon king of Egypt (terrified with the judgements of God) would haue also granted them, but was by Moses refused, alleagings, That it was to be feared least the Egyptians should overthrowne with stones the Iews, vsing 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 colloations or corporations in a Commonweale of what religion soever, either publickly or privatly, being contrarie to the religion of the people, or of the greater part of them: For that the people everywhere that 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 refrained and kept in, but that their rage will oftentimes most furiously breake out, not against the weaker for only, but even against the mightie ones also. For so Thomas emperour of Constantinople, pulling downe the altars and images of the saints, was by the angrie people most cruelly slaine in the vrey temple of saint Sophia. We haue also seene in the citie of Franckford foure corporations and colleges of dutes religions, to haue bene publiquely allowed and exercized, namely those of the Iews, of the Catholikes, of the Protestants, and of the Confessio of Geneva: But it fell out in the yeares 1562. in the moneth of May, that the Protestants alluding themselves of the strength of their partakers, fell upon them of the

The Iews, and Catholikes by the protestants borne within Franckford, and they of the confession of Genzua forbiddes.

B The common people hardly to endure any religion contrarie or repugnant to their owne.

C

D Confession of Geneva, (who in their profession came nearest vnto them) and beaing with the other which more differed from them, caused that of the Confession to bee there vterely forbidden. Which is least to be feared in such religions and sects as haue bene of antient time received, and which as it were in thier owne right defend their profession: such as is the religion of the Iews, from which all other religions, except Pharao antiquel, seemed to have taken their beginning; which Chrystomene therefore calleth The mother of the Gentiles: the princes of Europe and of Barbarie haue alwaies granted vnto the Iews, their antient privileges, corporations, & colleges, for the exercitinge of their religion, in paying vnto them certaine tribute, as they did vnto the Roman emperours, which was called Aurum Coronarium: which the German emperours ordinarily give vnto the emptiries, for the confirmation of the Iews 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 ladie, called Hesper, such as had of antient time by a Persian king bene vnto this nation giuen, at the instance of another Jewish ladie of the same name. Where they so mightily encreased, as that there was no prince in the greater Aria, which had not in it one or other Collonie of the Iews; as we read in Iosephus, and Philo. Wherefore the most antient antiquitie of that Iewish religion, together with the great pouettie of the Iews themselfes, who in no place of the world may poettie any
any lands, maketh that they need the leffe, and are indeed the leffe able to fight for their religion and libertie.

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 extreme peril and danger of the whole state. In which case the best advised princes and gouernours of Commonweales do imitate the wise pilots, who when they cannot attaine unto the port by them desired, direct their course to such port as they may: Yea and oft times chasing their course, giue way vnto the flormes and tempelts, least in seeking too much to put into the desired haven, they suffer shipwrecks. Wherefore that religion or sect is to be suffered, which without the hazard and destruction of the state cannot be taken away. The health and welfare of the Commonweale being the chiefest thing the law respecceth. Wherefore conscius the emperor suffered the companies and colledges of the Arrians, not so much for the love and affection he bare towards them, as divers haue written: but so inquiet to prefute his subiects, and estate. And Theodosius the Great being himselfe a Catholike, and alwaies contrarie to the Arrians opinion, yet bare with their religion, which hee could by no means suppress, maintaining both the one sect and the other in peace and obedience. And after him Zeno the emperor, to reconcile the companies of all sorts of religions among themselves, and together with the Commonweale, commanded an edict, which they called Ecortek, which is to say, of union and tranquillity or quietnesse to be published. After whose example Anastasius caus'd the law of forfeutulement to bee fet forth, cherishing the grave and modest preachers, and removing such as were of vehemence 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 flewing himselfe in deeds rather than in words, to abhorre that religion which he desir'd to have extinguisht. For the manner of men is, to loue such things as their princes embrace: and minds resolved, the more they are crossed, the stiffer they are, which otherwise growe weake and feeble, if they be not at all resisted. Besides that, there can be nothing more dangerous vnto a prince, than to make prooofe of his forces against his subiects, except he be well auffured to preuail against them: which otherwise were but to arme a lion, and to show him his claws, where with to teaze his master. But if the wiser sort of princes do in the variety of religions right, hardly keep the concord and vnite of their subiects: what then is to be hoped for of such princes, as have no experience of governing of the state, on euerie side beft with their flatterers? pressed by their false enforcers, thrust forward by their furious followers: aiming only at this, how to fill themselues with other mens wealth and blood. So in the beginning of the Primitive Church, under the first emperours, so many groffe and impudent calumnies, and slanderous reports, were devised and put in writing against the Christians, for the taking away of their assemblies and meetings, as the like whereof were not before devised, and would indeed feme incredible, were they not yet in writing extant. As witnesseth Anaxigor as the orator, in his apologie to Antoninus: Tortullian in his apologie for the Christians; and Origen against Celsius, certain of whose writings are yet extant. Whereby it is to be understood, that it was commonly obieected vnto the Christians, that they were Atheists, irreligious contemners of all gods, incefluous murtherers: and such as in their secret assemblies and meetings vfit to
A to kill yong infants conceyved of their mutuall incests, and after that they had to killed them, to eate them. Which thing indeed Epiphanius reporteth of the heretiques called Gnostics; as they should in their meetings beat in a morter their new borne children, begotten in incest, with the yeolkes of egges, flower, honie, and certeine spices mingled together, and to make cakes of them, and to eate them; and that to have beene with them accounted a sacrament of the bodie and blood. Which flaunderous falsely objected against the Chriftians, might seeme altogether incredible, if in the time of our ancesfours the like accutation had not beene commenced against the Templers, viz. under the raigne of Philip the faire; for which the Colledges in Fraunce before granted vnto the Templers, at last by a decree of pope Boniface the viij were taken from them, the matter with a great number of his fellowes most cruelly burnt, and the order quite suppressed. All which for all that, the Ger- mans by their writings have since showed to have beene but a malitious false acculation, inuented for the taking away of their great lands and wealth from them. The like practife was also vfed against the Corporations and societys of the lewes, as well in Fraunce under Dagobert, Philip Augustus, and Philip the long: as afterward in Spaine under Ferdinand king of Aragon and Cathilie, who of a mercifull devotion drove them quite out of their countries, and enriched themselfes with their goods, it being given out, that they had cruified boyes, and poysoned wels with the blood of their leprous petitions.

B Wherefore, to discide the question before propounded, as whether Common- nies, Corporations, Societies, and Colledges be good in a Communweale, or no: or that the Communweale may well be without them? Truly in mine opinion nothing could euer have beene denifed more effectuall or better for the keeping & main- taining of popular eftates, or for the ouerthrow of tyrannicall gouernments, than corporations and societys: For why, the Communweales and eftates being one vnto an other contrarie, doe by quite contrarie means both maintaine and ruinate them- selves. 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 gouernments weeke vterle to ouerthrow, as well knowing, the vnitie and amity of subiects among them- selves, to be the tyrants inevitable ruine and destruccion: the just royall, and Arifto- craticall eftates, even for the same reasons still holding the humane betwixt both, neither accepting nor reiecting of all communities and colledges, but admitting onely such as they fee needfull for the state and Communweale; which with good lawes and orders they still keepe within the compasse of duece and obedience. The good king Zuma was the first that ordained Societies and Fraternities of artificers and men of occupation; and so Targuin the proud was the first that tooke them away, and that forbid the amfembles of the people, and that had in himselfe a purpose alio to have suppressed the bodie of the Senat, by the death of the Senatours, not suffering any new to be choen in the roome of them that died. But he was no sooner by his subiects driven out, but that the popular eftate was established, the number of the three hundred Senatours supplied, and the colledges and companies before abolisshed againe restored. But when the people by the helpe of their Tribunes began more inoletly to rule, and that in the bodie of the Senat were almoft six hundred of the nobilitie and chiefe men of the citie, who had almoft drawne vnto themselfes the soueraignty, the colledges, and companies of the citizens, were by a decree of the Senat, for the most part suppressed and put downe: Howbeit shortly after Cediaus the Tribune to be the more gracious with the people, and to maintaine them in iarte and discord with the nobilitie (which
who should make against the tyrannie of his so wicked a prince. And yet for all that the iust Monarchie, hath nor any more afluors foundation or stay then the Estates of the people, Communities, Corporations, and Colleges: For if need be, for the king to leaue money, to raise forces, to maintaine the Estate against the enemie, it cannot be better done, than by the Estates of the people, and of every Province, Towne, and Community. Yea we see that they themselues which would have these Estates of the communities and societies of the people suppresed and abolished, have in time of their necessitie no other refuge or stay to fly vnto, but even to these Estates and communities of the people: which being together united, strengthen themselues for the defence and protection, not of their Prince onely, but even of themselves also, and of the whole Estate and subiects in generall, especially the Prince himselfe there being in petition present. For where can things for the curing of the diseases of the sick Commonweale, or for the amendment of the people, or for the establishing of laws, or for the reforming of the Estate, be better debated or handled, than before the man in Senat before the people? There they conferre of the affairs, concerning the whole bodie of the Commonweale, and of the members thereof; there are heard and undervoid the just complaints & grievances of the poore subiects, which never otherwise come vnto the princes eates; there are discouered and laid open the robberies and extortions committed in the princes name: whereof he knoweth nothing, there the requestes of all degrees of men are heard. Besides that, it is almost a thing incrediblc to say, how much the subiects are eated, and how well they are also pleas'd, to see their king to sit as chief in the assemblie of the Estates, and to hear him discourting; how every man desirith to bee seene of him, and if it please him to heare their complaints, and to receive their requestes, albeit that they be often times denied the same; yet O how it pleaseth them to haue had accesse vnto their Prince, yea sometime they goe away better pleas'd with such a deniall, than if they had had that they requesteed, being by their prince altogether concerned. All which is better obtayned and kept in Spayne, than in any place of the world, where the assemblies of the Estates heretofore haue beene holden two or three yeares one. And in England also, for that the people grant no payments, if the Estates be not assembled: as I remember was done, when as I passe out into England embassadour from Francis duke of Anion. Our kings do not so often call together the assemblies of their Estates, as doe the kings of England. But whereas there are accounted sixeene Provinces in this kingdom, whereof six haue their particular assemblies among themselues, (namely Bretagne, Normandie, Bourgundie, Languedoc, Dauphine, and Prouence) some there were, who for feare of their villanies and extortions should in those assemblies haue beene found out, laboured to the vtermost
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 as it was with one general voice called upon, that a general assembly of all the provinces might be had there wanted not some who threaen'd it to be Treason, to such as in the counsell should consent with the people for the calling of such an assembly: whose opinion Philip de Commines (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 consider of matters, are, is hereby perceived; in that the people which may so call together such their counsels with them all things go well; whereas others which may not so do, are oppressed with tributes & frititude. For as the flout of many pieces of artillery delinquent one after another, is not of so great force and power for the battering of a fort, as when the whole tyde of the great ordinance is together discharged, so the particular requests of men often times vanish but into smoke. 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 other commodities & vices 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 thieves, or withstanding of the great; all these things which in no wise be done by particular men, are best of all performed by them all in their general assemblies. As to passe over the rest, all these things have beene 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 fortresses of this realme; and caul'd Bridges to be executed, the most notable robber that ever was in our remembrance, of whom neither judge, nor magnificat, no nor yet the parliament of Thoulouse it selfe, could take punishment, he being growne so strong as to doe his robberies in forme of suiface, 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 thief and robber, of all others the greatest; albeit that I remember ten thousand crownes to have been before laide out about the same matter. And to keepe that province the safer from thieves & robbers, they appointed farre greater rewards for the Prouost Marzial, than did any other province, as twelve hundred pound for his maintenance, and xxxv pound for every processe he should bring of the execution by him done. I have bene willing in passing by, thus the rather to note these particularities, to shew the great good which ariseth vnto Commonwealths by the assemblies of their Estates, which are yet better ordered in the Commonwealths of the Swiflers, & the Germaine empire, than in other the Commonwealths of Europe. For the Swiflers beside the assemblies of Estate, in every Towne and Canton, have their general assemblies of their Estates also; and the ten Circuits or Circuits of the Empire have their assemblies of their Estates separate, vnto whom the particular estates of the Imperiall Townes & Countries referre themselues: and so likewise the estates of the circuits refer themselves and their decrees vnto the assembly of the estates of the Empire, which without this policie had long ago bene ruinat & fallen.

We said that the meane and measure which is in all things commendable, ought also to be kept in all just Monarchies and Aristocracies, in regard of the number of

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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 effeit, and to establishe a barbarous tyrannie, or tyrannicall governement; so likewise to permit and suffer all assemblies, and all fraternities, is not alio without danger, as not safely to be ruled by the princes power, or nobilities command. In them also of times are couered conspiracies, and fecket Monopolies, whereof we have many examples, which hath bene the cause often times by expresse Edict in this Realme to take away these fraternities; which for all that could never yet be put into execution. Howbeit much better it were to take away the abuse, than the thing it selue 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 feast them in one street or quarter together, (as they do in Affricke, and also in many towne and cities of Europe) except the place for the hauing of water, or some other such common respect so require. For besides the incomodity that it is in great cities not to have artificers which are ordinarily required in every quarter thereof, there must needs either be secket monopolies amongst them so to sell their marchandise and wares the deare, or else jealousyes and quarrels, if one of them shall sell better cheap then another, before his face that hath refused to take the money. I said artificers ordinarily required, for that it is not fit in their dwellings to mingle men-given vnto their studie and quiet, together with Fishmongers, or Artificers, or Curriers with Schollers: for as for such as are deare requisite as hammermen, they may well enough be raunged 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 visité of the subiects, than Corporations & Communities: so is there nothing which can so much weaken & keepe vnder foot a Commonweale, as by the vitter taking away of Communities, Corporations, and Colleges, or Societies: Which the Romans well knowing, wisely put in practice, who after they had vanquished the kings of Macedonia, and conquered the country, ytterly forbidd all assemblies and meetings together of the people there to consult of matters. And so afterwards also the Achaens being overcome, the consul Mummius as faith Livie : Concilia omnium singularium Achaen nationum, & Phoceniun, & Beotorum,aut in alti parte Graecie delevit, Suppresst all the counsellors of all the particular nations of Achaia, and of the Phoceniuns, and of the Beotians, or in what soever other part of Graecia elite: But after that they were once become good and obedient subiects vnto the Romans: Antiqua concilia gentis cuique restituta, The ancient counsellors were vnto euery nation againe restored, as faith Strabo.

CHAP. VIII.

Of the orders and degrees of Citizens.

Ow forasmuch as we have alreadie spoken of Corporations and Colledges, it remaineth for us also to speake of the orders and degrees of Citizens. For it to be that in all things wee desire and seeke after a convenient and decent order, and deeme nothing to be more ougly or foule to looke vpon, than confusion and brouyle; then how much more is it to be fought for in a Commonweale, so to place the Citizens or subiects in such apt and comely order, as that the first may be joyned with the lafte, and they of the middle sort with both; and so all with all, in a most true knot and bond among themselves, together with the Commonweale? For why, it is a most antient
A patient and receiv'd opinion of the wife, Almighty God himselfe, the great and suprême workemaster 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 confudled parts of the rude Chuds, and so settled certaine thing in his due place and order. Neither can there be any thing fatter to behold, more delightfull to the mind, or more commodious for vs, than is order it selfe. But they which goe about to make all subjects or Citizens equal one vnto another in dignitie, order, and place, as that there shall be nothing in a Citie or Commonweale first, or in the middel, but will 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 vs both of euerie kind of graine in particular, as also of the whole heape together. Wherefore there was never any law, guiter so vsinesfull, but that he thought that there ought still to bee some diuision, ordering, and sorting of the Citizens or subiects in a citie, or Commonweale. Here by ordering and sorting of the Citizens or subiects, my meaning is, that there should be a part of the citizens divided from the rest in condition, estate, or sexe: in condition, as the nobilitie from them that were but from the Senators defended; the knights and gentlemen, from the common people: in sexe, as women from men; in estate, as free born men from them which are but of manumitted slaves made free: and they which are by estate free, are divided from them both.

As for slaves we have before laid, them by the generall contenst of almost all people, to haue bene still exempted out of the number of Citizens. Yea Aristotile hath teared flaves, but instruments for other mens wses; whereas some others have accounted of them, but as of beasts, or rather worse: and yet the question refeth vndecided, whether they are to bee accosted in a mans goods or subsance, or not. But if the determining of them might be vnto me referred, surely I should with the right and libertie of the citie to bee fet open, as well vnto the slaves as vnto the free borne men. For what is this to arrogant temeritie (should I say) or impietie of men, that forgetting mens condition and estate, they should enforce this to divine a creature, having his libertie shamefully taken from him, not onely to serv[e] their lust, but also to make no more account of him, yea and peraduenture lesse too, than of a verie beast? But bee it that slaves be indeed of the baseft sort of men, do they therefore not desire to be teemed by the name of citizens? There be in mans bodie some members, I may not call them filthie (for that nothing can be which is natural) but yet so shamefull, as that no man except he be past all shame, can without blushing trespass or discouer the same; and doe they for that cease to bee members of the whole bodie? The feet themselves, with perpetuall labour hold vp and carrie about the whole bulke of the bodie, and are oft times foule with dust, filth, and dust; but yet who is so mad, as to thinke they therefore worthy to be cut off from the bodie? Now if these sauer members indeed bee and are still called parts of the whole bodie, why shall wee not by the same reason suffer slaves, who are still presse and kept vnder with the mo[e] heate butheens and commandes of the other citizens, to bee called and accounted members of the same citie with them? But if we think this to be an absurd thing, then are they to bee driven 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 seeing they be subiects and not strangers, they must needs make vp a part of the citizens, and bee accounted in the number of them. Which I would have understood to be of me so spoken, not for that I should desire slaverie long since taken away out of our Commonweale, to bee there into againe restored: but
that forasmuch as the force and boldness of men is so farre broken out, as that wee fee
seruitude and flauerie by little and little to crepe in; and to returne againe: it might be
foreene and provided for, that such flaues might not hereafter bee more hardly vfed,
than the state and condition of man requireth: and might also have their certaine place
and order in the cite. Wherefore let the order of flaues bee of all others the lowest
in degree in a cite; and of them wee will begin first to speake. For as for that which
Cicero obiegeth vnto Antonius, That he had so contracted affinitie, as that bee 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 not by the flaues indeed: for
that in the cite Rome, flaues indeed had neither place nor degree. Neither did Metel-
lus his speach concerning marriages to bee made in degrees together belong vnto
flaues, to whom the rites and rights of marriage were altogether forbidden, having
only their mutual concourse and company one of them of another; as Paulus the
lawyet wrieth in the second booke of Sentences, albeit not altogether advisedly, 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 flaues were oftentimes borne of vnncertaine fathers, their children were al-
so accounted vnncertaine: and therefore flaues and manumumified men were not latt to
be of any familie, stocke, or house; onely they which were of the nobilitie defended,
boasted themselves to haue stocke, or house from whence they came. Hereof came
that speach of Decius against them that were defended from the nobilitie, Semper fita
audita sua, vos solos gentem habere: an hoc, si Claudi familia non sum, nec ex Patricio fan-
guine ortus, sed unus Quritium quilibet, qui modo me duobus ingenii ortum fiam, rei-
tere possum? These things have alwaies bene heard, you alone to have a stocke & house.
But if we 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 in-
sinuating neither flaues nor manumumified men to haue any stocke or house from
which they might account themselves defended: and them onely to have bene ac-
counted to to have, which had their beginning from them that were free borne: and
hence of 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 defended. Howbeit that they which
were so nobly borne, went yet further, vamuing them onely to have an house and fam-
ilie, from which they might produce their difcunt, none of whose ancestors had at
any time fetued as flaues: For why, the multitude of the vulgar and common sort of
the people, was thought almost all to haue taken their beginning from such as hauing
bene flaues, were by manumumision become free.

Next vnto flaues are they whom they call State-free men, and after them the Li-
bertines, or as we may termme them the manumumified men, who were every where of
ducets sorts and condition, as there were also ducets sorts of flaues. And to let other
cities passe, wee see in Rome to haue bene foure sorts or kinds of these Libertines, or
enfranchised men; viz. those whom they called Romanis, Latini, Samnites, and Dediti-
cy: whom for that they bee vftual and common, I let them passe: sufficeeth it as it were
with the finger to point out the fountains of them, least in a cite these ducets orders of
enfranchised or manumumified men might bee together confounded. Now the order
or degree of state free men, was in a meane betwixt flaues 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 flaues, and yet withall in worse than were the libe-
tines, or men alreadie enfranchised. And these orders euerie one of them accor-

Why we call
such as noble
borne by the
name of gente-
lemen?

Four kind of:
l Libertines or of
manumumified
men in Rome.

State free men
better then flaues
and worse then
libertines.
The nobilitie alwaies diuided from the vulgar and common people.

The first nobilitie grounded upon violence and oppression.

True nobilitie grounded upon vertue.

Nobilitie in divers places differently accounted of, and neither in all places alike.

Whether the bearing of armes in the wars make a gentleman or not?

Of a Commonweale.

Of the qualitie of their condition and state, were also like wise in their degrees placed.

The rest of the citizens are diuided according to the variety of their conditions and estates, and diuerstie of their manners and cuftomes. Yet that is common almost to all people, that noble men shoulde in order and dignitie be diuided from the vulgar and common people, since first Nimrod the great robber, most notably attended vpon with a great power of wicked companions, and such as himselfe was, with cruell senti tude oppressed them that were too weak for him, and so first tooke vpon him the government of the Assyrians, as we have before said. So left his nobilitie got by villanie, for his posteritie to imitate: which opinion further spreading tooke 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 more the nobler: vntill such time as that the people by good laws and ciuilitie better instructed, deemed, that the true nobilitie, was by vertue and not so by villanie to be sought for.

But for so much as one man excelleth another in some one or other vertue: and for that such vertues are as in one citie or place most highly commended, are in some other no leffe contended. Hereof it commeth, that no one definition of nobilitie could euer yet be made agreeable vnto the nobilitie of all the people: honour and infamie being still esteemed and reputed of, according to the manner and cuftome of euerie country. For by the cuftomes of the Perufines and Florentines, he which but now began to beare arms and sette in warre, was of one before vnnoble, now thereby become no ble: whereas with vs he is not so by and by: but if his posteritie 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 houfes and families as have alwaies attended their publike counsels and affaires. And albeit the the Decurions or pettie captains by the Roman law, bee reputed of by the name of gentleman: which law is also received with them of Poitiers by the contenue of all the three estates, yet is it no where els with vs so found. But that the bearing of armes should 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 Aleciat, who hath not doubted to cite Tribuningus the great captain as author thereof. Truely amongst the Egyptians it was not lawfull but for the Calafyes: and many worldes of yeres after, for the Mammalukes in theaigne of the Sultans, to sette and beare armes: who therefore enioyed most great privilidges. Yet other people have diuided gentieres from warre, neither haue therefore reputed any one to be a gentleman, for that he was a foaudiour: 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 privilidges vpon foaudiours: yet for all that they bound not gentrie vnto martiall servie: seeing that it was lawfull for the Libertines or manumified men to serue in the warres, and that men for the filthinesse of their bluses, and judgements, therefore vpon them passed, infamous, who were therefore embattred from all honours, had yet no exemption from the warres.

But for so much as all citizens after they had taken vpon them the mamilite attitue, were bound to beare armes, so by that reason all the citizens should haue bin thereby 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. Wherfore Lucius 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: L1 iij
Lucius Sextius
Dedimus, a most
worthy and fa-
mous foullower;
and yet not ther-
fore accounted
any gentleman.

Wherein he boasteeth himselfe to haue bene in paye fortie yeares in the seruice of his
country, to haue fought in an hundred and twentie battels, to haue 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 seruice, to haue received fourteen Ciusic of oken crowns (the
honourable rewards due vnto him that had fauned so many citizens) three others the
rewards of his good seruice done in the besieging of townes, four score and three
gold chaynes, an hundred and three score bracelets of gold, ten faire launces, and thirtie five
faire furnitures for horses. And yet this fo 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 fonne 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 him-
selze his statute or image; such as were Caius Maris, and M. Tullius Cicero of
Arpine, both of them beeing but new men. Of whom the one beeing first made
Quaestor, and then Edils, and afterwards Preitor, at last came to bee Confull; who
in the time of his Confulship, in an oratton which hee made vnto the people, boa-
 sting therein of his newnesse, thus said, Ego novus homo primus omnium ciaurfa no-
bilitatis refregi, &c. I beeing but a new man, was of all others the first which brake
open the barres of nobilitie. The other having beene seven times Conful, in an
oratton which hee made against the nobilitie, said, Contemnunt nouumatem meam, ego illo-
rum igngniam: mihi fortuna, jillis probra obiec tantur. Quod si me iure despiciam, faciant
idem maioresibus suis quibus vti mihi nobilitas ex virtute capit. Non visete quom ini-
guis funt: quod ex alene virtute sibi arrogans, id mihi ex mea non concedunt: si felicis quis
imagines non habeo, & non nobilitas est, quam per persib melius est, quam acceptam cor-
rupsisse, They contemne ( faith he) my newnesse, I their cowardie: my fortune is to me
objected, but vnto them their vices. But if they therefore of right contemne and de-
spite me, let them fo also doe their owne auncetfours, whose nobilitie began of their
owne vertues, as doth mine. Now but see how partial they are in their owne cause;
that honour which they arrogat vnto themselves by other mens vertues, that they will
not graunte vnto me for mine owne: and all forsooth, because I haue no images of
mine auncetfours to shew, and for that my nobilitie is but new, which yet is better for
me to haue of my selfe raised, than haung received it from mine auncetfours, to haue my
selfe stained the same. For Cicero had six competitors in his Confulship, whereof two were
noble men, two of other were the first of their familie which had borne office,
oneley Cicero himselfe was a gentleman borne: whose father, as also the father of Ma-
rius, of Cato the Censof, of Q. Pompeius, of Curius, of Philo, and of Genatus, were all
base perfons of the communallitie, but yet their fonnes were accounted of as new men
and gentlemen. But such as were descended from the Senators, by Romulus in the
beginning of his reign appointed, or from them which were afterwards by the Confull
Publius Valerius ioynd unto them, were called Patries ( as hauing their beginning from
the Senators, whome they called Patres) all the rest were common men, or elles men
of some better note, whome they called Equites, or Gentlemen; who were in the mid-
deft betwixt the Senators & the common people, being partly descended from the Sena-
tors, and part of them rife out of the communallitie: 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 Censofs, who yet seruing vpon publike horfes,
were one of them by the other commandad to fell them: for after the ouerthrow by
the Romans received from the Veians, the gentlemen began to serve vpon horses pro-
vided for them of the publike charge. Now I find that there were of the Patrician Fa-
milies,
A

families in Rome, about forty; but of such as by their valour left nobilitie to their pos-
teritie in Ciceres time scarcely thirtie: of which families, or houses, seuen were of the
same name with the Patricij, viz. Pompeila, Martia, Tullia, Junia, Mutia, Claudia, and
Sempronia. And for that the entrance and way into 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 anecestors had borne the honourable offices of the state: many of the Patricij,
who were descended from the Senators, and yet could not cite such anecestors 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 bafe & low degree: So it came
to passe, after the law Canuleia was made, that some euene of the common sort of the
people became noble, and some of the Patricij vnnoble, that is to say, obcure and un-
knowne. As Marcus Aemilius Scarrus, a man descended of the Senators race, had his
aunecestors bale and oblique men: whereas he himselfe being but a new man, came
to be Pretor, Consull, and Censor, and at last being made chief of the Senate, raised
nobilitie to all his postetrie. Wherfore the Roman nobilitie lay in the voyces and ju-
ge ment of the people, which as they thought best, bestowed the honourable prefer-
ments in the estate and Commonweale. Yet was it an absurde and most unreasonabke thing,
that any moft wicked murthker and manquellar, were he neuer so balely borne, might
by the benefit of bearing of some great place or office in the estate, attain nobilitie vnto
his postetrie: whereas he which excelled in wisedome, iustice, fortitude, and tempera-
rance, and so in all other vertues, godlineffe, and learning, yea, and was descended also
of the Senators race, if he could not shew his aunecestors statues, was euene therefore ac-
counted but as bale and oblique. For such is the force of this word Ignobilis with the
Latines, which in the felle fame fense is of the Greekes called υγνωνις, and ἄγνωνις
that is to say, such as either by some foule or notable fact or deed done, came into the
knowledge of men: which is yet oftimes taken in the better part, for they which are
called ignobilis, refer it vnto the honor of their house & flock: which amongst the Ro-
mans did especially appear amongst the Patricij or posterite of the ancient Senators:

B

d for which they were almost dead and worne out, Caus Casar by the law Cassia,
and after that Augustus by the law Seruia, chose many of the more noble families in-
to 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 sacrificces, and to keep the
Aupcia or divine obsevations. But after that Gennius (first Consull that was made
of the people) was in batail with the great slaughter of his armie vnder his conduct
onethrowne, Patres non tam publica calamitate mafti, quàm feroces infeliciis Consulis
plebei ducti, fremant omnibus locis, jurem, cremant Consulem explebe, transferrent aupcia
quo nefas effet. The fathers (as faith Luic) not so hauiue for the publicke calamitie, as
become insolent with the cull conduct of the unfortunat Consull chosen from amongst

C

the people, murmured and fretted in all places, that they should go and againe create
a Consull of the people; and thither to tranflate the Aupcia or diuinations, whether it
was not lawfull for them so to doe. And Appius Claudius the Consull, before that an-
swered one of the Tribunes, asking him in an assembly of the people, Why one of the
Consulis might not be choen out of the people? Because (said he) none of the vulgar
and common fort of the people can hold the Aupcia or diuinations; and that there-
fore the Decemviri had appointed a certaine order of marriage, leaft the sacrd diu-
inations should have bene polluted with persons vncertainly defended. At which an-
swered, the people was with indignation exceedingly enraged, to heate it denied them

D

the Patrician

families in

Rome: Sullus,
Pompeila, Ptil-
us, Martia, Hiffi-
be, Tullia, Tar-
gnus, Fabia,
Antenius, Junia,
Sertua, Italia,
Gannus, Nanie,
Mamila, Chir-
ina, Fabia, Har-
rata, Pufbin,
Mamia, Virga,
Palpici, Fusa,
Lucrecia, Quin-
date, Papius,
Claudia, Senua,
Curnula, Massi-
us, Cala,
Deltis, Semproni-
us, Italia, Cal-
puranc, Marca,
Pompeyla, Liberi-
us, Piatia.
to hold the diuinations, as if they were vnto the immortall gods, more hateful then others. And albeit that the people at length had all things common with the Senators, viz. honours, command, judgements, diuinations, cures, priesthood, councils, powers, statues, triumphs, and all other the greatest preferments in the Commonweale; yet could it not be obtained; that any one of the common sort of the people, should nominate 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 figure of nobilitie obtained: so in antient time with vs arms, with Cognitions for over them, were the tokens of nobilitie. Lawfull it hath alwayes bene, and to still be; for euery man to decerne vnto himselfe his Cognisance to bee knowne by, but yet not to vslpe the Cognisances, or bare the arms of other noble families. But the antient Grecians deemed not of nobilitie by the obtaining & bearing of great offices; which enrie man among the Athenians (after the law of Aristides, and the seditious declamations of Ephalus) might by lot, and few by voyces obtaine: but nobilitie with them was still to be dervied from the flock of their kings, or race of their great worthies, as from the Heraclides, the Eeacida, or Cecropida, or from such other like: or else from such, as who for the wortlie acts, either by themselves, or by their ancen-
dious done, had by the generall good liking, and publike decree of the people, and of the nobilitie, with commendation obtained a crowne of gold, extraordinary privile-
ges, statues, to sit in the highest places, or to haue their diet allowed them in the Pyt-
ane, or other like publike places: Such as is that decree of the Athenians (whereof Plu-
tarch writeth) concerning Lycurgus the sonne of Lycephon. It pleaseth the people of Athens (faith he) that requital should bee made vnto such as had well defeuted of the state, to prase Lycurgus the sonne of Lycophron for his vertue and justice: and in the honor of him to eret a brazen Statue for him in the market place, except in such place as where the law forbidden any statue to be erected, and diet in the Prytanee to be for ever allowed vnto the eldest of the postririe of Lycurgus. So in like maner has the orator writeth publique diet, the first places, and priviliges, to have bene granted vnto the postririe of Harmodius the tyrant queller. Which 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 country. Howbeit that the Grecians with too much leutie (should I say) or rather leutie erected statues for such as had of them well defeuted, which they vpnon the leat displeasure againe cast downe, and that with greater despite then they had with honor before let them vp. So when the Athenians had appointed 365 statues to be set vp in euery place of the city in honor of Demetrius Phalerus, they againe in a moment caused them all to bee caste downe: & not yet so contented brake them alto with such furie, as that no fragment of them was left, except that one ly which was kept save that vp in the tower of Pallis.

Amongst the Hebrews were two sorts of noble men; the one defended 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 felicite 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 establishing of him after the most grie-

uous ruoles & mizerie of his people. And therefore as often as he comandeth extreme destruction to be denounced & threatned vnto his people, he oftentimes doubtest 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 lewde yoke of Antiochus the Noble: the Familie of the Aesmonoens being of the flocke of Ar-

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A

The leuelling of the grcians in bellowing their honors.

The nobilitie of the Iewes; in whom it especially refled.
A that is to say, even unto the reign of Herod the Great. Wherein the Hebrews did well: for if great offices in Rome, got off times by corruption and bribery, left nobility unto their posterity which had to got them: what let it there why the priesthood of the eternal God, should not much more also ennable men, especially if we measure nobility by the places men hold, and not by their persons. Truly all the best learned lawyers are of opinion, That the priestly dignities 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 antiquity. For the most antient kings, to make their royal power the more reverend and stately, exercised also the priestly dignities. Neither did the Romans only, but the Roman kings also, yea and the greatest emperors themselves, file themseles high Priests or Bishops, whom the chiefe Arabian princes being also bishope, seeme therein to have followed. And so the Christian kings seeing by their religion forbidden to mingle prophane things with sacred, or arms with religions: yet took 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 magistrates whatsoever giving unto them the highest rooms, and first places next unto the kings themselves; in all assemblies, counsels, enacting of lawes, and granting of liberties and privileges. And why not?

B when as the most antient people of the Celtes, accounted their Druides, who were the princes of their religion and judgements, supectors not unto the common fort of the people only, but even unto their captains and rulers also. For which cause Caesar in recounting of their degrees, first reckoneth vp the Druides, then their knights or horse-men, and after them the common people. For the order of knights in the time of their ancestors, with a most strong power of horsemen excelled all people; as witnesseth Caesar himselfe, as also Marcus Antonius; so that therefore I suppose them to have beene called, or so, the Greeks call him κατάγοντας, the Latines calledSELLARIUM, and we an horseman. We said before the Turkish and Arabian princes yet in all their kingdoms and empires, to honour and obtaine their Muties, or high profits.

D Bishops, with the greatest honour and respect possibly to bee given unto them, still referring unto them the greatest and most doubtful questions of their law, to be by them decided. Yet the Venetians vie to exclude their priests from their counsels, from all places of command, and from all offices, least haply they should bewray the secrets of the citie unto the pope, to whom they are by dutie & oath bound. Wherefore 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 unto 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 CIVITAS, or Citizens. But the Florentines before that all was swayed by one mans command, divided not onlye 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 refue of the whole people. The antient Egyptians much better divided their whole multitude of citizens into Priests, Souldiours, and Labourers. setting the Priests and Souldiours, whome they called Calafyri, free from all taxes and payments. Hyppodamus, who gave lawes vnto the Melesians, did a little otherwise divide the people into Souldiours, Artificers, and Husbandmen: whose writings Aristotle seemeth either not to have well understood, or else too wilfully reproved,as is evidentely to be gathered
gathered of those fragments which are yet to be scene extant in Stobæus. I know not also how it came into Plato his mind, that having made a division of his citizens into Keepers, Souldiors, and Husbandmen, he separated the Souldiors (under whose bucklers and defence the citizens ought to rest) I know not how, from keepers. But in briefe, he would have the keepers of his Commonweale to excell all others in wisdome and experience: and 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 descendend of the most ancient stocke of the Senators, and derived his pedigree by the mothers side even from Solon himselfe, the Athenian law-giuer, yet thought the true glory of nobilitie and soueraignty to consist in vertue onely: Which thing Euripides had before also wittily said, \( \text{...} \)

Wherefore lets vs measure true nobilitie by vertue, 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 honetie. And two things propounded, to wit: Noble diete, & Vertue, they have decreeed, That the more higher & more honorable place is to be given unto vertue, whether question be of bearing of rule, or of honour, or concerning the grauitie and weight of their testimonials and witnesse. The next case of nobilitie vnto vertue, many have appointed to be the knowledge of hidden and most excellent things, whome they which have attained therunto, the law it self exply calleth most noble: whom (faith the law) Knowledge maketh most noble: or els as Cæsiodorus faith, ex obscuro nobilim efficit doctirina, Learning maketh of an obscure man a gentleman. But then how much more noble is he than both of them, whome morall vertue concurr- ing with the vertues of the mind and knowledge, hath together ennobled? But yet if integritie be divided from such knowledge of most secret and most excellent things, the priority in this case is of right to be given vnto integritie and vertue: except in such vocations and callings, as wherein such excellent knowledge is of necessitie required: For why, it is better and more agreeing with reason, to have a Generall skilfull in martial affaires, although he be otherwise a naughtie man to governe an armie, than a good man which is so soufiour at all: but of these things more shall in due place be said.

But yet that which Plato leaffeth downe, That they which are but obscurly borne, excelling in vertues, are to be preferred before them which are nobly defendend, excelling also in the same vertues with them; seemeth to me a thing verie absurd and unreason- able. And truely these two things thus propounded, it is right that some regard should be had of the vertue and nobilitie of a mans auncetours: and on that opinion the Lawyers have alwayes been, whether question be for the obtaining of honors, or for the taking of places in solemn assemblies & meetings, That they are stil to be preferred, which both for their owne vertues and the nobilitie of their auncetours together, 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 auncetours, or for his learning & knowledge: yet by the content of all the Lawyers he is to be accounted in the ranke and order of the Nobilitie. And therefore Plinie writing to Trajan said: Cæsares effe vni nobilis officiers ac tueretur, That it was the Emperors part to make noble men, & also to defend the. But this nobilitie Bartholus, not vnsnitely hath called Ci- timid nobilitie: declaring therby them to have so gotten a certein counterfeite kind of nom- botie in the opinion of men, but yet indeed to have no part of the honor of true nobilitie, without vertue. Wherefore let vs graunt them to injoy the fruits of such their citiul nobilitie, vnto who they are lo by the princes gift & grant conferred: whether that such their
their nobilitie be for money or reward, or for the pryme of their youth, or for some other their most foule and filthy seruices, by the princes bestowed upon them. But to bestow such nobilitie belongeth onely to them which have the power in soueraignty: and to them also whome Bartholus writeth to have but the principalitie, especially if they be subiect into the command of superiour princes, or haue fellowes or companions in their government: who cannot so much as make a man base borne to bee legitimate. Much lesse true it is, that some haue written, the minions and domestical 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 seene before demanded, whether he which by some chauce or casualitie 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 joined to such fees; such as are those of Dukes, Countyes, and Marqueses, 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 vnnoable fees. But by the custome of our countrey, wherein fees are deemed by of the faire right and nature that other lands and possessiones be: as concerning the right of the persons that had them, the Artificer which by inheritance, or by purchase possession a Duke, Dowrie, is nothing therefore the more noble, then if he possessed other tributary lands: For why it seemed vnto our anseerous an absurd thing, out of the right of the land to fisht 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 trafe is to be made, μόνον οὗ ἐν ἄντον κεν
μάτων ὠπεν ἐν λαβόν γεναιότατα καὶ ἀρετήν.

Wherefore seeing that by our customes, as well as by the customes of the Germanes, the Spanyards, the Brittons, and Italians, all these fees, whether it please you to termne them privileges or seruices by chauce obtained are to be bought and sold, who of right thinke himselfe any whith the more noble for the haung of such mercenary things? And yet it is lawfull for every base Cobler having got such fee, to create his vaflals to hold of him, as it is alfo for every most honorable person to receive his owne base vaflall. Whereby it appeareth, that wealth and riches be they never 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 this speaking: τὴν οὗ ἐνεγενέναι ἐν χρήσειν, Nobilitie is in riches. And in Plutarch: εὐδαιμονες ἐν πάση κληρον καὶ πριβαλετες βροτος.

And yet we read not onely the vulgar add common sort of men, but even Aristotle also himselfe to haue placed the first degree of nobilitie in wealth; the second in honorable diferent; and the third in vertue, placing that last which should have bene in order first. Solon also in like manner 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 so deeprooted, that many thynke wealth, riches, and great substance, not onely to beget nobilitie, but that all the glorie of nobilitie is by pouerrie & want of wealth quite extinguished and blotted out: howbeit that they which so lay are themselves but men of small authoritie and credite.

Truly
Truly Augustus the emperour supplied the wants of the poorer fort of the Senators, left that most honorable order should haue beene with poeritie oppresed. But Bartholomus hath expressly written, True nobilitie to be neither got by wealth, nor lost by poeritie. Neither did M. Emilius Seaurus deeme the honour of his house to be taken from him by his poeritie; yea the nobilitie and glorie of his familie deliueter him from the power of his most gracious and mightie accutors. Now then if there be a most shamefull villaine, and thereto rich withall; shall he therefore be in degree superiour unto the honeft poeriter? men I think will not to say: then how much leffe ought we to judge muttherers and men polluted with all kind of villanies, because they abound with wealth to be therefore the more noble? For why the Romans alwaies diuided wealth from nobilitie, for so Tacitus reporteth of Cassius and Syllanus, the one of whom faith he excelled in antient wealth, & the other in the honour of his ances
tours. And so Cicero calleth Rufius for nobilitie and wealth the chiefe man of the towne wherein he dwelt. Wherefore our kings at such time as they, troubled with warres and prested with want of coyn, 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, declaunted none of them to be therefore to be deemed noble, but that he might still be accounted amongst the number of the meaner fort, and beare offices amongst them. For what can be more absurd or pernicious, than to measure reputation by gaine, degree by money, and nobilitie by wealth? whereas these things often times by theft and robberie, or immoderate lustfull prodigalitie of tyrants are bestowed upon euery bad fellow, or by some other chaunce, (although in truth nothing be by chaunce done) or fortunes frailtie (whereof they be called the goddes of fortune) given vnto men, and so also againe from them taken. Whereas honestie doth in nothing partake with fortune, not the true poesession 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 ex
tinguished. But for as much as we are for the most part led by the vulgar opinion and popular errors of men, whereof of both all publike and privat lawses consist; it hath also pestaulated, that hee which hath either by the Princes grant, or by his owne vertue, or wealth, or learning, or vertue in warres obtained nobilitie, may of right transferre the same not onely vnto his poeritie, but euery vnto them also whom he hath adopt
ed. And that contrary to the decrees as well of the Divines, as of the Philosophers: Whereby it is sufficiently vnderstood all forts of men to haue had their beginning from the rotten earth, as it is said, to παλιον νεοτατοσ γινοςειν. But it is one thing to reason of degrees and dignities in the assemblie of wise men; and another thing to doe it in the presence of the vulgar fort, and summe of the people. And yet nevertheless it is not onely is, but alwaies alwaies hath beene a thing both honeste and nece
fatie, for euery man to yeeld and consent vnto the Lawes and customes of his owne citie and country. And yet for all that some would not that the vertues, deserts, and hon
bour of the Grandfathers should be extended farther then vnto their Nephues onnes, 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 customes of the Turkes, euery mans degree & reputation is esteemed by his owne vertue and vertue, neither doth the grand
fathers valoure or nobilitie reach farther then their nephues: wherein they doe allo
wifely, to the intent that euery one of them should endeauour themselves by their owne vertues to renewe the declyning honour of their flocke and kins: being otherwise, to be accounted in the number of the base and common fort of people. Howbeit that by our depraued and corrupt manners, the farther that a man is in descent or degree from the vertue of his ances
tours, from whom he tooke the beginning of his honour, the
A more noble he is therefore reputed: neither if he fall by all manner of villanies, or loosenes of life dishonest himselfe, doth he therefore loose his degree or honour, except he be in publique judgement noted with infamie: in which case although hee leave his levell life and the companie of wicked men, and joine himselfe with the good, yet fall he not againe recover his nobilitie, so by judgement once lost, but by the Princes restoring of him, and by speciall repent. And as hee himselfe from his awne obscure received nobilitie, so doth he also into his posteritie derive the note of in-

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fame, whether he were by right or wrong condemned: for that a thing by judgement palled, is still accounted to be indeed a thing true. And what matrull: seeing that he which exercisheth base trades; and not becoming a noble man, is even without any such publique judgement to be thrust into the order of common persones. But which be such base trades is an high question, by reason of the diuers Laws of diuers nations, in that point one of them most unlike another. *Herodotus* writeth, That in his time they were by the customes of all people accounted base, which vied handycraftes: of which opinion we read *Xenophon* also to have beene, who yet yeeldeth a reason thereof not becoming a philosopher; so fortooth that men of such occupationes were still busied, and led a clode and sedentarie life: for what can bee more painfull or troublesome than the Generalls life? or more clode 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 write all Mechanickal or handicraftes men in the cities of Graece to have beene still kept from counsell, from all command, and honours: for that they being mercenarie men, and to be hired for wages, had quite loth the strength and power of a noble and herocical minde. And truely the *Maister of wisedom* it selfe repelleth husbandmen, Smithes, Potsters, Image makers, and such other handycraftes men from being of authoritie and rule, from honors, and from taking places with the judges. *Lucyrgus* also and *Romulus* seperated their citizens farre from all handycraftes; yet *Romulus* permitted his citizens to vie husbandrie, and to bear arms: whereas *Lucyrgus* gave his leave openly to exercise arms. And to the end it may be the lesse doubted of, *Diony-

C

sus Halycaunassius* repeating the same thing faith: *Hoc usto, qui pulvere esse supra centum millia cen a: mulierum autem, ferorum, mercatorum, artiue forates exercen-
tium (fquidem Romanorum nemini cauponarium artem, aut uilia offisiciae triralle licet) triplo plus quam sur ciiuitis*. In this view were mustered of them that were foueteene years old, above an hundred thousand: but of women, seruants, marchants, & such as vied base occupations and trades,(for why it is not lawfull for any Roman to keepe a Taur exploring or to exercise any other handi- crafte were reckned three times more than there were of the ciuiler sort or citizens. Yet some there be which think *Numa Pomplius* to have derogated from the law of *Romulus*, seeing that he appointed Colleges or Companies of artificers, as if they might not have beene made of strangetes, or of flaves. Which feemeth to be also confirmed by that which *Cicero* said, *M ari to have bee ene in Catilina conspiracie, which flockt together about the Taurnes, in hope that the minds of the needle might for money be moved to take his part. And by that also, that the Tribunes of the people had by the companie and rout of the Artificers, wanted to guard themselves against the insolencie of the Confuxions. But against these repugneth that which *Dionysus Halycaunassius* writeth, *et* that in the eighteenth view were mustered an hundred thousand citizens, beside artificers: By which words it is manifest, that *Numa* derogated not from *Romulus* his law, for alsuch as king *Servius*, the third from *Numa*, was the first that fo viewed or mustered the people. Neither doth that which is alleged continue them to have bene citizens whom the Tribunes of seditious
citizens stirred up to rebellion, seeing that very slaves in like case were often times called vnto libertie; as we read they sometimes were by C. Cinna. Cicero also thus speaketh of the Artificers, whom the conspirators with Catiline stirred up to rebellion: Et enim omne corum instrumentum, omnis opera, ac quassus; frequentia ciuium suittimetur, altur oti, For (faith he) all their instriments and tooles, all their worke and gaine, is maintained by the multitude of Citizens, and with quietnesse nourished. Now it were verie impropretly said, 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 wearate *mans gowne, were compelled to seare in the wars vntill they were fife and fiftie yeares old. Neither was there any way for a citizen of Rome to attaine vnto any honor, except he had servet in the walettes ten yeares: For which cause it is by Luics reported, two thousand of the citizens to have beene openly fold, for that they had not for foue yeares space servet in the walettes; which could by no meanes have bene done vnto artificers: whom Luics also in one place writeth, to haue beene men altogether vnfit for the walettes. That testimonie of Cicero is in this point also of more weight: Illebales sum & for dedic quasses mercinariae omnium, quorum opera non quorum artes emuntur, et enim in illis non mercem autorum munificitas. The gains (faith he) of all mercinaties men are lesuile and base, whole works and not whole skill are of men bought, for in them their verie wares is the earneft penic of their lauerie. But where he speaketh of the Roman citizens indeed, he neither thinketh nor writeth any thing of them which is contemptible or base, or that foundeth not vnto their reputation and honour. Whereby it is to bee understood Artificers and men of occupation in Rome, to have beene either slaves, or straungetrs, and men of most base 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 sort loot the right of the citizens of Rome, no otherwise then Noble men with vs, which have given themselves 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 pardon of our Prince, as that enforced with necessitie, they haue no intermedel in such base trades.

Howbeit concerning the trade of Marchandize, it is not well agreed upon betwixt the Lawyers and the auintent writers amongst themselves, whether it be repugnant vnto a mans credit and reputation or not. We read that by the Tribunall law Claudi, it was forbidden the Senatours to have any greater ship at Sea, then of the hundred three hundred Amphoras, and that also for the carrying of the fruits of their landes: Quassus omnis (faith Luics) patribus indecorus estius, All gainyng by trade (faith he) loomed vnto the Senatours vnseemly. W hich law Hortensius said to be in his time dead: as in Cicero we read: Whereby it is yet to bee gathered, that not onely to have bene lawfull for the rest of the citizens to doe, every mans credit and reputation faueld whole: But also even the Senatours themselves, 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, Spani, and English gentlemen to have. And that it was lawfull for the Romaine knights or gentlemen to vie the trade of Marchandize, or at least wise that it was not altogether forbidden them, is to be proveed by that which Cicero faith against Verres: Lucius Pratius splendidissimus Eques Romanus qui Panormi negotiatus, Lucius Pratius a moft worthie Romaine knight, which doth trade at Panormo. And in another place: Q. Mutilus Eques Romanus qui Syracusis, Q. Mutilus a Romaine knight who tradeth at Syracusa. Much leffe there
therefore was the trade of marchandize forbidden the common fort of men. And yet although by the old custome of the Romans, it was no blame for the citizens to trade marchandize: (yet I say) it seemeth not for all that to have bene altogether lawfull for them to doe: as is to be proued out of Dionysius Halycarnasensis, who writeth aboute an hundred thousand citizens to have bene celled: but of women, and marchants, and others of base trades, three times as many as of the citizens: whereby hee seemeth to have exempted marchants out of the number of the Roman citizens.

Neither do we see that to have bene the manner and fashion of the Romans only, but of the Lacedemonians and Thebans also. Howbeit that the use of gold and siluer, being taken from the Lacedemonians, there was no place left for marchandize: yet was it Lycurgus his pleasure, by an especiall law more solemnly to provide therefor.

As for the Theban citizen, it was not otherwise lawfull for them either to use for the magnificacies, or honourable offices of the Commonweale, or to accept thereof beeing offered them, except they had full ten yeares before abstained from the trade of marchandize. 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 marchandize was abwll forbbiden the nobilitie, as to intermediate with martiall affairs was forbidden marchants. By which lawes the trade of marchandize seemeth vnto many either base, or not verie honest or commendable.

Truely Plato, Aristotle, Apollonius, Thucydus, say, The trade of marchandize to bee an enemie vnto vertue. Yea the law of God seemeth alfo to haue restraiyned the holy people from the trade of marchandize, in these words, Non eris mercator in populo tuo. There shall be no marchant in thy people: that is to say, nie, which word impropriely signifieth a deceiver, but more properly a marchant: for he is, properly to buy & sell; and in that sense it is almost alwaies vied. For that divine law which forbade the people, but not strangers, to commiturie, seemeth alfo to have forbidden to buy any thing to sell the same thing the deere vnto a naturall Israelite. Wherunto we agree that which he the * Prince of wisdome writeth, Mercatorum manus a salere puras as vix habiturum. A marchant hardly to haue his hands cleane from wickednesse. Wherefore the * Prophets most often, and the interpreters of holy scripture, more often doe to deteste the trade of marchants, as that * Chrysostome not obscurely or doubtfully, but euen plainly denieth, That marchants can please God, by reason of their lies, perjuries, and deceits, and for that they are still prone vnto vnhonnest gaine, as Vopias the lawyer writeth.

Yet of that we are to he warned, that whereas the immortall God forbid his people (whome he by a singular right and choice had consecrated vnto himselfe) to trade in marchandize: belongeth not to other people in like manner also; for that he would haue this his people to excel all others in puritie and integritie of life. For why, marchandize is not onely vnto cities profitable, but honést alfo; and not onely honést, but also necessarie. For what if a citie be built in such a barren soil, or situate in such a place, as that men cannot therin not commodiously, but euen not at all otherwise live? Such as we haue heart the city of Athens to have bene, and as our Limoge, and the German Nuremberg is: and Venice alfo the beautie of the Mediterranean sea. Which foute cities without traffique and the trade of marchandize had never bene such: and so great as they were and are. Wherefore M. Tullius out of the number of marchants, or at leaft wife of false men, exempteth them which exercite a plentiful and gainfull, and not a base and bare trade of marchandize, Mercatram stenius est, for dida putanda est, similes & copiosa, multa undeique aportans, multisque sine vanitate importationis, non est admodum vituperanda. The trade of marchandize (faith he) if it be small and bare, is to be accoun-
ted also base, but if it be great and plentifull, bringing in on euerie side many commodities, and without vanitie communicating the same vnto many, it is not much to be discommended. Whereunto I would add that of Platees, if it bring in but such things as are necessarie, or at leaftwise 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 merchants abounding in plentie 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 ture which Cicero writeth, Sordidos indiciari qui mercantur a mercatoribus uocum et eodem loco at momento vendunt. Them to be deemed but base, which buy of merchants that which they hold even in the same place, and felle fame moment againe fell: for why, they shoulde gaine nothing, except they shoulde lye loudly: whereas nothing is more soule than vanitie and lying. Whereto they do wisely which forbid not only the nobility, but even the magistrates & fouldiers also to deal in the trade of marchandifhe, least under the colour of such traffique, a way be opened and given to bafelife and rapine: neither is it to be suffered, that he which cannot by himselfe, SHOULD by the help and miniftrie of his seruants in that point defraud the law.

But bafeer than these are the buyers and sellers of things dishonest, bee they neuer fo precious, and to be placed beneath handie, crafts-men and laborers, or rather so much as is possible to be quite driven out of all cities: which cannot yet altogether bee done, for that the law for things honest and dishonest, for things profitable and dishprofitable, 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 Grecians and Latins had of them. For who was more famous than Protogenes: or more glorious than Apelles: one of whole tables, which for that it was moft curiously wrought, preferred the Rhodes from diuision,Demetrius besieging of it: Which table is reported to haue bene esteemed at more than three hundred talents. And as Tully faith, It was giuen as a praife & commendation to Fabius, a most noble gentleman, That he was fecne in painting: which yet the Hebrews account of all other occupations the bafeft. And by the lawes and customes of the Tukkes, as of all them of the East, and of Affrike alfo, it is not onely a bafe thing, but capittall alfo, with the needle, pencill, or moulding, with any pictures or lineaments to shadow or draw the purtrature of any plant, or living creature, or of whatsoever thing else that nature hath created. Wee read alfo the profession of Physike to have bene amongst the Romans a sectuale and abie&thing, and Physike it selfe to have bene excluded from the other libellall sciences; which yet for all that the Hebrewes and Grecians euer had in great estimation: and begun then to be of our countrymen regarded, when as the Arabians had firft diuided Surgeions and Apothecaries from Physitians, vying them but as their instruments and miniftres. And albeit that Physitians be in cities to be reuerenced, yet is it not to be vndertaken by them to be equally with orators and lawyers. For why, the most famous Philosophers have defined the ciuill and lawfull knowledge of the law, to bee the moderatour and chiefe governour, not of arts onely, but even of all libellall sciences alfo. And Rome(as Marcus Cato witnesseth) flourished above six hundred yeares without Physitians: whereas no citie can without lawes, and the lawfull knowledge of the law, any small while endure or stand.

The vocation of Husbandmen and Graffers, is also right commendable: as they which by those two most aunteint trades, haue taught cities, towns, villages, and families, to releeute and mainaine themselves with things of all others most necessarie. And truly Cyrus the Greater, of nothing vant unethical, as of the fields int and
planted by his owne industry and labour. Serratus, also Curius, Concinatus, Torquatus, and Cato, men no lesse famous for their civill than their domestical prayses, were yet for that most commended. Quod attritis opere rustico manibus solutem publicam stabilit: queae modo aratantium bominis exsorant, triumphans curris habetar. retinenter. That with their hands worne with countrey labour, they established the welfare of the Commonweal: and that those hands which of late tule the yokes of oxen at plow, now held the raines of the triumphall chariots in the citie of Rome. But these things were chiefly done in that age when such men as had before bene Confuls were now from the plow called vnto the Dictatorship. Truly of all things whereby anything is gotten, nothing is better than husbandrie & grafting, nothing more plentiful, nothing more pleasant, and I might say also with Theophrastus, nothing better becomming a free bothe man, & civos, &c. &c. : were not these most notable arts, in seruile manner contumeliously let out vnto base men, for wages hire. Now wee haue said those arts to be accounted base, where wages is the earnest penie of their flauterie: so that it ought not to seeme straunge, if that husbandmen in the fall of the Roman Commonweale were put backe from the warters. Whereof if foloweth, both the orders and degrees of husbandmen (I say) & shepheardes were to be placed in the rank and number of labouering men. For necessitie it selfe (yea oft times against reason) enforceth the dignitie of degrees and vocations, of men to be disposed of according to the lawes and customes of euerie citie and country.

The Hangmans office almost euerie where is deemed of all other the basest: neither by the Centoires 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 necessitie also, even the noblest of them, if they had bene witnesses of capittall crimes, to be also the executioners therein. Yea and in England the nextest kin to them that be hang'd, be it their fathers, their brethren, or nextest kinfmen, the last kindest they can doe them, is to play the part of the hangman, and to strangle them hanging vpon a lowe paitre of gallowes. But by our customes we see gainfull rewards propounded vnto this base an office, least wee should be at any time deffirous of an office so necessitie for the cities: as we have heard lay it to have long since happened in Gaunt, where the judge for lacke of an hangman commauded 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 vnto the father, who now grown viage aged, with much entreatie obtained that his sonne, as by age the stronger, and so fitter to liue, might become the executioner; who without feare hanged his father: the eternall monument of which mispitie and villanie (which I against my will haue beholde) the Gantois suffer yet to stand in statues of braflle, and that in a publicke and open place euene in the middest of the citie.

There is also in cities a great multitude of idle lazie fellows, who neither in time of peace, nor warre, have any occupations to set themelues to worke, or other trade to busie themelues withall: whomse is needfull either to banish out of the citie, or to keepe them in publicke worke: for why, they can in no degree be placed, and so much the more, if they have nothing of their owne wherewith to maintaine that their idle life. And these kind of men Amasis 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 sicke and aged, and diligently instructing the fatherliffe and poore boyes and maids, some in learning, some in occupations, in foure divers colleges, besides a great hospitall endow'd with most faire renownes.

M m iij
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 foule and sluggish kind of life, yet are they to be therein suffered, if it were but that they might with their wealth help the poore Commonweales wherein they live. But if these men feed also 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 rates 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 vnto honours and magistracies, if no dishonestie of life let: for that they are like to bee wiser from bribery and corruption, than they which are professed with pouettie and wait. 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 bee preferred before them, if no staine of their fore passed life let: and that is well agreeing vnto the lawes and customes of the Indians, whom Plutarch writeth to preferre still the best and richest man vnto honours and places of command.

Wherefore in what order citizens are to be placed, is to be referred vnto the judgement and discretion of the masters of the ceremonies and usitie of the civill citie, for the vnlikene of their lawes and customes almost to infinite. Yet I suppose, that citizens in a monarchical might in this order not unaptly be placed. That next vnto the king himselfe, who out of the number of the citizens, going late 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 armies, or great constable, & then the dukes, counties, marquesses, governors of provinces, lordgraues, burggraues, capaines of castles, vaflaghe, and other fouldiers, with such others, as vpon whom the charge of the warres, by the custome of our anceftors lieth. After them should follow the order of gowe men, which should containe the collidges of magistrats, and companies of judges, partly divided into their places, with orators, lawyers, pleaders, advocats, attournecies, proctors, notaries, apothecaries, and all the company belonging to the law. Next vnto whom should follow the order of physitians, surgeons, and apothecaries. And after them schoole men, such as professed to instruct the youth, or are themselves instructed, the professors (I say) of diuinittie, law, and physitike, natural philosophers, mathematicians, logitians, rhetoritians, and grammarians. After the order of gowe men, I suppose are to be placed marchants, agents, farmers of the common custome, bankers, money chaungers, brokers, and especially they which have the charge for the bringing in of cornes into the citie, and of such other things as are most necessarie for the feeding of the citizens, such as are the conrungers, butchers, fishmongers, fishers, bakers, puddings makers, cooke, vnto whom we will bestow our husbandmen and graisters; and vnto thele all kind and sort of handycrafts men: which for that they seeme almost imnumerable of them, they which are the most profitable, ought to have the first place, carpenters (I say) armouers, masons, mettall men, coyners, gold beaters, golfiniths, mettall meltors, glasse makers, smiths, bakers, poters, horners, chandlers, weavers a lso, and such as deale in pinning of filke, wool, beafts, haire, flax, hempe, cotton wool, and such other like, whereof we see cloth, ropes, garments, hangings, flyles, and paper to be made. Next vnto whom follow curriers, skinner, fullers, dietors, tailors, shoemakers: vnto which occupations, although printing be not for antiquitie to be compared, yet seemeth it for the excellece thereof, before all the rest worthly to be preferred. For as for painters, image makers, carvers, makers and sellers of women's paintings, miniftrels, players, dauncers, fencers, tumblers, jettors, and bands, are in mine opinion either to be quie driven out of cities, or else to be placed in the lowest place of
all: so that euen bath keepers, barbers, faylers, huckflers, offlers, coach men, carres, grave
makers, bargemen, and hangmen, are to be placed before them: For that these are in-
deed necessarie for the carrying out of filth, and the cleansing of the citizens and cities:
whereas the other with their most base trades, the minifters of foule and vaine plea-
ures, not only corrupt the citizens maners, but vterly overthrow euen the cities them-
selues. But we have fo decribed the orders of citizens, not fo much that the dignitie,
as the condition of euerie one of them might so the better be understood.

Neither are citizens but moff feldome, and that alfo in time of great necessitie, to bee
in orders from other citizens diuided: for that fo doing may gie occasion and miniftet
matter vnto ciuill sedition: when as some of them diuided from other some, shall per-
ceive themselves to be noted alfo with a difference of their order and degree. Yea we
saw, that the citizens of one and the same trade or occupation were not in one street or
quarter of the ciie to be together placed: except they were by the straingenesse of the
places or opportunitie of the waters they were to vfe, thereto enforced; as butchers,
curriers, feldmongers, bath keepers: who for that they are to haue the continual vfe of
water for their of washings, must haue their dwellings, alfo neere vnto the rivers sides:
so are alfo atmourers, and smithes, to be placed apart by themselves from schollers and
students, as for other handicraftes men, marchants, and trades men, it is good to haue
them separted one from another, and to be diuided into euerie part of the ciie, that the
citizens may more commodiously vs their helpe in generall, and not in time of daun-
g get be enforced oftentimes to runne from the furthest place of the citie to the furthest.
Whereunto it is to be ioyned, that citizens of the same occupation or trade, diuided into
diuers parts of the ciie, cannot so easily confpire against the common good, or delude
the lawes, as if they dwell together. But if assemby of all the orders and degrees of ci-
tizens, much of necessitie be made (for that degrees must needs in some sort bee diftingui-
ished from degrees, that a certaine dignitie of degrees may be kept) especiall care is
to be had, that the citizens be not diuided into two parts onely, and yet that in such a-
semblies there be not more than three degrees or places: for that contention arising
betwixt two, they easily breake out into force; or else upon 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 reconcile them together:
whereas if there be more than three parts, and in number equal, the same inconvenien-
ces doe follow (that doe of two) the euill number being easily to bee diuided into
two parts: but if in number vnequal the number of opinions diuers will hardly end
the controverties once mowed.

It shall alfo 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 among all the degrees and orders what is to be requested, determi-
ned of, or done: as heretofore at Thurin and Orleame, when they called their affem-
blies. But if the orders and deccres of citizens shall therein differ among themselves, it
is then needfull for euery order and degree of the citizens, to haue their owne speaker.
As of late in the parliament of Bloye, where 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 haue 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 greuous complaints of the people
were thereof given out. But these things are especially to be taken heed of in a Monar-
chie, wherein one man is judge of all controverties: Whereas in other kinds of states,
albeit that there be many speakers, yet the matter is still in the end put to voques.

But that division of the citizens (which we have spoken of) into three degrees or parts, as it was unto all kinds of cities profitable, so it is in an Aristocratie most necessary, that two of them disagreeing, the third may end the strife, or taking part with one, may draw the other whether it will 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 vp an head of a third faction, and ioyne them selves vnto him: For three leaders of diuers 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 Aristocratie effaete: For that in that effaete, betwixt the nobilitie and common people, can be no third degree, all the right of oueraignite being in the nobilitie, and nothing thereof in the people; all the same right in a Popular citie, or effaete, 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 arbitrarit or vmpire betwixt the Patricie and the people, as made of both degrees. But for that both the Patricie and the knights made fearelessly the fifth part of the whole people, the people did therefore the more impetuously raigne & rule: which was then especially vnderstood, when as by a law concerning the Theatres, place for the beholding of plays, was first guened to the Senat, & next after them vnto the knights or gentlemen, all apart by them selves from the people: whereof Luise thus wrieth, C. Attily Serrani, L. Scribonij Libonis Edidimus Curulum Ludis Romanis primorum Senatus a populo secretus spectavit, probusque sermones sunt omnis noxias solis ait tandem, quod mentum ante deberint tributum consentibus amplissimo ordinis, alius demum ex dignitate populi quiutque maiestati patrum aedicum effe interpretantibus: & omnium affermissa data quibus ordines dissermentur, & concordie, & libertatis aequa minuoende esse: ad quinquentissimum quingagessimum Sextum annum in promissiones spectaturn esse, quid repente factum? Cur non immiscri sui in cauca Patres plebem vellent? Cur dines panoprum confessores fasiderit? Quoniam & superbam libidinem ab nullius ante gentis Senatu neque desideratum, neque institutum Pofremo Africanum quoque ipsam, quod Consul ante omnes rei justitiae punctum fuerat, At the Roman plays of C. Attilus Serranus, and L. Scribonius Libo, the honourable Eides, the Senat apart and divided from the people, first beheld the fame: where thing (as euerie noutely vieth to doe) gaue occasion of speech, some deeming it now at length to be guened vnto that most honourable order, which should longtime before have of right beene guened 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 so under to tend alike to the diminishing both of concord and of libertie: that the people indifferently together had beholden the plays, now five hundred fiftie six yeares. What was that now so fodenly done? Why should not the Senators be contented to have the people mingled with them in the Theatre? Why should the rich fcorne the poore man to fit by him? A new and proude insolente, newet before of the Senat of any nation either desir'd or obtained. Laft of all it is reported, Africcus also himselfe to have repented him, That being Conful, hee had beene author of that matter. Thus much he. Whereby it is to be vnderstood, that for the preserving 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 societie and communion together.

Wherefore this fact of Africcus 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 wrieth him to have bene blamed, not onely of the wifer sort, but even of himselve,
A selfe also, for that, that was by force from the people extorted, which had before vntil then bene willingly granted vnto the Senators: for that albeit that the seats were indifferent vnto all, yet newr any of the people would presume 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 upon the fourteene steps or degrees next vnto the stage: for when the magistrats and the rest of the Senators, by the Cenfors law, did more commodiously see and heare from the first and nearest places vnto the stage, the higher degrees and farther off, were accounted of life credit: & albeit that the places of the Theater were of right great receit, (as which contained ofentimes threecore thousand of the citizens) yet could they not containe them all: & therefore by the law Roscius concerning the Theater, 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 besemmed to haue bene a keeper & preferrer of the popular libertie and dignitie, at such time as he came to behold the playes, he was by the knights (whose fauour he had won) with great acclamation and applause received, but of the people with greater tumult and sturre, in so much that Cicero the Consull was glad to cal all the assembly of the people out of the Theater. And so as a man of great wisedome and eloquence, with a grave oration represed the peoples insolencie, and with a reprofe and chiding, well becomming the dignitie of a Consull, so appeale the tumult, as the people retourned againe into the Theatre well pleased. Hereof came that speech of Pliny in commendation of Cicero, Te suadente tribus Roscio Theatratis legis auctori ignouerunt, notataque se discri-mine sedis equo animo tulerunt, the tribes (faith he) at thy persuasio 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, Nce quis nisi consum eques rem haberet in xiiij stepsaret, That no man except 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 ciuill warres wafted, durst not for feare of this Theatrall law behold the playes from the fourteene steps or seats, Auri-gus the empeor decreeed, That they should not be therewith bound, who themselves or their parents had euer 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 be kept far off from all magistracies, places of command, judgements, publick assemblies, and counsels: so to be intente onely vnto their womanly and domesticall business. And thus much concerning the order and degrees of Citizens. But by what meanes provision is to be made against the revolt and tumultuous stormes of the common people, wee will in due place more at large declare.

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

LI Commonweales take their beginning either from a Famillie, by little and little increasine; or els arise at once; as when a multitude of people as a Colony drawne out of another City or Commonweale, doe as a young swarme of bees fly abroad vnto another place: or as a slip or science pluckt off from a tree, and planted in a straunge foyle, 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 establishe either by the strength of some stronger than themelues, or by the power of some others, who voluntarily had subjected themelues together with their libertie, vnto the power and pleasure of others, to be by them disposed of, as by a fouetaigne power without any law at all, or else vpon 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 it self, and so by little & little gathering strength, groweth vp vntill it be come to the full perfection of it selfe: which wee 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 unceraine, as that the greatest Commonweales oftentimes fall even at once with the weight of themelues, some others by cuill wares, some by popular diseases, but most by the enemies violence, being as then ruinated, when as they thought themelues most assured: other some by the wrath of God, being vpon the sudden, and in a moment overthrowne: some few by age growing old, and by their inward sicknesse taking end. But yet no Commonweales, finding or feeling greater changes or fallses than the fairest of them: which for all that, are not in that to be blamed, especially if the change or alteration come by any externall force, as most commonly it chanueth the fairest things being still the most envied at. And as Demetrus (he which was called the Befiegen) deemed no man more happy, than him who had longe rest quietly lined in the greatest abundance of all things,
neuer having tailest of aduersitie, as a man by fortune deemed moft abiect and unworthy, with whom thee should content or strive: so we see some Commonweales so shamefully buried in pleasures and idlenes, or else so to be corrupted, as that they might well mowe any man rather to pitie then to enuie at their estate. Wherefore the risings and ruines of the Commonweales are well of vs to be considered, and what the causes be of euery fuch their conuerfion and change before that we give judgement of them, or propound them as examples to be imitated and followed. Now I call that a Conuertion of a Commonweale, when the state thereof is altogether changed: as when a Popular estate is changed into a Monarchie; or an Aristocratie into a Democratic; or contrarywife: For as for the change of customes, lawes, religion, or place, it

is but a certaine kind of alteration, the state and foueraigne continuing still: which may also to the contrary it selfe be changed, without any change of religion, or lawes, 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 walles thereof; as Paulus Marutius feemeth have done: who writeth the Venetian Commonweale that now is, to have stood twelue hundred yeares; which hath yet suffeted three changes, as we shall forthwith declare. Sometime it hapned also no change either of the citie, or of the citizens, of the customes, 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 subiecteth himselfe, his kingdom, and people vnto the power and obedience of some other Prince, or else by his testament appointeth some popular Commonweale in his stead and kingdom: As is reported of Attalus king of Asia; of Cotius king of Alpes; of Ptolemy 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 those so many their kingdoms: for then those kingdoms were quite taken away, and those Commonweales brought into the forme of Provinces, and no change made of their Monarchies into a popular Estate. And so contrarywise, if of one or many cities or provinces be made one or mane Monarchies or popular estates divided in foueraigne, that is not to be accounted any conversion or change, but euery a vertie beginning of divers new Commonweales: As when the country of the Swifcers and the Gitons resoluted from the Germaine Empire, they became eighteen Commonweales, euery one of them holding their estates (divided from the other) in foueraigne. Sometime also of two is made one and the same Commonweale: as were the Romans and the Sabines, their two kings and people being in the same power and league joyned and combind together, neither of them subiect vnto the Lawes or command of the other: but with euery power both of them growing together into the same citie. And left the Sabines so joyned vnto the Romans should have seemed to have accrewed vnto another mans kingdom, it pleased them that the names of both the people being taken away or supprest, they should be called Quirites, which name the Magistrates in their orations vnto the people ever after vied: Albeit that Romulus (who because he would not seeme to endure a fellow in the kingdom with him, had not spared his owne brother) causeth Tatius king of the Sabines not long after to bee also flaine: wherefore the Sabines Commonweale so perished not, either accrewed vnto the Romans (as some have bee ne of opinion) Albeit that other people called them neither Sabines nor Quirites, 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 stately; or else for that those two people did grow together within the walls
of Rome, yet so as that the one became not subiect vnto the other: as it chanceth when the one being vanquished, yeldeth it selfe vnto the other, and so suffereth the lawes of the vanquisher. Which may serue for the disdicing of the question of Cunerus the lawier, who doubteth, Whither the subiects of the one Commonweale, if they be ioyned into one and the selfe same bodie with the subiects of another Commonweale, be thereby the subiects of them with whom they are so ioyned: which thing Bartholomus 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 treatie made betwixt the Countie and the estates of Languedoc of the one part, and Lewis the ix the French king on the other part, wherein it was comprized, That the only daughter of the countie Raymond should be espoused to Alphonse countie of Poitiers, the kings 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 impoed without the consent of the estates of the countrey: which hath alwaies bene obferued, the foueraignetie ouer the country and the inhabitants of Languedoc remaining vnto the kings, as it had before that the countie was therfore exempted. But most certaine it is, that an estate subiect vnto another, maketh not another Commonweale, but onely a part of the subiects.

But that these things may the better be perceived, it is to be understood, that all conversions and chaugements 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 that 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 rauisht all things, grieveth vse 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 weake of age, or the course of some long lingering disease, and that almost without any sensible feeling thereof: so also may wee lay the chauenge or fall of a Commonweale, which proceeding as it were of age, and after having 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 period doth vnto euerie age appointed: so that in due time to take end seemeth to bee a thing of euerie thing to bee wisdomed for.

Now Commonweales are also chaunged some times to the better, and sometimes to the worse, whether such chaunge bee natural or violent: yet the violent chaunce still hauing violent motions, and so quickly done; and the natural chausing still be little and little, and so the lesse felt. But of all chaunces of Commonweales, no voluntarie chaunages is more pleasing or easy than that which is made by the consent and good will of him which hath the foueraignetie, and of his subiects: when as hee which hath the foueraignetie, chooseth rather to yeld the same vnto the nobility, or the people, than to hold it himselfe: as we haue heard Sylla, with incredible violence to have taken upon him the Dictatorship, and that not without the most cruel slaughter of the people, and so to haue turned the foueraignetie of the Commonweale from a popular estate, into a Monarchie; and yet him the same man within foure yeares after, voluntarily, and of his owne accord, dispoiling himselfe of the Monarchy, which he had euered vnder the colour of his Dictatorship, to haue againe restored the foueraignetie uns-
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 Sicuna, by their common consent, yielded the souerainity of that State unto the people, and abando-
ned the city themselves, which Pandulphus the tyrant, violently afterwars invaded. 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 vnuerfall change or ruines, from friends or enemies externall 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 mull sometimes as children and mad folkes, be cured even against their wills, as Lycurgus, who changed the laves and roy-
all state of his country, into a popular government, contrary to the good liking of the subiects, or of the greater part of them; howbeit that in so doing, hee was well beaten of them, and lost one of his eyes (the reward of his virtue) although hee had before renounced the claime and right that he and his succeffors had vnto the kingdome, as princes of the blood, and nearest vnto the crowne.

But though as there are but three sorts of Commonweales, as wee haue before declared: there are also but fixe perfect converions or chaunges 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 divers estate there be fixe other imperfect chaunges, or rather alterations; that is to wit, from the Royall estate vnto the Lordlike: from the Lordlike estate vnto the Tyrannical: from the Tyrannical vnto the Royall, or from the Royall into the Ty-
rannical: from the Tyrannical into the Lordlike, and from the Lordlike into the Royall: So might one also pay of an Aristocratie, lawfull, lordlike or factious: And of a Popular estate, lawfull, lordlike, and turbulent. I call it an vperfect 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 governours 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 compleated vnder an Oligarchie (or government of few) otherwise a man might make also a Truarchie of three princes, ruling together in one Commonweale (as it chaunced in the Trium-
virat of Marcus Antonius, Augustus, and Lepidus) as also a Tetrarchie (or government of foure) and fo other chaunges of Commonweales in number infinit: whereof there is not onely no rule or precept to be given, but are also of themselues most absurd: For when wee once passe the soueraigne government of one, wee forthwith enter into the populatrie of moe: which as the lawyers say, is still contained in the number of two.

But besides these converions and chaunges of estates, which wee haue alreadie spoke of, it happeneth sometime that the estate of a Commonweale is holden in su-
fepence and sufferance: as after the death of Romulus, the people of Rome was a yeare without a Monarchie, a Popular estate, or Aristocratie: For the hundred Senatoris which commanded one of them after another, had no soueraigne power, neither commanded but onely by commission: true it is, that one might say, That the sou-
eraigne was againe returned vnto the people, and the charge of command vnto the Senatoris, vntill that by common consent they had choosen them a king.

And sometime else chaunceth, that the Royall, Aristocratie, or Popular
Commonweale being quite extinguiished, there ensued a meere Anarchie: when as there is neither fouteahtie, nor magiftrats, nor commiffioners, which have power to command; as it chanceth the people of Ifrael after the death of Iephie, when as their estate was brought to a meere Anarchie, and upheld onely by the prudence 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 were 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 Abuflabit king of Fez, that kingdom was in most miserable case eight yeares without a king.

As also after divers murders of many the Egyptian Sultans, the Mammalukes made choyce of Campfon Gaurus, having lived a certaine time in a pure Anarchie, and in like manner the Russians, being wearie and spent with civil waifes, for lacke of a sovereahtie, of themselves made choice of three of the German princes to rule ouer them. Wherefore when an estate is come vnto a meere 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 magiftrats shall themselves retaine the sovereahtie power and command: yet is it not therefore to bee deemed an Anarchie, for that the sovereahtie 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 peoples quite extinguiished: as it happened vnto the people and feigneurie of Thebes, which Alexander the Great vterly rootted out, together with their city, leaving only the house of Pindar the Poet, vpon the entrance whereof was written, υν ξατεν σεγαν τε πυρ-δοξω, Burne you nor Pindar his house. So also the Madianites, the Amorites, the Jebuflites, and Pharezites, were by the people of Israel vterly destroyed: which was not the chaunging of one estate into another, but a meere 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 towne rased, and all the people therein slain, and yet the Commonwealestand:as it chanceth to the towne of Arzile, in the kingdom of Ascalon, which the Englishmen rased, and put all the people therein to the sword: and to Sebaila, in the kingdom of Amnias, which Tamorlan the Tartar king vfed 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, sacked, rased, and all the people slain, and the cite thereof given to the Perinthians, who reedified it, being afterwards called Constantinople, and now corruptly Stamboll, the choyce seate of the Turkifh emperours.

But this is in Monarchies speciall and proper, that the Monarches one of them oftentimes 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 kingdom of Teflin, where the king Abuchemo was by the people driven out of his kingdom, and Abaymein chosen king in his stead: who forthwith after was also calt out by Haridemus Barbarruffa, who long time raigned not there, but that Abuchemo returning with the forces of the emperour Charleſs the fift chafed away Barbarruffa, and tooke Sharpes revenge vpon his disloyall subjects, making himselfe the emperours tributarie and vassall: but was againe not long after driven out againe by Barbarruffa: the state of a Monarchie yet neuer chaunging, no more than did the Roman empire, for hauing had foure emperours in one yeare; one of them slain by another: the estate of the Monarchie nevertheless still re-
A maining as the pride and reward of the victor.

Sometimes also rule and foueraignty is even thrust upon men by force and against their will: as first Claudius, and then Gordianus the elder were even drawn and enforce to take upon them the Roman empire. And in their remembrance the inhabitants of Tripolis in Barbarie, after they were revolted from Iachis, king of Tunis, chose Musamen for their king, who being shortly after poysoned, 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 Nauarre, by force toke the city of Tripolis, together with the king, whom he sent prisoner into Sicilie: but was afterwards by the emperor Charles the first (to his great contentment) sent back againe to line in his

B Some commendant weales even in his beginning destructive.

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 were also some kingdoms and cities to bee cut vp and destroyed before they could strengthen themselves with lawes and armes, othersome as abortitious to be dead and extinguished before they were born; as in our time the kingdome of the Anabaptists at Munster (the metropolitall citie of Westphalia) was taken away and subdued before it was well thought to have bene borne. John of Leiden, a Sadler, and their ringleader, who had there by the space of three years borne himselfe for a king, and taken upon him the soueraignty (though still by the imperious hoast besieged) being at last together with the citie taken and publickely executed.

Now when I speake of the flourishing estate of a Commonweale, my meaning is not, that it should come to the height of most absolute perfection: for that in these transitorie 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 least imperfect, and farthest from all kind of vice: which cannot be well knowne, but after the declination, changue, or ruine of euery Commonweale: As the Romans having made proffee of the Royall, Tyrannical, Aristocraticke, and Populare states and Commonweales, yet never flourished more than in the Popular estate: neither did that their Popular estate euer flourished more in armes and lawes, than in the time of Pappius Cursor: Illa esta, quae nulla virtutum feracius, sicut nimis magnis annis Romana, quam in Pappiro Cursoro flaret. In that time (faith Lusie) than which none was more plentiful of vertues, there was no man on whom the Roman Commonweale refting flate, than upon Pappius Cursor. This was the judgement of the Romans, of the most flourishing time of their Commonweale: for the better after was the martialle and domesticall discipline, the lawes and ordinances better executed, faith better kept, religion more sincerely embraced, nor vices more secretly punished: So that it ought not to seeme strange, if there was never than then greater store of most valiant and worthy men.

E Now if any man shall obiect and say, That the Romans were then but poore, as not yet got out of Italie, neither having as yet extended their armes into Grecia, Asia, and Afrique, nor not having as then so much as subdued Italie, neither that the Captroll did as then gilde with guidel vaults, but was covered with thardes: I say againe, That vertue is not to be measured by the foot of wealth and riches: neither the excellencye and perfection of a Commonweale, by the largenesse of the bounds thereof, but by the bounds of vertue itselfe. So that I deeme those their vntimmed and rough shades and groves, to haue had in them more majestie and honor than had afterwards their plea-

N n i j
fant greene woods, with the trees most artificially planted in order of the curious Quincunx, and reckon Rome homely and untrimm'd, more stately and replenished with maieffe, than when it was never so well deckt, and with precious ointments perfumed. For never 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 having built a bridge over the Danubie, (the remainders whereof are yet to bee seen) subdued Dacie, with the kingdom of Dacia, &c with the Roman legions danc'd the most cruel and barbarous nations that then lied; when as the citie of Rome it selfe, being head of the whole empire, did so abound and flow with ambition, couetousnesse, pleasures and delights, as that it seemed to retaine no more but the shadow of the aunted 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 given way for gold and fluer to enter into the citie, now the discipline of Lycurgus seeming to have beene almost extincit, and so indeed not long after that fame Commonweale came headlong tumbling downe. And thus much concerning the differences of the changes of Commonweales, which it is needfull 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 themselues, and so take vp armes for the government of the state: or for the too great pouer 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 fome have to command, or for the revenge of injuries, or for the cruellie and oppression of Tyrants, or for the feare that some have to bee punished for their defects, or for the doing of lawes or of religion, or for the desire of fome at full to enjoy their pleasures, or for the casting out of them which with their excessive and beastly pleasures pollute and defile the place of maieffe and honour. All which causes wee will particularly entreate of, and as need shall bee, manifest the fame with examples.

Wee have now here before declared, That Commonweales had their beginning by violent tyrannies: whereof some haue afterwards continued in the state of Lordlike Monarchies, and othersome in Royall Monarchies by right of succession: vnto whome diuers changes haue 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 sovereigntie and forme of a Commonweale had beginning by the Monarchie of the Asyrians, and that the first prince called Amoroth (which is to say a Bitter Ruler) whome the Histories for the most part call Nimroth, by force and tyranne made himselfe a sovereigntie prince; and that after him his succesifours continued that Lordlike Monarchie, taking vnto themselfes the whole and entire disposition of their subjectts and their goods, vntill that Arbaces gouernour of the Medes, drave out Sardanapalus, which was the last king of the Asyrians, and made himselfe king, without any forme of fashion of 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 most impatiently, to see them,
them selves subject to such an one, as hath nothing of a man more than the figure only. We see also, that the princes of the Medes defended from Artabazus, the kings of Persia, of Aegypt, of the Hebrews, the Macedonians, the Corinthians, the Sicilians, the Athenians, the Cels, and Lacedemonians, are all come by right of succession unto their kingdoms and principalities, for most part found by force and violence; but afterward by justice and good laws polished, until that their posterity failed (which oftentimes drew after it the changing of the estate) or that the princes abusing their power, and still entreating their subiects, were themselves driven out or slain: and the subiects fearing againe to fall into a Tyrannicall government, if they should give the soueraigne to one alone, or not willing to endure the command of one of their owne companions, founded amongst them the Aristocraticall estates, little regarding the common people: at which time if there were any of the poorer or popular sort, which would also have had part in the seigneurie or government, they sung 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 sort still carried away all the great offices and places of state: as for example, Solon having founded the Popular estate in Athens, yea would not that the poorer and common sort of the people should have part in the estates. Neither the Romans having chafed out their kings (albeit that they had established a Popular estate) yet so it was, that the honorable offices and preferments were still referred unto the nobilitie onely. We also read, that the first tyrants being driven out, the men at armes and gentlemen were indeed alwaies chosen vnto the honourable places of estate, and the vulgar people still excluded: vntil that Arisides and Pericles in Athens, and Cænuleus and the other Tribunes in Rome, first opened the gate of honourable offices and preferments vnto all the people in generall. But afterwards when as it was by long experience found out, that Monarchies were more sure, more profitable, and more durable also, than were the Popular estates, or Aristocracies; and amongst the Monarchies, them also which were founded in the succession of the next heires male: these succeede Monarchies were generally received almost throughout all the world, and the Popular and Aristocratie estates driven out. Yea the people sometime fearing the death of their princes, without heires male, persuaded them whilst they yet live, to make choice of their succeffors: as duces of the emperours of Rome did, and as they yet at this present time doe in many places of Affrike: or else the right of the election of the prince remaineth in the people, the prince being dead without heires: yea and in some places the people having power, for the election of their prince, albeit that their princes have heires male also: as in the kingdomes of Polandia, Bohemia, Hungarie, Denmarke, Swedene, and Norway, where they have oftentimes thruft their kings out of their kingdomes, for staining the maiestie of their government with tyrannie, licentious living, or cowartdise. So sometimes also the people having had a cruel tyrant, chose for him a iust and courteous prince: or having had an idle, an effeminat, or contemplative prince, make choyce of some valiant captain: as did the Romans, who after the death of Numa Pomptilis (to rule their religion together with their policie) made choice of Tullus Hostilius, a good captain. Yea most commonly it chanchneth, that vnto the greatest and most cruel tyrants succeeded the most iust and vright princes, as men almightie to follow or imitate the doings of them whose ends they abhorre; or els vpon certaine conditions, haue taken the souerainetie vpon them, and to haueing their lesion by writing haue also their power therein somewhat diminished. So after the unfortunat end of Marcus Antonius, a man altogether given to riot and voluptuous pleasure, succeeded the great Augustus, a most wise & sober

Vno moft cruell tyrants oftentimes succede moft iust & vright princes.

A monarchie of all estates most sure and durable.

The beginning of Aristocracie.

The greatest honor and offices even in Popular estates still be reserved upon the nobilitie and richer sort of the people.

A page of a document with text discussing the transition from monarchies to popular estates and the influence of aristocratic and popular rulers in ancient history.
bober 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 unto the monster of nature Helogabalus slain and drawne in the same faction that was Vitellus, succeeded Alexander Severus the most virtuous: a thing most strange, considering that he was his cousin germaine, and together with him nourished and brought vp; and that the power to command in soueraignty hath this mischiefe in it, that often times it maketh of a good man, an euil; of an humble man a proud; of a mercifull man a tyrant; of a wife man a fool; and of a valiant man a coward. For what could be more notable then the first five yeares of Nero his rainge? what more excellent then his youth? or who for modestie was to be compared in the beginning to Tiberius? who so behaued himselfe (as faith Suetonius) as if he had almost beene a privatt man: and being of one called Lord, commaunded him, that he should no more by way of reproach so call him: and against flaunderous 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 unto the Senat: I have had this good fortune (said he) to have you for my grations Malters, and so long as I live I will acknowledge you for my good Lords: for a good prince (said he) must be the slave not onely of the Senat, but also of all the citizens in generall, and often times of every one of them in particular. Neither did he any thing in the beginning of his rainge, no not euin in the leaft things, without the aduise of the Senat; and yet afterwards haung well taffed of the power of soueraignty, hee became the most detestable tyrant that euuer was for crueltie and voluptuous pleasures. So we read also that Herod the elder raigned six yeares as a good and iust king (as faith Philo) and one and thirtie yeares as a most cruel tyrant, who causd soueraunt Senators of the the house of David to be all slaine, which was indeed the whole bodie of the Senate except Semneas, and afterward put to death his wife a most noble gentlewoman, with three of his owne children: and now lying at the point of death, gave commandement to kill all the best and chiefeste of the Nobilitie of the whole land, to the intent that great mourning might thereby be after his death. Which examples I have amongt other many marked, whole beginnings were too faire to continue long: thereafon whereof may well be, for that he which at the first seemeth 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 soo diligently learned the art of false semblant and dissimulation, and have their countenances at commandement, nothing that good is, true, or honest, is to be expected: but all things vaine, false, and fained, ful of hypocristie and craft: Whereas he which at the first discovereth his imperfections (albeit that he be not therein wife) yet can he not possibly be a man exceeding mischievous or naught: yea of such an one it is to be hoped, that he may at length prove an upright and iust man: such an one as John the French king is reputed to have bene, who was of such a stomache, as that he could by no means endure to looke aight vppon him whose he hated or liked not of: And yet for all that we read not of any thing by him either dis honourable or wickedly done. Neither ought it vnto any man to seeme strange, if there have bene but few princes for their vertues famous: for if eyre 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 kingdoms come by succession, commonly have their education polluted with so many vices, as that hard it is to fay which of them is the greatest: it is almost a myracle if one of them shal be able to get out of such a guile 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 al...
Of A Commonweale

things with the light and brightness of himselfe: Neither is one whilest he yet liueth highly commended: but being dead, leaue th to his children and posteritie also, the most fragrant and sweet smells of his vertue and worth, who though they shall tinge wickedly live, yet are they the rather borne with, for their fathers vertues fake. Cambyse did many most cruel and shamefull things, yet was hee alwaies both loud and honoured of his subjects, and redoubted of his enemies, and all for the great love they bore vn to his father Cyrus, which was so well grauen in the hart of the people (as faith Plutarch) that they loued even all such as had a great and rising nofe, such an one as Cyrus had. And the emperour Commodus, albeit that he were a most cruel tyrant, and had in one day commanded the great Prouost of Rome to kill all the beholders of the pluyes in the Theatre (which were not fewer then three score thousand persons) for that they could not forbeare laughing, to see him in fead of an emperour, so cunningly to play the Fencer, as if he had bene one indeed; yet was hee nevertheless of the people alwaies beloved, for the love they bare vn to the remembrance of Marcus Aurelius his father.

Wherefore we see kingdomes which come by succession, seldom times to suffer change or innovation, albeit that a wicked sonne succeeed a good father: for that his kingdome is like vn to a great tree which hath taken as deep root as it spreadeth branches: whereas he which commenceth but newly vn to a kingdome commended nor strengthened with his vertue or power of his auncelstours, is indeed like vn to an high tree: which for that it is not well rooted, is with the wind and tempest easily overthrown. For which cause a tyrant the fonne 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 discent of his auncelstours haue obtained his kingdome. Neither can the vertues of a new prince deliuere his vngracious sonne from the conspiracies of his subjects: as it happened vn to Hierome a tyrant of Sicilie, who succeeded to Hiero his grandfather, a new prince in his kingdome, which he had by no right or claimaine gained, but was yet for his manifold and great vertues, of a priuate man, thought right worthy of that so great a kingdome, which hee so held almost sixtie yeares, without force or garrisons, to the great contentment of all men; beloved not of his owne subjects onely, but of all his neighbor princes also, and especially of the people of Rome, to whom he was most deere: wholes 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 vn to riot and excessive, bare himselfe proudly towards all men, and so drew all mens hatred vpun him: and as for the counsell, the most affured foundation of his grandfathers kingdome, he altogether set it at naught: & to heape vp his mischaps, without any cause why, renounced the amity 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 subjects himselfe with all his friends and kinsfolkes most miserably flaine, and his

Monarchie forthwith changed into a Popular estate. The like end almoost had Dionysius the younge, another king of the same countrie also, and fonne to Dionysius the elder, who by fraud invaded the estate, which he of long time held with strong garrisons and forrestes, without the flay or alliance of any other forrein prince: but he once dead, and this his fonne a man vnskillfull of the government, and altogether given to riot, succeeding in his place, and banishing his uncle Dion, and confiscating his goods, he was by the fame Dion, returning out of exile againe into his owne countrie, with an armie thirt out of his kingdome, and all the forrestes of his tyrannie overthrown: which Dion not long after being also slaine, the Monarchie was againe changed into a
Popular estate. Whereby it is to be understood, new princes without great vertue, hardly to maintain their estate: which although it be a thing right manifest, yet appeareth it more plainly by the example of Herod, the elder, upon whom Cæsar, for the valour of Aætus his father, by a decree of the Senate bestowed the kingdom of the Jews; who although he were in great favour with Marcus Antonius, and Octavi anus Augustus, yet for the better assurance of his kingdom, built most strong castles; and to gain the good will of his subjects, bestowed great masses of money for reliefe of the poorer sort, and eared the people of a third part of their wooneed tributes: but knowing how little he had for all that gained, he tooke also an oath of allegiance of his subjects, seeking to gain them of the better sort with extraordinary favours and good turns; and yet for all that he could do, he was so hated of his subjects, that being become sickly, the people much rejoiced thereat: which he perceiving, he had almost driven him into a phrensie. But he being dead, the Jews sent fittie ambassadors to Rome, that so eas'd of that regall government, they might become subjects into the Romans, and so happily had obtained to haue bene, had not Herod his sonne bene then in great favour with Augustus the emperour, unto whom the elder Herod had before by his will left fifteen hundred talents of gold. Howbeit yet, that all the succesiors and posterity of Herod, which were in number many, in leefe thanscore yeares, all in poore estate perished, as well for that he being but a new man, was not defended of royll race: as for that his proueſſe and valour fayled in his succesiors.

But these conversions and chaungings of kingdomes and Commonweales chance so much the rather, if the tyrant be too great an exactor, too cruel, or too much given to his voluptuous and volumnfull pleasures, or be delighted in all these together: as was Nero, Tiberius, and Caligula: and yet of these, wantonneffe and whoredome hath ruin'd moe princes than all the other caufes: and so is it also much more daungerous vnto a prince for his estate than cruelty: for crueltie keepeth men in feare and awe, & bringeth a terrour vpon the subiects; whereas wantonneffe bringeth after it an hate and contempt alfo of the tyrant; forasmuch as euerie man deemeth the effeniat man to be alfo faint hearted, and farte vnworthie to command a whole people, which hath not power ouer himefelfe. So we fee that Sardanapalus king of Assyria, Canades king of Peruia, Dionysius the youngere, and Hierofone, kings of Sicile, Heligabalus, Aemontas, Chideris, Ferrander, Pisistratus, Tarquin, Arisouteres king of the Melleniern, Timocrates king of Cyrene, Andronicus emperour of Constantinooble, Rhoderik king of Spaine, Apius Claudius, Galare Sforza, Alexander Medices, the Cardinall Petræ Tyrant of Sienne, Lugrac and Megal, kings of Scots, 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 cities of Affrike, were by rebellion difememberd from the kingdom of Fez, and brought under the obeyeance of the Portugels, for a maiden by force taken from her husband to whom she was betrothet, by the gouernour, who was therefore afterwards flaine: as was also Ahufabid king of Fez himefelfe with his fix children all maſſacred by a fecretarie of his, for hauing abufed his wife. Neither for any other caufe did the people of Constantine (a fee towne in Affrike) chose rather to suffer the command of Deleaid a Chriftian renegar, than to obey the king of Tunes his fonne. And why in our time was Mulafees truſt out of his kingdome, and fo loft his estate, but for incommancenance? and yet neuertheffe he was drowned in delights, as that returning out of Germanie, without hope that the emperor Charles the fìxth (in whom his greatest truſt was) would afford him any aid, and banifhed as he was out of his kingdome, yet spent he an hundred crowns vpon the dressing of one peacock, as Paulus Iojuus reporthern: and to the end he might better conceive the pleasure of musick, stil couer-
A red his eyes, as having learned a double pleasure, not to bee so well perceived by two
fences at once; yet such was the judgement of God vpon him, as that by the com-
mandement of his sones 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 eaily changeth not, if he be not more cru-
ell than the wild beasts themselves, such as were Phaleris, Alexander Phereus, Nero, Vi-
tellius, Domitian, Commodus Caracalla, Maximinus, Eelimus of Padoa, and John Maria
of Milian, who were all slaine, or drown out of their dominions, and their Tyrannical
estates for the most part change’d into estates Popular. Which befall them not so
much for the crueltie by them vndertaken against the common sort of people (whereof no re-
ckoning nor account is made in a Tyrannical estate) as for crueltie committed in the
person of the great and best friended, who are alwayes of tyrants to bee feared; vsye
whome even contumely and disgrace is oftentimes more grievous than crueltie it self;
whereof we have a domestical example of that Bodile, who for that he was by the com-
mandement of Chideric king of Fraine whipped, slew not onely the king, but
the queene also, being then great with child. So was also the emperour Insinus the third
slaine by Aetela general of his armie, whose sone he had slaine, and in despight profli-
tuted his wife vnto his feruants. And Archelaus king of Macedon, was likewise slaine
by him whom he had put into the hands of Euripides the poet, to be whipt: as was
his nephew also king of Macedon, slaine by him whom he had without punishment
suffered to be abused against naturae by Antipater, and forumed him crueltie of him re-
venge.

The Aristocratike estate also of them of Mitylen, was chaunged into a Popular, for
that it chaunged certaine gentlemen as they went along the streets with their baffana-
dees, in spore to strike all such of the common people as they met; Whereupon one
Morgaces tooke occasion to strike vp the comminaltie to fall vpon the nobilitie, and so
to kill them. And not to seeke 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 dishonour-
ously rejected the request of a certaine gentleman his subiect, but also with his owne hand
most cruely stabbed him with his dagger: wherewith the nobilitie and people moosed,
tooke him prifoner, and enordering him to resigne his kingdome, gaue it to his younger
brother, who now reigneth. And almost alwaies the tyrants-quelettes have receiv’d
either the estate or goods of the tyrants by them slaine, or the greatest honours and
preferments in the state, as rewards due to their deserts. So both the one and the other
Brutus obtained the greatest estates in Rome; the one of them for having drown out
the proud king Tarquin, and the other for havinge slayne Cesar. And Arbales gouver-
nor of the Medes havinge brought Sardanapalus king of Asyria to such extremitie, as
that he was glad to burne himselfe alive together with his concubines and treasures, for
reward enjoyed his kingdome. So Lewes of Gonzaga havinge slayne Bonaco, tyrante
of Mantua, was by the subiects chosen their prince, his pofteritie ever since by the space
of about two hundred and fiftie yeares having enjoyed that estate. And the Venetians
hauing slayne the tyrant Eelime, obtained the feignitie of Padua.

Some others there be which seeke the tyrants death, and so the chaung of the
estate, hauing nothing before but the desire of revenge; and that without ei-
ther the feare of God, the regard of their country, or loue of their neerest and dearest
friends: as he which to be avenged of king Roderike, who had ransackt his wife, drew
the Mahometan Moores into Spaine, who drewe out the king, and there vpning an hun-
dred thousand cruelties, posseted 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, of 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 delibera- tion of their country; and the honour of the fact: such as were Harmodius and Aristogiton in Athens, and those which flew 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 oppressed the libertie of the people, are never affured of themselves, or of their estate, without great and strong garrisons about them. So we see Alexander Medes, nephew to pope Clement the sixteenth, & sonne in law to the emperour Charles the first, by whole forces and power hee obtained the souerainitie of Florence, and drave 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 flawne by the conspiracie of Laurence Medeces, not onlye his neere kinman, but his most familiar and domestical friend also; when as the same Laurence had promised to prostitute vnto him his owne filly: that so he might the better deliver the man disarmed (even as he was kis- sing and embrasing his filly, whom he thought to have ramified) to the murderer to be flawne: which was so cowardly done, as that the scoldours of his guard, whom he kept for the saticie of his person, making merrie in a dining chamber fast by, perceived nothing of the murder of their prince. And yet in so doing, the said Laurence neither delivered his country from tyranny (whereinto it was and by and after againe fell) neither himselfe from danger, being at length by a murderous fellow himselfe also flawne at Venice. And Cofinus Medeces, who after the death of Alexander, by the helpe of the garrison souldiers, the imprisoning of his friends, and favor of the pope, obtained the same government; albeit that he was reported to have bene one of the worste princes of his age, or of long time before him, and a right great justicier, even by the report of his enemies themselves, and had diuers strong castles euin in the citie itselfe: yet neverthelesse was he an hundred times in danger of his person, by the conspiracies of his subjicets against him, being not able to endure a matter ouer them, albeit that he were both just and valiant. And he which now raigneth, not long since mised not much to have bene flawne by the conspiracie of Puccimus, neither can bee safe without a strong garrison, so long as the citizens his subjicets shall either remember or hope for the rewards of their vaine and libertie. And for this cause Dionysius the elder of Syracu- sa, being chosen generall, and having made himselfe master of all, and changed the popular estate into a Monarchie, had alwaies forty thousand souldiers in readiness at his call to set forward, besides a great garrison full attendant about his person, and diuers strong holds, onely to keepe the people of Syracusa with a part of Sicilia in subje- ction. And yet neverthelesse was he no tyrant, as we call a tyrant, that is to say, a cruel, vio- lous, and naughtie man: neither was he enter amorous of other mens wittes, but to the contrary that by reproved his sonne (as faith Plutarch) for having taken away one of his subjicets daughters, saying, That he should never have one to succeed him in his estate, if he vdie such fashions: as indeed it tell out with him, being shortly after his death chafed out of his kingdom.

Now if any man shall object and say vnto me, That force and seare are two cuill masters for the maintaining 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 con- trarie vnto a Monarchy Royall; which the leffe guard it hath, the inner it is: & therefore the wife king Numas put from him the three hundred archers which Remoulde his prede-
A preecessour had taken vnto him for his guard, saying, That hee would not distraut a people which had willingly and of themselues put their trust in him: neither yet command ouer them which should distrufh him. But *Servius* hauing of a flaue made himselfe a king, befted himselfe with strong guards, and that wisely, as being for taken of the Senators; who took his ferenile gauernement in great euill part: For as iuft, pleafing, & gracious, as he was, yet had it bene a thing impossible for him without guards, garrisons, and fortresses, long to have maintaine himselfe and his foon an eftate, but that he shoule have fallen into the hands of his enemies. There was never a more gratious; magnificent, noble, couragious, or courteous prince then *Cæfar*; and yet notwithstanding, all these his great vertues were not able to prefervfe him, but that he was by his fonne *Brutus* and other the conspirators with incredible confent and fidelitie combyned against him, in the middeft of the Senat most euilly flaine: who being before warned to take vnto him a guard for the fafetie of his person, frankly anfwere, that he had rather to die once for all, than flie to languifh in faret: wherein he did not wisely fo to refufe a guard, hauing pardoned his greatest enemies (whom he fuffered flie to flie) and defifting to chaunge into a Monarchie the free eftate of the moft warlike people that euuer was in the world. Which his couer *Augustus* his succeffor followed not, but firft caufed to be put to death all the conspirators against *Cæfar* (not to much in reuenue of the death of his vnkle *Cæfar*, as he pretended, as fo to provide for his owne fafetie) after that hee flie guarded with a strong guard about him, eafefully kept himselfe from the violence of his enemies: And albeit that having quite discomfited and ouerthrown *Sextus Pompeius*, and *Lepidus*, and ouercome *Marcus Antonius* in battell at *Aëtion*, (who afterwaerdz also flew himselfe) and the other citi- zens of greates force and courage, either in battell flaine or otherwise taken out of the way; he might have seemed to have beene able to have raigned in great furetitie: yet neverthelffe hee difpersed fortie legions into the provinces, placed three legions in Italie, and that not farre from the citie, kept a strong guard about him for the fafetie of his person: forbid the Senators without leave to depart out of Italie, and committed the gauernement 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 fo as that of fuch as flood for them, he would bring some of them by the hand vnto the people, and fo recommending vnto their choice them whom he wiffed to have preferred vnto the offices and honors: hee tooke from the people their free choice, and had the magiftrats still be- holden and bound vnto him. Iustice he daily adminiftered, without intermiffion, receiving and anfweting euery mans request, hauing alwaies before him the records of the publike revenues of his forces, and of the provinces, so that he alone seemed to dif- charge all the duties of all the officers. Whereby it evidently appeareth to have beene a fole Monarque, and soueraine 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 beene of him verie popularly done, in that he commanded debts due to the Commonweale, which were growne by the ciuill waues, and the records of the debters to be torne and burnt. And yet this fo mightie a Prince, endued with fo great vertue & wifedome hardly escaped the hands of the wicked conspirators againft him, albeit that the moft defect and daungerous fott of them were now long before dead. But after that the fubiects hauing by little and little made proofe of his iustice and wifedome, tafted of the sweetnes of long peace and affurrd tranquillitie, in feed of cruel and bloody ciuill waues, and that they had to doe, rather with a father than with a lord (as faith *Seneca*) and fo began to loue and reuerence him: he againe on his part dif
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 ever Prince did.

Now all Monarchies newly establisht by the change of an Arithocraticie, or Popular estate, haue as it were taken their beginning, after that some one of the magistrates, captains, or gouvernours, hauing the power of the state in his hand, hath of a companion made him selfe Lord and foreigne, or else that some straunger hath subdued them, or that those stateshave willingly submitted themselves vnto the lawes & commandements of some other man. As for the first point, and the most ordinarie change of these estates we haue examples enow. For so Pissistratus, when he had got the chiefes office in the common weale, invaded the libertie of the people: as did also Cypselus at Corinth, Thrasylalus, Gele, Dionysius, Hiero, Agathocles at Syracusa, Panetius, and Ictetes at Leonc; Phalaris at Agrigentum; Phidion at Argos, Periander at Ambrac, Archelais in Caude, Enagoras in Cyprus, Polystrates in Samos, Anaxilas at Rhegium, Nicoles at Sicyon, Alexander at Pherece, Mamercus at Catana, the Decemui at Rome, and there after them Sylla and Cesar: the Saliers at Verona, the Bentinoldi at Bolonia, the Manfreds at Faentia, the Malatestes at Ariminum, the Baleones at Perusium, the Vitelles at Tifernas, the Sforces at Millan, and divers others of like sort, who of gouvernours of cities and armies have taken upon them the foreigneatic. For in matters of estate it may be holden for an vn doubted maxime, that he is master of the estate, which is master of the forces: Wherefore in well ordered Arithocratic and popular Commonweales, the greatest honours are granted without power of command, and the greatest powers to command are not granted without a companion therein: or if it be dangerous to divide the power of command to many, as in matters of warre it is; then the power is granted vnto the magistrat or Generall ought to be but short. And therefore the Romans made chiefes commannders their two Consuls: and the Carthaginians their two Suffets, who every other day commanded by turns: For albeit that the dislention which is commonly betwixt them which are in power equall, is sometimes an hindrance for the execution of good and profitable things; yet so is it that such a commonweale so governed is not so subject to be turned into a Monarchie, as it were if it had but one chief and foreigne magistrat: as the great Archon at Athens, the Prytani with the Rhodians, the yearly Generall with the Aetacians and the Aetolians, and the Duke at Genes. And for the same cause the Dictatorship in Rome continued no longer then the charge required, which never passed fix monethes at the longest; yea and sometime lasted but one day; which time expired, 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 estate, the law was that the Generall of the armie should be put to death, if he retained the forces above a day after the appointed time: which was the cause that the great capitanes Epaminondas and Pellipidas were condemned to death, for hauing retained their forces foure monethes after the time, howbeit that they were by necessitie constrained so to doe, neither could without the great danger of the State have otherwise done. And so for the same reason almost all the Magistracies are annuall, in Arithocratic and Popular Commonweales. Howbeit that in Venice the six Councelours for the estate which are assistant vnto the Duke, continue but two monethes in their charge: and he that had the keeping of the principall fortrue of Athens, had the keyes therof but for one day only: no more then hath the captaine of the castle of Rhagufe, who choen by lot, hath the charge but for a day, and is led into the castle hoodwinkt. It behoveth also in popu-
lat & Aristocraticall Commonweales so much as possible is; to beware that the lawes and ordinances concerning the Magistrats time he not changed, neither their charge prorogued, if the necessity be not vexte great: as the Romans did to Camillus, to whom the Dictatorship was prorogued for six moneths, which had neuer to any other person beene granted. And namely by the law Sempronia it was straitly forbidden that the governments of Crownes should be granted vnto any for longer time than foure yeares: which law had it beene kept, Caesar had neuer invaded the estate as he did, having the government of the Gauls by the content of Pompeius and Cæcianus granted for foure yeares more than the law allowed of: whereunto in that point was derogated in favour of him. Which was a notable outliers, considering that they had to doe with the most ambitious man that euer was; who so well grounded his power to continue; that he gaue at one time vnto Paulus the Consul nine hundred thousand crownes, to the intent that he should not oppose himselfe against his enterprises; and vnto the Tribune Curio, fiftie thousand crownes to take his part. The people of Rome moreouer allowing him pay for ten legions of Souldiers so long as the warres in France should laft. Which to great a power was joyned with the hardest hart that then liued, and the most valiant that euer was, and descended ofso noble an house, as in that an ortion vnto the people he doubted not to say, That by the fathers side he was descended from the mothers side from kings; and yet withall so modest, as that his great enemie Cato said, That there was neuer so modest a tyrant as he, and withall so vigilant: as that Cicero an other great enemie of his, (who confir’d his death) calleth him in one of his Epistles, The moniter of wisdome, & incredible diligence: and moreouer to magnificall and popular as euer any was, paying for no cost for the setting forth of plays, juftes, tournies, feastes, largesse, & other publike delights: In which doing he vpon the publike charge woos the harts of the common people, and gained the honour of a most gratious and charitable man towards the poore. And yet for all that having by this means gained the fouereignitie, he fought for nothing more than by all means to clip and cut off the wealth & power of the people, and to take from them their privileges: for of three hundred and twentie thousand citizens which still liued of the publique corne which they receiued, he retained but an hundred and fiftie thousand, and sent fourscore thousand out of the sea into divers Colonies a farte off; and beside that toke away most part of their fraternities, corporations, and colleges. In brieue it hath alwaies beene seene in all changes of Aristocraticall and popular Commonweales, them to have beene still ruinated, which haue at any time givn too much power vnto the subiects whereby to exalt themselves: Which thing Julian the Apostatae ment by that his embleeme, or deniffe of an Eagle shot thorow with arrowses fethered with his owne feathers, being before pluckt from her. For to do the souereignitie governours and magistrats of those estates, especially when too great power is givn to him which is of too ambitious and hauite a mind. And thus much concerning the change of a Popular or Aristocraticall estate into a Monarchie, wherein one of the subiects maketh himselfe Lord thereof.

But the change of a Popular estate into an Aristocraticall commonly vpon the losse of some great battell, or other notable detriment of the state, receiued from the enemie: as to the contrarie the Popular power then most encreaseth when it returneth from the warres with some great victorie out of their enemies. Of which manner of changes there are many examples, so is there none more fit than those of the Athenians and Syracusians, two Commonweales of the selfe same time; when as the Athenians by the default of Nicias were generally, vanquished by the Syracusians and so discomfited, forthwith chaunged their Popular estate into an Aristocraticall of foure hundred
hundred men, who yet bare themselves for five thousand by the deceit of Pifander: so that the people complying themselves to be so spoiled of the foureigntie, and coming to give voice in the council, was thence repulld & driven backe by the forces which the foure hundred had in their power, wherewith they flew divers of the people and discouraged the rest: at which time the Syracusians proud of their victorie (to the contrarie) chauenged their Aristocratie into a Popular estate. And within a while after the Athenians haueing 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 Thrasybulus, thrust out or flew, and so againe changed the Aristocratie into a Popular estate. And in like manner the Thebans overcome by the Enophtes, chauenged their Popular estate into an Aristocracie. And albeit that the Romans haueing lost two great bawtes vnto Perthus changed not their popular estate, yet so it was that indeed it was then a faire 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 tractable. But so soone as the Romans had gained the estate of Tarentum, the people forthwith began to set vp their horses, 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 overcome, King Perseus ouerthrown, Antiochus put to flight, the kingdom of Macedonia and Asia subverted; then immediately againe followed the fortunes for the diuision of lands, and the turbulent feditions of the Gracchies, wherewith the Tribunes armed the people in most insolent manner, insinuating upon the nobilitie. In like manner the Florentines ouerthrew their Oligarchie, established by Pope Clement the seventh, restoring the people againe vnto their wonted libertie: for so soone as news was brought vnto Florence, That Rome was by the imperials sackt; 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 Medici; with what furie they call downe their statues, defaced their armes, and renewed all their decrees and lawes. The Popular estates of the Sifters indeed first tooke their beginning from the pride and insolence of the governours of those places, but yet had their greatest increasings after the victorie of Sempach, about the yeare 1277, at which time the nobilitie being with a great slaughter ouerthrown by the rural people, there was no more talking of Aristocracies, nor of acknowledging of the foureigntie of the empire ouer them, in what fort soever. But the chiefe cause of these conversions and chauenges of these estates, is the rath unfaithfull and unconstancie of the people, without discourse or judgement moved with euere wind; which as it is with a little losse discouraged, so is it also after any victorie intollerable; neither hath it any more deadly or dangerous enemy, than too much felicitie and prosperous success of the affaires thereof; nor a wiser master then aduenturie and distrust, wherewith it daunted and discouraged, learneth to rest vpon the couencell of the wiser fort, leaning the helme of the estate on the gourne, which they themselves in such tempestuous times know not how to hold. Whereby it is to bee perceiued, nothing to be more profitable for the preferration of a Popular estate, than to haue warres, and to make enemies for it if otherwise it haue none. Which was the principall reason that mov'd Stipes the yonger so much as in him lay, to hinder the raising of the famous citie of Carthage, wisely foreseeing, that the people of Rome being altogether martial and warlike, if it had no enemies abroad would at length be enforced to make war vpon it selfe. For which cause also Onomadene generaell of the Commonweale of Chio,
A. Chio, having appeas'd the civill warres, and druen out the most mutinous, would by no means banish the rest, albeit that he was earnestly persuad'd so to doe, saying, That so it would be dangeraus, least (that having cast out all the enemies) they should fall together by the eates with their friends. Howbeit that this reason which had place for the straunge and forten enemies, is not yet to bee receiv'd for the maintaining of enemies at home amongst the citizens themselfes: and yet in this case hee did but that which best befom'd him, and was also most expedient. For he that will haue the upper hand in civill warre, if he shall banish all them that take part with the faction contrarie to his owne, he shall then haue no hostages at all left, if the banish'd shall prepare new warres against him: but haueing flaine the most outrageous and daungerous, and banish't the most mutinous, he ought still to retaine the remnant; for otherwise hee is to feare least all the exiled together, making warre vpon him, without feare of their friends at home, should so by force overthrow their enemies, and change the Popular estate into an Aristocratie. As it happened vnto the Heraclans, the Cumans, and the Megarenses, who were chang'd from Popular estates into Aristocracies, for that the people had wholly druen out the nobilitie, who with their friends combining their forces, and possesst of these three commonweales, overthrew therein the Popular estates, and againe establisht Aristocracies.

Yet amongst other conuertions and chaunses of Commonweales, the chaunce of a Popular estate into a Monarchy oftenest happeneth; and that either by civill warres, or through the ignorance of the people, having gien too much power to some one of the subjectes, as we haue before faide. For Cicerō speaking of the civill warres betwixt Cæsar and Pompey, saith, Ex victoria est multa, sum certe Tyrannis exiit, Of victorie enthe many things, but especially a Tyrannical government. For that almost alwaies in civill warres the people is diuided: wherein if it so 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, possest of the forces and power, shall either for ambition and the desire of honour, or for the saffe of his person, keepe vnto himself the soueraigne. Whereas contrafitwise Tyrannical governments (for the most part) change into Popular estates. For that the people which sooner kneweth how to keep a meane, the Tyrannical government once taken away, desiring to communicat the souveraigne vnto them all, for the hatred that it beareth against Tyrants, and the fear that it hath to fall againe into tyrannie, becommeth so furious and passionat, as without reason or discretion to fall vpon all the kinmen and frends of the tyrant, and not to leave one of them alive: whereof for the most part enslueth the slaufter, exile, & proscription of the nobilitie; in which case enemie man of valou't, couagtage, and worth, chuses rather to shunne the sylte of the most headstrong people, as the raging of a wild beast, rather than to beate and ouer it. As it happened at Athens, after that Pisistratus was flaine: at Rome, after Tarquin the proud was druen out: at Syracusa, after Hiero flaine, and againe after that Dionysius was banished: at Florence, after that the duke of Athens (who afterwards dyed Generall in the expedition of Pottiers) was druen out: at Milan, after that Galagno the tyrant had there lost his estate, where the people of Milan for fiftie yeares after, held a Popular estate, vntil that at last it was againe chang'd into a Tyrannical government by the Toreffans. Neither dyed the Swissers otherwife establisht 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 ouer them. The like we see to have happen'd in Thessallie, after that Alexander the tyrant of the Phereans was flaine: and in Sienna, after that Alexander Dico the new tyrant, was by the conspiracie of Hierome Suerin flaine, and his partakers of the nobilitie.
nobilite De Monte Novo cast out, slaine, and banished; the people forthwith took vp on it the foueraignetie. 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 reestablished their Popular estate; if they had certainly knowne the tyrant to have beene slaine: but when as almost onely Lawrence Medices with Caracciolus the murderer were pruie to the murder (supposed to bee not onely the tyrants familiar and domesticall acquaintance, but his most inward friend alfo) no man could by him be perswaded, that he had slaine the tyrant: but so by present flight making shift for himselfe, gave opportunitie to young Cosmus Medices his cozen (who then had the forces of the estate in his power) to take vpon them the foueraignetie. But this conuertion or change of Tyrannicall governments into Democracie, or of Democracies into Tyrannicall governments, most commonly happened, as we haue said, by occasion of civill warres: for if a strange enemy become lord of any Popular estate, he commonly ioyneth it vnto his owne: which is not then to be called a change, but a deftuction of that Commonwel, so visited vnto the victors; except the victor (which feldome times happeneth) restorit vnto the vanquished their libetie and government: as the Lacedemonians chose rather that the confederat citie of the Athenians, by them ouerthrowne in the Peloponnesian warre, yea and that even the citie of Athens it felde alfo, should enjoy their wouted libetie, than to be ioyned vnto the Lacedemonian estate: howbeit yet that the Lacedemonians in euuie place eftablished Arisftocraeties for Popular estates, quite contrarie vnto the manner and fashion of the Athenians, who in all places went about to ouerthrow Arisftocraeties, and to eftablish Democracies or Popular estates. So that it differeth much, whether the conuertions or changes of Commonwelkes proceed from a forren and strange enemie, or else from the citizens themeselves.

Sometime alfo the people are so fickle and fantastical, as that it is almost a thing impossible for them to hold any one estate, which it is not by and by againe wareie of: as we may say of the auncient Athenians, Samians, Syracuences, Florentines, and Geno-wayes; who after they had changed from one estate or forme of government, would by and by haue another. Which phantastical diseale most commonly chanceth vnto such Popular estates, as wherein the subiectes be too wife and of too subtil spirits, as were those whome we have before spoken of: For amongst them euuie men thinke himselfe worthy to be a commander: whereas where the subiectes be more grotter witted, they the more easilly endure to be by others ruled, and more easily yield vnto other mens aduises, than doe they whomse you must with the multitude of arguements and subtilitie of wit conuince, before you shall persuade them vnto any thing: so subtilizing their reaons, as that ofentimes they vanish euuie into smoke: whereas ofteth an obstinacie of conceit, alwayes enemie vnto wife counsels, with divers changes of Commonwelkes. As a man may easily bee in Thucidides, Xenophon, and Plutarch, the Athenians lesse then in an hundred yeares, fix times to have chaunged their estate; and since them the Florentines euuen times: which so happened not neither vnto the Venetians, nor Swifthers, men not of so sharpe a wit. For who knoweth not the Florentines to be most sharpe witted men? but the Swifthers to have alwayes bene men of a more dull spirit? And yet when as they both almoast at the same time, chaunged their Monarchie into a Popular estate, the Swifthers haue therein so maintained themselues now almoast three hundred yeares: whereas the Florentines not long after chaunged their estate into an Arisftocraetic: which they in nobilitie and wealth exceed the rest, altogether disdaining to be made equall with the common sort of the people. But the nobilitie having fo got the soueraignetie, began alfo to strive amongst themeselves for the
the principalitie: and with mutuall hatred and proscriptions so weakened themselves and their estate, as that they were by the people taking vp arms 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 themselves, for the government of the state: and yet these much more crueltly than had before the nobilitie; for that they contended not by forme of justice, or of law, but by vetric force of arms, and dint of words; who hauing with mutuall slaughters spent themselves, the middle fort of the people (for they were divided into three forts) began to take vpon them the managging of the estate: but these also falling together by the cares for places of honour and command, the vetric baseft and refuse of the tafkall people, became too strong for them, filling all places with the blood andslaughter of them, vntill 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 whom to strive, began at length to struggle with it selfe, and made such cruell warre vpon itselfe, that the blood ran down the streets, yea & that most part of the housees were with fire quite consumed, vntill that they of Luca mowed with their great miswiches anddistresses, comming in great companies to Florence, exhorted them their neighbours to lay downe arms, and to seek for peace: by whose good speeches they persuaded at last, seaped from their slaughters & butchering of one another. Whereupon to end the matter, they sent ambassadors vnto the pope, to send them some one descended of royall blood, to rule and raigne over them: where by good fortune there was then at Rome Charles of Francc brother to king Lerer 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 upon him the government, ended their quarrels, and reconciled the citizens among themselves, together with the Commonweale: and so having 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 wearie of the government of the deputies, came againe vnto their popular government, and withall renewed their ciuill wares. For redresse whereof they sent for the duke of Athens, who hauing taken vpon him the sovereigntie, commanded the citizens to lay downe arms, and for the safety of his person, tooke vnto him a strong guard, so to kepe vnder the feticious 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 mutuall 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 wherein he lay, together with the foulheirs which guarded him: neither could that so sreater be broken vp, vntill the prince was content himselfe with all his familie to void the city: which for safeguard of his life he was glad to do, not hauing yet a whole yeate governed the state. So the citie delivered of the fear of a matter, appointed a forme of an Aristocratic, not much vlike vnto a Popular estate; denising new names for their officers and magistrats, still chaunging and rechaunging them with the manner of their state and government, ofteentimes no better ordered, than if it had bene committed to mad men, or children without discretion: fearlesly twenty yeares together keeping the same forme of state. But as sicke men in the heat of burning fevers, desire to be removed now hither, and by and by againe thither, or from one bed to another, as if the disease were in the places where they lay, and not in the verie entrails of their bodies: even so the Florentines were
were still turning and tumbling of their estate, until they light upon Cosmus Mediter, of all Physitians the most skilfull, who cured the citie of these popular diastes, by establishing therein a Monarchie, and building therin three strong citadels, furnished with good & sure garrisons: so leading ye unto his posteritie a well grounded foueraigne state, by himselfe holden by the space of almost fortie yeares: than which nothing could have bin wished for of almightie God, better or more wholesome for such a most sedulous citie. And thus much briefly concerning the Florentine state, which haply might seeme incredible, had they not bene committed to the remembrance of all posteritie, even by the * writings of the Florentines themselues. The like tragedies we see to have bene plaid also by the people of Affrike (who in sharpnese of warre are laid to passe the Italians) when they made proofe of popular estate: whereof I will yet downe but one or two examples amongst many: as namely the inhabitants of Segelmefla, a citie vpon the sea coasts in the kingdom of Bugia, resorting from their king, established among themselues a popular estate, but shortly after entred into such factions and ciuill sedition, as that not able to endure either the government of their king, or yet the government of themselues, they by common consent laid all their houses and the walles of their citie 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 countrey. The people also of Togoda, a citie in the frontiers of the kingdom of Fez, weare of their Aristocratique, forsooke their countrey. For which causes the people of Affrike, not able to endure the Aristocratique or popular estate, have almost euerie where established Royall Monarchies.

Now albeit that Aristocratique estate feeme to many both better and more assured and durable also than the popular, yet so it is, that the governours thereof if they bee not of accord among themselues, are still therein in double daunger: the one from the faction among themselues, the other from the insurrection or rebellion of the people, who never feale to fall vpon them if they once find them at variance among themselues, as we have before shewed of the Florentines. The like whereof happened at Vienna, at Genes, and divers other commonweales in Germaine also. As it also chanced in the Peloponefan ware, vnto all the cities of Greece which were then governed by the nobilitie or richer sort. Which is also yet more daungerous, when the governours giue leauue to all straunders to come and dwell in their cities or countreys: who by little and little encreasing, and in wealth and credit growing equal with the natural subjects or citizens, and having no part in the government, if they shall chance to be surcharged, or otherwise encreased of the governours of the state, will vpon the least occasion rise vp against them, and so haply shafe euin the natural lords out of their own countrey: As it chanced at Sienna, at Genes, at Zurike, and at Cullen: where the straunders encreasing, and seeing themselues surcharged and encreased, without having any part or intereat in the estate, drafte out the governours and flew most part of them. And namely they of Lindsey, after they had slaine the governours, changed their Aristocratique into a Democracie or popular estate: as also did the inhabitants of Strasburg, who in detestation of the Aristocratique governement, which they had channed into a popular, after they had driven out, banished, or slaine their lords and governours, solemnly by law prouised, That no man should have the great estate, or any other publike charge in the citie, except hee could shew well proue his grandfather to have bene forme verye base fellow, and so himselfe to be descended from the meanest sort of the rascall people. Which yet is no new matter: For we read, that the straunders in the Commonweale of Corfu encreased so fast, that in the end they seised vpon all the nobilitie, whom they cast into prison, and there murthered them; chan-
changing afterwards that Aritocraticall estate into a Popular gournement. The like hapned unto the Aristo-crateque Commonweales of the Samians , the Sibartes , the Trezenians , the Amphipolites , the Chalcidians , the Thurians , the Cnidians , and them of Chio , who were all by strangtgers changed into popular estates , having with their multitude thrust out the naturall Lords and gournents. Which is the thing most to be feared in the Venetian estate , which we have before shewed to be a meere Aritcro- cratie, and receptacle of all strangtgers , who haue there so well encreased,that for one Venetian gentleman there are an hundred citizens , as well noble as base descendent of strangtgers ; which may well be proved by the number of them which was there taken 20 yeares a goe , or thereabouts : wherein were found nine and fiftie thousand three hundred forty nine citizens , aboue twenty yeares old ; and three score feauen thousand five hundred fifty feauen women : two thousand one hundred eighttie five religious men ; 157 Jews : which are in all , an hundred thrittie and two thousand three hundred and thrittie persons ; whereunto putting a third part more for the number of them which are vnder twenty yeares old , ( taking the ordinary age and the lues of men to be 60 yeares , as the law prefineth ) it amounteth to the number of about an hundred feauentie six thousand foure hundred and fortie citizens , beside strangtgers.

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 haue published yea and that more is haue suffered to be put in print the number that then was taken . The Athenians long a goe committed the like eorrt , and when the citie was most populous , found that upon the number taken , there were in the citie twentie thousand citizens , ten thousand strangtgers , and foure hundred thousand slaves : which open number and account the Romans would not take of their strangtgers , and so much lesse of their slaves : whom they would not either by their countenance or attire have knowne from the rest of the citizens : Howbeit that some were of opinion that the slaves ought to be knowne by their apparel ; yet their opinion preuayled which thought the same to be daungtress , and a thing to be fearfull , left the slaves entering into the number of themselves , should make their masters their slaves , for so

Seneca writeth . We read in the hystorie of Cardinal Bembus , that the greatest assemble of the gentlemen of Venice in his time ( when as that Commonweale was most populous ) was but fiftiee hundred ; which their fme nee they by most certain tokens , and their attire made still to appeare . But that which hath most maintained their egnotie against the commotion of the citizens , is the mutuell amitie and concord of the gouernours and gentlemen among themselves ; and the sweetnes of libertie , which is greater in that citie than in any other place of the world ; so that beeing drowned in pleasure and delights , and hauing also part in ceretne honors and meane offices , whereof the gentlemen are not capable , they have no occasion to stirre for the changing of the estate ; as had those of whom I haue before spoken , who were not openly debarred of all offices , but by the gouernours of the State surcharged and euiilt entertained also.

Now all these changes of Aritocraticies into popular Commonweales have beene violent and bloodie , as it happeneth almost alwaies : whereas to the contrarie it commeth to passe , that Popular estates change into Aritocraticies by a more gentle and insensible change. As when entrance is given unto strangtgers , who in tract of time by little and little plant themselves , and multiplie , without having any part in the estate and gournment , it falleth out in the end that the naturall citizen employed in publique charges , or in the warres , or by popular diseases wafted , do to decay : the
straungers still encreasing: whereby it commeth to passe, that the leafer part of the inhabitants hold the soueraignty, which wee haue acquered to bee a right Aristocratie. Such were the changes of those Commonweales which we haue before noted, from the people vnto the nobilitie, and such as haue indeed happened vnto the Venetians, the Luques, them of Rhagule, & of Genes, which being in amuntient time Popular estates, haue by little and little, as it were without feeling, changed into Aristocraties:joyning hereunto also, that the poorer sort of the citizens haue much a do to live, & to wholly intent to thei domesticall and privat affairs, than all publike charges, without profit: and so by successione and prescription of time exclude themselues with their families from enterneddling with the state. And this manner of change in the estate, is of all others most gentle and easie, and least subiect vnto tumults and fiturtes: neither can otherwise be letted, but that it will in time change, but by keeping of strangers from entring into the citie: or by sending of them out into colonies, or else togetherto that the rest admittting them vnto the honors and pretentions in the estate: and so much the more if the people be giuen to warre. For otherwise it is to be feared, that the nobilitie not daring to put armes into the subiects hands, but being constrained to go to warres themselves, should be all at once overthrowne, and so the people invade to soueraigniet: as it happened to the feigneurie of Tarentum, which in one battell against the Lapies lost almost all the nobilitie: after which the people seeing themselves the stronger, changed the Aristocracy into a Popular estate, in the time of Themistocles. And for this cause the nobilitie of the Argues, being almost all flaine by Cleomenes king of Lacedemonia, they that remained yet alioe, feating the rebellion of the people, of estates received the commanatical 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 Aristocratie most quietly and sweetly changed into a Popular estate. So one of the things that gave aduantage vnto the people of Rome over the nobilitie, was the victorie of the Vientes, who in one battell flew 300 of the Fabians, all gentlemen of one house, when as not long after twelve families of the Pontii, who describ the beginning of their houses vnto the gods, were in one and the fame yere quite extinguisht & brought to naught, as Livie wrieth. And therefore the Venetians, better citizens than warriors, if they bee to make warre (which they never doe but vpon great necesitie) vile commonly to chuse their generall, one of their nobilitie, their fouldiers for the most part being strangers and mercenarie 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 flaine together with the rest of the nobilitie: as the manner of the Turks is to doe in all places where they haue any purpole absolutely to command, where they spare not so much as a gentleman, whereof haue ensued the destruction of many Commonweales in the East, and great encreasing of the Turkish empire. But this change, or rather union or encafellment of one estatle by another, proceeded from externall force. So in France also, when as almost all the nobilitie of France was flaine in the expedition of Fontenay, neere vnto Auxerre, by the ciuell warre betwixt Lothaire the eldest fonne of Lewis the Gentle, on the one part, and Lewis 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 ieftoring thereof, the gentlewomen had especiall privilege 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 Aristocratike and Popular Commonweales.

But
A. But nothing is so much in an Aristocratie to be feared, as least some gracious man of the nobilitie, or of the people, desirous of rule & authority, should stifle vp the people against the nobilitie, and become leader of them himselfe. For therof ensueth the most certaine destruction of an Aristocratie, together with the nobilitie. In this for Thrasylus first, and afterward Thrasylus at Athens, Marius and Cesar at Rome, Fra. Valori, and P. Sodori at Florence, armed the people against the nobilitie: which is also so much the more to be feared, if the great honours of the estate bee bestowed upon most filthy and wicked men, and other venemous men and such as haue well defended of the Commonweale, kept backe and excluded. Which thing seemeth not grievous onely to cuttie good man, and not to be borne withall, but miniftreth occasion also vnto the feditious and popular, to enflame the people against the nobilitie. Neither for any other cause did the people of the Orites by force wret the power and government from the nobilitie, than for that they had preferred vnto the chiefe honours one Hercules, a man for his euill life infamous. Which thing also was the destruction of Nero and Helogabalus, for that they had bestowed the greatest honors 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 Aristocratie Aristocratically goutned: that is to say, where the people is kept from all honours and places of comand: which although it be of it selfe an hard thing paiently to endure, yet were it the better to bee borne, if the government were committed to good men: but when it is gien to wicke: and unworthy men, cuttie 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 lest vnfitie among themselves. Which plague, as it is in all estates and governments, so is it especially in an Aristocratie to be eschewned and fled. Now discord oftentimes ariseth euene of most small matters, which as sparkes raise the great fieres of ciuill warres, which at length take hold euene of the whole bodie 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 manrie a gentlewoman to whom hee had before gien his promisse, gave occasion to the raising of a faction amongst the nobilitie, who so wafted and deuoured one another, as that the people to end the quarrel, easilie draw out all the rest, and commanded the state of the citie. And for like occasion arose great ciuill warres amongst the Ardeates, for an inheretrix, whose 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 Volians, who were afterwards vanquished by the Romans. So also the citie & Commonweale of Delphos, for the same occasion, was chaunged from an Aristocratie vnto a Popular estate. The state of Mitelin was also chaunged from an Aristocratie into a Popular estate, vpon a suit betwixt the nobilitie and the people, Which of them should have the tuition of two orphans. And the state of the Commonweale of the Heilfien, for a suit in matter of inheritance betwixt two privet men. And the facted warre which chaunged not, but euen vitally ruinated the estate of the Phacentes, was grounded vpon the marriage of an inheretrix, whose two of their great lords strouet to have. And that more is, the Aetolians and Arcadians, for a long time fore weakened one another with mutual warres, and all but for a boates head: as they of Carthage and of Bizaque did also for a small frigot. So betwixt the Scots and the Picts, was rais'd a most cruel warre, and all but for certaine dogges, which the Scots had taken from the Picts, and neuer could be againe reconciled, nowbeit that they had for six 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 the same skins which he had taken from the Swiflers.

Sometimes also the changes and ruins 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 eunuch they which are guiltie (and especially in Popular eftates) not without cause alwaies feate the calamities and doubtfull iuries of judgements, which most commonly endanger the liues, the goods, and honour of such as are accused. And to leave rotten examples, we have troste enow of our owne, and that of such as of late have set on fire all the kingdom with civill wars when it was but spoken of, for calling them to account for two and fotive millions. And no matruell if they so feared to be brought in question for embefeling of the common treaure and reuenue when, as Pericles, a man of greatest integrity, and which had most magnificently spent even 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 manag'd, and so generally of his actions, raised the Peloponnesian warre, which never after tooke end vntill it had ruined divers Commonweals, and wholly clouded the estate of all the citie of Greece. Who alwaies 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 neruer the richer, as Thucydides, a moft true historiographer, and Pericles his moft mortall enemie reporteth of him; who caused him to be banished with the banishment of the OItracisme. And euen for the selle fame cause the Rhodians and they of Choos had their eftates changed from Artificialities into Popular eftates. And albeit that Caesar was of himselfe moft ambitious and defirous of soveraigntie: yet was he not so much destitute to beare the rule, as affayd to be called to account by priuate men, for such things as he had done, as his enemies had openly boasted that he should, so soon as hee was discharg'd of his charge, not the leaft cause that move'd him to ceifie vpon the estate. For what affurance could he have of himselfe, seeing before the two Scipios (Africanus the honor of his time, and Scipio Africanus the honor of his time, and Scipio Africanus and Caecil 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 broile, are also resolute, that the common treaures can neede more easly be robbed, or good men spoile and flaine, than in the time of civill warres: yet taking it for an advantage to fish in the troubled water. And although it may fortune such wicked men also to perish (as oftentimes it happeneth them which have bene the authors of civill warres, themselves to die a moft miserable death) yet have they still in their mouths that desparat saying of Catelme, That the fire (foftfoth) which had taken hold of his house, which he could not with water quench, hee would yet quench with the vter ruine of the fame. And truly much he mis'd not, but that hee had vterly overthrown the Roman Commonwealde, or stept into the soveraigntie, had not Cicerone the watchful Conful, and Ca.Antonus his companion (although it were with much ado) flaine him to desparat a citizen, with all his fellows. Neither ought Cicerone (by his good leaue bee it said) to have driven Catelme out of the citie, but to have oppresst him even there, the conspiracie once detected. For it is not to be hoped, but that hee which feeth himselfe banished from his house, & from his country, if hee have power, will forthwith put himselfe in arms, as he did. And had he gained the battell against Ca.Antonus, hee had put the whole eftate in great danger, being one of the moft noble gentlemen, and best allied of all them that were in Rome. Certaine it is that by his departure out of the citie, a great and
and dangerous sinke of the Commonweale was so well esteemed; yet had it beene better for him to have beeene there oppressed, than armed against his owne countrey. But of such great and dangerous enemies, the wiser fort aduised vs, to make them our vterly friend, or else vtertye to destroy them, rather than to drive them out of the cite, except we should for honour banifh them: as they did in the cities of Athens, Argos, and Ephesus, where the great Lords mightie in wealth, favour, or vertue, were for a certaine time, (which for all that never exceeded ten yeaeres) constrained to absent themselves, without any losse of goods or reputation, which was an honourable kind of banifhment. Of whom so banifhed, not any one of them is reported to have therefore made warre vpon his countrey. But to banifh 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 banifh'd man by the helpe of his friends aspirith vnto the fourraughtie; as did Dion banifh'd out of Syracuse by Dionysius the yonger, against whom for all that he yet tooke nor vp armes vntill he was by him proscribed. And Martius Coriolanus, who cast into exile, brought the Romans to such extremitie, as that had he not suffered himselfe to have beeene overcome with the prayets 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 banifh'd men of the house of Medes, and the nobilitie of Zurich in the yeare 1336, thrust out of their cities, by the helpe and power of their friends and allies besieged their owne naute countries; and for a long time wearied the citizens their countrymen with a most doubtfull and daungerous warre. But yet here some man may say, That it is more safetie to keepe a wicked and a daungerous citizen without the walls, than to bee troubled with such a plague in the verte entrailes of the Commonweale. Whereto I yeld: but yet how much greater a folly is it to let him whom thou oughtest to kill, to escape out of the city, who once got out, is both willing and able to stirre vp, and maintaine warre? Artaxerxes king of Persia had cast in prison Cyrus the yonger, guilty of high treason, and had commanded him in princely manner to be bound with chains of golde; and afterwards overcome with his mothers requests enlarged him: but he had no sooner got his libertie, but that he made most great warre vpon the king, and was like enough by his brothers death to have obtained the kingdome, or else have vndone his countrey: had he not by the kings armie beeene circumcetted and flaine. I saide we must kill such people, or make them out good friends; as did Augustus, having discouer'd the conspiracie of Cinna against him, and having him in his powr attained and convince'd by his owne letters, yet neverthelesse pardoned him; and not so content, tooke him by the hand, and owne a most mutual trysthip with him, and afterwards bestowed the greatest honours and preferemes of the estate vpon him; at the time that Cinna expected nothing but the sentence of condemnation, and to present execution; vnder these words of grace and favoure vnto him: Vitam tibi Cinnam iterum do, prius hosti, nume insidiatori as paricide; Ex boderno die amicitia inter nos institut, contundamus utrum ego meliore fide vitam tibi dederim, antu debess; Cinna (laid he) thy life I give thee againe, being before mine enemie, and now a traitour and a murtherer: But from this day, let vs begin to be friends, and from henceforth let vs strive, whether I with greater truist have gaven thee thy life, or thou with greater faithfulnesse dost ow it. After which time he never had a more faithful friend; being also afterwards by him appoin'ted heire of all his goods. Augustus had before put to death an infinite number of such as had sworne and conspir'd his death; but now had a purpose in Cinna to prove if by gentlenesse and merce he could gain the hearts of men, wherein he was not deceiv'd: for from that time there was nearer any found which durft attempt any thing against
against him. So the Venetians also having taken prisoner Gonzaga the duke of Mantua, of all others their most mortal enemy, (who had ionned all his forces and power with king Leur of France for the ouerthrow of the Venetian state) did not onely set him at libertie, but made him Generall also of their forces; by which so honorable a kindnesse he bound, for euer after continued their most fast and loyal friend. And this is it for which Pontius the old capitaine of the Sammites said, That the great armie of the Romans surprized in the straies of the Appenine mountains was either franke and freely to bee set at libertie, or else all to be put to the sword; for that so it should come to passe, that either the power of the Romans should by so great a slaughter be greatly weaken, or else having receiued from the Sammites so great a benefit, as the life and libertie of so many men, they should for euer after keepe good league and friendship with them.

But these contentions and changes of Commonweales do more often happen in little and small cities or citie to citie, than in great kingdome or citie, or in small 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 subjectes, betwixt the rich and the poore, betwixt the good and the bad, there are a great number of the middle sort 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 extremes. And thus is it for which we see the little Commonweales of Italy, & the auntient Commonweales of Greece, which had but one, two, or three townees or citie belonging to them, in one age to have suffered more alterations and changes than are in many ages reported to have bee in this kingdome of France, or in the kingdome of Spayne. For it is not to be doubted but that the extremes are alwaies contrarie one to the other, and so at discord and variance betwixt themselves, if there be not some means which may binde and joine the one of them with the other; which we see 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 euue in the same city also, where as but the diuersitie of places separate but by some tyme, or waft vacant peace of ground without building upon it, both oft times set the citizens at odds, and give occasion to the chaunging of the eftate. So the citie of Fez was never at quiet, neither could the slaughters & murthers euer be appeased or staid, vntill that Joseph king of Marocco and of Fez, of two townees standing one what diuerte one of them from the other by continuance building made them both one, and that now the greatest citie of Fez, whereby he gained the praise and commendation of a most wise & discreet prince; for that he so onely ionned houes to houes, and walls to walls, but bound also the minde of the citizens and inhabitants of both places (before burning with an incredible hauing onely of them against another, and alwaies diuided in warres) now in perpetuall loue and friendship together. Which hapned also vnto the Clazomenians, where one part of the citie standing in the maine, and the other part in an Iland, there was alwaies discord and warre betwixt them of the Ile and the other citizens. And so at Athens they which dwelt by the hauens side commonly called Piraeus, were at continuall discord and variance with them of the upper Towne which they called Afito or the Citie, vntill that Pericles with long walls ionned the Hauen vnto the Citie. For which cause also such tumults and quarrels fell betwixt the citizens of Venice, and the mariners and other the seafaring men, as had brought the citie into extreme petill and daunger had not Peter Lauderan with his great authortie and wisdome appeaied the same.

But most often it hapneth the changes of Commonweales to follow after civil discord,
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 rarest together: As the Englishmen have often times vanquished and overthrown the French being at variance among themselves: And the king of Fez safely tooke the city of Tefsa, the citizens being almost all consumed and spent with civil warre, And in the memorte of our fathers Philip the second Duke of Bourgondie joyned vnto the boundes of his dukedome Dinan and Bounce, two cities in the country of Liege (parted in funder but with a river) after that they had with longe 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 marrtie the one of them vnto the other, as faith Philip Commines. So also whilst the kings of Marocco were in armes together for the foueraignty, the Gouernour of Thunes and of Telefin disembursed those two provinces to make himselfe a kingdome of. And by the same meanes Laechares seeing the Athenians in combustion, in the time of Demetrias the besieger, flept into the Seignorie. And that more is, we read that foure thousand five hundred slaves and banished men invaded the Capitoll, and misst but a little to haue made themselves lords of Rome, whilst the Nobilitie and Common people in the meane time were together by the cares in an uproar in the middeft of the cite, who thereupon fell to agreement among themselues; not unlike vnto two dogges, who readie to pull one an others throat out, seing a wolle, fall both vpon him. Wherefore such ciuill discord is most daungerous vnto cities or estates, especially if there be no societie or oiliance between the State so troubled, and the neighbour Princes: for that the enimie so at hand, may oppresse the state (the citizens or subjects so at variance among themselues) before that any helpe can come. Whereat we are not to maruell, for they to whom neither the huge height of steepie mountains, neither the unmeasurable depth of the bottomlessee sea, nor the most solitarie deserts, nor the greatest and strongest fortifications, nor the innumerable multitude of enemies can lerne for the stying of their ambitious and avaritious coules and desires; how should they content themselues with their owne, without encroaching vpon their neighbours, whose frontiers touch theirs, and that fit occasion presenteth it selfe for them to do which is there the more to be feared where the Commonweale is but little: as is of Rhaguele, of Geneu, and of Luque, which haue but one Towne, and the territorie verie strait; so that he which shal gaine the towne, shal withall become master of the Estate also: which so chanceth not in great and spacious Commonweale, wherein many cifties, cithes, countries, and provinces are in mutuall helpe together comyned; so that one cistie thereof being taken, or a cistie of province thereof spoyled, yet followeth not the ruine of the Estate, one of them still succouring another, as many members in one bodie, which at need helpe one an other.

Yet for all that a Monarchie hath this advantage propet vnto it selfe, above the Aristocratique and Popular estates, That in these commonly there is but one towne or cistie wherein the Seignorie lyth, which is as an house or place of retreat for them which hate the manning of those estates to retirre vnto, which once taken by the enimie, the estat is withall vndone: whereas a Monark chaungeth himselfe from place to place as occasion requipteth: neither doth the taking of him by the enimie bring with it the losse of the Estatte. As when the cistie of Capua was taken, their estatte was also ouerthrown 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 foueraignty were all together taken prisoners. The cistie of Sienna also being taken by the Duke of Florence, all the other townes and fortresses of that Seignorie, Pp
at the same time yealded themselves vnto him also. But the king taken prifoner, is most commonly for his ransome fet at libertie; wherewith if the enemie hold not him sole content, the Estates may proceed to a new election, or take the next of blood if they have other princes: ye see sometime the captivke king himselfe, had rather to yeeld vp his estate, or elle to die a prifoner, than to giue his subiects with his too heauie a ransome. As indeed that which most troubled the Emperour Charles the fift was the resolution of king Francis then his prifoner, who gane him to understand, that he was upon the point to refigne his kingdome vnto his eldest fonne, 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 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 againste the house of France, ouerthrown our leigions at Paue, and caried away the king with the flower of the nobilitie into Spayne; yet was there not any which durft enter into France to conquer it, knowing the lawes and nature of that Monarchie. For as a building grounded vpon deep foundations, &c built with durable matter, well vnited and ioyned in every part, feareth neither winde nor tempest, but easily refitheth all force and violence; even so a Commonweale grounded vpon good lawes, well vntied and ioyned in all the members thereof, aslly suffizeth not alteration; as alfo to the contrarie we fee some states and Commonweals to euill built and let together, as that they ow their fall and ruine vnto the first wind that bloweth, or tempest that aritheth.

And yet is there no kingdome which shall not in continuance of time be chaunge, and at length alfo be ouerthrownne. But they are in better care which leafe feel such their chaungethes by little and little made, whether it be from euill to good, or from good to better, as we haue shewed by the example of the Venetian Commonweale: which at the beginning was a pure Monarchie, which afterward was sweetly chaungethe into a Popular estate, and now by little and little is chaungethe into an Arisftocratie, and that in such quiet fort, as that it was not well by any man perceived that the estate was at all chaungethe. An other example we haue alfo of the Germaine Empire, which founded by Charlemaigne and descending to his posteritie, so long continued a true Monarchie vnder one soueraigne princes government, vntill that the line of Charlemaigne falling, 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 prefcribe lawes and conditions vnto the Emperour to rule by; and yet right happe 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 Arisftocratie to encrease in the Princes and Estates of the Empire, in such fort as that at this pretent the Emperours have nothing more but as it were the bare name and title of an Emperour, the soueraigntie restning in the Estates of the Empire it selfe. So that had not eleueen most noble Princes of the house of Austria for their worthy deeds right famous, as it were in a successive right (one of them whilest he himselfe yet liueth, still procuring an other of the fame house to be designde 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 Jagellon failing: as alfo the Danes, after that Christiane 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 confirme the fame, (as I have before noted) wherewith it manifestly appeareth, that the Nobilitie there hold
A hold as it were the soueraigne, and that by little and little that kingdom will change
into an Aristocratie if Frederike should die without children.

And albeit that the estates of Hungarie, Bohemia, Polonia, and Denmarke, have al-
ways pretended the right of election of their kings, although they have children,
(which pretogatue they still maintain) yet commonly the kings their parents appoint-
ted their children vnto the succession of their kingdoms, who so chosen in their fa-
thers places,better maintaine the rights of soueraigne than do strangers (who have
the same oft times cut short, and so their soueraigne power in them restrained) so that
the kingdoms so descendning, as it were in succession from the great grandfathers vnto
their nephews, the soueraigne rights by little and little without violence returne again
from the nobilitie vnto the kings themselves: which is both an eafe change, & most
wolfsome for the Commonweale. For to Casimir the Great, king of Polonia, worthily
defended the soueraigne rights by him received from his great grandfather: but hee
deal without issue, the Polonians indeed called Lewes king of Hungarie (and Casimir
his nephew) vnto the kingdom of Polonia, but with the soueraigne therin much
diminisht: he for the gaining of the kingdom yeelding to whatsoever the estastes de-
Sired. But Lewes dead also without heires male, lagello duke of Lithuania marrying
one of the daughters and heires of Lewes, and so with her obtaining the kingdom of
Polonia yet more impaired the soueraigne rights than they had before bene: the prin-
ceses of whose postetitie yeertheiletse as it were in succession right, for the space of about
two hundred yeares, toeke upon them the government of the kingdom, 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
Fraunce.Charles the ninth the French kings brother: but with othes and conditions
bound vnto the estastes, so much derogating from the rights of a soueraigne Monarch,
that as indeed he might have seemed rather a prince than a king. And to say yet more,
I being sent to Metz, to asfist 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 Scho-
raofchi one of the ambassadours, That the estastes 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 Fraunce. Thus we see Monarchies peaceably by little and little to
change into Aristocraties, if so it be that the Monarchie be not by auintent lawes and
immutable customes, maintained in the maiestie thereof. As we fee in the creation of
the pope, where the Consistorie (or Collidge of Cardinals) derogat nothing from the
soueraigne maiestie that he hath in all the demaine of the church, and the fees de-
pecting thereon: no more than do the order of the knights of Malta in any thing dimi-
nish the power of the Grand maiter, who hath the power of life and death, and to dis-
pose of the reueenues, estastes, and offices of the country, yeelding fealtie and homage
vnto the king of Spaine for the isle of Malta, which Charles the fis the emperour vpon
this condition gaue them. And albeit that the collidge of cardinals after the death of
pope Iulius the second, determined in the conclawe, to moderat the popes power: yet
shortly after they flew from that they had before decreed, in such sort that Leo the
tenth, then by them choen, tooke vpon him more power than had any pope of long
time before him.

But that change is of others moit daungerous to a Monarchie, when as the king
dying without issue, there is some one who in wealth and power exceedeth the rest &
so much the more, if he be also ambitious and deificous of rule: For no doubt, but that
hauing the power in his hand, hee will, if hee can, take the soueraigne from the other
weake princes. For to Hugh Capet the right line of Charlesmaigne ended, being Prouotf
of the citie of Paris, and a man of great wealth, and no leéle saueoured of the people, excluded from the kingdome Charles duke of Loraine, who with his sonne Otto were the only men left of all the posterity of Charlemaigne. Which is also to bee feared of the great Othoman princes, who although they haue their families of the Machiavellian, of the Ebranes, and the Turkian, of the princes house and blood, to succeed in the Turkish empire: yet for all that if the Othoman familie should altogether perishe, it is to bee thought, that some one of the Baffales or other great men, in greatest favour with the Ianizaries, and the other fouldiers of the court will carry away the estate and sovereignty from the other princes of the aforesaid families, being but weake, and far off from the Grand Signior, which might so raffe the greatest ciuill warres in the Eait, for the great opinion which the people hath of long conccined of the valour and maitelty of the Othoman familie. A notable example of such change of state wee haue in the change of the Lacedemonian kingdome: where Cleomenes the king vanquished and put to flight by Antigonus, the kingdome was changed into a Popular estate, which so continued for three years: during which time the people made choyce of five Prouolts, or chief magistrats, whom they called Ephori, chosen out of the people themselves: but newes being brought of the death of Cleomenes, slaine in Aegypt, two of the five Ephori conspired against the other three their companions and fellowes in office: and so as they were doing sacrifice, caused them to be slaine; which done, they proceed to the election of Agesipolis for their king, a prince of the royal blood. But whereas before Cleomenes they were wont to haue two kings: one Lycurgus a man gracious with the people, but otherwise none of the blood royall, by corruption and briberie caused himselfe also by the people to be chosen king, Chilon, a noble gentleman, descended from Hercules, being for his povertie and want of ability excluded, who not able to endure so great an indignity offered vnto his house and family, procured all the magistrats to be slaine: Lycurgus himselfe onely escaping, who after great effusion of blood, held the sovereignty himselfe alone, haueing before almost quite destroyed the royal race of the Heraclides posterity of Hercules. And thus much concerning the change and ruine of Commonweales, which whether they may by any means be foreseen and prevented, let vs now also see.

CHAP. II.

Whether there be any meanes to know the chaunccs and ruines, which are to chaunce vnto Commonweales.

Eeing that there is nothing in this world which commeth to passe by chance or fortune, as all diuines and the wiser sort of the Philosophers haue with one common consent refolued: Wee will here in the first place fet downe this maxime for a ground or foundation, That the chaunccs and ruines of Commonweales, are humane or natural, or diuine; that is to say, That they come to passe either by the onely counsell and judgement of God, without any other meine 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, σφαῖρα χρυσάω, or by the will of man, which the diuines conffe unto 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 infeasible, but that he sometime by secret inspiration declareth his will, as he hath done vnto his Prophets, causeth them many worlds of yeres before to see the falles of many the greatest empires and Monarchies, which posteritate hath by experience found to be true. But this divine power of the almighty most feldsome times showeth it selfe 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 same fume moment with wonderfull fire, and reuenging flamnes, destroyed the five cities with Sodome and Gomorrah: and so changed also the place, then full of most sweet waters and abundance of fih, with a most stuffing & lothsome taft, as that it yet is vnto all kind of fih pestilent & deadly: and as for the ground it selfe, before of wonderful fertility, he so covered it with ashes and stinking sulphur, as that he feemeth in that countrey to have left no place for wholesome plants, or any kind of graine to grow in. So also he overwelmed Bura and Helice, two cities of Greece, with such a deluge of water, and that so suddenly, that even they also which were about to have fled of the cities into the ships, being by the wonderfull rising of the waters, vnable to come to the hauen, were so 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 Fennes called Ponticine butt 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 dierous and mutable, & God his judgements most secret and infeasible: there remaineth only to know, whether that by natural causes (which not altogether obscure, but by a certaine constant order of caufes 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 dierous) we meane not ciuill caufes, whereunto the change and ruine of cities and Commonweales must needs immediately follow: as when good deferts 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 caufes none is more certaine, none more weightie, and in briefe none neeter vnto the change or ruine of a ciuite or Commonweale, than these. But the caufes which we here feeke after, are the celestiall and more remote caufes, yet proceeding from a certaine natural course and force: howbeit that it be good also to behold and foresee all manner of caufes what follow. 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 diuine another: so also the Polititian doth one way, the Astrologer another, and the diuine a third way, judge of the change & ruine of Commonweales. The Politician in the ruine of a ciuite or Commonweale, blameth the injuries and wrongs done by the prince vnto his fubjects, the corruptneffe of the magistrates, with the iniquitie of the laws: The Astrologer considereth and beholdeth the force and power of the heauenly fities and planets, and thees of thinketh dierous motions to arife in mens minds, for the change and innovation of fities and Commonweales: But the Diuine constantly affirmeth all plagues, wars, deatth, deftructions of cities and nations, to proceed from the contempt of God and of his religion, and God therefore to be angry, and to spoufifie the wife dome even of the most wisefitt magistrates, and to arme even his fifies against princes. And euery one of these haue their caufes, by the helpe and concoucie whereof wife men may guesse the change or ruine of a ciuite or Commonweale. In which point we see
Astrological & physiological notions, not destitute of
the maifitie and power of God.

Nothing done by the necessitie of nature, if it fell be
ing still subject to the power of God.

Some to erre and be deceived, which think, that to looke into the starres, no search after their secret influencies and vertues, is in some sort to diminish the maifitie and power of almightie God: whereas to the contrary it is thereby made much more glorious and beautifull, to do so great things by his creatures, as if he did then immediately by his owne mightie hand, without any other meanes at all.

Now what man is there of sound judgement, which feeleth 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 fill kept back and restrained, being himselfe free from the lawes of nature, which see himselfe hath commanded; not as by a decree of a Senat, or of a people, but even of himselfe: who being 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 perpetual care of all people and nations, but yet therof himselfe secure, for that he is himselfe the greatest. But as all things which had beginning have also a loose and frail dissolvable nature (as by most certaine and undoubtedly demonstration is to be proued) it must thereof needs follow also, not only cities and Commonwealhes, but even all other things, which from their first beginning have innumerable worlds of yeares flourished, must at length in tract of time fall also and take end. And albeit that Plato the prince of Philofophers, having not as yet the knowledge of the celestial motions, and so much lesse of their effects (which as then was covered in most thickene and cloud,) when as he with a notable invention had conceited such a forme of a Commonwealhe, as seemed vnto many to bee everlasting, if it erst not from the lawes and orders by him set downe; yet for all that he said, That it should in time perifh: as he which most manifeftly saw the vanitie of all things, which as they had a beginning, so were they also to take ending; nothing being 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 laws, no such wifedome or valour of man, which can still preserve estates or Commonwealhes from ruine and most certaine destruction. By which reasons, Secundus (a Philofopher of the Stoike sect) greatly comforted Pompey, discouraged and almost despar after the Pharaflial overthrow. Neither yet therefore do they which thinkk the course of natural caus in concerne the changes and ruines of cities and Commonwealhes, thereby bind the free will of man, and much lesse almightie God himselfe vnto a fatal necessitie: no not if we should deeme all things to be done by a continuat and interlaced course of forerunning natural causes; seeing that even nature itself is by the power of God kept in & restrained. Wherefore we oftentimes fea both plants, and other living creatures, which by nature have a certaine period of their lives, by some external force to hasten or prevent the tearmes by nature prefixed, and so sooner to die than by nature they should. And as for mankind, we have it oftentimes in holy writ recorded, That they which lead an upright & vertuous life, shall live long: whereas the wicked should shorten their days, and bring themselves vnto a most speedie confusion and end. Whereby it appeareth certaine prefixed bounds of every mans life, to be by God appointed, which by faue may bee cut shorter, and by vertue extended farther. So kingdomes also have their beginnings, their encreasings, their flourithing estates, their changings, and ruines: yet when these changes shall be, or ruines, or destrouctions beide them, we fee it by no learning to bee perceived or vnderflood. 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 perifh and decay, is a thing not worth the refutation: whereof yet for all that more in due place shall be faid.

Now many there be, which have thought the corruptions and changes of estates and
A and Commonweales, to depend of the force, power and motion of the superior celestiall bodies: which to discover, were a matter of infinite difficultie, which yet for all that should not be so great, if Commonweales should as men and other things take their beginning. And that the state and ruine of Commonweales should wholly next unto God depend of those eternal lights, and of their mutual conjunctions and oppositions, yet could thereof no certaine doctrine be delerued or gathered, for the great variety and inconsonance of them which have obscured the force and course of the celestiall 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 fene in the heauen stationarie and immooveable. 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 shal 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 agree with one another. So Cyprian Leo, following the table of Aphophius, (the evident error of whom Copernicus hath declared) hath made fo apparant faults, as that the great conjunctions of the superior 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 is it, that all his observations threaten a fall, as grounded upon a faile supposition, which can in no wise be true. For he saith, that in the creation of the world, the sunne was in the signe Leo, without any probable reason, following the opinion of Iulius 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 manifestly to bee proved, not onely by the most ancient orders and customes of all people, but by the most divine testimonies of holy scripture alio, 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 twentieth day of the seventh moneth; which Moses hath expressly written to have bene the first, before the departure of the people out of Egypt. Which to the intent it might be the less 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  \( \pi \nu \tau \nu \kappa \z\sigma \eta \nu \) : he joyneth herunto these words, \( \tau \alpha \iota \sigma \iota \iota \iota \lambda \iota \sigma \iota \z\sigma \z\sigma \iota \) , 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 Egyptians 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 the Chaldaies is called Nisan, and of vs before, March, but now April, to have beene in order the first for the delverence of the people out of the bondage of Egypt: but yet the moneth which of the Chaldees is called Ethanim, of the Hebrewes Tithi, 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, Abramam, Ezra, Iona than the Chaldean interpreter, with almost all the teft, constantly affirmne. Which for that it hath great force for the difcerning of the ruines of Commonweales, is of vs more manifeetly to be explained. The ancient schoole of the Hebrewes, begin the reading of Moses his booke, the Genesis, in Autumne; and Samuel, the most antiquit.

The notable astrologers of the Astrologers.

The sunne in the creation of the world to have bene in the signe Libra. Exod. 23. 15, 16. Exod. 21. 1, 17, 18.

The world to have taken beginning in Autumnne. P p iiij
The aunts to have begun the yeare in September.

The Romans also from the remembrance of most ancient antiquite, began the yeare from the Ides of September. Lex vetus est (faith Line) & prorsis scripta hateris, et qui Prætor maximus sit, Idibus Septembris claanum pungat; It is an old law (faith he) and written in old ancient letters, that he which was the great Proutoff, should ever the Ides of September divine or fallen a nail. This nail Fesus calleth annalem, or an annuall nail, Qui quotannis segebatur in dextra parte capitoly o per eos clausos numero colligeretur annorum, Which was erectile yeare tasfhed in the right side of the Capitoll, that by those nayles the number of the yeares might be gathered. Augustus appointed also the Olympic games in the moneth 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 Mose, and begin their account of the spring diuision, yet nevertheless they begin their tables of the celestiall motions received from the Aegyptians and Chaldeies from the Autumnne diuision. VVhich antiquities, with the authoritie of so many and so worthy men, although they make the matter manifest enough and out of all doubt; yet even nature it false 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 also is it to be thought him to have provided for all living creatures, and especially for mankind, ripe fruits for him to seed upon, and most beautiful to behold, planted in most faire gardens, as is in the sacred booke of Genesis to be seene: which can in no wise be done, but that the world must be created in the beginning of Autumnne. For why, Adam was created about Iordan, whereas corn in the spring time yet shooteth not on eate; and the moneth Abib is so called, for that the corn in the spring time in those places runneth but vp in spidle, 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 Sympofiaques, when he pleasanly questioneth, Whether egges or birds were first: resoluteth 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 should have created man a crying child, or calves for oxen, or egges for birds, he must also have created nustes to have suckled them, and birds to have hatched them: which if it be absurd and foolish to say, so must also of necessitie those things bee absurd, whereof these things follow, euz. the world to have bene created in the beginning of the spring, and young footees 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 evident them 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 vaine conceptions go about to blot out and extinguish the authenticitie of the facted scriptures, as also the most antiquitie records of the Indians, the Chaldees, the Aegyptians, and Latines, and all fortooth because cold weather still followeth after Autumnne: they fearing (as I suppose) lest 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 celesstiall motions, and much to differ amongst themselves, concerning the course of the sattars and planets, they can therefore (I say) let downe nothing certaine, concerning mans affaires, or the ruins of cities and Commonwealths.

But yet it hath lefte probabilite by the foundation of towanes and cities, to judge of the rising or falling of Commonwealths as many do also of houses before they lay the foundations of them, to foresee and let that they should not be burnt or rased, or fike of the falling ficknesse: which to doe is a meere folly, differing little from extreme madness, as through natures most constant order should depend of mans lightnesse, and the force of the celesstiall Spheres, of the will and pleasure of a base carpenter or mason. Indeed by the law it is pronounced, That the value of houses burnt should bee deemed by their age and continuance, for so is read in the old hebrewish copie: although that D. Cuius a most diligent interpretor of antiquitie readings, be of their opinion, which for astrobus, 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 houles according to theuffle and matter they were built of, were to be esteemed of longer or shortter continuance: as if an house were built of clay or mortar, it was esteemed to be able to last some fourecore yeares: in such sort as that if it had cost an hundred crownes at first to build, being burnt fourtie yeares after, there should haue the price thereof be abated in the estimation thereof: For as for houles built with brecie (they as plume faith) if they be built vpright are everlafling. And so Victruinus, and all other builders were wont to esteeme of the house sustaine, by the age and continuance of the houses burnt. For to esteeme of them by the elle, or by the greatnesse, so a barne built of clay or straw should be esteemed more worth than smaller buildings built of marble or of porphirae, as the temple of Porphiree at Siena, one of the lesse, but most costly buildings of Europe. But the deciding of such questions we must referre to Victruinus, 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 estate or successe of a kingdome or monarckie should leffe need the refutation: but that Varro (whome Tullie wrighteth to have in learning excelled all other Greeks and Latins) commandeth Tarentus 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 Commonwealth gathering the causes thereof, and by things ensuing after, gesing at things foretold, & so by retrogradation judging the causes by the effects, by most light and vaine conceptions affirmeth the foundation of the city to haue bene laid in the third yeare of the fixt Olympiade, the one and twentieth 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 moonne in Libra, Gemini holding the heart, or middle of the heauens, and Virgo rifting. But seeing that the chief points of this figure belonging vnto Mercurie, and that this whole celesstiall Scheame betoke-men of traffique, or other wise ludionis 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 Tarentus in this his figure, or Horoscope of the foundation of Rome, is most shamefully deceived, as hauing therein placed the celesstiall orbs in a situation quite contrarie vnto nature.
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 Ferrierus an excellent Mathematician, who in his booke of Astronomicall judgements, hath let Venus and Mercurie, one of them opposit unto another, and both of them opposit unto the Sunne: a thing by nature impossible, and hee himselfe acknowledging that Mercurie can never be fix and thirtie degrees from the Sunne. Yet true it is, that John Pious 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 Mercurie in the tenth, which cannot be (faith he) except the Sun should be from Mercurie the fourth part of the circle (or three signes distant): not having regard, that the globe may so be placed, to incline unto the North, as that the sun rising, Mercurie may come unto the meridian, yea unto the tenth house two hours before noon, and yet not be thirtie degrees from the Sunne. But Plutarch wrighten Antimachus Lyrus to have left recorded, the Sunne to have bene then eclipsed, which yet he faith to have bene the circle distant from the Moone. And yet there is another greater absurditie in that theame of Taruntius, in that hee placeth the Sunne in Taurus the xxix day of April, which then entred not theerunto untill the thirtie tym of April. Howbeit also that Lucas Gauricus, who collected the celestiall theames of many most famous citie, differed altogether from this theame of Rome, by Taruntius before set downe: for he placeth Libra in the Eaf, as doth also Manlius. But of all absurd things none is more absurd, than by the overthrow of citie to measure the destruction of the estate or Commonweale, whereas before we haue declared, that a city oftentimes may be overthrown and laid even flat with the ground, and yet the state and Commonweale thereof remaine, as we haue before shewed of the citie of Carthage: as oftentimes to the contrary the estate and Commonweale may perish, the walls and other buildings yet standing all whole.

Wherefore then I rest not vpon such opinions, and much lesse vpon that which Cardan faith, who to seeme more subtilly that others to handle these hidden and obscure matters, & to raise an admiration of himselfe with men unskilfull of these things, maintaineth the beginnings and encreasings of the greatest citie and Empires to have come from that Starre which is the laft in the taile 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 fame Starre translateth the Roman Empire to Constantineople, and so afterwards into France, and so from thence into Germanye: which although they be set downe but by a most brainseke man, yet do men ignorant of the celestiall motions wonderfully admire the fame, and are therefore by vs to be refuted. For perceiving that laft Starre of Virga Maior to be daily vnto manie people verticall, though perpendicular vnto them only which are subiect 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 howre, that is to say at noonetide, should together with the Sun touch the verticall circle: For that starre being now in the xxix degree of Virgo, by proportion of the motion of the fixed starres, by reason of the motion of the eight Sphire, it must needs have bene in the xxix degree of Leo at such time as the foundation of the citie of Rome was laied, 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 twenty degrees distant from
from the verticall, when as it ought to haue beene in the same figue, and in the same degree of the figue wherein the Sunne was, if Cardan his doctrine were true: who yet when he knew the same farrte to haue beene verticall vnto many great cities at the time of their foundation, since the beginning of the world, the Sun 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 twelue degrees, rather then to the Scotifh fishermen which dwell neere vnto the Oreads? or vnto them of Norway, and other the Northen people? vnto whom the same farrte is not onely verticall, the Sunne touching the Meridian in September, but is also directly perpendicular? Yet is it also more straunge, to lay the same farrte to haue given the Empire to Constantinople, considering that that cite was built nine hundred yeares before that the Empire was thither translated. Joining whereunto also that the horoscope of the cite of Constantinople found in the Papes libraie in the Vatican written in Greeke letters, calculated by Porphyre (as some affirm) and copied out by Lucius Gauricus the Bishop, declareth the Sunne then to have beene in the Xxvi degree of Taurus, the Moon in the v of Leo, Saturne in the xx of Cancer, Jupiter and Venus conjunct in the same figue, Mars in the twelfth, Mercurie in the first of Gemini, Aquarius holding the verticall of heauen, and the xxiii of Gemini in the Leuant; which he setteth downe to have beene in May vpon a Munday, two howres after the Sunne setting. 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 his account supposeth the cite of Constantinople to have beene built in the yeare of our Lord 638, three hundred yeares after the death of Porphyre: which yet it is manifet to have flourished above 500. yeares before Christ: which he thinkest also to have beene afterwards taken by the Turks armie in the yeare of Christ 1430. when as in truth it was by them woon and fackt in the yeare of our Lord 1453, the xxix day of May, being 1800 yeares before taken by the French men: wherein they raigne vntill the time of Cyrrus king of Thracia, as Polybius (tutor vnto Scipio Affricanus) writeth; at which time it was called Bizance. And againe afterwards also was taken by Pauflanus king of Lacedemonia in the Median warre. And yet more, afterwards also was besieged by Mecibades generall of the Athenians. And long after, three yeares together againe besieged by Severus the Emperor, who after he had sacked it, razed it also downe to the ground, and causing away the rest of the citizens into captivity, gave the ground whereon it stood vnto the Perinthians about the yeare of our Lord two hundred: which yet not long after was againe reedified, and by Constantin the great wonderfully enriched after that he had thither traslated the seat of his Empire. And yet againe after that, was with fire and sword most cruelly wasted by the armie of Galienus the Emperor, all the citizens therein being either flaine, or else carried away into captiuitie. Yet sealed it not for all that to be still the seat of the Greeke empire, vntill that the Frenchmen and Flemings under the conduct of Baldwin Earl of Flaunders seized thereon; which they held together with the Empire, vntill that about five yeares after they were by the Palæologi againe druen out: who having so recouered the cite there raigne, vntill that it was by Mahomet the great Turke woon. All which changes of the Empire, and ruines of the cite, Gauricus never touched; neither did Cardan himselfe so much as suspecket them: otherwise I supposse he would never have written things so absurd, and so disagreeing with themselues. But great maruell it is that this Cardan's farrte hath had such power as to graunt the Empires of the world to Italie, Greece, France, and Germanie, when as it was to them but verticall, and yet hath had
had no power at all upon the realmes of Norway and Sweden, where it is not onely verticall, the Sunne being at the Meridian in the moneth 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 be give vnto this Starre (which some foolish Astrologers take to be Saturna) more power than to others, both for their greatnesse & 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 Vultur, all most faire and beautifull Starres? while in briefe a thousand and threcore others, (for so many there are accounted beside the wandering Starres) vnto whom the Hebrew Mathematitians had added thirteen fixe mO also? Sufficeth it for this time to have reiectet these errours fo groffe, as the day it selfe is cleere.

But for asmuch as it were a thing infinite to refell all mens errours in this kind of matter, I will only touch theirs, who have thought themselfes wifer than the rest, and have beene had in reputation as best scene in the judgement of the heauens for the chaunges of Commonweales: such as was Peter of Ariaic Chaunciel of Paris, and afterwards Cardinall in the yeare 1416: For he writeth the beginnings, chaunges, and ruines of religions and Commonweales, to depend of the motion and conjunction of the superiour Planets. And to mee it seemeth right strange, while John Pitus Earle of Mirandula hath without farther search, accounted of the helmefull errours of this man, concerning the knowledge of the Celestiall Spheres, as of most certeine & approved demonstrationes, who having 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 Chrift 1585, there are not of them fixe true, and scarce any of them set in such place and time as they ought to be. Leupold, Aclaice, and Ptolomee were also of the same opinion, viz. the remouings of people, vartes, plaques, deluges, plentie, dearth, the chaunges of Eilates 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 so indeed as oft as they are in conjunction together, such things thereof ensue as often times draw euon the wiser man to admiration: howbeit that no necessitie be imposed vpon man kind by the influence of the heauens. But howsoever that be, it is manifeft the Cardinall of Ariaic to have beene most grieuously deceived, who reckning vp those great conjunctions from the begining, supposeth it by his account to have beene seaven 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 go reiectet: so soone as by the old interpretation of the Bible it was perceived them to have erred in their account about a thousand and fiue hundred yeares: whereas all Churches at this present follow the more certeine account of Philo the Jew, who followed almost the mean between Josephus and the later Hebrewes: for Josephus diffcreth 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 Chrift 1583, (wherin Bodin wrieth these things in Latin) to have beene 5531, or at most 5535 since the creation of the world. Wherefore Ariaic is deceived, who put the conjunction of the superiour Planets seaven thousand yeares ago, in the 320 yeare after the creation of the world: which after that compuation 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 beene then rising, the Sunne then to have beene in Aries, (which to be folle we have by
by necessarie arguments before proved) the Moore and Venus in Taurus, Saturne in Aquarius, Jupiter in Pices, Mars in Scorpio, Mercurie in Gemini: which is all false and quite contrary into the nature and motion of the celestiall Spheres, which is manifest into every man which shall more narrowly looke thereinto, or take account of the motions of the Planets from thence into 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 to against nature divided the one of them from the other fix and fiftie degrees, as we have before declared: viz., that Mercurie when he is farthest from the Sunne, neuer to be farther off than fix and thirtie degrees. Which may suffice in passing by, to shew that the Hypothesis of the Cardinal of Ariac and his foundation being false, the reft that is thereon built cannot stand. But this he had propounded into himselfe, it to be a thing contrary into the maiestie 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 deuices of the vnskillfull, are more light and farther from the antiquitie of the Chaldeis, than that they desirue to be refelved.

But how much more certainlie and better do they, which having considerable looked thorow the antiquitie of the Hebrewes, and the animaduertions of Copernicus (who most diligently corrected the errors of Alphonsius, and of the Arabians) going ordely retrograde from these oppositions and conjunctions of the Planets which we now behold, into the verie 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 judgement, free from impietie and rathenefe may be made. Neither is it to be hoped (except happellie in an innumerable sort of worlds) that the three superiour Planets shall meet together in the first point of Aries, whereof our wifhghts rathly diuine 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 Chrift 1539, 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 feare chance againe in the resolution of eight hundred yeares. And in this fort 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 forenamed to judge also of things to come: yet faying alwaies the maiestie of almightie God, who is himselfe bound vnto no lawes of nature, neither hath thereunto bound any of his creatures. Wherein manie greatly offend, who thinke the power and influence of the celestiall Spheres to be nothing, when as yet for all that their strengthe and power hath alwaies beeene 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 beafts, as in facted writ is to bee seen, 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 Pices, the reft of the Planets together with the Dragons head being in Aquarius & Pices, all of them waterie Signes. Which felle same yeare in the moneth of Februaie were twenty other conjunctions of the Planets also among themselues, besides the fixe fixares: which of all other things, was a thing most worthie the admiration. So that hereupon the Astrologers all the world ouer agreeing together for the destruction of the world, with a great feare terrifyed the
the minds of many weak men; in that they so constantly all with one consent affirmed, the world to be now againe overwhelmed with an uniuerse deluge and inundation of waters; in somuch that many miscreants caused lippes to be made for them to face themselves in from such the rage of the waters, and especially Aniolius Prefident of Tholofe a most cunning lawyer, but a man either ignorant, or a contemner of the laws of God, howbeit that he heard the promises of God still preached unto 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 yeare were floodes and inundations of waters in divers counties, but yet no such generall deluge as was foretold and feared, neither any cities or countries at all knowne to be drowned. Wherefore to affirm any thing of the chaunges and ruines of Commonweales, it sufficeth not to behold onely those great conjunctions of the three supeior planets, but also diligently to observe and note the meane conjunctions, which are every two hundred and fortie, and every twenty yeares; as also the eclipse of the Sunne, and of the Moone, with the oppositions and conjunctions of the inferior Planets amongst themselves, and with supeior planets, and in briefe their mutuall traiciones, as also the force and power of the fixe starrs, and their respect towards others. True it is that many of the ancient writers have noted either death, or popular diseases, great mortality of living creatures, or the remouing of people, inundations of waters, or the destruction of cities, or chaunges of kingdomes to have followed such conjunction of the supeior planets; yet not in every place generally, but in certaine countries and places onely, whereby they haue by a certaine confidence judged this or that signe to be by God deputed vnto this or that countrey. And hereof according to the power of the foure elements they haue divided the twelve celestiall signes into foure parts, and haue thereof left certaine instructions to posterity: whereof for all that because they were not by long experience approved they could make no certaine act: as the Chaldies haue fained, who vaunted themselves to have spent 470 thousand yeares in the practise of naturitie, the better to perfwade men of the certaintie of their knowledge, and to make it thereby the more fable. Whiche the Chaldian babbes listend abroad farre and wide vnto all people, but vnto none more loollifly then to the Indian Chinois, who sayd 783 thousand and seaven hundred sixtie two yeares, to be the last yeare past since the creation of the world. Others there be which in that matter lie not so loollily and yet impudently enough. For Linus the most ancient writer of the Greeces, Orpheus and Heraclitus, shut vp the period of the greatest yeare within the resolution of 360 thousand yeares, whereof they supposed an hundred fourscore foure thousand to be past. But a certaine Egyptian prifff vaunted before Salom, the Egyptians his countrey men to have an historie of twentie thousand yeares written in Hieroglyphical letters. And a little while after Herodotus (called the father of historie) undertold from the same Egyptians, records of thirtenee 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 vey the truth of the matter in equall balance, he found all their antiquitie to confisst but of three thousand seaven hundred yeares: the computation of which time from the beginning of the world, agree eth altogether with Philo, or within little lesse then two hundred yeares. And truely Callisthenes perswaded by the speach of Aristotle his master, when as others at the sackinge of Babylon greedely sought after the Persian wealth, he diligently searched out and gathered together the bookes and antiquities of the Chaldies: and there noted all the historie of the Chaldies to haue bene comprehended in 1903 yeares: which time well
A well agreeith with the faid historie, if we account the time from Nimrod, who first obtained the soueraignty of the Chaldees; which historie is to be thought so much the truer, for that it is so reported by Simplicius, a mortal emenie of the Christianes, as wee have elsewhere declared. And therefore Ptolomey, who farthest repeating from vtermost remembrance the antiquities of the Chaldees (of them I say, which had noted the floody courses of the celestiall Spheres), bringeth the beginnings of the celestiall motions no farther than from Nabonassar, and from those eclipses of the moone which happened in the time of his taigne, that is, the yeare of the world 3750: But Ptolomey flourished in the time of Adrian the emperour, about foure hundred yeares after Nabonassar. Wherefore it ought not to seeme strange to any man, if he noteworthy much as once suspected the motion of trepidation, neither understood the resolution of the eight Spheres: yea he well obserued not the Equinoctials: For hee faith, The Equinoctium to haue bene the the tewenty sixt of September, after the SUNNE rising; which Hipparchus had taught to haue happened 285 yeares the same day of the moneth, about midnight, whose erorses could scarcely be perceived in the time of our ancestors: as not long ago Io. Regiomontanus shewed the motion of trepidation, before vnto Astronomers vnowne. Wherefore by what meanes could they by any art conclude mens fortunes, or the changes and ruines of cities and Commonweales, who understood not so much as the celestiall motions, and much leFFE the histories of all nations, when as yet they scarce knew the tenth part of the world?

Wherefore they do foolishly which attribute the Quadrupartite booke to Ptolomey, wherein the siety Triplicicie is giuen to Europe, and those countries which lye betwixt the West and the North; the syrie triplicicie vnto Asia, and those places which are seated betwixt the North and the East; the warrie triplicicie vnto Afrike, and the earthly triplicicie vnto the other places. Neither haue those things followed the coniunctio of the superiour planets, which should haue followed had their rules beene true. Now if any man thynke (as many there be which think right foolishly) the places of the signes being changed, the force and nature of the celestiall Spheres to be changed also, he must sorely vitally subvert all the knowledge of the force and power of the stars by them before set downe and deluited: seeing that the fix starres are found since the beginning of the world to have palled through the foure part of the eight Sphere: but since the time wherein the couerse of the celestiall Spheres began first to bee of the Chaldeis notd vnder king Nabonassar vnto this our time, to haue ouergone almoast a whole signe, 

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The triplicities of the celestiall signes not to be determinately assigned vnto certaine regions and countries, as the Astrologers agayn.
The conjunctions of the superiour planets in the same celestiall house, viz. in Scorpio to haue shewed their force (if it were any) in Asia, and Europe, and not in Affrike, which they fay be governed by the signe of Scorpio. For before the change of the Roman empire was made, and that Popular estates transferred vnto the foureraigne of Caesar alone, the superiour planets with a great conjunction met together in Scorpio: which conjunction changed againe about seaven hundred yeares after: at which time innumerable legions of the Arabians having receiv'd the new doctrine of Mahomed, rebelled against the Greeke emperours, subdued a great part of the East Asia, abolisht the orders, cuitumes, rites, ceremonies, and laws of the Christians, 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 Ladamistris the king of the Tartars was by his subiects thrust out of his kingdom: Henrie the first, king of England was by his subjectes also taken and in prifon flain, Edward the iiiij of a subiect made king: Frederike the third driven out of Hungary by Matthias Corninus, who of a prisoner was chosen a king: Lewis the eleventh the French king, by his nobilitie and vaftalls befieged in his principall city, and brought in danger to have lost his eftate. At which time also Alexander (commonly called Sanderberg) the king of Albania his fonne, brought vp in the Turkes court, resolv'd, and tooke vp armes against him. Yct 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 els in one of the other planets be also in conjunction or opposition with them. With like conjunction the fame planets met together also in Sagittarie, in the yeare of our Lord Christ 74: at which time all the land of Palestine was fackd, the citie of Hierusalem burnt and razed, and eleven hundred thoufand dead in the waftes, by which felle fame time were feene in Europe great civill waftes, and foute empotrm'd flaine the fame yeare. Two hundred and forty yeares after, another conjunction of the fame planets chaunted in Capricorne, after which ensued wonderfull 'chaunges not only of Commonweales, but eu'en of empries and kingdoms also: Constantine the Great being therein chiefel ather: who hauing put to flight and flaine foute emperors, and tranflated the seat of the empire from the Weft into the East, by a perpetuall law take away the vaite and superflitious worshipping of the Paynim gods. We fee also, that after the conjunction of the fame planets in Aquarius, in the yeare 430, the Gothes, the Oltrogothes, the Francones, the Gepiges, the Heruli, the Hunsnes, & other Northerne people going out like swarmes of bees, ouerranne and ranfack'd the provinces of the Roman empire, and molt cruelly fack'd the verie citie it felle, sometime the seat of the empire. And againe in the yeare 1524, when as the conjunction of the fame 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 let all Germany on a broyle: in which waire an hundred thoufand men are reported to have bene flaine: the Rhodes by the Turkes was taken from the Chiftians: Frederike, his brother Chriftiern being driven out of his kingdom, possed the kingdome of Denmarke: Goflaus of a privat man became king of Sweden: Francis the French king ouerthrounne at Pavia was taken prisoner by the Spaniards. Befides that, it is to be feene, that after the great conjunction of the fame fuper-
superior planets in Leo, in the year 796 king Charles maigned ouerthrew the estates of the Lombards, tooke their king, and conquered Italié. At which very selle the time the Polonians made choyce of their first king, with diuers other notable and remarkable changes. So alfo fourtie yeares after, the same coniuntion happened in the signe of Sagittarie, when as the Moores facked diuers countries, invaded a part of Greece, and ouerran Italié: and the Danes were then vp in great ciuitall warres: when as at the same time Charles maigned made himfelle Lord of Germanie, tooke away the Paynim superiution in Saxonié, and chaungeth all the Commonweales and principali"ties in Germanie, and Hungarie, which he brought vnder his obedience. With this great coniuntion hapnet the alfo fourte eclipes: which hath not happened since: but in the year 1544, in which time haply there had bene more notable changes then if the great coniuntion which hapnet the yeare following in Scorpio, had happened the same yeare. And yet nevertheless it was, that the Germanie was vp in armes; which warres continued feven yeares after. In brief, if any foreknowledge be to be had from celestiall things, for the chaungen of Commonweales we must confider the coniuntions of superior planets, since 579 yeares, with the coniuntions, eclipes, and aspects of inferior planets, and of the fix warres at the time of the great coniuntions, and to compare them with the truth of histories, and of times, with coniuntions before part; and not wholly to rest upon opinion of them, which have determinately assigneth the Triplicities vnto regions, which I have by evident examples before fowed not to be of any good assurance, but rather to stay vpon the nature of the signes and of the planets. And yet for all that to reterre the causes and effects of them vnto the great God of nature, and not to tie them vnto his creatures. As did Cipriamus Leoniitus, who of a coniuntion of almost all the planets, than to come together with an eclippe of the Sunne in the year 1584 by his writings (as from an oracle) denominated the end of the world eu"n then to come, saying, Procul disputo alterum aduentum fili Det e hominis in maiestate gloria sive prænuntiat, Without all doubt (la"h he) it forefhoweth another comming of the Sonne of God and man in the maiestie of his glorie. But feeing he had fo strongly allur"ed men then of the confummation of the world, why did he yet write his Ephemerides for thirtie yeares after, when as the celestiall signes and all Commonweales should according to his predictions have before perished? But therin he found himfelle as well decev"ed, as was before him Abemar, who with like ra"nifhe had written, That the Christian religion should take end in the yeare 1460. And Abraham the Jew (torunnamed The Prince of Afrologers) who proph"feth, That in the yeare 1464 shou"d be borne a great cap"tain (whom they call Mef"fias) who shou"d deliver the Iewes his countrey men from the fenitude of the Christian"s. And Arnold the Spaniard, who with like folicie proph"feth of the comming of Antichrift, in the yeare of our Lord 136. But Leoniitus might have knowne, that since the creation of the world vnto this time, there haue bene two hundred and thriecore coniuntions of the superior planets, wherein were twentie fourte great ones; that is to say, such as are come againe after the revolution of two hundred and fourtie yeares, Jupiter and Saturne meeting together in the same triplicite (as they call it) and the left-er-euerie twenty yeares: and the meaneft planets, as of Saturne and Mars, euerie thirtie yeares in the signe Cancer: and the greateff of all, viz. of Jupiter and Saturne in Aries, which commeth againe about euerie eight hundred yeares. Howbeit that Mes"fahala calleth it the greatest coniuntion of all, when as the three superior planets meet together in Aries: which yet I fee not shall come againe in the yeare 1584, as Leoniitus supposeth, when as Jupiter shall be diftant twelve de"grees from the full com"niuntion of Saturne and Mars: which cannot rightly be called a com"niuntion so much as by their.
Spheres. But whereas the same conjunction, yea and a greater too, together with the most dark eclipses of the sunne, and of the moon, happened in the reign of Charles the Great, yet wee see not the world therefore to have taken end. True it is, that the Hebrew learned men write, the destruction of all this elementarie world; and so of all mankind, &c. of all Commonweales, to endue after euerie seven thousand yeares, by the inundation of waters, or eis 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 seven times, which maketh nine and fortie thousand yeares compleat, and that then this elementarie world and the celestiall also, with all the bodies thereof shall take end, the maieftie of the great eternall God, with all the blessed spirits yet full remaining. Which they say to bee by the word of God, howbeit verie obfcurly declared: when as the tilling of the ground is commanded euery seventh yeare to be leaft off: and after seven times euens, not only the tilling of the ground is commanded to be leaft off, but euens flanes and debtors to be set free, and euerie man to returne againe vnto his owne lands and dwelling. Truly it is by long obseruation at length knowne and found out, the motion of trepidation of the eight Sphiere, to accomplishe the course thereof, in the resolution of seven thousand yeares, and the ninth Sphiere in the space of fortie nine thousand yeares. Whereof Jo. Regiomontanus hath since within this foure and twentieth yeares made plaine demonstration: of the truth of which motion neither the auncient Chaldies nor Egyptians had any knowledge, but were thereof altogether ignorant. And albeit that the auncient learned Hebrewes, haue by the gift and goodness of God, had not onely the knowledge of diuine and celestiall things, but euens the hidden and secret caufes 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 confessed: 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 thefe so learned Hebrewes attribute nothing vnto fatall necessitie, either feare any the decrees of the celestiall farrtes, but affirme all things to be governed and changed by the will and pleasure of almighie God: as by him which as ofte as he will is of power to shake the nature of all things, yea euens the verie foundations of the world it selfe, as was well seen in the general deluge, which ouerwhelmed the whole world 1656 yeares after the creation thereof.

Yet doubt I not but that some more certaine precepts might be given of the chaunges, 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 themselues: and also going backwards, shall of all the eclipses of the Sunne and of the Moon, 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 sarrtes and bodies, knit and conjoyne the fame with numbers, whose force in all the course of nature is greatest: which things fouled vp in infinit obsercuties, and hidden and shut vp in the most secret places of nature, are to be flowed not by vaine conjectures, but by most evident and manifest arguments. Which is not to be hoped for from them which are more deificons of words than of matter or knowledge: who vpon an obstatuar opinion confounde the beginning of the world, and beginning the yete at the spring, which they ought to begin at Autumnne, and the day at noone, which they ought to begin at euem, not remembering darkness before bene, before light, confusion before order, and a rude confused Chaos.
Chaos before the world itself: beside that it is in the sacred books of Genesis so often repeated "Vespere & mane dies unus," The evening and morning 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 beginneth the yeare elsewhere than of Libra; whereas we have by most certaine reasons not only out of the most antient customs of almost all nations; but also out of the most pure fountains of sacred scriptures, declared the yeare to have taken beginning in Autumne. Which we will againe shew by the great and notable changes of estates and Commonweals: whereby things to come may be the better and more certainly perceived, and the greatest chaunces, alterations, and changes, evene to have happened about Autumne, that is to say, a little before, or a little after the Autumnal equinoctiall in September, the Sun then entring into Libra: where the law of God appointeth the beginning of the yeare: And first it is manifest, the gencrall deluge to have begun and also ended in Autumne. We read also, the great earthquakes, wherewith oft times great cities, and whole countries have beene destroyed, to have happened in Autumnne, such as was that trembling of the earth at Constantinople, wherein thricen thousand men were lost in the yeare 1509, in the moneth of September: in which moneth, and in the same citie, the earth againe grievously 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 saime moneth of September, wherein the battell was fought at Actium, ten thousand men perished in the land of Palestyne with an earthquake. And not long ago, viz. in the yeare 1526, and 27, and the yeare of September a great earthquake happened at Puteoli. The third day of the same moneth, in the yeare of our Lord 1555, such a tempest of raine and thunder happened at Lucerne, as that a greater (as is reported) was neuer seen: which selue same month & day the towne hall at Maidenburg in Germany, with the citizens dauncinge therein, were all together with lightning conuited. 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 euer was, and the matter tried with the greatest forces that euer 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 changed from a great kingdome into divers Popular estats: the king Perseus being by him overcome and taken prisoner. Sultan Soltim on the like day tooke Buda the chief citie of Hungarie, with the greatest part of that kingdome. The same day and moneth Rhoderike king of Spaine was by the Moeres overcome and chas'd out of his kingdome, which wroth a wontedfull change in the state of all that Monarchie. On the same day and moneth revoltin, Iewes the twelth the French king tooke the citie of Milan, with Lewis Sfortis duke thetiof, whom he depriv'd of his estate. The like day, the emperour Charles the first passed outt into Alhike, and invaded the kingdom of Algiers. The day following, that is to say, the fourth of September Sultan Soltim died before Sigeth, 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 decrete made for the receiving of the new religion, which raised most great troubles in France. The same day and moneth Alexander the Great at Arbela overthrew Darius king of Persia, with his armie of foure hundred thousand men; and so joyned the king-
The dome of Persia vnto his owne. The tenth of September John duke of Burgundie, was by the commandement of Charles the seuenth slaine, whereof great wars arose throughout all France. The like day and moneth was Peter Longs the tyrant of Placence slaine by the conspirators. We read also, that the eleuenth of September the Pala
dologues, the Greeke emperours tooke the imperiaall cite of Constantinople, and drave out thence the cales of Flauanders, who had there posseffed the empire 560 yeeres. The fourteenth day of September the Swiffers were with a great slaughter ouerthrown by the French, in the expedition of Mitignan; which selle same day also the Turkes great armie laid siege to Vienna, the Metropolitall cite of Austria. The seuenteenth day the French armie was by the English ouerthrown at Poffiers, and king John of France by them taken prifoner. Which day also, (or rather the like in the resolution of the yeare) a peace was concluded at Soiffions, betwixt Francis the first, the French king, & the emperour Charles the sife, being both ready with their great armies to haue fought for the kingdome, to the great hazard of both their estates, in the yeare 1544: a thing the more to be noted, for that the same yeare, moneth, and day, was also a great conjunc
tion of the superior planets. The same day of the same moneth, in the yeare 1575 the Christian fleet with a great slaughter ouerthrew the Turkes great fleet in the battell of Lepanto. The eleventh day of the same moneth Boulliene was deliered vnto the Englishmen. And the foure and twentie of September Constantine the Great, in a bloudie battell ouercame Maxentius the emperour, in the yeare of our Lord 333., and so of a simple straungue captaine made himselfe a great Monarch (which wrought a most notable and maruellous change almost throughout the whole world) and so from thenceforth commanded the account of the yeare to bee begun in September: and in the Greeke feast vnto that day is added.

Wee find also, that in the yeare 1136, in the moneth of September there was a great conjunction both of the suprour 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) threatened the world with great calamities, and the people with the change of their estates, which afterwards indeed chaunced, howbeit that in the author of the historic ered, that he faith, How that the same yeare there was an eclipse of the Sun the eleuenth of April, and another of the Moone the sife of the same moneth, a thing by nature impossible. It is also right memorabile, that the seuenteenth day of September, in the yeare 1567 Charles the ninth the French king, was by his subiects asailed neere vnto Meaux, where by speedie flight, and the helpe of the Swiffers he hardly with life escaped the hands of the conspirators: the which selle same day, moneth, and yeare, Henry king of Sweden was by his rebellious subiects dispoiled of his estate, and caufed in prifon, where he yet remaineth, without any great hope to be ever with life from thence againe deliered. The battell Montecon
tour was fought also in September. And the eleventh day of September Baiazet at Nicopolis with a notable ouerthrow defeated a great armie of the Chriftians, 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 eighte alio was in September 1303 by the French taken prifoner, and deprifed of his papall dignitie. We read also many the greatest princes and monarchs of the world, to haue as this moneth died: as namely the great emperour Augustus, Tiberius, Vespasian, Titus, Domitian, Aurelian
us, Theodosius the Great, Valentinianus, Gratianus, Basilis, Constantine the sife, Leo the fourth, Rodolphe, Frederike the fourth, Charles the sife, all Roman or Greeke emperours. And of the French kings, Pipin, Lewes the younger, Philip the third, Charles the sife, first named the Wife, and Lewes his kindmarkan 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 Emperor (and both of them the sons of Lewis the devout emperor) both dyed the xxix of September, the first of them in the yeare 855, and the other 877. So Charles the fift, and Sultan Solymen, two of the greatest Emperours that were of these many ages, were both borne in one yeare, and so both also 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 dyed both in March the moneth oppoifte to September. Othamius Augustus was also borne in September, and so likewise in the fame moneth of September dyed. Whereby it is to be understood, Autumnne and especially that moneth wherein the world was created, viz. September, in a fort to carie as a marker thereof the notable chances of many the most noble and renowned Princes, as also the strange chances which have happened alwell vnto the whole world, as vnto particular Estates and Commonwealtes. The next convolutions and changes of cities and Commonwealtes 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 Solstitium, or farthefl ftyles of the Sunne: not for that the creation of the world is to be derived from Aries, but for the notable periods of the Sunne in those times. Wherefore Leonicis following the dreams of vnskilful men, ought not to refer the creation and deftruction of the world vnto the moneth of March; and much leffe to threaten vnto the world eu'n a present confommation and end. But he the fame man had before by his writings promised vnto Maximilian the Emperour the foueraignty of all Europe, with power to correct and chastifie the crueltie and tirannie of other Princes (for so he writeth) of whom for all that he befemeth him to have more mouldly writ: But Maximilian was so farre from the foueraignty which he had in his vaine hope conceived, as that he yet living, and with the German hoast also looking on: Solymen without any empempment hauing farre and wide wasted the borders of the Empire, befiegued and forced Sigeth the fouerainest prince of the Empire, yea of all Europe: showing well that he should not have too far afflicted himselfe upon the prophecie of Luther, who hath left in writing that the power of the Turkes should from thenceforth diminish, which yet more encreaseth than euer it did. But it is strange that Leonicis law nothing of the strange change of the three kingdomes his next neighbours: which fith he faw not, how could he haue such certain knowledge of the end of the world, neuer as yet vno to the Angels themselves revealed? For all which he bringeth no other reason, but that the Chriftian religion muft together with the world take end in the waterie triplicite, for that Chrift Iefus himselfe was borne vnder the waterie triplicite: willing as should seeme to bring in an other deluge: Wherein he sheweth no leffe impietie then ignorance, whether we respect the maximes of the Atheiologers, who affirme and lay that neuer planet ruinate his owne house, which should yet happen vnto Jupiter being in Pisces. (For certain it is in the signe Pisces in the great conjunction in the yeare 1583 and 84, and that the conjunction of these two planets in that Signe is alwayes 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 deftroied first by water, and then againe by fire: or else that we refit our felues (as indeed we ought) vpon the promises of God, who cannot lyce, which he in mercie made to Noah neuer to drowne the world againe. But as we ought not rashly certainly to affirme any thing of the changes and ruines of Monarchies and Commonwealtes: So can we not deny but that the effects are right great and wonderfull in the conjunction of
of the higher planets, when they change the triplicitie, and especially when the three superior planets are in conjunction together: or that such their conjunction have concurrence with the three eclipses of the Sunne or of the Moone: as it happened the day before the taking of Perseus king of Macedon, and the battell of Arbella in Chaldea, which drew after them the ruine of two great Monarches, and the change of diuers Commonweals, there appeared two most great and darke eclipses of the Moone. As there did also in the beginning of the Peloponnesian warre, wherewith all Græcia was on a fire, the Sunne vpon a faire day was wonderfully darkened, even at such time as Perseus the Athenian General began to set faile.

But as for them which conteemne the force of the heavenly starrs, or els are altogether ignorant thereof: they stand as men amazed, to see in the same instant such conjunctions and changes of Commonweals, and such great and turbulent motions of the people together and at once raised. As namely Polybius (himselfe an Atheist) in his history exceedingly maruelleth, That in the hundred and thirtieth Olympiade in one same time there was seene vpon the sudden a new change of princes almost throughout the whole world. As namely Philip the younger to become king of Macedon, Athens to be king of Asia, which he vnderrowed vpon Antiochus, Ptolomeus Philopater to become king of Egypt, Lycurgus the younger king of Lacedemonia, Antochus king of Syria, Hannibal generall of the Carthaginians; and all these people as it were at the same instant vp in armies one of them against another; the Carthaginians against the Romans, Ptolomey against Antiochus, the Acheans and Macedonians, against the Aetolians and Lacedemonians. And afterwarde also three of the most famous generals of the world, namely Scipio Africanus, Hannibal, and Philopomenes, to have all died (as Limon wrieth) in one yeare. These great changes are more evident to be seene 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 & Mone: So have we afterwards seen strange motions and starrs almost all Europe over. We have soone in the same time, in the same moneth, in the same day, viz., the twentie fouth of September, in the yeare 1567, the French king, guarded with the Swisters, aflain and in danger to have bene taken by his subiects: and Henry king of Sweden dismissed of his estate, and by his owne subiects cast in prison: and even as it were at the same time Mary the most noble queen of the Scots spoile of her kingdom by her subiects, and by them imprisoned, by whom it beleemed her to have bene deluxed: and the king of Thunes druen out of his kingdom by the king of Algiers: the Arabian vp in armes against the Turkes, the Moore of Granado and the Flemings against the king Catholike, the Englishmen against their queene, and all Fraunce in combustion. The same conjunction of the three superior planets happened also an hundred yeares before, viz., 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 seene vp in armes, and not onely the princes among themselues, but the subiects also against their princes, as we have before said.

Now as for that which Copernicus (the great Astroluger of his time) saith, The changes and ruines of kingdoms and Commonweals, to depend of the Eccentrique motion of the earth, it is such, as that it deserveth no answere, or account to bee thereof made. For that he for the ground thereof supposeth two things most absurd: the one that the influences which all Philosophers attribute vnto the starrs, proceed from the earth, and not from the heavens: the other, That the earth it selfe moueth with the same motions, which all the Astrolugers of former times (except Eudoxus) have alwaies given
giuen vnto the heauens. And yet mote straunge 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 immouable, and part of them immouable. Which old opinion of Eudoxus, Ptolomey hath by probable arguments and reasons refuted. W hereunto Copernicus hath well aunswered: vnto whom Melanthon hath onely with this verfe right well replied, God in the heauens hath a tabernacle for the Sunne, which commeth out as a bridegroom out of his chamber, and retireth as a Giant to rumue his courfe. 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 Iofas commanded the Sunne and Moone to staye their courfe.

But vnto all this might be aunswered, That the Scripture oftentimes accommodateth and firseth it selfe vnto our weakes fences: as when it calleth the Moone the greatest light next vnto the Sunne, which yet neverthelesse is the leaft of all the startes except Mercurie. But this doctrine of Copernicus might by a manifest demonstration, which no man hath yet vfed, easly be refelved, 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 necessarly conclude that it cannot haue but one onely motion proper vnto it selfe: and yet for all that Copernicus hath assigned vnto it three divers motions: whereof it can haue but one proper vnto it selfe, so that the other must needs be violent, a thing altogether impossible: and fo by the same conſequence impossible also, that the alterations and chauages of Commonweales, should proceed from the Eccentrique motion of the earth.

But let vs now come vnto the opinion of Plato, who thought the chauages and ruines of Commonweales to enue, when as the content of the SWEETNESS: which proceeded from the harmonie thereof is interrupted and broken. Which chaueneth when in the nuptiall number (as he teammeth it) you departe fartheft from those concords which the Musitians call δια τειταραον and διαιτωτη. As fo for the nuptiall number he defineth it to be, that number which beginning of an unitie, as of a mayden inuiolate is divid'd in a double or triple sort of content, in such sort as that the male, that is to saye the odd numbers shal in continuat ordre 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, sphærique, and cubique, so that no sort of numbers being wanting. But this order of numbers may be infinite, for that the force and power of tune and content, is in division as infinite, as any other dimension whatsoever. So that the forme of a well ordered Commonweale shall so long be fine and faire, as it shall kepe right content and tune, well agreeing vnto the sweet delite of the cere. The Dupla or Diapason, which is of one to two; the Senquialtera, which is the proportion of two to three, which maketh διαιτωτη or a fift; the Senquaternia or proportion of three to foure, which maketh δια τειταραον or a fourth. The Triplo proportion which maketh δια τειταραον και δια τειταραον, which for that it compreheneth all concords and contents is called συνθεσις, 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 harmonical, their followeth thereof of 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 antiquitie it selfe hath not without cause.
cause long since complained, nothing to be more obscure than the Platonical numbers. For Forrester the Germaine is farre from the mind of Plato, when as he seeketh after triple and quadruple proportions, for that in so doth he overthroweth the foundations of the nuptiall number & the sides of the Triangle, which confit of the double and triple proportion.

But in him is also absurd, that he thinketh the same proportion to be between 27. and 64. which is of three to foure, a thing by nature impossible, and contrarie to the grounds of the Mathematiques. But Plato willeth vs also to fill the vacant place of the propounded triangle of the nuptiall number with such other numbers as proportionally arise of the mutuall conunction of the male and female numbers, yet still continuing the harmonic, 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 empiric place betwixt 4. and 9, which two numbers by no means makes any content or harmonic, but the proportion of either of them vnto fixe, is the same which is of three to foure, that is to say, sixe and a halfe, or 6½, or a sifer. And so also if the number of two be as it were married or in proportion ioyned vnto fixe, or the number of three, so combyned vnto fixe, as 2¼, two times fixe, or three times fixe, thereof shall arise two numbers, viz. 12. and 18, which shall fill the emptie 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 eightene (as 2¼, two times twelve, or three times eightene) thereof shall arise the numbers of 24. and of 54. And againe, if three be ioyned vnto twelve, or that which is all one, two to eightene, 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 81.

Therefore choice be had of such proportions as make a sweete content in the perpetuall course of numbers, the Commonwealth shall fo be everlafting if fo be that the state of Commonweales depend of harmonic. But that harmonic (as faith Plato) is sometime broken, so that the sweete content thereof must needs perish, and fo Commonweales at length come to ruine and decay. But to say the truth, is it not much more to be feared, left the subjectes or citizens erring or declining from the sweete and naturall harmonic of well tuned lawes, and customes, shall in stead of them embrace most wicked and pernicious lawes and fashions? And yet for all that will I not denie but that harmonic and musike have great force & power for the chaunging of a Commonwealth, in which point both Plato and Aristotle well agree. Howbeit that Cicero is of opinion it to be a thing impossible, that for the musike of a Commonwealth chaunged, the Commonwealth should it selfe therefore take chaung. Whereof for all that we have a moat memorable example, of the Commonwealth of the Cyreneis in Arcadia, who hauing giuen ouer the pleasure of musike, shortly after fell into such fedition and ciuill warres, as wherein no kind of civilitie was forgotten, or not put in execution: wherato every man marveling 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 haue happeued, for that they had left to take pleasure and delight in musike; which from all antiquitie had beene alwaies more honored and esteemed in Arcadia than in any place of.
A of the world else, in such sort as that by the la\v\es and customes of that countie euery one was vpon great pains bound to exercise him selfe therein, vntill he was thirtie years old, which was the meane (as layth Polybius) the first lawgivers of that people wisely devised, to quiet and tame them, being by nature rough and barbarous, as commonly all the inhabitants of the mountaines and cold countries be. The like we may almost alfo lay of the French nation, whom Indian the Apostata in his time calleth a barbarous and fierce people and of all others most defirous of libertie, who yet now at this day are in civilitie inferior to no people of all Europe, none being more tractable vnto their magistrates or obedient vnto their Princes than they, as men by nature well, but by instruction better taught, and in the judgement of all their neighbours most skilfull in Mufike. Wherein that is also worth the noting, that almoft all the French songs & tunes (whet\v\ever the country people are even yet much delighted) are still Ionique or Lydian, that is to say, of the first or seuenthe tune. Which tunes Plato and Aristotle forbid the youth and women to vfe: for that they be of great force and power to mollifie and effeminatethe minds of men; and therefore would have them to vfe 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 modellie, mixt with gravitie, a thing proper vnto this Dorian Mufike. Which prohibition might have serued better in the lesser Asia, where they have no other songs but of the first or seuenthe tune; and namely in the countries of Lydia and Ionia: But the people of the cold and mountainne Northern countries, which are ordinarily more saufage or at leaft wife lesse courteous than the people of the South and the inhabitants of the plaine countries, can no way better tame and mollifie themselves than by vinge the Lydian and Ionique harmonie. Which kind of Mufike was alfo forbidden in the primitie Church; wherein it was not permitted to sing Pialmes or prayles vnto God but in the Dorian or first tune, which at this present is yet in the Church most in vfe. But as men which would tame wild and saufage beasts, disarm them first of their teeth and claws; so the Lydian and Ionique harmonie disarmeth the more outrageous and barbarous people of their saufage and cruel nature, and maketh them quiet and tractable: As it is happened vnto the Frenchmen, who happily had not beene so plant and obedient vnto the la\v\es and statutes of this kingdome, if the nature which Indian the Emperorius fa\v\ith to have beene in them so saufie and impatient of sentuie, had not by Musique beene attempeter and mollified.

But of all those things which we haue yet brought to judge of the future chaunces and ruines of Commonwales, we see no rule (whether it be of Aftrologic or musike) certain and sure: howbeit that we haue by them some probable conjectures, whereof ye\t\et none seemeth vnto mee more certain or easie,than that which may be drawn from numbers. For why thinke almightie God who with wonderfull wis\v\ome hath so couched together the nature of all things, and with certain their numbers, meanes,measures, and consent,bound together all things to come: to have alfo within their certaine numbers so flut vp and enclosed Commonweales, as that after a certaine period of yeares once past, yet must they needs be enuie and take end, although they vfe neuer so good lawes and customes: as Plato with Aristotle therein agree. But when that period shall be,whether of them declareth: except some there be which suppose Plato to dignifie it by certaine obscure numbers in his eight booke De Republica: at which rocke not onely all the Academikes, but even almo\t\t all the facts of other Philosophers alfo, have suffered shipwrecke. And first of all Aristotele skip\v\eth ouer this place as ouer a dich,neither doth here carpe his maister (as his manner is) when as for the obscure thereof he had not wherefore he might repro\v\e him.

Rt

Proclus
Proclus also having curiously enough interpreted feauen of Plato his bookes de Republica: would not so much as touch the eight, itayd (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 vpon Prolmee in Greeke) a man most skilfull 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 express this place. Cicero in one word excuteth the difficulty of Plato his numbers.

Cicero in one word excuteth the difficulty of Plato his numbers. Mercurius Tucidus (in mine opinion) the harpest of all the Academikes plainly confesseth himselfe not to know what Plato in that place ment: fearing left it should so fall out with him as it did with amblicibus, who feemeth to have bene willing in three words not to have manifested a thing of it felle most obscure, but rather to have made it darker. Philo the Jewe eniere where imitating of Plato, thought that obscure and hidden number to be fitle, and that he faith to be signified by the right cornered Scalene, such an one as Pithagoras as comprehended in the three numbers 3, 4, 5: and that unto he supposeth those words of Plato to be referred, fesqui tertia radix quinaria communita: fesqui tertia the radice or root ioyned vnto the number of fute for the proportion of 3:2:4. is the proportion fesqui tertia. But in that he is deceiued for that he hath brought in a plaine number, whenas it appeareth Plato his meaning to have bene to have a solid number fought out, which shoulde in it selfe containe all kind of numbers, excepting the numbers perfett. Yet Philo of these radical numbers 3, 4, 5, brought eniere one of them apart into themselues 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 incommenurable vnto the sides, as in the number of Plato: whose wordes it pleafeth mee heare to let downe: and to interpret the same: as well for that the interpreters doe in the interpretation thereof very much differ amongst themselues: as also for that hee faith the ignorance of that number to bee vnto the Governours of Cities and Common-weales almost capittall.

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 spaces in foure starmes comprehended; whereof are made numbers among themselues both like, and unlike, numbers encrease, and diminish, which may be called by their owne names, and compared among themselves: whose fesquiertial radix ioyned vnto the number of fute, maketh two consents thrice encreased, one equall equally: an hundred times an hundred: an other equall, on one part of it selfe longer, of an hundred dimetients, which might among themselves be compared, the numbers of fute detraffed leffe by the unitie: but two of ineffable proportion: but an hundred Cubes of the ternarie it selfe. And this number made by Geometrical proportion, is in worldly things most mighty, to them which have either the better or the worse beginning. Here Plato is flycle led away, not unlike the fith Polyapus, having on euery side cast out his blacking like yke, left otherwise he should have beene entangled and caught. Wherein trueuely he seemed to have imitated Heraclitus, to understand what writings he said a man had need of a most skilfull interpreter. Which obscure kind of writing and speaking by Heraclitus denieth (when as he most oftefn he would beate into his Schollers ears that his σκέπτον, that is to say speake obscurely) is oftentimes vied not
A not of Plato only, but even of Aristotle him selfe also; to the intent that so having cast a stuff before his eyes aswell of the learned as of the unlearned, concerning the knowledge of most difficult things, and shut vp 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 boilth himselfe of purpose to haue so writ, as that he would not haue them to be understand, imitating therein Plato his most obscure Timæus: Which thing Lucullus writ also of himselfe, that he had rather not be at all understand, then to be reprehend or found fault with all. But let vs discover Plato his deceit by those things which he himselfe wrieth more plainly, that we may more certainly judge of those things which he fouleth vp in such obscuritie 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 there of unto allmighty God, either immediately without any other meane cause, or else some other the meane or middle causes comming betweene. And that God himselfe without any other meane cause crest the Angels, and other the celestiall bodies not onely Plato, but even the Manichies also themselves confesse; who yet most wickedly thought all earthly things to have had their beginning from the prince of evills. True it is that the earth brought forth plants & other living creatures, the waters also fishes, and foules; yet both of them by the commandement of almighty God: But vs the creation of Man he would also haue the Angels present. Howbeit that Aristotle was of opinion on the formes of all things to be in a fort diuinely infused into them, when as he writ in all things to be bæov την, or some divine thing. As for the mind of man he calleth it not oblye or doubtfull but even plainly bæov ἰσότρεια: which is (as I interpret it) ἰσότρεια, ἰσότρεια, ἰσότρεια, from aboue, from God, or from heauen, not out of the power of the seed, as he faith of other living creatures: of whom for all that Virgil in generall faith: Ignus est ollis vigor & celestis origo, A ficte force they haue, and a celestiall beginning. Wherefore we must confesse all things to be included in perfect numbers if we will beleue Plato. But let vs grant vs to the Academicke (which yet is an impetue 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 vs to heavenely things? yet the perfect numbers should rather agree vs to earthly things, for that the perfect numbers have more power they are euene, and of the female kind, for otherwise they were not perfect: neither are more than those within an hundred thousand: there being also other perfect numbers above that number of an hundred thousand, but such as cannot be applied either vs to diuine, or humaine or worldly things. Wherefore seeing that the number of fix is the fifth of the perfect numbers, it ought by the opinion of Plato to agree vs to existing immediatly by God himselfe created, and yet we fee the same number newetherselfe to agree vs most vile and abieft living creatures. For Aristotle wrieth the Hare (by the law of God an vndeane creature, & forbidden his holic people to eate of) to liue at the most but six yeares. The like number of yeares the same man attribute also vs to Mice. And vs to certaine kinds of flyes, as vs to waspes and Bees fix yeares are by Virgil allotted, and their hives are still made fix cornered: all which base creatures except the Hare are engendered of putrification. But as faith the Poet: Numerus Deus impaeit gaudete, God delighteth in anv odd number. And odd numbers are attributed vs to men: For that which Seneca wrieth: Septimus quisque annus atat notam impressit, Every feauenth yere impresseth some marke into age, is to be understand onely of the male sexe: for experience showeth vs even vs to the view of the eye, that the
number of six maketh a change, and leaueth a mateke vnto the female kind: So that as men begin to feele the heat of youth at foureteene yeares; women wax ripe at twelve, and so holding on from six to six, still so find in themselves some notable change in the disposition either of their bodies, or of their minde. All divine Holydays also are concluded in septennaries, or such other odd numbers. In many places also Diamonds grow by nature it selfe pollished six square, as Plato in his 33. booke reporteth, which in the mountains of the Pyrenes is a common matter. Wherefore it is an absurde thing that Plato attributeth the beginning and ending of divine things vnto perfect numbers onely. But Porphyrye the most famous philospher of his time, when he enterprised that of Plato out of his Timaeus τοις με ουδονομενα ἐναντίονα, writeth the eftate 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 περὶ τῶν τιμαίων ἀνθρώπων supposeth the life of Spirits to extend longer, but yet neither of them fought after the perfect numbers. But if to be that Plato in so great fawenness of perfect numbers, could not tell which of them should agree to things sprung from a divine beginning, by what numbers then should he dicide to so great variety of worldly things: or if he knew that number, why did he pray and make vowes vnto the Muses that they should show him it.

Wherefore it behoveth a man of deeper consideration to seeke out such numbers as may signifie the conjectures & changes of worldly things, and which are by long experience, and not by light and vaine conjectures approued: such as I dece the numbers of seauen and nine and their quadrats and cubike numbers: 27, 49, 81, 343, 729, to be. For as the number of six (which is of all perfect numbers the first) chaungeth the mannes, habit, or nature of the Female kind, so most ample antiquitie hath by experience proved the number of seauen in some fort to chaunge the Male kind also: and that as the numbers of seauen or nine vse commonly to give 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 destruction.

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to be circumcised the eight day: which the sacred interpreters of the Hebrewes think to have beene done, that so there might be one Sabaoth betwixt the birth of the child and the circumcision thereof, and so more strength might thereby be gien vnto the child. For why, Moses doth in that writ teach vs, God most plentifully to bleste the Sauthenth 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 seene to be gien vnto the rest of the other daies, by a certaine wonderful caufe of nature from all Philosophers hidden.

Yet nothing seemeth in mans nature more wondrful then that the yeare three score three hath bene full noted to be vnto almost all old men fatall, Ofserumandum est (faith Auglius) in multis hominum memoria, expertimque in senioribus plicisque omnibus sexagesimus tertium vitæ annuum cum periculo & clade aliqua venire, aut corporis morbis gravioribus, aut vita interitis, aut animi agradatione: It is a thing obserued (lafyeth hee) in the great remembrance of men, and also by experience proued in many old men. The three score and third yeare of their age to come vnto them all with some danger and hurt, either of the body, or some great disease, or of losse of his, or of some tormenting griefe of mind. Yea there is an epistle of Augustus the emperor vnto his nephew Caio, bearing date the ninth of the Calends of October, written to the same purpose, in this sort, Aue mi Caio meum cujusdam quem semper medius fidelis desidero quia me abeas: sed praeceps diesbus talibus gudis est boni-erum: obscur mei requirunt meum Caio: quem ubicumq. & hoc die siusti, ftero latum & bene valentem celebrare quarto & sexagesimum nonam meum: nam videm quaesturum communem senorum omnium tertium & sexagesimum annuam, &c. All hailie my Caio (lafyeth he) my most sweete delight, whom of my faith I alwaies long for when thou art at the end, but especially on such daies as this is mine eyes doe now seeke after my Caio, whom wherefoever thou haft this day bene, I hope that thou merite and in good health, hast celebrated my three score & fourth birth day: for as you see we have escaped the three score and third yeare, the common Climacteriall 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 poor and woffull, but even of the nobler folk also, who ended their daies in the three score and third yeare of their age: but we will onely reckon vp some such as were for their learning famous, who as at that age died, viz. Aristote, Cicero, Crysippus, S. Bernard, Boccace, Erasimus, Luther, Melanchton, Silwan, Alexander Imel-ius, the most famous lawyer of his time, Cardinall Cusan, Livare, and Sturmius: And therefore the old Greecee diuinere seeme to haue consecrated the number of seauen vnto Apollo, and of nine vnto the Muses, as Plutarque 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 liues of men for the most part to have expired and taken end full in the seuenthe or ninth yeares of their age: and women in the sixt. Plato is said to have died at the age of fourtie 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. Pauline, Bartholomus, and Cefar liued fiftie five yeares, which is eight times seauen yeares: Lamech liued 777 yeares, and Methusale (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: Isac 147 yeares, which are xxi septenaries, or spaces of seuen yeares: iface liued 190 yeares, which make xx times nine yeares: David liued seuentie yeares, which make ten times seuen yeares. An infinit thing it were.
to reckon up all which are in histories found to have ended their days at these afo- fad periods of seausns and nines. He also who of our ancetors and of histories is cal- led loannes de temporibus lived 361 yeares, that is to say three and fiftie times seausn yeares. It is manifeft also men to be awaies borne in the ninth or seausn moneth: whom the Greeks therefore call Iobousyeyes and that they which are borne either sooner or later live not. For which cause Hippocrates writeth a child to be fully made and perfected in all the parts and limbs thereof of the seausn day: and afterward to take encreafe: and being borne the seausn moneth to liue: but none to have liued being borne in the eight moneth: a child also in the seausn yeare to have all the teeth, and that men (as Plinie writeth it to have bene euen from the farthest memorie of men ob- serued) haung bene kept from meat seuen dayes, albeit they may live longer, shall yet neverthelesse at length die thereof. The law of God hath moft religiously also both confecrated and commanded, the seausn day to be kept holy, as the birth day of the world, and of all that therein is: which one day of all others God almightie blessed, and which day all antiquite hath by long experience reported to be fo unlike the other daies of the wecke, as that it is taken vp as an old proverbe, No seausn day to passe wherein the sunne is not at one time or other therein to be seen. Vpon which day the aountient Hebrewes constantly affirme, The rage of dianels to be restrained, wisdome to be into the minds of men infuled, their bodies to be strengthened, and their fields with encreafe of fruit to be blessed. The seausn yeare also is by the law of God holy, as is also the seausn time feuen yeare, which is the yeare of Jubilee: neither is it to be doubted, but that a certaine secret force is in them, both for the chaunge and ruine of Commonweales. So that it ought not to seeme strange, if that this number of seuen be of the Hebrews called facred or holy: which Calum (following Galen, as I suppose) calleth Perfect (where he entreateth of the rest of the Sabbath day) which hee euen to affermation woundereth to be so often and so religiously propounded, to bee of all men observed and kept, in so much that euene the painge 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 euuen and feminine. For why, the Mathematians 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- fluos. As 1, 2, 3, make fixe: which three numbers do also equally diuide fixe into equal parts, as it was of them made, as it is in other perfect numbers also. Iacutanius in the fame errour offended, who calleth the number of three and ten, perfect and full numbers: and also Cicero, who deceyved many, in calling the numbers of seuen and eight full numbers, which Macrobius understandeth to bee solide, and others to be perfect numbers: neither of which can truely bee saide of the number of seuen: as for the number of eight it is indeed a solide, but not therefore a perfect number. With like errour is Plutarch himselfe deceived, who writeth, Three to be a number perfect: howbeit that Aristotle deemeth 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 laft cannot serue for the changing of Commonweales, for that it exceedeth the age of the world: neither the two fixt, for that they are too little: so that but one of them can be well applied vnto the chaun- ges of cities and Commonweals, viz. the number of 496, which is made of seuenie feptenaries of yeares, and a perfect number: it being also a thing by moft auncient anti-
quitte obtained, All cities in the resolution 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 Commonwealthes, 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 kingdom of Fraunce to fall and take end, after that three score and three kings had therein reign'd, this number consisiting of the numbers of seven and nine, converged in themselves. As Charis, who living in the time of Romulus, prophesied, That nine kings should more yet reigne in Iuda, and that the tenth should together with the people be led away into captiuitie, and so that kingdom to take end: As also that there should be nine kings of the Persians, or as that the fourteenth of the Romans should be thrust out of his kingdome: which number of princes well agreeeth with the number of the yeares which they reigned in Ittie, viz. 182, a number consisting of six & twenty septenaries: & at Rome 244, for in the 75 leptenarian, that is to say, in the 245 yeare Tarquin the proud, last king of Rome, was thrust out of his kingdome.

Hieremias the Prophet then lusted, when as the prophesie of Ezechiel was fulfilled, and himselfe prophesied, That the people should be againe deliver'd in the feuenteene yeares of their captiuitie, as indeed they were, and the temple againe restored. The same Prophet *Efayas prophesied also, The most famous citie of Tyre to be in 70 yeares after vnopeled and left defolat, and afterwards within feuenteene yeares more after the ruine thereof, to be againe restored. The same number agreeeth vnto the Athenian Commonwealth, wherein sevene princes, whom they call Diatessaros, reigned also 70 yeares: the taking of which citie, and the victorie of the Athenians at Salamine, is reported to have happeyned vpon the verie like day. As for the number which of the Academikes is called fatales numeros, or a Fatal number, viz. 1728 (being indeed a quadrat number) seemeth to haue bene expired from the raigne of Ninus vnto the victorie of Alexander the Great, at Arbela, and the ouerthrow of the Perisian empire. For Herodotus, Dioxorus, Trogus Pompeius, Justinus, and Ctesias, begin that empire from Ninus. And at such time as Hierofalme overwelmed with most bitter calamities, was won and rased, the temple ouerthrowne, king Sedecias slaine, and the people carried away into captiuitie: at the selle same time the Egyptians rebell'd against the kings of Asyria, the Athenians broke off the tyrannicall yoke of the Pisistratides, and the Romans expelled the proud Tarquins. Now the temple had before flood 427 yeares, a time consisting of whole sepetenaries. But for that in the computacion of times, there is great difference amongst the Historiographers, we will use the Roman Faits or Calenders, which cannot lie. Wherein we see, that from the foundation of the citie, and of the Roman Commonwealth vnto the bataile of Actium, wherein Marcus Antonius was by Augustus vanquished, and the whole empire brought under the power of one onely Monarch, and a general peace established throughout the world, there are accounted 729 yeares, the solide number of nine. The same number of yeares pas'd from the conquest of the kingdome of the Lombards by Charlemaine, vnto the conquest of the fame country by Lewes the twelfth the French king, vpon the Venetians and the Sorces. The like number of yeares is accounted also from the ouerthrow of the kingdome of the Picts, and the great victorie of the Scots vnto the captiuitie of Marie Steward their quene. As also from Egbert king of the Wift Saxons ( who having vanquished the East Saxons, made himselfe the sole Monarch of England, and called the people Englishmen) vnto quene Marie, who was the first woman that tooke vpon her the foueraigne of that people in fouenteene hundred and fourtie yeares space. So from the raigne of Augustus, after the victorie by him obtained at Actium, and the temple of Ianus the foureth time shew vp, vnto Augustus the last of all the Roman emperors, slaine by
by Odoacer king of the Hecules, and the empire possest by the Gothes, there are accounted 496 yeares, which we laid to be a perfect number, as consisting of seuentie septinaries, with the perfect number of fix: For by the Falls the yeare following Odoacer began to reigne. Wherein it is also worth the noting, that as the first empourer Augustus with wonderfull felicitie and wisedome, both establisshed and increased that so great a Monarchy, which he held more than fourtie yeares: so Augustus the last of the Roman emperours diminisshed both in name and loweraignitie, held that his empire scarce a whole yeare, which happened the tenth of the calender of September. As it happened to Constantine the Great, who establisshed the seat of the empire at Constantinope: and to Constantine the last Christian emperour, there dispoyled of his effate, and slaine by Mahomet king of the Turkes, renamed the Great. Now from the building of the citie unto this Augustus, are accounted 1225 yeares; which number consisteth of whole septinaries: which thing Vectius the great foot-saier foretold, as Censorinus out of Marcus Varro writeth. The same number of yeares wee finde from Ninus king of Assyria, unto the death of Sardanapalus, whome Arbaes gouernour of Media dispoyled of his government, and translated the kingdome unto the Medes. Now from Saul the first king of the elect people of God vnto that Sedecias was slaine, 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 chanced the selfe 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 Hercules, and of Aegeus. Some there bee which adde certaine yeares moe, and some others which detract some also. Wherefore my meaning is not to alledge any other than the records let downe by the most certaine Hiftoriographers, and such as every man may draw even out of the verie facts and calenders of the Romans themselfes. Of which fift is that, that from the foundation of the citie of Rome, vnto the faking 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 Cannas, Terentius Varro being then Consull (at which time the Commonweale was fallen into extreme danger) are numbered 536 yeares, that is to say 77 septinaries of yeares: And from thence vnto the slaughter by the Romans, received from the Germans, under the conduct of Quinctilius Varro, are passed 224 yeares, a number consisting of whole septinaries: both which ouerthrownes happened the second day of August, as is by the auncient Romans reported. Neither is that lesse memorable which Tarapha a most certaine Hiftoriographer amongst the Spaniards reporteth, The Moores and Arabians to have invaded Spaine in the yere of Christ 707, and that also the seuentie yeare of the regne of king Roderike, and to haue holden the fame kingdome 770 yeares, neither could vertly be from thence againe expulsed, before the time of Ferdinand king of Aragon and Cathile. It is also worth the noting, that from the execution of Aman, and the deluiciue of the Iewes at the intercefsion of Hesler, vnto the victorie of Iudas Machabeus against Antiochus the noble king of Syria and his lieutenant, there passed 343 yeares, which is the solid number of seuen, that is to say seuen times seuen septinaries: both which victories happened the thirteenth day of the moneth Adar, as the Hebrewes have well noted. The same number of yeares passed from the time that Octavius (having vanquished Marcus Antonius, and visited the whole Roman empire under his owne obeyance) was by the Senat called Augustus, vnto Constantine the Great: a time notable for the strange chancs which then
then happened in the whole empire, as well in the laws politique, as in matters of religion. Tacitus hath also noted in another singularitie, That the citie of Rome was by Nero burnt, on the like day that it had long before beene burnt by the Gaules, which was the fourteenth of the calends of August: wherein some have gone so farre, as to number how many yeares, moneths and dayes, passed betweene both those fires.

But that the numbers of fixe are almost vnto women fatal, I thought it not needfull by examples to prove, leaue 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 received a mortall wound, the one and twentieth of March, being the fortie ninth yeare of his age, and that all men dispaire of his life, he yet recovered his health at his entrance into his fiftieth yeare: But Carola Charlet of Burbon his wife within two moneths after died, when as shee entered into the six and thirtieth yeare of her age, which is the quadrat of the number of fixe: even as the prince her husband was wounded in the nine and fortie yeare of his age, the quadrat of the septenarian or number of seven: which I thought not to have written, but that I was told the same by the prince of Orange himselfe, as a thing by him noted, when as I was of counsell with Francis duke of Alanfor at Anwerpe.

But now for that we are by way of discurte come so farre, the last that remayneth is for me to answere some thing to them which take pleasure rather to carpe than to commend my writings: for that * I said I vnderstood not the prophecies of Daniel concerning the rising and ruine of Empires and kingdomes. For I doubt not but that if he (amongst others a most wise man) would in their due times have plainly set downe such things as he by divine inspiration had conceiued and declared, all things then whereof we now doubt, should without all doubt be vnto vs most plaine and celeere. Truely he defineth the state of his owne citie, king Cyrus then beginning his raigne, what time the captuitie was ended, according to * the prophecies of Jeremiah (which he beginneth from the destruction of the Citie and of the Temple, and not from the raigne of Joash in some suppoze) and the holy people returned. He defineth it (I say) by feauentie weekes of yeares, that is by 490. yeares, and that right plainly; when as the prophecies was made in the last yeare of the captuitie, which was the feauentie from the destruction of the Citie and of the Temple: that fo the prophecies might in good order with the prophecies, and times with times be continued: whereas they longer protract the times leane 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 prophecies gien, where in the people againe returned as if it had beeene before dead, and appointed vnto it self a Prince and other magistrates, from whence the refolutely of the Citie is to be accounted, and not from the repairing of the walles and buildings. In which tale Pompe laid well: * Verbe deserts, in parietbus Rempublicam non confeceret, That the citie being forstaken, the Commonweale confisted not in the walles thereof. But many * Historiographers from the time of Cyrus vnto the raigne of Herode the great (who having taken Hierusalem and raine all the Senators together with the king himselfe, and spoiled the Iewes of their kingsdome) doe account 490. yeares. Others there be which reckon otherwise, and fo great varietie and difference there is amongst them, as that all the opinions of all of them, may well be refelcted, not onely by every one of them a part, but euen by all of them together. As for those things which Daniel writ concerning the Empires, he openly and plainly hath called the Medes, the Perissians, and Grecians vnto the Empire of Babylon; but besides them none. The foureth 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 river Euphrates had unfortunately attempted, they received many and great overthrowes of the most invincible Parthians. But yet more foolishly 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 else where dispute we will here let passe. Which things for all that Frankbergerus the Saxon and Bishop of Lipsc, by the authoritie of Luther, and one Dreffer a meere schoolman with railing without any reason at all refelth, whom I shall yet count an eloquent man, if he shall but learne aswell to speake, as he hath learned to speake euell: 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, leaft in so doing I might offend in such his matters, and so farre from all mens sentences: he should have taught me why he thinkest the Prophets Daniel to have there omitted sixe empires, which I have noted to have been close 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 reign of Cyrus king of Persia? And yet more, why he should write himselfe to have received that divine oracle or prophesie in the *third year of the reign of king Cyrus? And why in the chapter following doth he make mention of Darius king of Persia, who was muzled in that kingdom sevene and thirtie yeares after that Cyrus began to reign? For neither Berosus a most true interpreter of the Chaldean antiquites, whom Ctesias and most of the ancient writers, have followed: neither Megasthenes the Cronicler of the Persian affairs, neither Herodotus, called the Father of Historie, neither any of the Greeks or Hebrew hisتورographers, report any to have bene before Darius Hystaspes: I except only Iosephus, who in that place differeth from Berosus. But leaft we should seeme to deal to sharply, and to presse them too farre, What is the reason why Daniel in the eleventh chapter of his prophesie writeth, That Darius should have three Persians his succesors 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 Codomannus out of the Persian empire, whose father was Darius Achos, his grandfather Darius Mnemon, and his great grandfather Darius Nothus, whom whose Daniel turned his speach. Which if it be so, Daniel must needs have liued two hundred and twenty yeares, if he were a youth grown when he was carried captive into Chaldea, which he must needs be, for that hee then spake both most eloquent and wisely. And thus much eulogie man may most plainely gather both out of the sacred cripitues, and also out of the ancient histories of Herodotus and Josephus. For Cyrus died in the 30 yeare of his reign, Cambyses in the 6, Darius Hystaspes in the 37, Xerxes in the 21, Artaxerxes in the 44, Darius Nothus in the 19, Darius Mnemon in the 36, Darius Achos in the 26, Darius Codomannus in the 10, all making the summe of 228 yeares. For Daniel was taken prisoner together with his Joachim. But let the interpreters of these divine oracles appose all things to bee manifest unto them, and let eulogie one of them with great confidence at their pleasure determine of these Daniels weckes. Yet how can these which even most subtlely have discouered all these matters, defend that of the Prophets Zacharias and Aggeus, who writ their prophecies in the end of the feuenteenth yeare of the captivity? Darius Nothus as they will have it then reigning. This is now (by these Prophets) the feuenteenth yeare. And if it be so that they will have the feuenteenth yeares to be accounted not from the dedication of the Temple, but from the Edict of Xerxes, then truly Zerubabel and Nehemias the chieftaines of the people must needs have liued full two hundred and
A fifty years, being so old when Cyrus began his reign, as that they were able to conduct the people out of Chaldea into the land of Palestine: whom yet the doubt not to prove even by the testimonie of Nehemiah himselfe, him to have liued even to the last Darius. 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 seven: many eight: some nine: yea and some there be which have deniued a tenth also. Truely Genebrardus in his Chronologie affirmeth there to have bene of them onely five: but functiones faith ten. Wherefore in so great rigorie of opinions one of the two may be: as viz: that none of them all be true, the other can in no wise be, that none of them then one should at all be true: and which of them it is I can not affirme: neither if I could would I. And in mine opinion I have 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 positiones. Howbeit that S. Hierome hath reiected 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 coniectural gessing to adyne at the rising and falling of Commonweales: as also for a man looking into the precedent causes of things, with the diuers coniunctures and oppositions of the Planets, to go so farre as the knowledge of such things will beare: not rashly affirming, or lightly believing any thing concerning such things as are by the Almightye and euer living God farre let from the sense and reach of man.

Chap. III.

That it is a most dangereous thin at one and the selfe same time, to change the forme, lawes, and customs of a Commonweale.

Ow Cities and Commonweales arise; by what means they are also encreased; what diuers alterations and chaunces befall every one of them; and by what coniectures the fall and ruine of them is to be by vs gathered, I suppose we have sufficiently before declared. But forasmuch as the presumptions by vs alreadie noted, are not sufficient to make any certaine demonstration of, but rest vpon such grounds as are farthest 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 infere any necessitie at all? It remaineth that wee according to that wisdome and discretion wherewith allmighty God hath of his goodnes endeued men, endeavour our selues to rule Estates and Commonweales, and by all meanes to foresee and decline the changes and ruines of them. For why, it is one general opinion and doctrine of all Philosophers, yeu enu of them which idly dispute what is done in heaven: a wise man not to be bound or subject vnto the power or influence of the stelles: but onely they which give the taunces vnto their disordered appetites, and beaftly desires, not suffering themselves to be governed by the rule of reason, or of other the best lawes: vnto whom Solomon the master of wisedome hath sharply threatened the torment of the wheel, saying, That God should cause the wheel to passe ouer them: that is to say, the force and effect of the celestiall Spheres, which over the good should have no power at all. Seeing therefore that the power & influence of the stelles 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 have found the
meanes to change the diseases, and to alter featers contrarie vnto their natural couers, to the intent the more easie to cure them, or at least wife to affwage them; why should not the wife politician, or gouernour of a Commonweale, foreseeing the conuenions and changes which naturally happen vnto Commonweales, by good lawes and other conuenient remedies prevent the ruine thereof: or if the force of the mischieue be fo great, and the destruction so certaine, as that it can by no wisdom of man bee prevented or staied, yet shall he performe that which cunning physifians doe, who by the Symptoms appearing vpon the criticaall dayes, and by the causes of the disease, doe more certainlie and better guelle of the sickes mens death in what manner it shal bee: and so yet in good wise therein thereof warning vnto his ignorant subiects, left that they should vpon the suddaine be vterly oppressed with the ruine of the falling Estate and Commonweale. And as the most skilfull Phisitians euene in the state of the disease, and the greatest griefe thereof, do yet put their patients in greater comfort, if the Symptoms be good then if the griefe or fit without them were but eafe and gentle; and as to the contrarie when they see a man in the highest degree of health that may be, they are then in the greatest feare, left he should suddenly fall vnto some extreme sicknesse, as the great phifition Hippocrates faith: So also a wife gouernour of a Commonweale, seeing the state on all fides befer, and almost overwelmed with eneuyes, yet if in so great danger he otherwise see wife men fitting at the helme of the Commonweale, the subiects obedient vnto the Magiftrats, and the Magiftrats vnto the Lawes; he taketh courage thereat, and promiseth both vnto himselfe and others good successe; the ignorant people & cowards hauing in the meantime loit their patience, and lyong as men plunged euene into the bottom of dispaire. In which state the Romaine commonweale stood after the third sla**ughter of their amrie at Cannas, when as now many of the friendly and confedurate cities, which before had continued in their fidellie and allegiance, resolvd from the Romaines, following the fortune and victories of Hanniball: For why almost all men now dispaire of the estate of the Romaine Empire: at which time of disaffection, of all others no man more hurt the Commonweale than did Terentius Varro the Consul, who with some few hauing escaped from so great a slaughter (as wherein three score thousand of the citizens of Rome were slaine) with letters vnto the Senat and people of Capua, That the Roman Commonweale was vndone, as hauing in that battell loit all the force and flour thereof. Which thing fo terrifed them of Capua, (although in wealth and power they farre exceed the rest of the Roman confedurates) that they not onely themselues forooke the Romans, but drew with them many of their allies and confedurates also vnto Hanniball: when as in deed the Consul shoulde have extenuated the ouerthrow and losse receyved. Whereas Scipio, who was afterwards called Africanus, to the contrarie with comfortable speeches then cheereing vp diuers of the citizens dispairing of the state of the Commonweale, and by oath constrained such as were about to have abandonded the cite, to stay there still, and not to sffe, but resolute to advance their lues for the defence of their countrey and Commonweale. Neither was the Senate terrifed with the feare of so many daungers, as wherewith they were on every side better and inclosed, but rather feemed with greater wisdom to mannge the Estate than euert it did before. And albeit that the common people (according to their wonted lightheue and foolish ignorance) almost in euery towne and city sung the prais of Hanniball, after his so many and so great victorie ouer the Romans: Yet for all that, the Senat of euery citee fauoured the Romans: For so faith Livie, Vsus veluti morbus omnes Italia populos inmaferet, et plebs ab optimatibus dissentiret: Senatus Romanus faueret, plebs ad Romanos rem trahearet, One diface as it were (faith he) had infected all
all the people of Italie, viz. That the people still disdained from the nobilitie; the Senate still favoured the Romanes; and the people still inclined unto the Carthaginians. Yea Hiero king of Siracusa, accounted the wisest prince of his age, did then much more carefully than before honour and reverence the amitie and alliance of the Romanes, not doubting in what he could to helpe and relieve them; yea and in that their defe-
rate estate amongst other things sent them a statue of Victorie(of gold) for a pretent; as he which had oftentimes proved the incredible widome of that Senate in the managi-
ing of their affairs. Wherein a man may fee, that the wiser for seeing the Romans so adulterated and to constant in their extreme necessities, and that their lawes were never more straitly kept, or martiall discipline more feetuily obscured, (as Polybius an eye-
wnit TELE of those things, himselfe writeth) were alwaies of opinion that the issue of their affaires would be good: not unlike the wifephysitian, who seeing favourable Symptoms 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, milites of so many countries and nations, and placed in the height of all worldly felicitie, was never then neeter vnto ruine and destruction: whereof were most certain tokens, for that in that Commonweale was no place left either for law or virtue, all things being done by the popular rage, or vlutru lust 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 gen-
eral.

Wherefore the first rule for the keeping and preferving of Commonweales in their eftates, is well to know the nature of every 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 oth-
er; but behoueth vs also to know the means how to maintaine euery one of them in their eftate, if it be not in our power to change the same, or that in chaunc-
ing thereof we shall put all to the hazard of vttre ruine and decay. For where it is bet-
ter to have an euill Commonweale than none at large: as with conuenient diet in some fort to prefverige the sicke man, than by applying of medicines to an incurable disease to take away his life quite. For as physicians say, we must never apply violent remedies but vnto desperate diseases; and that when as there is now no othen hope left. And this maxime taketh place in euery fort of Commonweale, not onely for the chan-
ging of the eftate, but even for the changing of lawes, maners, and customs also: whereunto many hauing no regard haue ruined and ouerthrowne right faire and great Commonweales, allured with the baite of some one or other good law, which they haue 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 to ruinat a Popular eftate: as other alio there bee good for the prefervation of the Popular liberty, & yet most fitly seruing for the overthrow of a Monarchy: for that those Eftates by nature contrary, are by quite contrary lawes both maintained and ruined.

And albeit that some lawes there be good and indifferent to all sorts of Common-
weales, yet doth it is, that the antient question of right wise Politicians is not yet well re-
solved, viz. Whether a new law being better, be to be preferred before an old antient law that is worse? For the law be it never so good, is nothing worth if it carry with it a con-
tempt of it selfe, or of the rest of the lawes: Now for it is, that newnesse in matter of lawes is alwayes contemptible, whereas to the contrary, the reverence of antiquity is so great, as that it giveth strength enough vnto a law to cause it to be of it selfe obeyed, \( \text{Sf} \) without
without the authority of any Magistrate at all joyned unto it: whereas new edicts and
laves with all the threats and penalties annexed unto then, and all that the Magistrates
can do, cannot but with great difficulty find entertainment: in such fort, as that the fruit
we are to receiue of a new edict or law, is not oft times so great, as the harme which
the contempt of the rest of the laves draweth after it for the novelty of some one. And
for to make the matter shor, there is nothing more difficult to handle, nor more doubtful
in event, nor more dangerous to manage, than to bring in new decrees or laves. And
this reason seemeth vnto me very considerable; but yet will let downe another of no
lesse weight, which is, That all the change of laws concerning the estate is dangerous:
For to change the custome and laves concerning inheritance, contracts, or libertude
from euill to good, is in some forte tolerable; but to change the laws which con-
cern the estate, is as dangerous, as to remove the foundation or corner stones which
vphold the whole weight or burthen of the buildings; in which doing, the whole fa-
bikce 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 be-
come old and ruinous. For euens fo it is in a Commonwale now alreadie grown
old, wherein a man neuer so little remoue the foundations that vpholdeth the same,
he is in great danger of the ruine thereof. For the antient maxim of the most wise politi-
tians ought well to be waied, That we must not change any thing in the laws of a Common-
weale which hath long maintained it selfe in good estate, whatsoever apparent profitt may bee
thereby pretended. And for these causes the old law of the Athenians, which was after-
ward also receiued in Rome, and passe in force of a law, published at the request of
Publius Philo, was the most necessarie law that could be in a Commonwale. viz. That
it should not be lawfull for any per son vpon paine of death to present any request vnto
the people, without the priuicie 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 euen vnto the Senat, without the aduise of the counsell of the Sages. And yet
in the Commonwale 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 strangled, if he preuailed not to proue the law by him moued to be good and pro-
fitable for the Commonwale. 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 haue both his owne put out: For the making of which motion his aduersa-
rie had given him cause, havinge oftentimes threatened him to thrust out his eye, and
so to deprive him quite of his sight, although he were therefore to endure the penalite
of the law, which was to loose one of his owne. With the equitie, or rather necessi-
tie of whose so reasonable a request the people moued (though with much a do) ena-
ced the law. Whereby yet nothing was derogated from the law called Lex talionis
(or the law of like punishment) which was then common to almoft 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 laves must oft times of necessitie bee chan-
ged, as the laves concerning visuaus, or the bringing in, or carryinge out of marchan-
dise, or concerning the augmenting or diminishing of the punishment to bee inflicted
vpon offenders, which are euen in a short time to bee changed; I therein agree with
him,
him, for that necessitie hath no law: first, if new lawes give good hope of fruite and pro
fit of them to arise, as of good cornye yet in the blade, then are they not to be reiect
ed: but here question is not of lawes concerning ordinarie policie, but of such as concern
the very estate it selfe. Which I both would and with, if possibly it might be, that they
should still be most fruite and immutable: nor for that the Commonweale ought to
leave the lawes, seeing that they are al made for the maintenance of the Commonweale,
and of the societe of men: neither that any man witheth the satifice and prefertuation
of the lawes, but for the Commonweale sake. For why, the first and chief law of all
Commonweales, is this, S a l v e  P o p u l i  S u p r e m a  L e x  E s t o . The welfare
of the people, let that be the last law. For what reason moved Themistocles to forfitie
the citie of Athens, with wallses and bulwarkes, even the very same reason induced
Thersamenos to perswade the Athenians to rate their wallses, &c., the welfare of the people:
wheras otherwise the Lacedemonians had vnzone the citizens together with the
citie. Wherefore no law is so facted, but that upon yrigent necessitie it is to be changed.
And therefore Solon after he had published his lawes, caused the Athenians to swear to
obfeue and keepe them for the space of one hundred yeares: giving them thereby to
understand, that lawes could not ever be made immutable, 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 vntill his returne from the Oracle of Apollo, from
whence he afterwards never returned, but went him selfe into voluntarie exile, out of
his owne countrey; so to bind his citizens so much as possible was to the perpetuall
keeping of his lawes. And albeit that the iniquitie of some auntient 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 of the lawes of the twelue tables, which they would not abrogate, but only by not
offring them, in that they were vnprofitable or vnprofitful suffered them to grow out of
vfe: which they so did, least in abrogating of them, they might seeme to impair the
credit and authority 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 but fewe hundred yeares after
that they were first published) it was at the motion of A e b u t a s the Tribune, decreed,
That such of those lawes as were as it were of themselves grown out of vfe, should be
reputed as repealed and abrogated, to the end that no man should with them yet stand
ning in force be entangled.

But for that the nature of man as of all other worldly things also, is most slipperie
and vncostant, running still headlong from good to euill, and from euill to worse; vi
ces by little and little still increasinge, not unlike euill humors, which without sen
cible feeling encreaceth mans bodie, vntill it be full of them, breedeth in it many most
dangerous diseases, and so at length bringeth it vnto vter destruclion. For remedie
whereof new lawes must of necessitie be devisede: which must yet for all that by little
and little be done, and not violently all at once. As Agis king of Lacedemonia un
warily attempted to have done: who desiring to reestablissh in the Commonweale the
auntient discipline of Lycurgus, now by the negligence of the magistrats almost grown
quite out of vfe, caused all the obligationes and feedules of privat men to be vpon a
sudden brought out & burnt: which done, he was about to have proceeded to the mak
ning of a new division of lands, to the end to haue so made an equalitie of wealth and
goods amongst the citizens, as Lycurgus had before done: which althoughe it were a
thing desired of many in the Lacedemonian Commonweale (which had indeed so 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

hous,
house, and so afterward dispoled of his estate, and by his rebellious subjects together with his mother and other his friends and partake after strangled made away for a sort of mad and euill minded fellowes to invade the state, having to deprifd his countery of himfelle a good and vertuous prince. Whereas he should before have made himfelle maifter of the forces, or if that had not bene poffible, yet to haue founed the minds of them of the greateft fort; and by meanes to have gained them vnto him one after another, as had Lycurgus done before him; and then to have forbidden them the vif of gold and filver, that fo it might have grown into as little estimation as iron; and in fome time after that, to have forbidden all fumpfuousneffe in apparell, and rich furniture, and nor at once to haue encreafed vpon the libertie of the people, to haue procured their patience, and changed their discipline: For that to fince such a violent letting of blood, before the corrupt humors purged, or fo strong a medicine, before any preparative given, is not the way to cure the difeafes, but to kill the difeafed. Wherefore in the governments of Commonweales, and healing the difeafes thereof, we must imitat not the Physitans onely, but even nature it felfe, or rather the great God of nature whom we fee to do all things by little and little, and almost infenfibly. The Venetians right wisely during the life of Angefly Barbarin their duke, attempted not in any thing to abridge his power, though by them much mißlikd and feared; leaft in f doing they fhould either have offered some difgrace vnto him their prince, now growne old, or els have raifed fome new fterres, and fo have troubled the quiet of their Commonweale. But he once dead, before they proceeded vnto the new election of Lofio; the leignotic caufed fuch new lawes and decrees to be publifh’d, as whereby the power of the dukcs was right greatly impriert and diminifhed. The fame we have fhewed alfo to have bene done in the elefions of the German emperours, the kings of Polonia, and of Denmark, who of foueraigne Monarches are now brought vnto the small eftates of Generals in chief, fome of them more, and fome leffe: which the more clofely to hide, they haue left vnto them the imperiall and roiall markes and cognifances in their habits, in their titles and ceremonies, but in few things els in effect and deed. But as it is a dangerous thing for the fubjects all at once to abridge or cut short the power of a foueraigne prince or magiftrats, who yet hath the power in his hand; fo is it also no leffe dangerous for a prince vpon the sudden to displacce or caft off the antient feruitors of his predecessours, or els at once to thrust out some part of the great magiftrats and officers of the eftate, and to retaine the refte, they which are new choenef or retaigned, retting ouer charged with enuie, and the other with euill doing or ignorance, and withall deprifed of the honour and good, which they haue bought full deere. And it may be that one of the faireft foundations of this monarchy is, that the king dying, the officers of the crowne continue still in their charge, who by that means still mainaine the Commonweale in the eftate thereof. And albeit that the officers of the kings house be at the pleafure of the succeffour to be changed, fo ought he yet therein to vfe fuch difcretion, as that they which are removed have not occafion to innuat or moue any thing as men difgraced, or at leaft with haue no power left them fo to doe, albeit that they were thereunto willing. In which point the emperour Gaia being deceiv’d, and haung thruft Otho out of the hope hee had conceiv’d of the empire, to adopt Pifo to succeed him in the government, and yet for all that without difaffeminating of Otho, he was shortly after by the fame Otho (a man in great favor with the Pretorian foildiers) flaine together with Pifo, whereof hee had before adopted to succeed him in the empire and government of the state. All which perils and dangers are leffe to be feared in an Ariftocratie or Popular eftate, for that in them they haue the foueraigne neuer die; howbeit that there is in them no leffe danger in chaunging of their
their soueraigne magistrats, or generals (as we have before declared) or in making of laws which may tend to the impiating of the power of the people, or which may any way becom profitable vnto the nobilitie, and preudiciall or hurtfull vnto the people: or in case that viuials and provisions faile, or that some great extreame death ariseth in which case there is always danger of popular commotions and rebellions. So that in briefe, when question is for the displacing of great magistrats, or for the suppreſsing of corporations or colledges, or for the cutting short of privileges, 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 forming course and beginning thereof; which by succession of time, following the natural corruption of man, hath bin altered & changed from the first puritie thereof: there is no better means that to come thereunto by little and little, without forcasting of any thing, if it were possible, as by way of suppression. Whereof we have a notable example of king Charles the first (even he that was surnamed the Wise) who at such time as he was Regent in France (his father being as then prifoner in England) by the euii counsel of some ignorant in matters of estate, at one chop suppressed all the officers in France, of whom also hee suppressed the greatest part, appointing little commissiners for the hearing of such accusations as should be laid against them for the extortion and bribery by them committed and vied: whereupon all France was in such tumult and uprore (for the infinite number that then were of male-content) as that shortly after for remedie thereof, hee by a decrete in the high court of parliament at Paris, whereunto all the nobilitie were assembled, abrogated the former law. Whence deeree is yet extant in the act of that his court, to this effect and purpole, "Cum regis potestati & procurationi quam gerimus, non modoque ab uligii fet etiam quae a nobis ipsis & in RempUBLICAM, & in singulis pescantur emendare conferuare usum, sedbus plane spectatis & cognitis, quae de imperio magistratus ademps noua legimus simus, placet abrogari; et quidem abrogamus, & aperem declaramus, legis illius, quae importunitur qua verum magisteribus erecta est, nonam omnem fore, & quae acta festa sunt, cum magni nonor dolore acta festa fuisse; nec ille magistratus quos honorum abrogationem quam non iure factam esse constatmur cu quaque fraudi esse: ant quemquam in usus acta non vitare non valet ex parte voluiffe: at praeced legem illam iure a nobis reformandi & abrogare ieflamer, at omnibus magistratibus falsum omnis & integra restitutione, Wheres as by the regall power and authoritie which we bare, it is fitting for vs to correct and amend, not onely such things as by others, but even by our selves also are trespaſſed against the Commonweale, or other men in particular: all things throughly looked into, and tried, our pleasure is, That what we have by a new law commandeth concerning power and authoritie taken from the magistrats, to be againe abrogated, as indeed we abrogat, and plainly declare the force of that law (which was by the importuna suit of some trespaſſed from vs) to be nothing: and that such things as were then done, to have bene done to our great griefe: neither that the depriuation of offices or honours, which we confesse to have bene not lawfully done, to bee imputed to any man: neither that our will was in any part to violat any mans right or honour: And therefore we freely protest, that new law to be of vs rightely repealed and abrogated: and that so all things late and whole, may so againe be vnto the magistrats restored. And thus much we. But Charles the ninth comming vnto the crowne, and seeing the number of officers, through the libertie of the times growne almoſt infinit, to the great hurt of the Commonweale, in such fort, as that it seemed a thing almoſt neceſſarie to have depriven them of their honours and lees, 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 be reaſon of the want of coin in the common treafurie, bee againe 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, unto many their credit & reputation was in more esteem & decreed than was their profit, and much the more it was to be feared, that if they should both of their money and preferment be together spoiled, least their present credit and profit being impaired, and the hope alfo of the recovery of the money they had paid lost, should minister vnto many of them occasions for them to raise rebellions and new furries in the estate of the Commonweale. Wherefore the want of money in the common treasure profited: vs then mindfull of other things, and fortune so favoured our vnskilfulnesse and ignornace, as in amiantum time it did a painter, who painting of an horse, when he not knowing how cunningly to express the forme of the horses mouth, and weare of his worke not well fortifying his mind, in an anger caft his wet punge 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 notagine restor vnto them the money they had paid for their offices; neither yet if the princes wealth & power had bene so great, as with his becke or a wink of his eye, to cause all his subiects to tremble, and so to be able to doe what thing soever he list, shoule he yet seeme to do wisely by force to take away the offices and places before sold vnto his magistrats and officers: For that not onely they which have received the injuriue, but eucln other his subiects also, are oftentimes much moved and incensed 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 especiell towards his subiects.

Wherefore the Senat and people of Basil did wisely, who having renounced the Bishop of Rome Religion (which they now detested) would not vpon the sodaine thrust the Monkes and Nunnnes with other the Religious persons out of their Abbies and Monstaries: but onely took order, that as they dyed, they should die both for themselues and their successors, expressly forbidding any new to be choen in their places: so by that means their colledges might by little and little by the death of the fellowes be extinguished. Wherby it came to passe, that all the rest of the Carthusi ans of their owne accord forsaking their cloifters, yet one of them all of them for a long time remained therein, and so quietly and without any disturbance held the right of his couen, being never enforced to change either his place, his habite, or old ceremonies, or religion before by him receivd. The like order was taken at Coire in the diet of the Girlons: wherein it was decreed, That the ministers of the reformed religion should be maintained of the profits and reuuenues of the church, the religious men yet nevertheless still remaining in their cloifters 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 ambaffador of France, who was then at Coire. By which means both they which professd the new religion, and they which professd the old, were both provided for: whereas otherwise it had bene an unreaonable thing to haue thrust them, who had learned not only to live idly, but euen to doe nothing at all (as Lucitus merily faith) having neither trade nor occupation to live upon, out of the old possession of their lands, were it never so vntwst. Wherof beside the injuriue vnto them done, danger might haue also ensued, least they not hauing whereof to live, and so brought into dispaire, might have attempted some thing against the state; and so haply drawne after them all their friends and allies also, to the great trouble of the whole Commonweale. For the same cause the king haung given leaue for the free exercice of the new religion in this realme of France, and seeing that they which vnder the colour thereof were gone out of ther cloifters, demanded a portion in the
A. the lands and inheritance of their parents or nearest kin; it was decreed, and that vpon great paime, That they should againe returne into their cloisters : which seemed to be a thing directly contrarie vnto the law, whereby free libertie was giuen for euerie man that wolde, to profess the new reformed religion. Howbeit that this was indirec- tely to stop the mouthes of them which departing out of their monastries, fought to trouble the estate, and vnder the vailde and colour of religion, to trouble the most great and noble houses of this realme: besides that it had bene also necessarie in all the cut- tumes of this realme, to raise the article concerning the religions, who both by the cannon and civil lawes, as also by all our lawes and cuttumes, are excluded and shut out from all hope of inheritance.

B. But now that we haue saide, That the multitude of officers, or of colleges, and companies, of priviliges, or of wicked men, which through the sufferance of princes, or the negligence of the magiftrats, are by little and little growne to the hurt of the Commonweale, are by the same meanes to be againe suupressed; hath place in all things which concern the publike state, and hath a reference vnto the nature of the lawes, which haue no force nor effect but for the time to come: And albeit that tyrannie bee a thing most cruell and detestable, yet so it is, that the fairest way and meane to suupress the same, is if 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 strive to take from him the gouernment, with the hazard of the ruine of the whole estate, as oftentimes it chaunceth. 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 viued commonly to doe) or to suupress the magiftrats or other great officers which might stay the course of his tyrannie, to the end that hee may without let or contention doe whatsoever he pleaseth: then in this case violent remedies are to bee viued, but with such limitation and restriction as we haue before set downe, & not other- wise, least 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 greatness right admirable, and yet for all that infenibil ; and still by meanes conioyning the extremeties of nature, as by putting the Spring betwixt Winter and Sommer, and Au- tumne betwixt Sommer and Winter, moderating the extremeties of the times and seacons, which the sate same wifedome which he vleth 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 magiftrates, or that it is much better to haue them perpetuall and without chaung.
CHAP. III.

Whether it be better in a Commonweale to have the Magistrates still changeable, or else perpetual.

Orasmonich as both cities, citizens, and Commonweales, we commonly do for nothing more troubled and troubled than by men for the obtaining of offices and honours; mee thinke this question to be one of the most profitable and most necessarie of any that can be made in matter of estate, whether it be better to have annual or perpetual Magistrates 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 pleasan to understand, and therefore not in any wise by us in this place to be omitted. Which I say not as meaning to take upon me the deciding of this question, but only to touch the reason 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 it mine intent of purpose, either to propound and move this question, to give foot unto them which would change the laws alreadie received, which the subjects ought to hold for good and wholesome in every Commonweale; not 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 magistrates and officers annual, is, for the first and principal end of every Commonweal ought to consist in vertue: and that the scope of every good and true law-giver, is to make his subjects vertuous. Which to attain unto, it behoveth him to propound unto the view and sight of the whole world, the rewards of vertue, as the mark whereat every man ought to aim in both for he can.

Now most certaine it is, that honour is no other thing then the reward and prize of vertue, which neither ought nor can by the counterpoise of profit be esteemed: whereas to the contrary vertue hath no more capital an enemie, than profit doth itself by honour. If then the honourable preferments, offices and commissions be taken out of publique place, to be always enclosed and shut vp within the particular houses of most unworthy men, who for favour or money carry away the same; it is not then to be thought vertue in that estate to be the prize, the corrupt nature of man being such as is right hardly to be drawn unto vertue, what reward or prize the contrary be denied for the alluring of men thereto. And thus much for the first point, which ought to move princes and wise law-givers, to let 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 every man according to his deserts, which they cannot do, if they grant them unto men in perpetuities.

Another point which the wise law-givers ought still to have before his eyes, is, To cut vp the roots, and to take away the seeds of civill sedition, so to maintain 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 be the onely end which the good law maker ought to hope after. For albeit that vertue may oftentimes be banished out of Commonweales, for men to live in a disorderly licentiousness of all kind of voluptuous pleasures: yet in that all men agree, that there is no more dangerous
A gerous a plague vnto Commonweales, than ciuill sedition and discord. Forasmuch as it draweth after it the common ruine aswell of the good as of the bad. Now fo it is, that the first and principal cause of sedition, is inequality: as to the contrarie the mother nurse of peace and amity, is equalitie; which is no other thing than naturall equitie, distributing rewards, preferments, honours, and all other things common vnto the subjectes indifferently, and in the best sort that may be. From which equalitie the very theeues and robbers themselves may in no wise depart, if they mean to live together. Hee therefore that shall divide the honours and office of estate vnto a small number of men, as needs it must be, when they are gien for termes of life, hee I say hath lighted the greatest flames of ielousie 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 thereunto due, and the auoyding of sedition, the greatest plague of a Commonweale: yet were they even sufficient to let, that offices should not be perpetuall, but rather annuall, 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 perpetuittie of offices and promotions, not onely the vertue 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 law giver ought to have a greater regard than of the rewards to vertue due: For that the wise and accomphlished man looketh for no other reward of his vertuous actions, more than vertue it selfe: which a man cannot say of vice, neither of the viciosus. And for this cause the lawes both of God and man, even from the first vnto the last, haue commanded nothing more, than the punishment of the wicked. And what punishment should a man do vpon them, who are always so high mounted, as that it is impossible to come nigh them? Who shall accuse them? who shall imprison them? who shall condemne them? Shall their companions or fellowes in power? will they cut their owne armes, or rip their owne entuils? beleue it they will never be loe euill abused. What if the great ones bee also partakers of their foule robberies, villanies, and extortition? 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 haipousnesse of the offences beeneduced to take of them punishment. But if any there be so hardie as to accuse, yea or but so much as to complaine of one of these demie gods, he is in daunger of his life, as a faillie enformer, if hee by prode cleer then the lunse it selfe, prove not villanies done in most obscurt darkenesse: and admit that all be by them well proved, and that the guiltie magistrat be conuicned and attainted, yet so it is, that this ordinarie clauze: Frater non serers, He is our brother, shall suffice to couet and burie all the villanies, deceits, and extortition, of the most vniuelt magistrat that a man could imagine. So that hardly one of a thousand which had deservt punishment, should in fice hundred yeres be brought to execution.

But if the magistrats were annuall, it is most certaine, that the feare to be called to account, would alwaies keepe them in awe, and that they would tremble and quake as often as they heard that thundering threatning which the Tribunes of the people made to Manlius, Privatum rationem rerum ab se gestarum redditurum, quotidnam Confalia

Perpetuittie 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 custome of the auint Romans, who animated the young men to commence their publike accusations against such as had even acquitted themselves in their publike charges, setting them on as grayhounds upon wolves, or other wild beasts. In which doing not onely the offenders were punished, but every man else also 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 never wanted some, who still right narrowly looked into all their doings, so that it much concerned them to beare themselves most vprightly in the whole course of their lives. Which benefits those estates and Commonweales must needs want, which have their magistrats perpetually, or for the terme of life. For which cause the emperor Claudius wisely renewed an old edict or law, then grown out of yeve: which was, That hee to whome the government of any province was by lot fallen (as the manner was) should forthwith, all excuses set apart, go vnto his charge; and that the time of his authoritie and charge once expired, he should not forthwith take upon him any other new publike charge or government, to the intent that the euill behaviour or extortion of the magistrats should not by such continuation of their power and authoritie remaine unpunished. For whatsoever decrees or lawes bee made, the euill magistrats 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 imposible to have of them any reason. Which was the cause that moved Hannibal that great captain to present a request vnto the people of Carthage, to make their judges annuell, which before held their places for terme of life, and that none of them should keepe his place two yeares together, as Linus reporteth, whose words we thought good thus here to set downe,

Indicium ordo ad tempus de jure domini venturum. Carthaginem, qui maxime et quidem pertinet, quod n'habebat, hominem in eam tempus regno Prætor, legitur, Annibalem, vocare ad se Questionem: idem pro nihilo habuit; nam auctorem factionis erat: et quis quæ securae in indicibus potestis simul ordinem referentur: iam præsumus, quos opibus animos gerebant: id indicium ratus Annibalem, viatorem ad prehendendum. Quo tempore misit, subducatumque in concionem non ipsum magis quam ordinem indicum (quæ quorum superbia atque opibus nec leges quiue quem essent nec magistratus) accipiat, et ostendat suos. curia accepi orationem animaduerit, clem estample promulgaet pertulitque. The order or companion of the judges (faith he) did at that time bere all the sway at Carthage; and well the more, for that the same men were still perpetually judges: euerie mans wealth, fame, and life, was in their power; he that had one of them of that order against him, had them all his enemies. In this their so insolent a rage, Hannibal being made Prætor, conuerted one of the Queftors, or publike receivers before him, which made thereof no reckoning, for why, he was of the contrarie faction vnto him: and forasmuch as out of the Queftors choyse was still made into the most mightie order of the judges, they still bare their haute minds unsufferable vnto the wealth and power they were afterwads to enjoy. Which Hannibal taking for a great indignitie, sent a sergeant to lay hands upon the Queftor, and having brought him into the generall assembly of the people, accused not him more than he did the whole order of the judges (through whose pride and wealth, neither the lawes nor the magistrats were (as he said) any thing at all regarded) and perceiving his speech to be with the good liking of the people received, 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 faire 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 vsnto 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 so doing refuse the whole bench of them also. As not many yeares ago in the court of Paris (which at this time consiisted of an hundred and fittie judges) in a suit betwixt Chr. Thuan, chief justice in that court, and John Till, regifter of the court (who tooke vpun him the defence of his daughter being absent) were, for alliance onely, three score judges on the one side, and two and ffortie on the other, challenged and reiectted, and all vp on the fame bench. And for this cause it was ordained in the asssembly of the eftates of the countrey of Languedoc, holden at Montpelier in the yeare 1556, where then I was, and charge there giuen to John Durande, attourney for that countrey, That amongst other his instructions, he should especially move the king, that it might please him to ordaine, that the nie kinsmen or other of alliance vsnto the judges, should not from thenceforth be admitted vnto the fame bench, neither into the same court. Which same request foure yeares after, was by the eftates of France presented vnto the king in the parliament at Orlancc, howbeit that nothing could therein bee obtained, neither can be, so long as honours and preferments are in perpetuic gien in the Commonweale. For it is now two hundred and fittie yeares since that king Charles the fift, and before him Philip the Faire had ordained, That no man should bee judge in the fame countrey wherein he was borne: as in like cafe 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 fame afterwards extended even vnto them which were but councellours or affairants 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 ordinary judge is moft commonly a stranger. Which was also by the ambaffadours of Moucouie requestted of the eftates of Polonia. Howbeit that the decrees of our kings concerning those matters, were quickly buried, after that the publice 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 Cefar his Commentaries, that the auntient Gaules, and namely they of Autun, had amongst them an iniquoule law, which expressly forbade 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 magistrate should liue. And that more is, it was alwaies expressly forbidden, That two of one familie might be councellors together, neither yet one of them, so long as the other who had alreadie bene a councellour was alio.

Moreover the thing which ought of all others to be most recommended vnto all subiects in generall, & curie one of them in particular, is the prefentation of the Commonweale. And what regard or care of the publice good should they have, which therein have no part? Such as are themselves excluded, and which see the common preferments and offices giuen in prey to some few in perpetuic? How should they have any care of that which concerneth them not, neither need, nor a faire off? And admit that any good and honest man would lay, would doe, or undertake, 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 every man leaning to thinke of the publice, entended vnto his owne buinesse, and hee in that case should be but laughed at, and detided as a foole, 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 happier should both the subiects and Commonweale be, if euerie man in his de-
gree and according to his qualitie, having enjoyed convenient preferments, and so ha-
ting learned true wisedome by the manning of worldly affairs, should retire them-
selues from these vaine and worldly busineses, to occupy themselves 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 wit, that some, ley, would have all, and some one would polifie himselfe of many
publike charges and offices at once; as it was in auitent time permitted them in Car-
thage: which for all that seemed both to Plato and Aristotle a thing right daun-
gorous. 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 disires of men alwayes passeth
beyond the prohibitions of the lawes, the most unworthy most commonly burning
with the hoaest flames of ambition; not unlike the weake flocke, which is alwayes
more defirous of meat which it cannot digest, than is the flocke which can better
digest it: thinking it not to stand with their honor and reputation to stay in the mean,
or to abate any of their titles and dignities, but contrariwse to mount still higher and
higher. In so much that the feigneurie of Venice in some fort to saftifie the ambition
of the citizens, gave leave vnto him which had borne a greater office, to refuse the leffe
being laid vpon him; which is a daungeorous 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 daungeorous is it, to make the magistrats and publike char-
charges perpetuall, onely to ferve the ambitious disires of some, and so to make the Com-
monweale subiect vnto the desire and pleasur of some few? For why, it is to be feared
least that they who can never saftifie their immoderate desires with the multitude of offi-
ces and publike charges, but had rather to burft at the table of ambition, than in time
to withdraw themseles: It is (I say) to be feared least some hungry fellows shall at
length say vnto them, Depart you hence; or if they will not do, plucke them away
by force, not without their owne daunger, and troubling of the quiet estate of the Com-
monweale. At the assemblies of the estates of Rome into the place called Camp-
us Martius, for the chusing of their cheife magistrats, and other their great officers,
certaine narrow bridges were in divers 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-
cived: at which time such as were threescore yeeres old, were still warned to giue
place, and not to come to giue their voices, lest haply they might by the multitude of
the younger fort be oppressd: and not for that such old men were cast headlong from
off the bridges into the riuert, as some have thought. But how much more feemely we re-
it for them which have quiedy 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 thruss out by others? especially con-
idering that there is no place more slipperie or daungeorous, than are the places of ho-
nour and command. Besides that (which wors est) such ambitious men in their fal-
ling draw after them the fall of many others also, together with the ruine of the whole Commonweale: as did Marius, who having passed through all the degrees of honour, and bene six times Conful (which neuer 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 growne extreame old, to the intent to obtaine the leuenth Confulship, and to continue a perpetuall commanding power vnto himselfe. But Sylla understanding of the commision given to Marius, and of the authority by a tumultuous assembly of the people taken from him now absent (and having also an army with him) contrarie vnto the law and the custom of their auncestors, straight way returned to Rome with his partakers, seazed vpon the citie, where he made a most horrible malacte; which afterwards in such fort continued, as that all Italie and Spaine was embroued with blood, not onely the capraines and chief commanders of Marius his faction being by Sylla slaine, but even his companions, friends, and kinbmen also, being most shamefully prosecibed, or els banished, and so the Popular estate brought vnto an extreame tyrannie. So euyn for the same occasion three hundred yeares before, the Popular estate was there changed into a faction of an Oligarchie; not for having of offices in perpetuittie for terme 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 amending of the lawes, who would have so continued the third yeare also, and by force of arms still maintained their commision, encroaching 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 meanes many Popular and Aristocranique estates were chaunged into Monarchies, or at leastwise into tyrannicall governements; for having given the publike charges and commisions vnto their magistrats or commisioners, for longer time than was needfull, or for proroguing 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 Caesar at Rome. Which Amylius Memucrus the Dictator foreseeing, presented a request vnto the people, which passed into the force of a law, whereby it was ordained, That the Seniors power from that time for ward should continue but for eighteene monethes, which before was established for fuen yeares: and the next day after that he was created Dictator, deposed 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 diuturna imperia non placant. That you may know (said he) how little long lasting authority and power please me. And for the same occasion the law Cornelia, published at the instance of one of the Tribunes of the people, proued, That it should not be lawfull for any man to secke 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 themselves bene slaine in the full Senat, having by his request made vnto the people, procured commision for fuen yeares together to be graunted vnto Pompey, for the ending of the Piraticall warre: Whereof Dion giueth a notable reason, For that (faith he) the nature of man is such, as that a man hauing for long time borne some honourable charge, commonly hath al other men in contempt and disdain, neither can well endure to live in subjection after he hath for a long time commanded. Which thing Casiodorus almost in the same fence writeth, Antiquitas proconsularum dignitatem voluit annua successione reparari; ut nec damnas potestatem vixi in se factet, & multorum praecelius gaudia repertes, Antiquitie (faith he) would the honour of the provinces to be repaired with annuall succes- sion, in such fort as that one man should 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 Aysrian and Perfin empries stood so long, for that they everie yeere changed
their lieutenants and generals.

But how then commeth it to passe, 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 tarme them, in the
great chamberlaines, and other infinit, even unto the sergeants lees of Normandie, as
I haue before noted. And namely in Aniow, Touraine, and Maine, the house of Ro-
ches had made the offices of bailiffes and towmares hereditarie, had not Lewes the ninth
revoked them, and made them mutable and justiciable, by his decree in the yeare 1256.
The like is done in Principalities, Dukedomes, Marquisats, and Earledomes, which
now are had in perpetuall, which before were holden but by way of commision, and
that during the princes pleasure, which at the first were but annual, but afterwards per-
petuall: and at last by the favoure of our kings are become hereditarie. Howbeit that
other people also as well as we, haue in the same errour offended: So that there is al-
must no place in all Europe (except in England) where offices and dignities are not
now hereditarie, in such sort as that commancling power and authoritie, with the ad-
ministration of justice, is by right of succesion fallen even unto women and children,
and so of a thing publike made particular, and to be sold to him that will give most, as it
must needs be, being once brought into the forme of a patrimonie, which hath given
occasion more boldly to truke all estates and offices, when as men fee the lawes
and customes even facted intuice it fellie prophane, and let to faile to him that will give
most: Of which inconveniences is proceeded the euill custome of making of all estates
and offices perpetuall. For one should doe inuiciue to take an office from a merchant,
and not restore unto him the money that he paid for it. Thus we see the dan-
gers and aburdities one of them as it were linked in another, by the making of the
estates and offices of the Commonweale perpetuall. Besides which reasones by me al-
leged, we have also the authority of the greatest Law makers, Philosophers, and
Lawyers, as also the examples of almost all the ancient Commonweales: as namely,
of the Athenians, the Romans, the Celtes, and others infinit, who have flourisht, and
do yet flourish in due places of Italie, Swifferland, and Germanie, as also the authori-
tie of Sir Thomas Moore, chancellour of England, who in the Commonweale by him
deuised, maketh all the magistrats and officers therein annuell, some from six
monthes to six monethes, and others from two monethes to two monethes, and all
to avoid the inconveniences which I haue before spoke of. And these reasones they
for most part vie, which say, That magistrats 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-	hing can be well done in a yeares space, when as the magistrat 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 forthevith leve the same vnto a new man; and do he like-
wise vnto another, all still new men; so that the Commonweale is still to fall into the
hands of vnseuienceuuent men, and such as want experience. But suppose that the prince or
the people, or they which haue the choice of the magistrats, commit not the publike
charge but vnto men knowne to be of good experience, yet seeing fo many holy daies,
dayes not judicall, vacations, daies of election, and of triumph, as take vp a great part
of the yeares, as well the publike as mens privat actions must therewith needs be troubled,
warres begun be delayed, judgements interrupted, actions of the wicked abolished, punishments deferred, and in briefe the Commonweal in the greatest dangers thereof to be abandoned: Whereof we have many examples in all histories, both of the Grekes, and of the Latines, which had their offices annual. And it hath oftentimes happened, that the magistrates and captains having charge to make and performe some warre, were upon a sudden called home againe, and so al was at a stay: as it happened when question was for the fending of one to succeed Scipio Africanus, the people, the Senate, and the magistrates, found themselves therewith greatly entangled; Mutatis (faith Linus) contensionibus & in Senatu, & ad populam aliæ esse: potremo elo deduci at Se- natui permittent: patriis igiur iurati (sic enim commenerat) conscriurunt ut Confules provin- cias inter fe comperant: 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 vnto the Senat: wherefore the Senators being sworne (for so it was agreed) determined, That the Confuls should divide the provinces betwixt them. Which was a great noveltie to swarc the Senat thereunto. But Scipio understanding of the decree of the Senat, whereby one of the Confuls was forthwith to suc- ceed him, without further delay concluded a peace, more to the advantage of the ene- mie than hee would otherwise have done, if hee had not feared least his successflour should have caried away from him the glory and honour of his victorie, as it is reported himselfe to have oftentimes said. So the warre against king Mithridates was pro- tracted above twentye yeares, by reason of the continual changing of the Ro- man Generals, the enemie in the meanesse while (many faire opportunities by him offered, and by the Romans neglected) fare and wide extending his dominion and empire. Yet sometimes the Generall was to giue vp his charge, when hee was even vpon 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 giue the enemie battell: who yet neuertheless seeing themselves to have an advantage of the enemie, and that they could not without the most manifest danger of the state leave their charge, gane 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 holden their charge longer than the time by the law appointed, & so brought vnto their triall and convicted, were by the commisioners 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 cities and townes have bene forsaken, for haung put into them new gout- nours; and especially at such time as the enemie was nie, & ready to besiege the fame: as oftentimes it commeth to passe, that the fauourites carrying away the honor, the old expert captains are excluded, who right often in revenge thefe of either go ouer vnto the enemie, or els otherwise disburse 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 (said he) to the end that they which are already full of the blood of the people, may as Horsieleeches, full and ready to burst, give the subjects some relief; fearing lest such as should come new & all an hungred, should without remorse or respect at all, draw out the reft of their blood, gnaw their bones, and sucke out the very marrow that was yet
left in the subject. And this unto me seemeth to be a reason of right great importance: for it is an old and true saia, ἐν δὲ παρεὶ τού πολύ εἰς τοὺς δικαίους, a short reign spareth not the people. And yet in the reign of Tiberius, offices and other places of command, were viciously given and not sold; obtained, but not craved, upon men of desert bestowed, and not shamefully let to fall to them that would give most: which opinion of Tiberius ought to bee of much more force in such places as where port is made of all preferments and offices of the commonwealth: for it is to bee presumed (as by Alexander Severus the emperor, &c. after him Lewes the 12.) that the marchants of offices must be by retail, &c. as deete as they can, that 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 befeth a magistrate, which saith that by and 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, he shall boldly oppose himself against the wicked, and give ayde and succour unto the good: he shall reuenge the wrong done unto the oppressed, and refilt the violence of tyrants, and that without fear or maldoubt of being thront out, or dishonoured of his dignity and office, as hath bene scene by some even of the greatest princes, astonisshed with the constancy & immutable assurance of the magistrates, not having what to reprooue him for: neither yet daring to place them, feaing also the discontentment of their subject, unto whom the brightnes of justice and vertue is always redoubtable, and the integrity of valiant and courageous men right commendable.

In briefe, if we would have (as all men ought to with to have) magistrates wise, stout, and well experimented in the charge committed unto 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 vp of the subject in warres, or for the maintaining of them in peace; for the administration of justice, or for the managing of the publike revenues: all which cannot in short time of new magistrates be either thoroughly learned, or daly practised. For as the ruine of families commonly commeth of new feruitors, soe to the fals of Commonwealths also proceedeth from new magistrates, who still bring in new deniues, counsels, laws, factions, customs, edicts, files, judgements, ceremonies, actions, and in briefe a new change of all things in the Commonweale; whereas ensueth a contempt of the old laws & customs, as also of the magistrates themselves. All which may well be scene in the ancient Commonwealths of the Greeks & Romans, wherein the new magistrates were no sooner placed, but they forthwith forg'd new edicts & laws, to cause themselves to bee the more spoken of; without regard whether they were profitable for the Commonwealth or not: propounding only this unto themselves, how to leave a remembrance of their names unto posteritie: whereas men for fieke of ambition, are still more detestous of a great than of a good name. Howbeit that it is not needful to vie many arguments to prove & shew as it were unto the sight of the eye, that the magistrates and officers ought to be perpetually, seeing that we have the law of God, which cannot bee so bound unto 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 were once provided of honorable places and preferments in the Commonwealth, were ever after againe remoued to give place unto 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
of A Commonweale.

To the most part be perpetuall. So that in briefe wee fee 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 Commonweales, but even of the greatest and most flourishing monarchies and kingdomes that now are, or ever were in the whole world, as were those of the Assyrians, the Perthians, the Egyptian, the Persians, the Aethiopians, the Turkies, the Tartars, the Mofcouites, the Polonians, the Germans, the French men, the Danes, the Swedens, the Englishmen, the Scots, the Spaniards, the Italians; excepting some few Commonweales, which are still turmoiled with the continual changing of their Magistrats, and perpetuall flouds 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 magistrats bene every moment to have bene a new chosen. And thus we fee the reasons both of the one side and of the other, which might move some to make their magistrats perpetuall, as some others also to make them annuall. Vnto which reasons sometime are toyed such flourish'd eloquence, as might at the first well daffe the eyes not onely 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 indifferently set downe, that every man might suspend his judgement, vntill that euery thing were in equall ballance well weighed.

But as men oftentimes erre in the maintaing of the societys of men, and government of cities and Commonweales: so doe they in two notable things also especially; whereof the one is, That they too narrowly looke into the inconveniences of a law, without weighings of the good that ensueth thereof: the other, That they ruine from one extreme into another; and so as it teeming the water, run all headlong into the fire, when as they should have stood in the midst. Plato would, that the magistrats in his Commonweal should bee all perpetuall: which extremtie seemed vnto Aristotle blame-worthy, who therefore running himselfe into the other extremtie, and rejecting the opinion of his master Plato, opend a way vnto all the citizens, to all the honours and preferments 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 Commonweales, whereas the resolution of this question especially depended. And we have seen even in this our time one * of the greatest persons of this realme, and the chief man of his cote, who having embraced the opinion of Aristotle, hath endeavoured himselfe by all means to change all the offices into commissions, to be holden but by sufferance: who never had other thing in his mouth, and yet without any distinction in what forme of Commonweale this change were, without harme to be receiued.

Now most certaine it is, that Commonweales in nature contrary, are by contrarie lawes and meanes to bee also governed and maintained (as wee have oftimes before said, and yet must oft times say) so that the rules and orders proper to maintaine and preserve Popular estates, dnever to the reade ruine and overthrow of Monarchies and sole governments. The Popular estates are maintained by continuall change of officiers, to the end that euery man according to his qualitie might have part in the offices, according as they have part in the soueraignty, which can in no wise bee where officies be given in perpetuall. Besides that equalitie the nutre of Popular estates is by the annual succession of magistrats the better maintained, and the long custome of continuall command gine not an appetite.
or desire to some one or other ambitions citizen to aspire vnto the soueraignitie alone.

Whereas to the contrary in Monarchies it is not necessarie, no nor yet wholesome, that subjects hauing no interest in the soueraignitie, 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 Tyrannicall: For that the subjects in the one be the princes naturall slaves, and in the other the tyrants slaves by force, it shoulde be a thing impossible for such a Lordlike Monarch, or tyrant to hold their eftates, and to give such yearely or successiuely commanding power vnto their subjects. And therefore tyrants, who are no lesse hated and feared of their subjects, than they themselves fear and hate them, having little or no trust or confidence in them, for most part guard themselves with strangers onely, and some few of their owne subjects, such as they know to be vnto themselves most loyall and faithfull, vnto whom they commit the custodie and guard of their owne persons, of their eftates, of their forces, and of their wealth, without any desire at all to change them, not onely for that they diftrust others, but also for that they would not acquaint them with the sweetneffe of power and command, least to some one or other of them therewith enflamed, shoulde be desirous to dispatch the tyrant of his life, to obtaine his place: or else otherwife in doing to gratifie the subjects. Whereas the Lordlike Monarch whome his subjects more willingly obey as his natural slaves, is not so much minded or letted from the choice of his magistrates and officers, as is the tyrant, who is not but by force and constraint obeyed of his subjects; and therefore giveth not the preferments or offices of his eftates in perpetuall, neither yet maketh them annual; but onely beholdeth 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 sort to intreat his subjects, as is the good father his loving children, albeit that he be no more bound vnto mans lawes, than are the other Monarches, yet will he neuerthelesse of himselfe establish decrees and laws, for the placing and displacing of magistrates and officers, to the end they might so bee holden; divideth the honours and rewards of vertue not to all indifferently, without distinction, but vnto such as delecte the same; having still more respect vnto the experience and vertue, than vnto the grace and favour of them who are vnto him most of all commended. And yet for all that, shall in all things obserue and keepe the commendable mediocrity, in such sort, as that he shall make many offices perpetuall, and some changeable also from three yeares to three yeares; and other some to bee expect yeare also changed; as namely the presidents of the parliaments, of the finances or common receit, or governors of provinces, who could not otherwize bee punished for their oppression and misdemeanors, if they had not such great authentique and power in the estate and Commonweale still in perpetuall. He shall also divideth the honors and preferments of the state, vnto the richer and nobler, albeit that they be not men of good experience as some of the poorer and baser sorts, to prevent flures and seditions; yet for all that provided alwayes, vnto them which of themselves are not of sufficient capacitie to be still asociated men of good experience in their charge, to couer 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 displace them whom he hath before ordained to be perpetuall magistrates, finding them of whom he hath fo euill made choice, for the weakeenefit of their minds or bodies, to be altogether insufficient for the publiclike charge to be by them sustained, or for to couer the shame of them which are insufficient, shall give 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 meanely cleanly displaced themselves, without any force or stature; or at leastwise shall appoint them deputies for the executing of their charge: yet in the meanest time suffering the magistrates and officers themselves, to enjoy still their titles of their offices, and wooned privileges. And to the intent that injustice, 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 onely that these judges should to be the better experimented (as well for hearing the opinion of diuers, as for their long exercise in judgement:) but also that so their seuerall power might be in some sort weakened (for feare they should abuse the fame) and that so being many of like authoritie and power, they should not so easily be corrupted: nor unlike to a great scale of water which is more hardly corrupted than is a little. For as Plutarch saith: Nemo omnes, neminem omnes uaquam siellerrerunt: melius omnibus quin sanguis credatur. No man euer deeued all men, neither did all men euer deeue any man: better it is to beleue all than one. Howbeit, yet that by the wifedome and vettue of some one good judge, a whole company, or banch of judges of the same court is oftentimes releued: and their factions and secret practices broken; or being other-wise good men, yet nisfe-enformed by falle accusers and pettie fuggers, cannot know or understand the truth: but are by the wifedome of some one of their company the better enformed. As I haue knowne one judge alone to haue cauau the whole company of judges to change their opinion, being before resouled and set downe to haue put a poore innocent woman to death: whom yet for all that he be most pregnant and lusty reasones clearely and fully acquited of that there was in danger to haue beene condemned for. Who therefore well defcerteth to be named: and was Potter a learned judge of great integritie and vettue: who haft left unto his country his two sones inheritours of the fathers vettues: one of them Master of the Requests, and the other, Secretarie of the Finances; in vettue not inferior unto their father. Besides that, the experience of many worlds hath giuen vs sufficiently to understand many judges, by conferrest their opinions together, to gue them by a better and founded judgement, than where they judge euery one of them apart. Howbeit that Aristotle thinketh it better to haue euery judges opinion considered of apart by it selfe: and that he faith to have beene the usuall manner of judgement in many the cities of the Greeks. Now the Romans to haue holde both these factiones and manners of judgements Antonius Pedianus is the Author, where he faith: Aetas efferationem cum universi Judices constituant, aliam cum sanguis sententiam ferunt, It to be one manner of proceeding when all the judges together determine of a matter, and another when euery one of them deliuer their opinions apart. Wherefore caufes are more indifferently and vprightly dicided in Europe by a competent number of judges together: then by seuerall judges in Asia and Aftricke, 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 in that in Grand Cairo (one of the greatest cities of the world) there be foure judges which have their diuers and separate jurisdictions, and euery one of them have also their diuers Deputies, who judge also of caufes apart by themselues, 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 pleasure dicised 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 Cadeleschis are the chiefe of all the judges, and may at their pleausure place or displace any of the rest of the judges, yea and all of them together also so long as it shall please the Grand Seignor. For why amongst the Turkis all power and command is but by suffrurance and during pleasure both giuen and receiued.

Now we haue before saide that in the royall Monarchie all the Magistrates and Officers should neither be perpetuall, neither all sill mutable: For that it is not needfull to change the meane officers, as Clarks, Sergeants, Vhetes, Notaries, and such other like, who for that they have no power or autheritie to command, cannot hurt the Estate: and yet sooner thelesse the experience of their charge which cannot but in long time and by great pracie be got, requireth that they should be perpetuall. And so might a man lay of other inferiour officers also, being still subject vnto the power and autheritie of the greater, but cannot yet oft times be chaungeth without the great hurt of the Commonweale, and many private mens hinderance. The Senators and Counsellours of estate also, whose dexterrity for the managings of the great affairs of the Commonweale is not but by long experience to be gotten; we see them to haue beene in Rome, in Lacedemonia, and amongst the Areopagi in Athens, perpetuall: and so I thinke they ought to be euer where els, so that in the perpetuall change of mutable magistrates, the Senate should still be constant, firme, and immutable, and that vpon the other mutable officers and magistrates should as vpon a mott lute flay ref: which was not so well prouided 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 soueraigne Princes alone, whether it be in martiall affairs, the administration of justice, or the charge of the publique receit, if the royall Monarch shall keepe 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 meane shall caufe the wicked and corrupt magistrates to quake, standing always in dread to be called to give an account of their doings. And for that Magistrates and Officers are not to be chaungeth 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 succeeding of them one of them vnto an other: as they doe in the Commonweale of Rhauger, where the Senate is perpetuall, and the Senators who are also soueraigne judges, are not but euery one of them one yere in charge: who yet chaunte not all at once, but successuvely, and as it were insensible; and in their turne after that they haue for a certaine time liued as private men, returne more frethe vnto the same charge again.

But yet generallie in every Commonweale this rule hath alwaies place without exception, viz.: That the perpetuall Magistrates & Officers should haue either no power at all, or elles 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 caufe, which might otherways ensue by the sudden chaunge of all the Magistrates at once, for the interrupition of publique actions. Neither need we so to feare left the Commonweale should be without Magistrates, as a ship without a mast to goe in the same: as it often times chaungeth in Rome, for the late of the magistrates, who one of them hindered an other, or elles the same day entered all into their charge, as they all at one and at the selfe same instant departed out of the same together. Neither need we so to feare also
also left the wicked by bribes mounted into the more his degrees of honour, should escape uncorrected: or that the ignorant or unskilfull should carie away the preference of the estate and Commonweale: they which before had charge, having for certain yeares taffed themselves, still returning 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 daunger by vs before alleged to entice thereof) by this means either rude artificers or such like ignorant and unskilfull men, must be called vnto such publique charges as they are neuer 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 fearfully well to discharge their particular charges: and in other some to rest great wisedome, who yet have no skill in government at all. But in doing that which wee have said there shall none asfiny any default fall out, neither shall the subiects have any just cause whereof to complain; the rewards of honour being so exposed to evry mans sight, as the marke whereat euery one should ayme, though few there bee which hit the same, and the lower officers and rewards there shalbe, and the deare that they were prized, the more they should be of all desired: when as euery man should 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 sufficiencie, so that the causes of sedition so taken away, the subiects may still live in all peace and tranquilitie. And if need be we may vfe Commissioners or Syndiques, as they did in the time of Lewes the x, and Philip the faire, for the chastising 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 reject it) without consideration also of the profits thereof, seeing that there is no law so good (as faith Cato: the Centur) which draweth not after it some incommodities. And in mine opinion that law may always be accounted good and profitable, if the good which may entice thereof be manifested, and greater then the harme that is to be feared thereof: where in many oftentimes offend, which thinke it impossible to have all discommodities quite taken out of the lawes, the Commonweale yet neuertheless still standing in facette, but so falling into such daunger as they before thought not of, straightwaies blame the lawes, and oftentimes change the same, when as in truth they should have accustomed & changed them selues. So some good Princes euer advised oftentimes to their harme cancel a good Law for some one incommoditie they have seene therein. Whereof we vse no other example then that of Lewes the x, who comming to the Crowne at once displaced all his fathers auncient servitours; and removed also the princes his nie kinchosen from the government of the state: who therefore with a wonderfull confent conspired with the enemy against him, and brought him to such a strait, as that they had almost struke the crowne from his head; and by force wreted the roiall keepers out of his hands. But these straites againe quieted, and all things well pacified and set in order, fearing left his nomine should fall into the like daunger, charged him neuer to change them whom he had aduanced; and yet not so contented, made a law, whereby he decreed all offices to be perpetuall: and that such as were once preferred thereunto, should not be againe displaced, other wise then by resignation, death, or forfeiture: And by another Edict declaring the former, published the xx. of September in the yeare 1482 decreed, That no officers hauing forfeited their offices, for what cause soever, should be enforce to yeeld vp their offices, except it were so before adjudged,
adjudged, and the parties condemned. Which edict bee commantd to stand in force,not onely while he himselfe yet lived, but also during the raigne of his sonne Charles. And albeit that he could not so bind the hands of his suessour, yet so it is neceurtheless, that this his decrete & law hath euer since bene immoabley kept, although the auintent claue, so long as it shall please vs, remayne still in all letters of office. Which words declare no perpetuell power to be given vnto the magistrats or officers, but by sufferrance onely, except by law or custome it be otherwise provided. Yet still remaineth that idle claue, that thereby it may be vndertood, all power and authoritie to haue in auintent times bene given by our kings during their pleasure, and so to haue of the magistrats bene holden but by sufferrance onely. And albeit that in the raigne of Philip the Faire this edict was againe touched, for the giuing of offices in perpetuittie, yet for all that the matter still refited vndecided. But Philip Valois retook the commifions, and ordained, That from that time forward the royall offices should bee perpetuall; which well declareth them before to have bene mutable at the pleure of the kings, albeit that the officers had not forfeited them. And amongst those praisis which they giue vnto king Robert, one of the greatst is, That he never displaced officer, if he had not for some foule and infamous fact before forfeited his office. Whereby it is to be gathered, king Robert his amuesftous to haue vnded other lawes and customes.

But yet happily it may seeme vnto some, that if offices should still be giuen with that claue, During the Princes pleasure, the magistrats would better discharge their charges for the hope they should haue by this meanes to continue still in their places, proceeding still from better to better, and bearing themselves uprightly, so feare otherwife to be displaced. Whereunto I agree, in a well ordered Lordly Monarchy: but the danger shoulde be greater to open such a gap vnder a prince on every side beft with flatterers, and compassed in with clawbacks: For why, euerie man is such, that princes so beft, must either make a mott filthy gaine and traffique of their offices, or else take such places and power to command, from good men, who almost alwayes haue the courtiers life (polluted with all manner of vices) in hatred and detestatyon. Besides that this beffowing of offices during pleasure, favoureth somewhat of tyrann,y, or of a Lordlike gouernment, rather than of a Royall Monarchy; which (so much as possible) is should by lawes, and not by the princes will and pleasure onely be gourned: So as many a Lordly Monarchie, where the subjects being natural lawes adowte and feate their foueraigne prince, as a god come downe from heauen, accounting his commandes as the lawes of nature it selfe. Whereas in a Royall Monarchy, where the subjects are as children, it is needfull to rule and gouern all things by law, as much as possible may be: for otherwise if the king shall without cause exclude some one more than some other from some office of preferment, he should bee so excluded should hold himselfe injuried, and so rest discontented with his prince; who ought rather to be beloved than feared of his sujetts: 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 having just cause to complain of the prince.

The learned Busens who was of opinion that it were best to haue the magistrats and offices still changeable, without having regard vnto the law made by Leves the xi. hath holden, That in auintent time the Presidents and counsellors of the parliament of Paris were but annuall: and that the solemne oath which they still take the 11. day of noevmer, and the letters patents which they still are to have from the king for the opening of the Parliamet, shew sufficiency that their estates were not perpetuall, but still at the pleasure of the prince to bee reuoked, and so to bee by them holden but by sufferrance;
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 ambulatorie & moveable, and which had no power but by commission, was by Philip the long ordained to be an ordinary Court, with ordinate power, circuit, and jurisdiction; in the elevation whereof was expressed that it should still have therein one or two Presidents, of whom the first was the Earle of Burgundie the kings nie kindman, as in like sort the President in the Imperiall chamber, is alway one of the princes of the Empire. And so for a long time alfo the President of the court of Paris was still a martiaall 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 chiefe President, is still honored with the qualitie and title of a martiaall man, as of a knight, or as the Latins call it Miles, or a fouldier, 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 plain the court of Paris so founded to have an ordinate and perpetuall power, neither to have neede of the Princes annuall refcripts, or letters patents for the deciding and determining of controversies. 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

B of his letters Patents euery yeare to giue opening vnto the fame; which his speech affronted many. But certaine it is that the letters patents which are sent to this end, and the annuall oath which the Presidents and Counceleours take, is but a matter of formalitie and custome, necessarie at such time as the parliaments were not holden but by commission: But afterwardes 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 needless repetition of the fame. So the continuall Roman Magistrats euery 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 fame might be said of the forme of the commissions and decrees of that court, conceivd vnder the name and feale of the king, and namely of the letters misfuse of the court: which although they bee conceivd in the name of the court, are yet nevertheless sealed with the little roayall feale with the flowredeluce: Howbeit that all the other magistrats, fenechals, bailiffes, prououits, and gouernours of countries, hauing power of ordinarie command or by commission, dircet the fame vnder their owne names, and their owne feales; which is yet retaine of the auncient forme, euer since that the parliament was but the kings privie counsell, which counsell for that it had no ordinate power, did nothing of it felle, and the commissons are alwaye graunted in the name of the king, as hauing the onely power to command in his counsell, as we haue before shewed. Which forme hath bene euer since followed in the erection of other parliaments, euyn vnto the count of Aides, who giue out all their commissons, vnder the kings name: which hath moved some to say, That the parliaments have nothing but an extraordinarie power by way of commissiion onely. Howbeit that it sufficiently appeareth by that which is by vs before said, them to have an ordinate and perpetuall power, which they still hold the king being dead: Which if it were but a power holden vpon sufferance, (as some would haue it) it should then together with the death of the king take end, as all other powers and commisions elles do; But these courts and the ordinarie magistrats thereof, the king being
being dead neither change their attire, nor vse any mourning garments, or other s fignes of sorrow: yea that mote is, the first confirmations of the new king are alwaies granted vnto the Courts of Parliament; as hath beene alwaies vfed since the time of Lewes the eleuenth, in such sort as that their power is not onely ordinarie, but perpetuall also, not onely in the whole bodies of themselues, but even in every one of the members, officers, and minifters 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 caufe be) at their pleautre againe take from them, as the kings of England haue vfed to doe. For albeit that the aumient and moderne Commonweales, especially the Popular and Aristocraticke (more straitly bound vnto the lawes than are Monarchies) haue their Magistrates and officers for the most part annuall, and that none of them was againe displaced, without just cause why; yet fo it was for all that, that the people sometimes revoked their former choice made, and placed some others whom they knew to be more fit for the charge they were to vndergoe: as it did in establisshing the Dictators and others their Captaines and Gouernors, revoking sometimes (as I say) euen their ordinarie magistrates; as it did Officiis the Consul, who at the request of Fabius Maximus was remoued from his charge, as a man not sufficient for the managing of so great and daungerous a warre as the State had then in hand. Neither had they for the remouing of their amuient, regard onely if he had in any thing trespafted, and so deferred to be remoued; but euen vnto the insufficiencie of him also, whether it were knowne or vknowne when they received him into the Estate, or that it were befallen him afterwards; deeming also weaknesse, 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 Torgumnus chosen the third time Consul excused himselfe before the people for the infirmity of his eyes saying, That it was not reason to put the government of the Commonweale into his hands, who could not see but other mens eyes. But O how many are there of the blind, deaf, and dumbe, not hauing in themselues any light of nature, neither wisdome, nor experience so much as to governe themselues, who are not yet content to guide the faites and tackles, but desire also to lay hands even vpon the verie helme also of the Commonweale?

Now that which we have saied concerning the meanes that ought to be kept in the change and continuance of Magistrates and Officers, hath not onely place in royall Monarchies, but euen in Popular and Aristocraticke estates also, where the offices almost all, or for the most part, ought to be euer yeare, or from two yeares to two yeares still mutable: as they do among the Swifters, and d riot other Commonweales. Yet neuertheless for the perversion 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 stay of the rest, such as be the Councellors of estate: And this is it, for which the Senat in Rome, in Athens, and in Lacedemonia, was still perpetuall. And why, the Senatours still during their liues held their charge and places: for as the hookes and hinges whereupon great burdens rest, must of themselues be strong and vnmoveable; euen so 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 waight of the Estate and Commonweale rested & reposéd themselves. The contrarie whereof is to be done in Monarchies, where in 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 kepe
Of a Commonweale.

A. keepes this mediocritye or meane proper vnto the royall estate. And so for the same cause the Venetians which have an Aristocratique estate, make their officers euery yeare chaungable, and some of them from two moneths to two moneths; and yet neverthelesse have their Duke, the Procurators of S. Marke, the Chauncelour, and soure Secretaries for the Estate, perpetuall; which the Florentines ordyned in their Estate also (after that they were by Lawes the xij, delitered from the most cruell tyrannie of Countie Valentinus Borgis;) taking order that their Duke should from that time forward be perpetuall, to the intent that the Commonweal before in perpetuall motion and change of all their estates and offices, might yet have some thing firme 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 tumults and civil warres then euer they were in before: whereas if they had had but a perpetuall Senate at the leaft, and the Senators continued in their charge, (who from six moneths to six moneths were still chaunged and rechaunged) and had but kept a certaine meane betwixt these two extremeties, of generall chaunges, and still continuing of all their offices, their estate had beene much the more assurance: neither had their Commonweale beene still so troubled and incommode, with so many and so great fugues of sedition, and tempells of civil warres. But these things thus by vs declared, let vs now see whether in a wise and well ordered Commonweale it be good that the Magistrates should be all at vnite, and of one accord among themselves or not?

B. His question, viz. Whether it be good that the magistrates and officers of a Commonweale should be of accord, or els at discorde and variance among themselves? may perhaps seeme altogether needless and vaine. For who euer doubted that it was alwaies expedient, yea and necessarie too, that the Magistrates in euerie Commonweale should be of one and the same mind? to the end that they all together might with one consent and heart embrace and fecke after the publike good: And if to be (as wise men haue alwaies thought) that a well ordered Commonweale ought to resemble a mans bodie, wherein the members are united and conjoinyed with a marnellous bond, euerie one of them doing their office and dutie; and yet neverthelesse when need is, one of them still aideth another, one of them releueth another: and so all together strengthen themselves to maintaine the health, beautie, and welfare of the whole bodie: but if it should happen them to enter into hatted one against another; and that the one hand should cut the other, or the right foot trample the left; and that the fingers should scrape out the eyes; and so euerie member should draw vnto it selfe the nourishment of the other next vnto it; it must needs fall out, that the bodie in the end must become maimed, lame, and impotent, in all the actions thereof: even so in like manner may a man demeane of the estate of a Commonweale, the honour and welfare whereof dependeth of the mutuall loue and good will of the subiects among themselves, as also toward their soueraigne prince. Which sweet vnite and agreement how is it to be hoped for, if the magistrates which are the principall subiects; and such as ought by their example to bind together the rest, be at variance and discord among themselves? But euen to the contrarie the subiects shall become partakers of the factiones of the magistrates, they first nourishing vester grudge, and afterward open

Ch. V.

Whether the vnite and concord of Magistrates amongst themselves bee good and wholesome for the Commonweale, or not?

E. His question, viz. Whether it be good that the magistrates and officers of a Commonweale should be of accord, or else at discord and variance among themselves? may perhaps seem altogether needless and vain. For who ever doubted that it was always expedient, yea and necessary too, that the Magistrates in every Commonweale should be of one and the same mind? to the end that they all together might with one consent and heart embrace and spare after the public good: And if so be (as wise men have always thought) that a well ordered Commonweale ought to resemble a man's body, wherein all the members are united and conjoined with a marvellous bond, every one of them doing their office and duty; and yet nevertheless when need is, one of them still aids another, one of them relieves another; and so all together strengthen themselves to maintain the health, beauty, and welfare of the whole body: but if it should happen them to enter into hatred one against another; and that the one hand should cut the other, or the right foot trample the left; and that the fingers should scrape out the eyes; and so every member should draw unto it self the nourishment of the other next unto it; it must needs fall out, that the body in the end must become maimed, lame, and impotent, in all the actions thereof: even so in like manner may a man demean of the estate of a Commonweale, the honour and welfare whereof dependeth of the mutual love and good will of the subjects among themselves, as also toward their sovereign prince. Which sweet unite and agreement how is it to be hoped for, if the magistrates which are the principal subjects; and such as ought by their example to bind together the rest, be at variance and discord among themselves? But even to the contrary the subjects shall become partakers of the factions of the magistrates, they first nourishing vester grudges, and afterward open

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enmitie, untill that in length all brake out into open cuill warre, all for the main- 
nance and upholding cuillie one of them of the chief of their factions, to the destruc-
tion of the Commonweale: or in case it may be made thereof, and that things fall not out 
altogether fo cuill, yet must still publike actions by such ambition disord of the mag-
iftrats be hindered, and the Commonweale fore troubled: whereunto it shall happen as 
it doth vnto a maid, for whom (as Plutarch faith) her sueters enter into such a seloufie 
and passion, as that desiring cuillie one of them to haue her to himselfe, they so in stead 
of looking and embracing of her, most cruely tent her in pieces amongst them. And 
what good succeff may a man expect of an amie, or what victorie is to bee hoped for 
ouer the enemie, where the captains and commandents are at discord among them-
selves? or what justice is to be looked for, where the judges are diuided into factions? 
Ye it hath bene oftentimes seen some of them to haue bene of contrarie opinions 
and aduife vnto others, and that vpon a vertie jealoufie and hatred they had among 
themselues, and fo play as it were at hazard with the life, the goods, and honour of the 
subieets: as Agesilas king of the Lacedemonians (albeit that hee was one of the most 
famous of them that euer was) to impaire the credit and authoritie of Lyfander whom 
he hated, reused all his judgements, and gaue sentence quite contrarie, not so much 
for the iniquitie of the cause (as he himselfe said) as in despit of him his enemie onely. 
And to make the matter short, most cerayne it is, that disentions and cuill warres (the 
capitall plagues of Commonweales) take foot, root, encreafe, and nourishment, 
of nothing more than of the hatred and enmitie of the magiftrats among them-
selves. Whereof it followeth the unitie and concord of them among themselues 
be vnto the subiects not onely profitable, but even necessarie alto. Which may all 
seeme right profitable arguments and reasones for the one side.

But now they which more subtilly reason of these matters, deeme to the contratie, 
the health, and welfare of the Commonweale to be best preferred and kept by the dis-
cord of the magiftrats. For why (say they) the force and nature of vertue is such, as that 
it cannot be contrarie vnto vertue; neither that good men, although they bee at neuer 
goat oddes, can yet be enemies among themselues: but being provokd by the in-
juries of the wicked their auctores, do still the more and more encreafe, and flour-
rish; neither is the valour of worthy men any where more evident and manifest, than 
when they without bittetness contend among themselues; and so prickt forward with 
an honouer ambition, and enamled with the heat of men like vnto themselues, as with a 
fire, are by the emulation of their competitors incited to take in hand great matters, and 
so still to ouercome their enemies in well doing. So when Taxilas king of the Indians 
had by his ambasadores freely and without resistence offered his kingdome vnto Alex-
ander the Great, (then bearing downe all the kingdomes of the East before him) if to 
be he wanted wealth; and withall refused not to receive wealth alto at his hands, if hee 
had of it too much: Alexander glad of such a match, said vnto him, If we must thus 
contend and combat together, it shall never be said, that you shall take this point of ho-
nor from me, as to be accounted more magnificall, more courteous, or more royall, 
than my selfe: and so gaue vnto him another great kingdome, with an infinit maffe of 
tratefute. In like manner Tullus Hostilius king of the Romans, said vnto Metius Suf-fi-
tius Dictator of the Albanians, The cuill disords which thou objectest vnto vs, wee deem 
them as profitable to our city, for vs strive together, whether of us shall better or more ear-
nestly fight for the good of the Commonweale.

Now if contention and emulation be thus good and profitable amongst valiant & 
good citizens, and wholome for Commonweales, how much more then ought it to 
be thought necessarie for most base and abject men, for the stirring of them vp to ver-
tue,
true, and deterring of them from vice. For of all the great profits which men use to reap from their enemies, none is greater than to live as that we seeme not to exceed them in vices, or be overcome of them in virtues. But if such discord and contention be both honourable and profitable in a city or Commonweale, wherein the princes and magistrats are all good men, and virtuous but for virtue onely; how much more then shall the contention be profitable, where the good and true against the euill? But in case that all the magistrats be euill, then is discord and contention amongst them not onely profitable, but even necessarie also, least others see them seeing at vniue and concord among themselves, and in possession of the government, might freely and without feare make havoce and spoile both of the publique and privat affairs. In which case it cannot fall out better either for the subjects, or for the whole Commonweale, than if they by their mutual hatred and accusations shall openly detect and lay open unto the world, their owne filthineze, their foule extortions and robberies, as the sweete are newer more aflured, than when the wolves denote another; as it happened to the Cincinnatus in England, that whilest the great lords flew or condemned one another, the poore people in the meane while remained safe from their inuasion. Which was the wife councell of Cincinnatus, seeing the Conuall Appius openly to withhold 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 needfull oftentimes it was the power of the Tribunes to bee broken and weakened 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 triuelly Cincinnatus therein said wisely, for the Commonweale stood and flourished, the Tribunes oftentimes being at discord and variance amongst themselves, which they being at vnitie and concord would have in a moment fallen: and so long it well stood vntill that Pub. Clodius a most wicked man, about four hundred yeares after presented a request unto the people, which paift into the force of a law, whereby it was ordained, That from henceforth 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 beauty of the Roman people wisedome (and one to whom was given the chief praye for wisedome and vertue amongst the Romans) could neither endure the agreement of his sennent in his familie, nor of the Magistrats in the Commonweale but sily and secretly sily sowed hatred and sedition amongst them; that so the wicked and offenders might with their accusations as with mutuall wounds fall, and the good so gaine praiue. For why, he thought it a thing almost impossible in so great an accoord of flares and of magistrats, but that the one of them should make spoile of the Commonweale, and the other of his privat substance, especially being in hope to escape vnpunithed, and out of scare for being accusd. And therefore doubted not sitle times to accuse offenders, hee himselfe being also sritte times by others accusd: showeth that he sily sow'd himselfe vpon the integritie of his forepast life, and the commendable things by him done, easly avoiding all the scandalis by his actuarys against him sily surrendred. Neither was that Commonweale ever after fuller of good and vertue citizens, than it was in his time. Yea the Senator of Rome allotted a great summe of money to Mar. Bibulus to buie his Consulfhip, and the voices of the people, to the intent to oppose him against Cesar his knowne enemy, who had cunningly set vp Lucius his friend (whome the Senator would have had excludd) 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 wittnesse of Julius Cesar, who in his Commentaries saith,The Gaules to have had a most auntient cultome amongst them, to fliture vp their great lords one of them against another, to the intent that the common people
people (which were as he reporteth but stales) might to bee safe and free from their outrages and robberies. For so one of them opposing himselfe against another, and cuill controlled by the good, and the wicked by themselves; there should be no doubt but that the Commonweale should so be in much more safe and assurance, than if they were of one accord among themselues. Whereby it is to be understood, the discord of princes and magistrates to have alwaies bene vnto Commonweals wholefome: 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 out auncientous, but even vnto Ecyergus the wife law giuer also, who therefore himselfe set dissention betwixt the two kings of Lacedemona, and appointed also, That there should alwaies two enemies be sent ambassadours for the state; to the intent they should not by their mutuall consent and good agreement betray the Commonweale: but that being at variance, they might fell 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 neuer at discord among themselues, is quite contrarie; for were not the humors of mans bodie much contrarie, a man should quickly perish: the prefervation thereof dependeth of the contrarietie of heat & cold, of moisture and dryness, of bitter choller to sweet blemme, of beaftly desires to diuine 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 magistrates in a Commonweale ought in somo fort to bee at difference among themselues, albeit that they otherwife be right good men, for that trueth, the publicke good, and that which is honest, best discovereth it selfe by that which is thereunto contrarie: and is still to bee found in the middest betwixt two extreames. And it seemeth that the Romans had this principall end before their eyes, ordinarily making choice of their magistrates that were to bee placed in the fame charge, still enemies one of them vnto another; or at leastwise of quite contrarie humoris and disposicion, as is in all their histories to be seen: As when the Senat forefaw that Claudius Nero should carrie away the Confulship, an hoat and flutting man, and withall a moft valiant and courageous captaine to oppose agaist Hannibal: the Senat (I say) procured to have ioyned vnto him for his companion or fellow in office Linius Salinator an old captaine, and a man of great experience, but yet as cold and flaid, as was the other hoat and terrible, and yet fit to heat the old age of Linius, now a little too cold for the warres: who so joyned and united together, gained a moft notable victorie agaist 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 Censors together; who still at discord, noted one of them another of infame, a thing neuer before seen: and yet they thus still at variance were in all mens judgements two of the moft famous and vertuous men that then were in Rome. With like wifedome the Romans joyned together Fabius Maximus, and Marcus Marcellus, in their warres agaist Hannibal, both of them right great and most expert captaines, 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 Buckler; the one a fierce warrier, and the other a long lingerer: by which contrarie humoris of these two fo great peronages the estare was not onely preferred from ruine and deftruction, which must needs otherwise vndoubtedly have ensued, but farre and wide enlarged also. If then the emulation and discord of the moft vertuous magistrates be so profitable vnto a Commonweale, what then is to bee hoped for, when the good magistrates shall oppose themselues against the wicked?

And
And these reasons may on both sides seem probable, but what in truth is to be resolved upon is not so easy as to judge which to do, nor only the quality of the magistrates themselves, but the duets forms of Commonwealths, is to be also considered. And yet I suppose, that in every kind of Commonwealth it is good that the inferior magistrates and officers, being under the power and authority of the greater, should still be at variance and discord among themselves, and that more in a popular estate than in any other: for that the people having none but the magistrates to govern them, is most easy to be pilled and pulled, if the magistrates be not one of them by another controlled. And in a Monarchie it is expedient also, that even the greatest magistrates should sometime be at odds, considering that there is a fouetaine prince to chaffifie and correct them, so that he be not mad, furious, or a child, or one otherwise subject unto another man's power. But in an Aristocratie or popular Commonwealth it is most dangerous, that the great magistrates should be at discord among themselves, and that especially if they be not good men, who never have any such contention or debate amongst them, as may hurt the estate or Commonwealth: but such as was the honourable difference between Scipio Africamus, the elder, and Fabius Maximus: between Scipio the younger, and Cato; between Littus and his companion Nero; or the contention of Lepidus with Fulvius, of Marcus Scalus with Catulus; or of Themistocles with Aristides: whose notable contention for vertues sake was always unto the Commonwealth wholesome. But if the greatest magistrates in a Popular estate be a ill and wicked men, or that their ambition is founded upon an evil ground, it is then dangerous lest that their differences be cause of evil warres: as it happened between Marius and Sylla, between Caesar and Pompey, Augustus and Mark Anthony, Thucydides and Pericles. And yet much more dangerous such contentions are in an Aristocratie, than in a Popular Commonwealth: For that the governours, which are always the fewest in number in an Aristocratie estate, and yet command the reft, have still to doe with the people: who upon the first occasion take up arms against their lords, if they once enter into quarrils. For a few lords in an Aristocratie are easily drawn into two parts, by the great magistrates, who if they fall into sedition among themselves, as also 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 government of the estate falling wholly into one man's hands, which is not so much to bee feared in a Monarchie, whereas the fouetaine prince by his power keepeth all the magistrates in awe.

But in every Commonwealth it is expedient and necessary, that the number of the fouetaine magistrates, or of them which come nearest unto the fouetaigne, shoul be odd, to the end that the difference amongst them might still be composeth by the greater part or number of them; and that the publicke actions be not by the equalitie of them hindred or letted. And that is it for which the Cantons of Vevey, Vaud, Zug, and Glaris (which of all others are most Popular) have beene glad to make in every one of them three fouetaine magistrates, whom they call Amans, & not two, for that the third may easily reconcile two being at variance betwixt themselves: in stead whereof of them of Schwitz have four, as they of Genuea have also their foure Sindicques, and they of Berne, Lucerne, Friburg, and Solure their two Auoyers: and Zurich, Basel, Schaffoufle, their two Bourguemasters: as some there were which thought it better to haue of such great magistrates moe than foure, and yet in odd number also; as in ancient time the Athenians had their nine Pretors, whom they called Archontas; that so the fewer might still yeeld unto the reft, or be in number onetooke, 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 Carthaginians 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 joining himselfe to one of them, make that part the greater. Which odd number of great magistrates is more necessarie in a Populat or Aristocraticke estate, than in a Monarchy; and the discord and dissension of them left in this state to be feared than in the other. For that as almightie God the Father of the whole Fabrike of the world, and of nature, doth with an admirable concord and agreement governe this world, composed of the contrarie conceptions and motions of the celestiall orbs among themselves, as also of the difference 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 living image of God himselfe the prince of all things) shoulde of the disimilitude of magistrates, in some sort, at variance among themselves keep and mainaine 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 sort endure, is yet made a certaine well tuned discord, and agreeing harmonie, of so mote unlike voices and tunes, viz. of Bafes, Trebles, and Meane, cunningly confused and mixt betwixt both: even so also of the mightie, and of the weake, of the high, and of the low, and others of the middle degree and sort betwixt both: yea even of the verie discord of the magistrates among themselves yet with an agreeing welfare of all, the strayest bond of falete in everie well orderd Commonwealth. So Cæsar making harpe warre vpon them of Beauuis, having in his armie two captains deadly enemies one of them vnto the other, commanded them to turne all that their hatreds vpon their enemies, who so in his verie fight with great emulation gained a notable victory over their enemies, which their dissention 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 Leaves the tweltht the French king, who gained the estates of Bulonia, and overthrew the Popes armie, by reason of the discord betwixt the cardinals of Pavia, and the duke of Vrbin, who through jealousie of one of them against the other, so hindered & entangled themselves, as that they gave victorie vnto the French: into which daunger the Roman estate was like to have fallen, by the contention riven betwixt Fabius Maximus, and Minutius the Roman generals, which had undoubtedly gien Hannibal the victorie, and the Romans the overthrow, had not Fabius for the good of the Commonwealth forgot his displeasure, and by his valour delivered his rath companion together with the Roman armie, from a most certaine and present destruction.

Wherefore the contentions of the greater Magistrates are most dangerouse in a Popular estate or Commonwealth, (where there is no other head to command them but the multitude) and especially if he seeke how to furce their owne proud and ambitious desires, rather then the common good. And therefore the Roman Senate seeing Marcus Lepidus, and Q. Fabius mortall enemies chose Censorst together, went vnto them in great number to perfwade them now at length for the Commonwealth sake to become friends, or at least wish to suspend their enmity, so the better to attend vnto their office, being the fairest and of greatest importance in the whole Commonwealth. The like whereof we read to have beene often done by the Senate, in letting the busie Tribunes, and proud Consuls agreed, at such time as their diffentions seemed to tend vnto the daunger of the State. But as it is not good that the greatest magistrates in a Popular estate should be too great enemies; so also is it not convenient that they
A 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 cause that the yonger Cato seeing Pompe, Caesar, and Crassus to staitly allied together, and that they to conjoined, 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 formes and tempelts thereof at hand. Yet true it is that of two extremeties it is better that the great Lords and magistrats in a Popular or Aristocratie effate should be of one accord then at discord: for that being of accord, they will alwaies like better to command others, and so in some fort or other to prefere the Estate such as it is, than together with the Commonweale, quite to ovethrow their owne power, whereunto their discord would bring them, when they had once given fayles into the tempelt. In such fort as Lysic saide of Calamus the Campanian: Improbab hominem, sed non ad extremum perditum, qui malit incolumi quam euerfa pastra domini, A wicked man (faith he) but not altogether desperate, who had rather to rule over his countrey yet standing upright, then over the fame ovethrowne. So albeit that Mar. Tullius saide, The three-headed allience of Caesar, Crassus, and Pompey to be a thing greatly to be feared: yet when he saw Crassus the moderator with the Roman legions flame in Chaldea, and Julia Caesar's daughter Pompey his wife by vn timely death taken away, he cried out: Vtiam Ca. Pompei, amicitiam cum Caeare nunquam costes, ant nunquam dremisses, I would to god, O Pompey, (said he) thou haddest either sooner made friendship with Caesar, or having once made it, haddest never broken it. For why their friendship much diminished the Popular power, but their enmity altogether ruinated the same: one of them being in no wise able to endure his equall, not the other his superiority, vnill that so by ciuil warre the state was quite at length ovethrowne, and Caesar become master of all. And as for that which Caesar writeth, our ancesfours the antient Gaules to have thought the diffension of their princes and great gouernours to have bene profitable unto their estates, I can hardly be persuaded therein: when as by the report euem of Caesar himselfe, the diffension of the princes and of the estates of France, (then for the most part gouerned by Aristocracies) brought their owne destruccion: some of them praying side 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 unto the Romans alone as the only conquerors. Neither is it true the mutuell slauarters of the Nobilitie of England to have bene commodious and profitable unto the communitie and inferiour fort, as Philip Comines writeth; yea at such time as I was Embassadour in England, I understood by some of the inhabitants there, them to teare nothing more then the factions of the Nobilitie and their ciuil discord; for the better appeasing and represing whereof they hauie often times vised to assemble the high court of Parliament, whereunto all the States are assembled. And thus we have declared in what sort the Magistrates ought to behauie them selves towards their Prince, as also how they ought to beate them selves one of them towards an other, as also towards other private men; and whether they ought to be at vnite among them selves or not. Now it remaineth for vs briefly to shew also, how the Prince ought to behaue him selfe towards his subiects; and whither it be expedient that he should himselfe judge them, or be himselfe constentiant among them.
Whether it be convenient or expedient for the Majestie 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, confideting that all the auntoyn and wife polititians are of accord, that kings were neuer for other thing establisshed than for the administration of justice, as faith Herodotus speaking of the Medes; and Ciceron likewise of the Romans; as also we read that the first kings of Greece, 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 obatayned of Jupiter an euellating power & office for judging of the gholes in hel. And albeit that Homer calleth princes the pastors, or feeders of the people. Yet so is it that the title of Judges hath long time after him continued in the person of the princes of Athens, who had the soueraigne gournemnt 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 wearied with age) a king, they joyned thereunto, that he might judge them, as other kings did their people: Which showeth sufficiently that the principall charge which they had, was to doe justice themselues in person. And the principall 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 duty, 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 Magistrate at the Princes command, seeing that the subiects being commanded to yeld their faith and obedience vnto the prince, cannot do it by their Deputies, but onely by themselues in person; and that this obligation betwixt the Prince and the subiect is reciprocall. Howbeit that it is lesse inconuenienc that the vassall shoulde 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 suffer himselfe to bee by bribes corrupted, which the Prince will not do, who is therefore still auneuerable before God, vnto whom he cannot say that he hath therewith 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 themselues 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 dislayne and cormerce them, a thing vnto them more grievous then if the prince should him selfe doe them wrong; and so much the more heavy, as a consummation or disgrace is more hardly to be borne, then is a simple wrong or inuiure. Whereas to the contrarie when the subiects see their Prince to present him selfe in person vnto them to do them justice, they go away halfe contented, albeit that they have not that which they desired, or at leaft wise they will lay, The king hath seen our requeste, he hath heard our difference, he hath taken the paines to judge our cause. And it so be that the subiects.
A: Be by their king leene, heard, or understood, it is almost incredible, how much they are taunished with contentment and pleasure, if the Prince be neuer so little veruous, or have any other commendable qualitie in him. Besides that there is no greater meane to give authority unto his Magistrates and officers, and to cause injustice it felte to be both feared and reuerenced, than to see the king him selfe sitting in his regall throne to do his subiects injustice. Moreover the Magistrates often times doe wrong and injustice vnto the subiects by standing vpon the nice claues, words, and sillables of the law, which they dare not passe; 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 advice of his other officers, who will often times see the futes pufhes bothom; in such sort as that many futes liue longer than the parties and futes them elues, yea and some times are for ever suspected. Whereas if the Prince him selfe in person shall vouchsafe to judge the matter, he which is the liuing law, and about all ciuil lawes, being accompanied with his Counsell shall doe both good and speedy injustice, as having respect vnto the verie ground and equitie of the matter, without farther standing vpon titles and formalities. By this meanes also fo many oppositions, appeals, ciuil requests, remouing of caules, infinite decrees, one of them upon another, which make futes immortal, should ceafe, and injustice without stay or let take course, no appeal being to be made from the Prince. Joynying hereunto also that the Commonweale should so be relieued of the great charges and wages which it alloweth vnto Judges, and of their particular fees which are above measure haue; besides the bribes and presents which must be gien, which often times passe the ordinarie fees, in such sort as that the subiects in stead of having good and speedy injustice (which the Prince oweth them) are constrained to paie for it as for the most precious thing in the world: howbeit that oftentimes it happeneth, that the marchant is well paid, and yet the marchandish by him deliciueth is right little or nothing worth. And yet there is another verie considerable point also: which is, That the parties contending are sometimes great and honourable, as that they would never anfare before many judges, in discredite for their unworthineffe, iniquitie, or other like qualitie, whereby it oftentimes commeth to paie, that they end their suits and differences by combats and dynt of sword: whereas the Prince in presence might euuen with the twinkling of his eye let them agreed. And were it that no other greater profit were thereby to come vnto the Commonweale, then that the prince by vfe and exercise of judgement should have the force of right and injustice throughly engraven in his mind; what greater or better thing could there bee wilshed of almightie God either for the prince or for the subiects, than that hee might most curiously and feriously leatne daily to administre justice? The knowledge of other artes and sciences, which is it felfe 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 injustice 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 vfe the examples herein of the most wise and noble princes. What man was there amongst men to be in wise-dome comparred with Salomon? And yet we read, that the onely prayer that he made vnto God, was to obtaine wise-dome 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 powred ouer vpon him all the treasures both of wise-dome and of knowledge; that so all men might vnderstand God not one-

Examples of great Princes, who themselves in perfom semini, fcribed justice vnto their subiects.
ly to have inspired him with wildome, but also that the office of right judgement was
even by God himselfe given vnto kings; who was also for experience in great affairs:
and politike wisedome like vnto the Great Augustus: And yet noe the selle fere read
that he without ceasing was still busied in the administration of justice, insomuch that
even when he was sicke, he caused himselfe to bee carried in his horse litter to doe jus
tice. Howbeit that that was the ordinaire vacant time of the Roman emperors, who
for the administration of justice were commended above all the princes of the world,
even to sater, as that a poore old woman to whom the Great emperor Adriam refused
to aunswere her preferring vnto him a request, excusing himself, That he was not then
at leaute, Patience no longer then (said the) but discharge thee of thy charge thou bearest.
Wheunto the emperor hauing not what to answere, pretently staid & did her justice.
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 affairs) acknowledged the
bond, To doe his subiects justice: what ought they then to doe which hold but the
scantlings of that great empire? Ought not cectie one of them to enforce himselfe in
his owne perfon, and to stude with all his power, how to impoy himselfe for the doing of justice? considering that (as Plutarch the younget faith) there is no more noble Phi
losophie, than to enure of the publique affairs, and to doe justice, putting in practice
that which the Philosophers haue taught.
Now if the knowledge of that which is right, and the administration of justice, bring
so many & so great profits vnto princes, how much greater shall the fame then be, if they
shall by themselves handle but those things only which are proper vnto their foue
raignty? For as for the rest of the ciuill affairs, a prince may well commit them vnto
the magistrate: but the rights of soueraignty, and the deciding of them, hee can in no
wise put ofT, but together with the soueraignty itself. Surely they are more blind, deafe,
and dumbe, which neuer but by other mens eyes see, and by other mens ears hear, 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 themselues. Now wee haue before
shewed also, not by the examples of strange nations only, but even by the examples
of our ancetours also, the idle slothfullneffe of kings, who committed the managing
of all their affairs vnto their domesticall servants, to have thereby brought both them
selues and their posteritie vnto destruction.
These arguments and reafons thus by vs before alleaged, make a faire shew vnto
them who sufficiently understand not, nor by experience know not, the secrets of soue
raignty, and hidden knowledge for the maintaining of majestie: But vnto me looking
nearer into the matter, they are not sufficient to resolue this question, nor to maintaine,
That a prince ought in perfon himselfe to administer justice. Yea vnto mee it seemeth
not onely not necessarie, but not profitable vnto the subiects, the prince himselfe to bee
unto them the minister of justice. True it is, that for them to doe it, should bee not
onely profitable, but euen necessarie also, if the princes were themselves such as Syl
eria, given vnto himselfe the kings of the Indians to be; that is to say, so much better
than their subiects, as the gods are above 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
integrite and vrightneffe judge and decide causes, to gue 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 delight
ed but in the company of good and wise men: and he must needs excell in integrite
and justice, who himselfe with great equitie administer justice. But shall we therefor
say, that vitous princes ought to thrust themselves into the sight, and to communi-
A cat their vices vnto their subjectes? the laste 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 natural, than for the subiectes to conform themselves vnto the manners, vnto the doinges and sayings of their prince; there being neither gesture, action, nor countenance in him, be it good or bad, which is not marked, or counterfa
ted by them which see him, hauing their eyes, their fences, and all their spirits, wholly bent to the imitation of him. So that Pleaie well called the princes life a Perpetual Cen
fophip, whereunto we still direct and conforme our subiectes. And this is a doctrine from mno sainted antiquitie deluetsed vnto all posteritie, first by the maister 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 Theoridic
king of the Gothes, writing vnto the Senat of Rome, paffeth further, vsing these words, Facilius est error vatum, quam dissimilem est princeps possit Rempubhcam formare. An easier thing it is (said he) for nature to change her coute, than for a prince to frame a Commonweale unlike vnto himselfe. And though examples need not: in so plaine a matter, yet we have seene king Francis the first, in this Realme, and Manfor, surnamed the Great, emporour of Afrikke and Spaine, who both two in duers times, and in duers places, began to haue learning and learned men in estimation: when suddenly the princes, the nobilitie, the clearcie, yea euene the fouldiers and artificers, with all the people in general, gaine themselves so to learning, as that there was never found to great a number of learned men in all languages, and in all sciences, in their time. Seeing theefore that the princes example is of so great force and power for the conforming and chann
ging of his subiectes 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 imitat: but if he be euill & vicked, then by all meanes to be as a popular and common plague kept out of the sight of his sub
iectes. Yet haply some man may say, That an euill prince shoule 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 quali
tie; or which cannot at leastwise dissemble some of his vices: of which his vetteues & vices, his subiectes may make choise, in such fort as they may easliy decline the one, and embrace the other. But in mine opinion and judgemen, the will rather imitate his vices, than his vertues: and so much the rather, by how much the corrupt nature of man is more prone and enclin to vices than 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 vices, whereby they may more easliy fall, than into the straight and right way of vertue. In Alexander the Great were many mott rate and heroicall vertues, yet so it was, that he greatly blemished the beautie of them, as also of his other noble actes, by an euill custome that hee had to bee drunke; wherein he tooke such delight, as that hee propounded a talent as a prize vnto him, which could drinke mott, in which beastly contention and strife forrie together with him which had gained the prize buffet and perished; hee himselfe almost looking on. Mithridates also king of Amasia, imitating of Alexander the Great herein, surpriseth him, that hauing fet vp a prize for him that could eat and drinke most, hee (as Plutarch saith) gained the foule vittorie in both (if to bee ouetome of intemperance and excesse be to be accounted at all a vittorie.) But to counterfeit vertues, or to dissemble vices, as it hath alwayes seemed a most hard thing vnto all men, so hath it especial
ly vnto princes, for that they of all others haue least learned to command their de
sires, 
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Princes of all other nations most hardily to counterfeite virtues, or to difsemble their vices, to restraine their lusts, to bridle their affection, which he that knoweth not how to do, shall never be a good or cunning diffsembler. Dionysius the younger mused with the fame and vertue of Plato, caused him to be sent for unto Syracuse, who had no sooner begun to talk of the wise dome, vertue, and learning of the man, but that in a moment all meanest players, drunkards, bawds, harlots, and such like, were quite vanished out of the princes sight, and the court so suddenly changed, as if it had bene from heaven inspired. But for that Dionysius had but changed his countenance, & not his mind, and caft out the allurements of pleasures, but not pleasures themselves; hee could not long dissimile his vices, either yet endure Plato, who was no sooner gone out of the court, and disembarked out of Sicilie, but that the prince forthwith returned unto his wounded vices, by him before for a while forborne, but not quite forsworn: at which very instant minstrels, dauncers, harlots, bawds, and such other venime of the court, which had before bene druen out were againe recalled. So much power the prince hath at his pleasure to change and turne the harts of his subjects, but alwayes rather vnto vices and vanities, than vnto 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 generall, caueth their heads to be from that time forward polled also, intomuch that if any did from thenceforth use the old fashion, and account it an undecent thing to be polled, he was therefore of all men detested: whereas before from the beginning of this kingdom, it had alwayes bene _the make 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 flaves, until that Peter Lombard bishop of Paris (for the power and authoritie which bishops then had above kings) obtained, That it might be lawfull for the common people to weare long haire also. True it is, that the flatterers of princes helpe much to conforme the manners and fashions of the people vnto those of the princes, they still rather counterfeiting than imitating even the vices and defects of the prince, whom if they see laugh, they laugh also, although they know no caule why; if he be lame, they halte downe right also. Alexander the Great, and Alphonius king of Aragon, beeing both wrie necked, the one by nature, and the other by cuftome, the courtly cuttes to counterfeit that their deformity, held their neckes also avry; as the Couerie, and Plinthe in the life of Pyrrhus writeth. Seeing therefore the nature of man is enclined to follow the vice of the prince, were it not enu to vndoe a people, and to ruinar an estate, to thrust within into the fight of the people a prince euill brought vp, and a portraiat of vices for them to imitatuat? And yet it is more dangerous for that for one vice which the prince hath, oftentimes those of his traine have an hundred, who euere where as they passe, may alter & marre the good disposition of the people; or like swarmes of flies & caterpillers, who having devoured the leaues, and fruit, do alfo leave their spauenes behind them, able to infect the fields and trees be they never so cleane and fruitful.

But suppose we the prince not to be vittuous (a rare gift, and by the goodnes of _God_ giuen vnto men, when as in euery age a totable prince is scarcely to bee found) but to be of great vertue and perfection, ye2 euens 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 impossible, but that some thing falls at one time or other fall from him, which we noted may seeme vnto the people foolish or ridiculous: wherein much is derogated from the reputation and dignitie which the subjects ought to have of him. But let vs suppose that also, him to be neither a man euill giuen, nor foolish,
A foolish, neither yet so to see mine, but to be a man endued with great virtues, and of good education; yet so it is that too ordinary conversation, and too great familiarity of the subject with the prince, much diminisheth his majestie, and withall engendreth a certaine contempt of him: of which contempt proceedeth the disobedience of the subject vsnto him and his commands, to the ruine of the whole estate. And now again, to the contrary, if the prince to maintain his majestie shall ordinarily show himselfe vsnto his subject, in his greatnesse, with a terible power, it may be that so he may bee the more of them redoubted: but it is dangerous least he should be therefore the lesse beloved. Whereas the love of subjects towards their soueraigne is much more necessarie for the perseveration of an estate, than is feare, and so much the more, for that love cannot be without feare to offend him whom wee love; whereas feare may well be, and most often is without any love at all, men commonly hating him whom they feare, and as occasion serueth still seeking to take him out of the way.

And truely vsnto me more deeply considering of the matter, almighty God (the soueraigne prince of the whole world) seemeth to have shewed a short way vsnto worldly princes (the true images of himselfe:) how they are to communica their selves vsnto their subjectes, to be of them both beloved and feared: For he communica themselves vsnto men but by visions and dreams, and that but to a few of the electe & most perfect of them also, men of great integrity of life. But when hee with his owne voice published the Ten Commandements, hee taught his people to seeke, and seeketh fear, and falling flat upon their faces, befoughht him. That hee would no more from henceforth speake vsnto them himselfe (for that otherwise they should all die) but onely to command such things as he pleased by his servant Moses. So that that people of all others most choosen, had but once almighty God (who sheweth himselfe but in spirit to seeke) himselfe founding forth his lawes; when as yet for all that to allure men the more ferently to love him, hee at all times, and in all places and countiies, doth with great loue, and eternall bountie, foster and cherish all mankind, yea indeed all sort of living creatures, powring continually upon them his great and infinte favours, largesse, and bountie. If therefore the wise prince ought in manning of his subjectes, to imitate the wisdome of God in the government of the world, he must but seldom times come into the sight of his subjectes, and that with such a state and majestie, as best agreeeth with his wifedom, power, and greatnesse, and yet make choice of some few most wise and worthy men, with whom to communica his secret counsels, and by them to declare his will and pleasure vsnto the rest, and yet incessantly to heape upon his subjectes his graces and favours, & with great wifedom and power to protect and defend them against their enemies. In the booke De Mundo (or of the world) dedicated to Alexander the Great (and without cauthe ascribed to Aristotle, as favouring nothing of his file:) a comparison is made of a soueraigne prince vsnto God; as that the great king of Persia was still refrant in a proud and stately palace or castle, composeth in with three high walles, full of all pleasures and delights, never flurrning abroad, or seeing & acquainting himselfe but with some few of his friends; who yet nevertheless by hys and watches let vpon high places, stil in one day understood and knew all the enemies of his empire, even from the farthest parts of the East Indies, vnto the straits of Hellepontus. And yet neuer was there any prince vnder heauen more honoured and reverenced, or better beloved of their subjectes than he: or whose commandes were more stille vnto their subjectes, or more of their subjectes regarded, or that longer preferred their empire power, and state. So those princes also which give themselves ouer, and became slaves vnto their vaine pleasures.
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 so Tiberius Cæsar of all others the most cunning, dissimblere, made choice of a most defect island, wherein he for many years lived in all kind of voluptuous and beastly pleasures. Which was of him right filishly done, but yet more wisely than they who with the most odious smell of their loathsome pleasures pollute and defile as well publicke as privat places: who besides that they offend more by giving of 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 themselves.

Wherefore a prince that wife is, so oft as he shou'd show himselfe vnto the people (which he should most seldom do) should so prepare himself, as that he may vnto all men seeme even in his face and countenance to carry with him a certaine stately and majestic, yet still mixt with modestie, but especially in his speech, which should alwaies be majesticall and sententious, and in the manner of phrase, something different from the vulgar. Which if it shall seeme something hard for the prince to performe, or that he haue not the grace of speaking, it is best for him to speake little, or els altogether to be silent: For that we know men in so great matters, as to contemplate, or fear, or hate, or love: to be still no leffe with opinion, than with any certaine reason, lied & mowed thereunto. For if the prouerbe of the wife Hebrew be true, That hee sole himselfe in holding his peace is accounted wise, how circumscet 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 lawes, oracles, and decrees. Wherein Tiberius the emperour, least he should in anything offend, brought in a new fashion, as to be spoke vnto, and also to giue aunfwere by writing, for what matter oner it was, Moris erat (faith Tranquillus) et tempore principem etiam præter tempem 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 vpon. 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, shall breed contempt, or at least wife cause him to bee the leffe esteemed: so that a Grecian (I wot not who) not vnfinity said, That a prince if bee bee wife should vnto the people, or in open audience no otherwise speake, than hee 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 subiects? to see the requestes of his own? and by the mouth of every one to vnderstand of their just grievances, which are commonly suppresed, or at leastwife disguised by another man? And why then shoulde the prince hide himselfe from his people? talke 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 subiects speake? Things altogether absurd, and not beeming the majestic of a foueraigne prince. Whereunto I say, that mine opinion is not, that he should so hide himselfe, as in not at all to show himselfe; as the kings yet doe even at this present in the East Indies, and namely the king of Borney, who speaketh not vnto any but vnto his wife and children; neither is scene of any, but still speaketh 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 withal of all men, not to vfe much discourse with his subiects, except with such as are necer
For the just and due management of the princes' states, it is necessary to have a thorough acquaintance with the nature and condition of the people, and to discharge the duties of the state wisely and judiciously. For if the prince does not act in a just and equitable manner, he will not be respected by his subjects. Therefore, it is important for the prince to have a good and sufficient retinue of magistrates, who can assist him in the administration of justice and the management of affairs. The prince must also be careful not to make any unjust laws, as these will not be obeyed by the people. For if the prince is just, the people will be willing to obey him; but if he is unjust, they will resist him. Therefore, the prince must be careful not to make any laws that are against the interests of the people. For if the prince is just, the people will be willing to obey him; but if he is unjust, they will resist him. Therefore, the prince must be careful not to make any laws that are against the interests of the people. For if the prince is just, the people will be willing to obey him; but if he is unjust, they will resist him. Therefore, the prince must be careful not to make any laws that are against the interests of the people. For if the prince is just, the people will be willing to obey him; but if he is unjust, they will resist him. Therefore, the prince must be careful not to make any laws that are against the interests of the people. For if the prince is just, the people will be willing to obey him; but if he is unjust, they will resist him. Therefore, the prince must be careful not to make any laws that are against the interests of the people. For if the prince is just, the people will be willing to obey him; but if he is unjust, they will resist him. Therefore, the prince must be careful not to make any laws that are against the interests of the people. For if the prince is just, the people will be willing to obey him; but if he is unjust, they will resist him. Therefore, the prince must be careful not to make any laws that are against the interests of the people.
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So many times the vetric substance of the matter consiseth in that which is overslipt.
And if one shall say, that the prince may have about him both wise and learned counsellors, according to whose aduise and counsell he may determine of matters, and so give judgement; such as Augustus, Traian, 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; fo brought vp and so emuited thereunto, but now we like 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 shifts of the plaintiffs, such petitions and outcries of such as run from court to court; but not even the magistrats themselves without incredible tediousness be to 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 of the greatest and of most importance in the Commonweale, and how then shall he alone suffice to decide and determine so many suits and causes? But if hee shall take that charge in hand, and not well and orderly discharge the same, in stead of doing of the subiects right, hee shall doe them great injustice and wrong. Wherein Demetrius (he which was called the Befienger) hath for instaunce beene blamed: who having 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 riuier, shoote 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 selfe to Pyrrbus together with the kingdome, which hee so gained without battell. Besides that in this course taken, we shoule be alwaies driven to have recourse vnto the commissiions for instructions: and afterwaunds vnto the prince for judgement of the cause: howbeit that it is sometimes hard, and oftentimes pernicious also, to separate the instructions of the matter from the judgement.

But suppose that the prince were at leisuer, and that hee both could and would see, hear, and judge all the causes of his people, yet were it a thing not becominge the majestie of a king to make such an ordinarie confusion of his court, were beside the subiects, the countenances and fauours, (not these subiects to enquire) and the contraritie of letters, commissions, decrees, and provisious, 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 mote ouer insupportable for the subiects, vnto whose justice is due in the places where they are, to search for the same 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, then with so great charge to follow the suit. Besides that the most honorable and worthy causes for a prince that will himselfe intermeddle in judgements, are the causes concerning life and honor: who shall be the accusers? who would fall into so great charges to sue the matter in the court? and into the danger to bee slaine by the accused, if the prince should pardon the fault. For when princes doe fearfully at any time to condemne the guiltie parties, but doe oftentimes pardon and restore such as be already condemned: by this meanes should ensue not onely no punishment of offences, but even the greatest impunitie of the offenders: than which there is no more certaine token of a Commonweale in shortt time about to perish. Wherewith to meet, secret accusations have bene brought in and admITED by an auantient edict of Comne, king of Scots, which is at this day in vfe in Scotland, and called the Indict: and yet is better provided for by the ordinance of Milan (which well deserveth to bee religiously kept in euerie Commonweale) where in euerie towne there is a chief with an
hole in it, in every principall church, whereof the gouernours have the key, whereinto it is lawfull for euery one secretly to put his bill of accusation against any man; wherein the crime committted, the time, the place, the partie guiltie, and the witnesses, are all of them comprized, with the reward of the moitie of the confiscation allowed vnto the aculuer. 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 empiere, protested in the full Senat, and afterwards by his letters made it knowne vnto the officers, That hee would take vppon him nothing which belonged vnto the jurisdiction of the magiftrats; for that it was more that was required of a prince, than of a magiftrat. Neithe

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that 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 magiftrats; 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 eftablised, according vnto which the magiftrat was bound to judge, and due punishment by them appointed for offences, and rewards vnto such as had well defended that necessities was taken, and tranfered 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 vnderstanding, as that he will giue no judgement but such as is agreeable vnto equitie and reason; and the compasse of his territorie so great, that hee may himselfe justifie to judge and determinie all the suits of his subiects, as there bee divers such princes in the Low countries, in Germanie, and especially in Italie: In this case should it not be a good and a profitable thing for the Commonweale, the prince himselfe there to adminiftrate justice? If thou aske me what mine opinion is therein, I thinke it not profitable either for that to be of a prince, either for that his fo happie citizens or subiects, or him in person himselfe to sit in judgement: not for that the subiects doe so muche lose and honoure the majestie of their prince, as not to dare freely enough to speake their minds, and to caufe him to vnderstand their right; neither for that they could hardly have accessie vnto him, for the multitude of cauTes which he should still haue before him, having opened this gap: but even for that nothing is so proper vnto a prince, as clemencie; nothing vnto a king, as mercie; nothing vnto a majestie, as lenitie. And therefore the emperor Titus (a man of great courtefie, as that he was called Humanis generis delectatio, or the myrrot of mankind) gladly took vppon 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) left of all others abstained from such capittall judgments 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 euen by the law of God also being forbidden to haue pitie(euen of the poore) in judgement: which we fayd to be so proper vnto majestie, as that it cannot be therefrom divided or separeted. So that a prince sitting in judgement must take vppon him two contrarie perfones, that is to say, of a mercifull father, and of an upright magiftrat; of a most 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, euuen 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 guiltable man what he was to answere to him both his prince and judge, but also most courteously gave him his pardon. *Nero* also at such time as the condemnation of a man was presented to him to sign, is reported to have said, *Vidam liter os necirem, I would to God I knew not letters. And therefore Cicerò pleading before Cæsar, before resoluted in any wife to have put Ligarius to death, said, That he pleaded not before him as a judge, but as before the father of the people: and having some what appeased his anger, began thus to prefire him father, *Caesas, Cæsar, egimus, &c.* quidem tecum, sum te tenue ratio honorum tuorum, cetera nunquam hoc modo ignoscite indices: errant, lepus est, non putat, *frons quam posthac: ad parentem me agio solet, ad indices, non fecit, non cogitavit, falsos, fictum crimine, Dic te Cæsar de facto Ligarius indicem esse &c.* Cæsar (faith he) I have pleaded many causes, and that with thee, when thou stoodst upon 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 vse to plead before a (souveraine prince, or a) father: but vnto the judges, we lay flatly, He did it not, he never 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 infinuating vnto Cæsar, that he ought not to bee a judge, holding the place of a soueraine: and afterwards highly commending Cæsar his noble acts, his valour and his clemence, moved him so much, as that he changed both his countenance, and was in such a fort rauished, as that he could not heare the one halfe of the oration (the shortet of all them that Cicerò 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 orators that euer was (euen in the judgement of his captall enemie Cicerò) and one of the most valiant and wisest men of his time, was so ouercome by the force of eloquence, vndertaking him whom he deadly hated, and had before resolved to put to death: what shal the lefse circumpect prince do, be he never so little enlinded vnto pitie? how shal he be able to endure the filed speech of an eloquent aducat, the pitious complaints of poore old men? the cries and sighes of diftressed women? the weeping and wayling of little children? King *Agellius* a most famous prince of his time, ouercome by the importunate requests of a friend, vnto the judges, requesting them, That if the partie accused, in whose behalfe he wrote, were not guilthe, he should bee acquited by the equitie of his cause: but if he were lawfully convict, he shal not yeuere thelesse bee for *Agellius* his fake dischared, and so in any case acquited. But O how many should escape the penaltie of the lawes, if judges in such cases should heare not onely vnto the princes secret letters, but euen vnto their letters paterns also: and then what may wee deme that a prince himselfe would doe? Wherefore himselfe in person to fit in judgement, beleeme not the majestie of a soueraine prince.

But now if it bee so hard for a prince in this case not to erre and bec deceived, then how much more hard is it in a *Popular etate*, where the people suffer themselves to bee deceived and led away with false words, as a man may see almost in all the accustome made both in Athens and Rome, when the people gave sentence; where the innocent were condemned, and the guilthe acquited: of examples whereof all the histories are full. As *Sertius Galba* a great orator, accussed, attainted, and condemned 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 mowing of pitie; and so embracing his children, and with tears 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 abusde his children and his tears, hee had bene well whipt. Whereas other noble and valiant men, who could neither
A neither abuse their prayers nor tears, but bearing themselves upon their integrity, if but some lying orator, or false enquirer, had accused them, they were most unjustly condemned. And so oftentimes in like manner not orators, but flatterers: and that not openly, but secretly, doe with divers deceit circuitous the prince. And therefore the nobility of Poland, by force wrested a privilege from the king of Poland and Hungary: That if question were of any of their lives and honours, they should not be judged but by the king himselfe: foreseeing, that so they might easily escape the judgement of the king, but not the judges, who are bound unto the strictness of the laws. And hereupon it is come to passe, that none of the nobilities are ever there condemned to death, what offence soever they doe, but always escape either by fine, or at worst, by being kept in prison for the space of a yeare and five weeks, which is now there pasted into the force and strength of a law, and yet is there obsetted and kept; as I have learned of Zamoshe the Polonian ambassador.

But suppose the prince to bee such an one as is not easily to bee moved vnto pite or compassion, yet then is it to bee feared, least hee in judgement fall into cruelty. For whereas to keep the meane is to excute man a right hard thing, so vnto princes it is of all others most difficult, who easily suffer themselves to bee carried into the one extremity or other. If hee be a good prince and an embracer of vertue, hee will have wicked men in extreme horror and detestation, wherewith even the wisest men are moved with a just anger, and so oftentimes carried away with a cholericke passion. There need no better example than that of Augustus the emperor, 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 suffered not leisse (as faith Seneca) than did they themselves which were executed. And yet neuertheless this vertuous prince by communitall custome of judging and condemning such as were conuicted before him (as most necessarie it was) became too much rigorous and cruel, suffering himselfe to bee transported with passion and indignation against the wicked: in such sort that one day sitting in judgement, and condemning many the accused to divers punishments; his friend Mecenas being not able for the preaife to come near him, cast a little billet of paper into his bosome, wherein hee called him an Executioner of Hangman: whereas Augustus suddenly flaid, and finding himselfe transported with choler, and so to bee too hasty in judgement, to say his anger forthwith brake vp the court. And for this cause our fathers haue right wisely ordained, That the Criminall Chamber of Parliaments should from three monethes to three monethes still bee changd (which for this cause is called Tournelle: for that all the judges of the other Chambers judged euery one of them by turns, to the intent that the common custome to condemme and put men to death, should not change the natural mildnesse of the judges, and make them cruell and hard hatted. Besides that it is a very hard, and almost impossible thing (as faith Theophrastus) that a good and honest man, should not enter into choller, seeing the most detestable enormities of the wicked, and so sometimes to become as a man even furios, and as it were out of his wits. So Claudius the emperor 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 cruell, he shall then make a butchery of his court; as did the emperor Caligula, who by one only hentence, for divers crimes condemned fiftie pettions, even vnto the same kind of death, and often tooke pleasure to cut off the heads of many good men, sometime.
time to prove his owne strength, and sometime to prove but the edge of his Cimeter. If therefore it bee so hard even for the moost wife, to keepe the meanec betwixt mildnesse and rigour, which is necessarie for judges, it is not so easily to bee found in princes, who are moost commonly exteame in their actions: for the waywardnesse of a priuat 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 grauntie, the knowledge, the wisedome, the diberetion, the experience, the patience, and all other the vertues requisit in a good judge: yet so it is, that he cannot be without daunger, if he shall in pieton judge his subiect. For the best and fairest rule for the maintenanc of the state of a Monarchy, is, that the prince, if it may be, cause himselfe to be beloved of all, without the disdaine or hatred of any. Whereunto to attaine, he hath two means, the one by appointing due punishment to be inflicted upon the enuill, & the other by giuing deserued rewards vnto the good. And to that the one of them is fauorable, & the other odious, it behoueth the prince that was to be loued, to refuse vnto himselfe the bestowing of rewards; which are, etalles, honors, offices, benefices, petitions, privileges, prerogatives, immunities, exemptions, restitutions, and other graces and favours, which every well aduised prince ought hisfelfe to grant: but as for condemnations, fines, confiscations, and other punishments, he is not himfelfe to meddle with them, but to commit them vnto his moost upright and wise magiftrats, for them to doe good and speedie justice therein. In which doing, they which receive the benefits, shall have good cause to loue, respect, and reuence the prince their benefactor: and those which are condemned, shall yet have no occasion at all to hate him, but shall still discharge their choler vpon the magiftrats and judges. For why, the prince doing good to every one, and enuill to none, shall be beloved of all, and hated of none: which even nature hath figured out vnto vs in the king of Bees, who neuer hath sting, least he should hurt any. And albeit that the sacted Scriptures teach vs, all plagues, disases, calamities, and other worldly chaunces 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 be 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 cause the manner of the Hebrew phrase euerie where signifieth by the word Hiphil, ordinarily vied, when it speaketh 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 Albus, Rubras, Atras. The first is white, which serveth for aduertisement, but hurseth no man, as proceeding onely from Jupiter, and his friendly aspect vnto the Sunne: For which cause Seneca faith, Id solum fulmen placeable est, quod mutat Jupiter, That onely lightning (laith hee) is peaceable which Jupiter lendeth. The other is red, and proceeded from the aspect of Jupiter vnto the inferiour planets, where they call the inferiour gods, which hurseth and blaffeth fruets and beasts, but killethe no man. The third is blacke, and made by the aspect of Jupiter vnto the high planets and the fixe starres (which they call the high gods) which killethe, overthroweth and destroieth whatsoever it lighteth vpon. For the Theologie of the auncients belonged vnto the Bis hops, the Philosophers, and the Poets, as Marcus Varro witnesseth in the one and twentieth booke of worldly 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 condemn any man, but all things to be done by meanes caues, and the munificere and power of angels. And therefore the auncient Egyptians didde a law even from
**A Promethius their law gioter**, 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 cruelty should remaine in the beholders. And this vno mee feemeth a great secret of this our k ingdome, 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, coming still from the king: but penalties, and punishments alwaies adjudged and inflicted by the magistrats. For at such time as William Poyet (my countrey man) Chauncellof Fraunce was accused of treason, and by the envy of his most gratious enemies circumvented, the king who had receiv'd the wrong would not himselfe be judge in the cause, neither so much as be present at the triall; yea when the partie accused had refus'd all the judges of Paris, it was the kings pleasure, that two judges, men of great integritie, and free from all corrusion, should be called and cho'en out of every court of parliament in Fraunce to try him: Whereby may be understood with what an observation of law and justice this k ingdome standeth, when as-almost at the same time Thomas Moore Chaunceller of England, and Hierome Moron Chancellor of Milan, both of them accused of treason, had for their judges, one of them eu'n the verie 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 courte of parliament answered the king. That hee could not be try'd but in the presencie of the king, and of the peeres of Fraunce, without being lawfull for them to appoint their substitutes. In like case vpon counsell asked by Lews the seuenthe, when question was for the triall of Renate of Aniou king of Sicilie, the court gaue the same asunwvere, viz. That it could not so much as give an interlocutorie decree against a prince of Fraunce, 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 proued, that the king in auntient time was not in person himselfe asistant 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 chiefie peere of Fraunce, against king Charles the sixt, wherein is contained, That the king ought not to be asistant at the judgement of the king of Navarre, arraigned of treason; and that so to be, appertained not but onely to the peeres of Fraunce, saying, The like protestation to haue beene made against king Charles the sixt, to the intent hee should not bee present at the triall of the duke of Britaine; and in case hee would needs passe on further, and brake the custome of their auncetors, the peeres of Fraunce demanded in full parliament, That an act of that their protestation might be vnto them decreed, and so afterwaards it was enjoyn'd vnto the clarke by a decret of the court, to deliver vnto the peeres, and to the kings Attourney generall an act of such their protestation. So also when question was for the triall of the marquesse of Salusse, under theaigne of Francis the sixt, it was by lufly reafons, and by the authoritie of the lawes both of God and man maintained, That the French king could not in that judgement be asistant, seeing it concernd the confiscation of the marquisat: and albeit that the kings Attourney generall vrging the matter, the king was at the judgement present, yet gaue hee not sentence, whereby the marquesse was himselfe condemned, and his goods most justly confiscat, yet that judgement for all that seemeth vnto many but extorted, and the other princes reft therewith much discontented. So also Alexander the Great would never take
take upon him the person of a judge, neither thought it meet to bee assistant in the judgement given against Philotes Calisthenes, 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 bee contrarie into 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 same to take place in the offence of treason, and especially in the chief 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 Mauleere duke of Britaine, albeit that he was there present when the judgement was given; neither likewise at the judgement of Thomas earle of Flandres. Neither yet Philip the Long the French king, in the cause of Robert earle of Flandres attainted of treason. Ye that more is, the decrees or sentences are given in the name of the peers, and not in the name of the king, albeit that he was himselfe there present: as is to bee seen in the sentence given against Robert earle of Flandres, which beginneth thus, Nos pares Francie ad regexflam & mandatum regis venimus in flam curiam Paradys & tenimur curiam cum ex alijs persona, &c. Wt the peers of Flandres at the request and commandment of the king came into his court at Paris, and with twelve other persons held court. The sentence also against Peter Mauleere, 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 Soiffons, conceived in these words, Notum facimus quod nos coram clarissimo domino nostro Ludwico rege Francie indicamus, &c. We make it knowne, that we before our most noble lord Lewes king of Flandres have judged, &c. By which words it appeareth that the king, albeit that he was present, yet gave not sentence, no not even in trials concerning treason. So also we may see in the case of the succession of Alphonus countie of Poi ters, although there were but question of the demaine, the king yet nevertheless gave not therein his opinion or judgement. Neither in like sort did king Francis, howbeit that he was present at the judgement of Charles of Bourbon the contable attainted of treason. And that more is, when question was of the fealtie and homage which the counties of Champagne ought to doe vnto the king, it was judged by the peers of Flandres, and many earles, the king then present, not to judge, but to assist them: the form of which sentence is yet found in these words conceived, Indicatum est a paribus regni, videlicet a Rhemensi, Archiepisco, & Liauneensi, Bisgaude, &c. Stephano Noviomeni, episcopo, & Odone ducis Burgundiae, & aliis episcopis, & baronibus, &c. Nobis audientibus & iudicium approbatibus, &c. Now if the prince ought to doubt to judge the causes of his subjectes, whether 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 condemn, whether it were right or wrong, but ought still to maintaine himselfe in the loue and vnitie of his owne people, as in a most statelye and strong towre: then how much more ought he so 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 conspirators examined at Tarare by John Brimon president of Roan, deposed, That the occasion which causd the duke to rebel, was the amsertion that king Francis made vnto the articles which the duke had sent vnto the court of parliamant, 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 attournies, he had not giuen occasion to so great a subject to haue brought both the king himselfe, and the whole realme, into such a dangerous an estate as it was in short time after. For what good justice foever the prince doth, alwaies lie 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 administration of justice, men should have a good and quicke dispatch of their suits; and that such numbers of appeals, such exceptions and petitions, with other long delays of justice, should be so quite cut off; whereas yet not so much as aunfwere. For who is he which knoweth not what great charge he must bee, how many circumstancies and delays, 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, Judgments to be so much the better, by how much they are the shorter. For albeit that Thucydides (the most famous of them that were of his time, of the counsell of the Areopagi in Athens) seemeth to haue beene in the same opinion that some others were, viz. That offences once committed, 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 alighted, to vse delays in publike judgements. But he in that little booke which he wrote of the slow vengeance of God, plainly teacheth men to be warned by almighty God, if they will be the true imitators of his justice, to proceed but slowly and by little and little in the triall of capitall causes, whether it be that the truth of the matter may the better appeare, or for the drawing of some profit from the offenders before their death, or to draw them to repentance, or for their more gruitious punishment, (for that the punishment is the greater the longer, that it hangeth over ones head) or the better or more justly to judge of another mans life, being withall in question. For right hard it is for a judge pressed with choller and desire of revenge, hailed by some, and thrust forward by others, to doe good justice, what knowledge or fear foever hee haue to judge amisse: and what shall then the prince doe, who hath neither the one nor the other? The judgements of the infectiour magistrats are corrected by the superior, 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 outsett let some thing passe; if yet he may appeale, all may well be amended; but if the prince himselfe shall once giue judgement, the gate is then after sentence shut vp, and no place left for appeale, or how to amend the errour. Which we say to restraine a prince from intermedling with judgements, except he be a man of great wisedome, or vse therein the asfistance of his wife and learned councillers; and the causes such as may seeme worthy the princes hearing and judgement: following therein the counsell of Iethro, who seeing Mosyes troubled from morning to night in doing justice to all men, and in all causes, You kill your felie (said he) with taking so much paine; chuse mee out of the wisest and most discreete men of the people, to doe your felie vpon; and if there bee any thing high or difficult to judge, it sufficeth that you take vpon you the hearing thereof, leaung the rest vnto the other magistrats and judges to heare and determine. Which counsell of his father in law Mosyes followed. So likewise wee see, that Romulus hauing committted vnto the Senat and the magistrats, the ordinary administration of justice committted vnto himselfe only the hearing of matters of greatest importance. And albeit that the Roman emperours afterwards would haue their judgements to extend something farther, ye was the emperours jurisdiction for the hearing of matters still shut vp and included within certaine bounds: which for all that the princes flatterers, or
else the princes themselves oft times went beyond, setting in judgement sometimes even of light and ordinary matters: so as did Claudius the emperor, (the most forlorn in that he was) who yet would always be judging and deciding of causes and controversies: of whom Quainius thus writeth, Alum negantes rem cognitionis sed ordinaria juris esse, subito causam apud se agere coget: He compelled (that is) another man denying the matter to belong unto the emperor's hearing, but to be only an ordinary matter, and so to belong to the ordinary jurisdiction, he compelled him (I say) even forthwith and without more ado, to plead the cause before him, but that so foolishly, as that the lawyer openly mocked him, therefore in so much that one of them was so bold with him, as to say vnto him in Greece, which yet most of the flanders by vnderstanding, kastor yqvav sv xesi magos. An old man, and a fool too. And another tripped him going out of the judgement seat, and so gave him a fall: yea his folly at last proceeded so farre, as that the verie pages and lackies would play with his nose as hee slept, and spot his face with inke. And into this cave the prince must needs fall, who void of wisedome, thinketh it a goodly matter in the presence of the people to determine great matters, and so make himselfe to bee of all men contemned and laughed at: than which nothing can be more daungerous in a Monarchy. Wherefore the prince, which will often fit in judgement, be present in the Senat, or much show himselfe vnto the people, him I would have equall in understanding vnto Salomon, in wisedome to Augustus, and in moderate to Ancilus; or els but seldom come abroad, and more seldom himselfe to administer justice, and that so much the lesse in the presence of strangers, who still judge such things as seeme not commendable in a prince, not only in his mind, but even in the cull feature of his bodie, vnconscionable of his attire: and such other small imperfections (which theSubjects for the love and reverence which they beare vnto their natural prince easily beare with all) to be even right great vices or deformities. Which the strangers never excuse, but reporting the fame to the worlde, will augment them in strange places, even to the leaft of his lookes, countenances, behauours and gestures. The fame of king Agefius had with the brute thereof filled all the lefser Asia, Greece, and Affrike, whom yet when the king of Egypt had seene lying vpon the ground in a medow, with a courte Greke cloke on his back, and himselfe but lean, little, and lame withall, he made of him no great account, but rather had him in contempt and detision. The like is reported in the memorie of our fathers, to have happened vnto king Lewes the eleventh, who being chosen arbitrator in a controvertie betwixt the kings of Nauarre and Cafile, and going vnto the frontiers of his kingdom, the Spaniards at their actuall mocked the French men and their king, Who seemed 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 courte cloath, without any maieflie at all; either in his countenance, or in his behauour; and they of his traine all in like fort apparelled: (For why, he could not abide to see any man in braue attire) whereas the king of Cafile and his troupe beeing come, shewed themselves in most sumptuous attire, with their houes in their rich caparisons: which shewed a certaine greatnesse in the Spaniard, insomuch as that he seemed the Frenchmen to have 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 occasions: which the Spaniards discouring, 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 praty or dispayte worthy (who commonly are led away but with the exterior show) hearing that the ambassadours of Venice were come brately apparellled, and well accompanied, he caused himselfe to bee also most magnificently in royall robes attired,
tired, and so sitting in an high chair of Estate, admitted the embassadors into his presence.

Wherefore with greater reason ought a prince, when he cometh 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 less in his countenance or behauiour and speech, to be discommended. And that is it for which Philip Comnes speaking of the enterview of princes, sayth, That they ought to shun it so much as they may: for that their presence always diminishteth their fame, and the opinion conceived of their persons, causeth them to bee the lesse esteemed: a thing yet more to be feared towards the strangers than towards the subjects.

Now that which I have said, It not to be fit for fouveraigne, or for fouveraigne prinses to entermeddle with judgements: ought yet more to be observed in a popular estate, for the great difficulties in assembling of the people, and to caufe them to understand reason: and then after that they have understood it, to induce them well to judge thereof, their judgements being oftentimes perturbed by seditious declamations or faction: which was the greatest occasion of the civil wars amongst the Romans, until that Sulla the Dictator had remitted the hearing of all causes vnto the magistrates, excepting the offence of treason, and that in the highest degree.

But yet besides the inconveniences by vs before noted, nothing hath euer bene more daungerous, or more ruinated Commonweales, than to translate the authoritie of the Senat or command of the magistrats, vnto the prince or the people. For that the lesse the power of the fouveraigne is (the true markes of magnificetie) the more it is assured; as well saied Theopomps king of Lacedemonia, who having encreased the power of the Senat, and appointed fue Ephors in title of office, as Tribunes of the people: and being therefore by his wife reproved, for that in so doing he had much diminished his owne power: So haue I also (saide he) much more assured the fame for the time to come. For hard it is for high and stately buildings long to stand, except they be vpholden and faid by might strong stores, and rest vpon most sure foundations: all which confisteth in the Senat or councell, &c in the good duties of the magistrats. In which thing the Venetians, as they haue done many things wisely, so haue they done in nothing more than in that, that they haue the fouveraigne, intermedle not with judgements onely, but not so much as with any other thing els, which may well by the magistrats or the Senat be dispatched: Which haply hath bene one of the chief measures wheth by that State hath bene so long preserved, considering that there neither is, not euer was any Commonweal, where they which haue the fouveraigne trouble themselues lesse with that which belongeth vnto the councell or the magistrats. The Great Council of the nobilitie, or gentlemen, wherein the whole magnifie of that Commonweal refeth, is never assembled but for the creating of new magistrats, or enacting of lawes, all the rest of the affaires of the state being to be disbatched by the Senat, and the councell of the Ten, and of the Seuen men; and matters of jurisdiction by the other magistrats. Which if it be a thing commendable, and well appointed in Arisocratic-like estates, with better reason ought it to take place in Popular estates, where the me heads there be, the leffe wit there is, and so the worse resoulation also. Neither like I of Xenophon that most famous mans opinion: Who speaking of the Athenian Commonweale, faith, That the more popular that the lawes are, the better they maintain a Democracy, or Popular estate. When as (faith hee) the people hath the hearing of all matters, and that all pafteth by lot and voyce: which thing indeed doth utterly overthrow all Popular Commonweales. As in Athens, when as by the perdition of Pericles, the hearing and deciding of matters, and the managing of the state, was taken from
from the Senate or council of the Areopagi, to be brought backe vnto the people; the
civic destrusion of wit, and without counsell, fell first forthwith into great broyles, and
not long after into vter ruine & decay. But amongst the Swisser, where their Popular
estates have now flourished 260 yeares, and so yet continue and grow from good to
tbetter, still flourishing both in peace and warre: those their estates are preferred and
vpholden 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 soueraignty being but
sparingly and within a certaine convenient measure communicated vnto them. Nei-
ther was the Roman Commonwealeuer fairer or farther from civil warres, than
when (the maiestie of the people fauned whole) all things were done by the Senat and
the magistrats: which was from the first Carthaginian warre, vnto the conquest of
the kingdom of Macedon. But after that both the Gracchies by their most popular
laws 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 thereof a most miserable change of that Commonweale: neither did the
citty of Rome euer after escape from civil warres and sedition, vntill that immcdar lib-
ertie of the insolent people, was by the power of one oppreffed and brought vnnder,
and they so brought into extreame 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 vnbridled libertie and insolencie of the
people, taking vpon them the hearing of all things, above the authoritie, iurisdiction,
and power of the Senat, or of the other magistrats.

But the best kind of Commonweale is that, wherein the soueraigne holdeth what
concerneth his maiestie, the Senat maintaine 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 com-
mmands, offices, or iuridictions 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 maiestie al-
fo. And in mine opinion they shamefully erre, which thinke themselues to encrease
the princes wealth and power, whenthey shew vnto him his Claves, giving him to un-
derstand, that his will 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 subiects which should presume
to take vpon them the hearing or deciding of any matter, which might not bee againe
by him reuefed and chaunged: so as did the tyrant Caligula, who would not that the
lawyers should so much as give their counsell and opinions, when as he said, Faciam ut
nihil respondent 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 de-
sire of oppression and tyrannie.

THE FIFTH BOOK.
Of a Commonweale.

Chapter VII.

Whether a Prince in ciuill factiones 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.

Now wee haue 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 percon of a judge, when, and how, and in what sort of Commonweale he ought to doe it: let us now also see out of the terrors of justice, when the subjects are divided into factiones 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 party, or not. And first let us sett downe this, as a maximum, All factiones and part-takings to be daungerous and pettitions in ciuill or in Commonweales, and that they ought, if it be possible, by all means to be prevented: or if that cannot be before they be plotted, yet to search the means to heal them; or at leastwise to employ all convenient remedies to mitigat the daunger. And albeit that of ciuill 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 mens bodie a daaese chauncing, is the cause that men vfe letting of blood, and purgations, and to draw away the ciuill and corrupt hauors; so seditiones oftentimes are cause that the ciuill or wicked men are flaine, or driven away and banished, to the end the rest may live in quiet; or that ciuill lawes and decrees be cancelled and repealed, to give place vnto good, which had otherwise never beene received. For which if one shall say, That seditiones, and ciuill warres, are good, hee might also say, that murders, particides, adulteries, theft, and the subversion of estates & Commonweales are also good. For why, there is no impietie so great, no villanie so detestable, whereof no profit may redound, either to all, or to some men in particular; yea the vetti villanies of wicked mens almonightie God vseth to draw either to the punishment of the reprobates, or to the glory of his name. Which yet to praye, were as if we should commend daaese; as Faustius the Philosopher highly commended the seuer quartaine: which were but to confound the difference between good and ciuill, the difference between profit and diuice, between honour and dishonour, between vice and vertue; and in briefe to confound fire and water, heaten and earth together. Wherefore as vices and daaese are daangerous both vnto the bodie and the soule: so seditiones and ciuill warres are hurtfull and pertitious vnto all estates and Commonweales.

But it may be some man will say, That seditiones and ciuill warres are good and profitable for Tyrannicall Monarchies, and for the maintaining of Tyrants in their Tyrannicall estates, they being always enemies unto 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 wee see it to fall and take end by seditiones and ciuill warres: so that if we looke into all tyrannies which haue bene destroyed and ouenthrowne, we shall finde it most commonly to have happened of factiones and ciuill tumults. Yea even the most cruell and subtile 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 save their owne vnluckie life, which they lead in con-
tinuall paine and languor, neuer escape the murthering hands of conspirators; who so
much the more encircle, by how much mone the tyrant putteth of his subiects to death;
others which are vnto them allied, being alwaies pret and readie to reuenge the death
of their so nie kinmen: and albeit that the tyrant put to death all their kinmen, friends,
and allies, yet neuertheless, they shall so flitte vp all the good subiects against them-
selues. And of the goods of the subiects for tyrants to enrich themselues, is to procure
their owne ruine and decay: for it is impossible that spleene should fill it selfe, or that
the onegrowing of corrupt proud flesh should fatten it selfe, but that the other mem-
bers must drie, and so the whole bodie shortly after periish and consume also. And there-
fore the Florentines in my judgemen had no reaonable cause, why secretly to main-
taine the factions of the Pistoians, whome they had before subdued: for that they fore-
saw not, them whome they thought might so by their mutuall broiles and contentions
be weakened, & so the more easily endure the Florentines their lords, by liberty and the
vie of armes 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 loffe of so many good subiects, one
of them by another ruinated and overthrown.

Now if seditions and factions be dangerous vnto monachies, then are they much
more daungorous vnto Aristocracies and Popular estates: for that Monarches may
maintayne their majoritie, and as neutres decide the quarells of their subiects; or by ioy-
ning themselves to one of the parties, to bring the other vnto reason, or els altogether
to oppresse them: whereas the people divided in a popular estate, hath no soueraigne
ouer them; no more than the lords divided in Aristocratie have no man to commaund
them: if it he not that the greater part of the people, or of the lords, be not of the fac-
ton, 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 evne of a good part
of them banded against an other, able to trouble the whole estate: but if they be but few
in number, bee that hath the soueraignty in hand, ought at the first to represse them;
which he may doe either by communding them to lay downe armes, or by referring
the caufe of their diuersion and variance vnto indifferent judges: or if the matter be so
such as may require his owne declaration and pleasur, then to doe the same with good
aduice, and the mature deliberation of his most wise magistrats and counsellours; not
in any wise suspected to fauour the one part more than the other: and this to the intent
that the prince, or they which have the soueraignty, should not themselfes beare the envy
or discontentment of them which should fo bee condemned. But if the faction
be grown so farre, as that it cannot by way of justice, or by orderly inducements be ap-
pealed, it then behoueth the soueraigne prince, or them that hold the soueraignty in
an Aristocratie or popular estat, to vfe their forces for the vttre extinguishing thereof,
by the punishing of some few of the ring-leaders and chief men in the factions; that so
the punishement may touch but some few, and yet the feare come vnto all of them. Nei-
ther ought the soueraigne prince to defeare the matter so long, vntill they bee growne
so strong as that they be not any more to be refisted, or that the leaders of them being
for feare of punishement become desperat, shall seke to ouerthrow the whole estat of
the comonweale. For there still are, and alwaies have bene good and valiant men,
which for the welfare of their country doubt not to adventure their lives; although
there be many, who to the contrary had rather their country, should periish for them.
Which kind of men (the very plagues of comonweltes) are vpon the sudden to bee
oppresst.
A opprest, left happily the whole estate of the commonwealke were oft times by some one or other of them to bee indangerd; yea, although such cruel discharged 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 soueraine prince, there is then no question whether the prince should take a part, or show himselfe an open enemy vnto such seditious, which so professe themselves of all others the greatest enemy of their prince & commonwealke: for otherwise, if when the state and welfare of the commonwealke, 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 sort of men only, but even very cowards to leake after his life also. But yet a great difference there is to be made in the manner of punishment of the offenders: for if the number of the conspirators against the state or his petition be but few, he shall suffer the Magistrats to proceed against them by order of law, and as he seeth cause himselfe to moderate the heauineffe of the punishment; which the fewer the conspirators are, so much the sooner to be inflicted, and before that mone bee discoovered, to the end that by the punishment of some few, the good subjects may still be kept within the compasse of their allegiance and duty, and those which were euill inclined, so terrified from their euill intended purpose. Neither yet is too strait or strict enuiron to bee made to find out all the conspirators, left 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 difembled or winked at, if the partie guilty bee once discoovered to have conspird against the life of his soueraine, 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 slaine Francis the first the French king, but yet not daring so to do, to have repented him now of his so wicked and detestable purpose, was therefore of the frier so much as in him lay pardoned; who yet nevertheless forthwith revealed the fame vnto the king, who cauing 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 wisedom might have done better to have pardoned him, for that he had repented him of that his wicked purpose (which the law for the hainousness of the fact doe so seuerely punish) & 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 desperatly also attempted to have slaine him; and being therefore by the Senate condemnded to treason, was yet by the fame emperor Augustus (diffebling the matter as if he had thereof knowne nothing) pardoned, and so sent away vn. to his brother then gouernour in one of the provinces: but was yet nevertheless vpon the way slaine, not without the secret commanadement of Augustus himselfe, as many men supposed, vying therein the like subtility: a craft that had his vncl Cesar before vied in giving pardon to M. Marcellus at the request of the Senate, who yet was immediately after slaine, as one of Cesar his most mortall enemies. Yet more likelie it is, neyther Cesar (who in a certaine naturall eloquency exceeded almost all other princes) neyther Augustus (placed so high a fear of honour and majestie) to haue bin willing to have defiled or slain their so great honour & dignity with the secret murder of them whom they might most loyally have executed. Howbeit that some of the finer sort to the contrary excuse the matter, as by them done for the safety of their owne

Yy ii
The Conspirators pre

Comittee to have

or more such inter-

informed, and not

further enquired

lues: and yet so by this means still to maintain the great opinion which they had be-

fore caused men to conceive of their elemency 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 puteth to totture those that be condemned, albeit that he might even with a

becke without danger kill them all: for that for one that he should put to death, there

would arise vp an hundred of their allies & friends, who it may be, have power enough,

or at least wise neuer fayle of will enough to reuenge the death of them which were of

their bloud: and in cale all this were not so, yet ought the prince always to shunne the

note and blame of cruelty, as well of his subiects as of strangers: wherein Nero

was greatly deceived, who hauing discouered the conspiracy against his peron and eflate,

would needs by totture & torment know all them that were parrakers therein: where-

in he found so great a number of them that were, what by right, and what by wrong

accused, as that the conspirators indeed seeing themselues condemmed, discharged their

chollet upon the tyrants most faithfull and loyall friends: all whom hee caueth most

cruelly to be slayne; which was afterwards the caufe of the open and general rebellion

of the captaynes and gouernours of the provinces against him. And for this caufe

Alexander the great haung put to death Parmenio, Philotas, and the rest which had

confirped his death, by a new decree or law abrogated the ancient law of the Ma-

cedonians, whereby fuye of them that were the nearest of kinne vnto the conspirators

were still to be put to death. But the bell and furret way to avoyd the farther daunger

of a conspiracy already prevented, is for a prince to dissemble the matter, as if he knew

not the conspirators, as Tacitus well fayde, Optimum remedum insidiarum, est non

intelligatur. The best remedie of a conspiracie is not to seeme to vnderstand thereof.

So when Hannibal general of the Carthaginians, had purposed to have flaine all the

Senators, and chief men of the citie, vnder the colour of the marriage of his daughter;

the Senat vnderstanding of the matter, but dissembling the same, forthwith caueth an

edict or law to be published, concerning the charges to be made at feafts: wherein the

number of the guets, & the charges of the feast (which was not great) was most straitly

appointed. By which decete of the Senat, the conspiracie intended, was without any

rumiu or blowdeth at all quietly suppressed. So in like manner Etocles capitaine of

the Lacedemonians, with a strong garrifon of fouldiers holding the island of Chic-

o against the Athenienians, and vnderstanding that the garrifon fouldiers secretly con-

spiring together, had determined to kill the inhabitants their friends and allies, in whole

aid they were come, and so to take vnto 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) vnderstanding of the matter, and accompanied with cer-

taine of his most affluent friends, & so walking about the citie, flew the first that he met

withal carrying of a reed, and so suddenly gave it out. That hee would kill all the reft

that fo carrie reeds in their hands, and yet with all tooke order with the inhabitants of

the island, that the fouldiers were paid their pay: and so by the death of one only foul-

diour the conspiracie was quenched before the fire could bee well kindled: and the

occasion of the conspiracie was taken away, and all againe well quieted. Wherefore en-

teric gouernour and magistrat ought to take care, not so much to take away seditions al-

ready growne, as to prevent them: For that a sedition once set on fire, is like a sparke

suddenly blowne, which with the rage of the people, which setteth all the cite on a

light fire before it can be againe quenched. Wherein the prince commannds are not

to be expected, who commonly know leaft of such things as touch them nextest. Yea

oftentimes it happeneth princes wil to vnderstand the secrets, writings, doings, and say-

ings of other foreign princes, and yet perceiue not the fire kindled at home in their own

realmes,
realms, in their own palaces, yet even in their own bed chambers. The conspiracies of Pelopidus, 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 fouldiers therein flame, he was by letters from the bishop of Athens warned to take to himselfe: which letters because he would not at supper read, he vied the common prouerbs, Incrustum negatio, To morrow will serue for our business. Who knoweth not the emperour Charles the first to have bene either partaker, or pruite almost to all things that were anywhere done by other princes, yet did he not so much as once suspect the conspiracie which

* duke Maurice and Albertus marquee of Brandeburg his familiar and domesticall friends, had even falt by him continu’d against him: yea and had also effected the same before he could feele or perceiue the smoke thereof. But what neede forto examples? the conspiracie of Ambrose, which set all France on fire, was divulged in Germanie, England, and Italy, before it was once suspected by them against whom it was contriued in France: vnto whom the cardinal Granuelan is reported by his letters to haue first discovered the fate, and yet there were aboute 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 haue alwayes had most difficult and daungerous events: for that they can neither by a few be effectt, neither yet by many be concealed. Yea oftentimes it chaunceth the conspirators most secret desigines to bee even by women first revealed. As it happened to Philotas, who discouering the conspiracie against Alexander the Great vnto a courtfian whom he loued, was together with his complices to his destruction by her bewrayed. So Fulvia understanding of Catelins his conspiracie by one of his fouldiers, revealeth the fame vnto the Consell Cicero. And in our time the secret desigines of the Prior of Campania (general of the French gallyes) for the sudden surprizing and rifing of the citie of Venice by a fouldier revealeth vnto a courtfian, was fortheith by her discouering and made knowne vnto the Senat. Yet for all that an hard matter it is for a prince, be he never so wise or proude, to preuerne himselfe from the daunger of a resolute man that hath sworn his death: for that the secret, & the execution thereof is but against one man onely, so is it but in one man alone enclosed, willing and resoluted to sacrifice his life (how deere vnto him fouver) to haue another mans hoiewit, that he were beter round with and arme. Such an one as Secundus is reported to haue 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 flame the kings lieutenent in stead of the king himselfe. With no leffe boldnesse (or valour should I say) did a sertant of Lazarus the Depot of Suetia kill Amurath the king of the Turkes, in the midst of his legions, so to revenge the death of his lord, and the dishonour done vnto the queene his wife. So Paufarus also in the fight of the whole armie slew Philip King of Macedon, Alexander the Great his father. And Peter Alofius also duke of Placentia, was in his owne citie by two murderers stabbed and flaine even in the fight of his guard. And he that flew the emperour Domitian went to fecke him out euie into his cabinet with his armes in a scarfe: in such sort as did... and kill Egleon king of the Moabites. And if Cofmus Medicus duke of Florence (hauing ceized vpon the estate) had not alwaies gone armed, neither could his great guards, neither yet his strong caffles haue kept him from the hands of most desperat men, who oftentimes found means to enter euie into his most close and secret places, to haue flaine him an hundred times, what death sooner they shold therefore haue died. Yea amongst the rest of many...
most desperat murthurers,there was one, who even in the councell chamber strucke him with his dagger, thinking to have stabbed him (his guard standing round about him) not knowing him as then to haue had a priuie coat vpon him. And yet well hee knew that his life lay thereon, and so indeed was presently cast headlong out at a window downe to the ground.

But toal much as we haue before touched certaine means which may preterre a prince from falling into these daungeres, and whereby to hinder the conspiracies which might be made against his person: Let vs now see how he ought to beare and behaue himselfe in conspiracies and factions, which are not directly against him selfe nor his estate, but amongst his great lords among them selves, or amongst the eflates, townes, or provines subject vnto 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 stormes and tempests are caused of most light and insenlible exhalations and vapours: such so seditions and ciuill warres the destrouctions of cities and Commonweales, are most times begun for most small matters, and such as a man would not thinke that such they should works such effect. In the raigne of Infriman 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 sportes and iufts, one of them brauing and contending with another; which in the end tooke such force and went fo farre, as that the judges and magistrates of Constantinople, going about to punish the feditious, were letted so to doe by others of the same 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 not so contented brake open the prisons alfo, and let loose all the prisoners, and in the fame rage burnt the temple of Saint Sophia: and to avoid the punishment which they (having laid downe armes) were not to hope for, made choice of one Hippatius the capaine and ring-leader of their faction, for emperour; Infriman with his familie in the meantime lasting in a corner. Which tumult proceeded so farre, as that thittie thousand men were in one day in that quartel flaine: and had not he the leader of the faction (and he euyn the new choyn emperour) there beene killed, the emperour Infriman had undoubted much to do to haue saued his life; who yet at the beginning together with his other courtiers tooke great sport and pleasure therein. The like whereof happened at Syracuse, where two of the magistrates become riuels, and so falling out for their loue, at the first gaine 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 couragious of the nobilitie being flaine, the people taking up armes and driuing out them that were left of the nobilitie or better fort, tooke vpon it the foueraigntie, and so changed the Aristocratie into a Democratic or Popular estate. Wherefore it behoeth a prince, before the fire of sedition and ciuill warres by such sparks be enflamed, to caufe on cold water, or else quite to quench the flame: that is to say, to proceed to the preventing thereof, either by sweet speeches and persuasions, or els by open force. So as did Alexander the Great, who seeing Ephesius and Craterus his greatest friends, upon a mutual emuallation to be at diccord and variance amongst them selves, and so to draw the rest of his valiant capaines 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 him selfe against him which soueran of them should first by word or deed offend the other: by which sharp apprehension putting them both in feare, made them friends togethet. And so out king Lewes, he who for his devotion towards God, for his loue towards
towards his neighbours, for his charity towards particular men, and upright dealing towards all, is numbered amongst the Saints, unto his great praise did the matter, as that all the time of his reign there was never difference or contentions between any the princes, which he for his integrity and wisedome 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 leeme not to be led or moued with the love or hatred of any of them, one more than another.

Wherin Archidamus, king of the Lacedemonians, wisely provided for himselfe, who seeing two great men his most deere friends at oddes betwixt them selves, brought them both into the temple, and there demanded of them whomse they would make choice of to be arbitrator of the difference betwixt them: who both answering, That they would make choice 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 enjoyned them both, Neuer to depart out of that same church, untill they had reconciled themselves one of them vnto another, and so became sworn friends. Whetheby 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 fortresses are vnto princes more asfured, no castles stronger, than is the love and fidelitye of their subiects towards them. But here I speake of a good prince, and not of a tyrant which taketh pleasure to see the great men still ruinated one of them by another; neither aimeth at any other marke, but how to flese the great ones one of them vpon another. Howbeit that it oftentimes fallet out, that the dogges falling vnto agreement amongst them selves, fall all vpon the wolfe: so as did the factions of the Colonnioes and the Visnoes, who haue discovered that pope Alexander the sixt set them still at discorde and variance among them selves, so by their calamities and falles to encrease the strength and power of his bafrad fonne Borgia; they fell to agreement among them selves, and so made head against him their common enimie.

Sometime also a tyrant feeing the nobilitie in the State to flourishe with the strength and alliance of friends, and the favor of the people, and not to seeke one of them another ruine, neither to have any equal adversaries to oppose themselves against them; doth yet secretly assoyde fauour vnto some of the meaner or weaker fort, and so arseneth them against the richer and stronger, and by some notable and irreuoluble villanie by them committed against the other, bindeth them vnto him, in such fort, as that they can neuer be reconciled againe vnto the partie by them so offended. So as John Bentiwoole the tyrant of Bononia is reported to haue done: who fearing the good agreement of them of the greater fort, easilie suffereth the chiefeft of the house and familie of the Marsches (then the richest and a man of greatest credit in all that country) to bee of his enemies slaine, to the end that hee might to bee dispatched of him, and supported of them of the contrarie faction: all reconciliation being by that to great an outrage brokene, and all hope of mutual friendship vnto vnder cut a funder: all which his tyrannical flights and deceit, together with the fauour of the French king, yet helped him not, but that at length he was thrust out of his estate, and so by violence pluckt headlong even out of the chiefeft strength of his tyrannie. But as the bond and obligation of a notable villanie is of all others the strongest, so it is 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 have receuied the injurie. As it happened to the armie of Carthage, which for want of pay resolluing against the seigneurie or state, vnder the conduct of
duct of two or three of their mutinous captains, seiz'd upon divers strong townes & places which they rifed and ransack'd: which captains and ringleaders fearing to bee by the fouldiours at one time or other betrayed and deluitered, perflud the rest of the chief principlall men amongst them, to kill the ambaffadours of the feigneuie, and to hang vp Hafdrubal the Generall with the rest of the Carthaginians which were fallen into their hands, to the end that having bound them by fuch cruelties, they should now have no hope al to fave their lives by composition. In which cafe there was no other meane for the Seigneurie to live, but euen plaine force, to utterly to root them out which could not otherwife be healed: as was afterwards that armie of the Carthaginians, being by a long and cruel war at length defeated. For why, they had directly banded themselves againft the feigneurie: in which cafe we have faid the prince muft of neceffitie become a partie; and show 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 fouveraine prince, which yet he cannot either by his princely authoritie, neither by faire perufual, nor hope of rewards, appeafe; he ought then to gue them arbitrators, men of great integritie and wifdomne, and fuch as they themfelves can like of. In which doing the fouveraine prince fhall discharge himfelfe of the hauiineffe of the judgement to be given, and of the hatred and displeasure of him or them that fhould be condemning. For if this manner of proceeding is and always hath bene commendable for the ending of contouerfies eu'n betwixt kings themfelves, by committin their differences vnto the arbitrement of princes; and that all nations vfe this manner and fadion: with how much more reafon ought a wise prince (as of right he may) caufe his owne fubiefts to condefend thereunto, and efpacially them which are necesse vnto him in alliance or blood; to the end that their quarrels and contentions fhould neuer (if it were poaffe) fo farre passe the bounds of reafon, as to come to be tried by the sword or force of armes.

But in ending fuch contouerfies, the prince aboue all things muft beware that hee shoue not himfelfe more affected vnto the one part than to the other: which hath bene the caufe of the ruine and overthow of many princes and eftates. So Philip the first king of Macedon was not flaine, but for that he openly tourned Antipater againft Pafianias a meane gentleman, in denying of him justice; which was the caufe that Pafianias discharged his choet cuen vpon the petton of the king himfelfe. Neither for any other caufe did Henry the frit, king of England, thrice vp that long and deadly cinill warre, wherewith all England was in combustion eight and twentie yeares, and wherein were loft about fourecore princes of the roylall blood (as Philip Comines reporteth) but for that the king tooke vpon him to be cauante of them of the faction of the house of Lancifler, againft them of the faction and house of Yorke: who at length having vanquifhed and overcome their enemies, put to death the king himfelfe in prifon, with all the rest of his neereft kinsmen. The conspiracie alfo of the markefle of Pefca, againft Charles the emperour, was grounded vpon the fauour that the emperour bare vnto the viceroy of Naples, againft the markefle. It were but loffe time to fet downe in writing the cruell & bloody warres which have bene raifed in this realme by Robert of Arthois, Lewis of Bureux king of Navarre, John Montford, John of Burgundie, and diuer others of our time, which it is not needfull to rehearfe, and all for the fauours of the kings, who forgotten the high degree of maiestie whereunto they were mounted, would basely take vpon them the offices of aduocats, of judges, and arbitra- rors; so defending from the higheft unto the lowest places, fo to follow the paifions of their fubiefts, making themfelles companions vnto fome of them, and vnto other fome of them enemies.
A  But some will hapy say, That by this means the king shall know newes, and kepe
the parties alto in aw: whereunto I also well agree, that a young king might do
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 oftimes, yea, and that against their will enforced to do,
and to take a part, when as he which thinketh himselfe wronged, vpon an obfinit
mind will not by any reason, persuasion, judgement, or arbitrement, suffer himselfe to
be ouertuled or persuaded. In which case I say, that necessitie hath no law: and yet
that the prince before hee may come to that point of extremety, as to vfee his force,
ought to prove all the means that he possibly may, for the composion of the matter
in controversy, and making of those his great sucbicts friends: which if it may not be,
then by force and strong hand to ouertule 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
unto reason, nor his friends persuasion, can have many to take his part, or to stand fast
by him in that his great and obfinit willfulneffe.

Yet might some man say, That the occasion of the quarrell may be so secret, as that
no proffe can thereof be made, neither any judgement given, and yet that he which
hath so received the iniury, demandeth thereof an amend: in which case the princes
find themselves oftimes much troubled, as when an iniury 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 surmises & conjectures: in this case what is amongst
the common and vulgar fort to bee done? it is an easie thing to say, as that no man
ought without most manifest witnesses to be condemned: but fouldiours, and such as
stand vpon their nobilitie, deeme their honour to be staind, and their reputation great-
lly impaired, except he have satisfaction, who vpon his oath affirmeth himselfe to haue
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 auncient laws of the Lombards, of the
Salians, the Ripuaries, the English, the Burgundions, the Danes, the Almaines, and the
Normans; who in their customes call the Combat, The law of appearance: which ma-
ny for all that haue as a moft beaftly thing rejected, as never received or practified by the
Asyrians, the Egyptians, the Persians, the Greekes, or Latines, except in lawfull waare,
one man against his enimie, and that by the good leave of the Generall of the armie; or
elle sometime one Generall encountering hand to hand with another, for the
sparing of their subiects blood: so Cosmus and Marcellus in battell hand to hand
ouercame their enimies 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 Den-
marke. So allo Charles king of Naples challenged Peter king of Arragon vnto the
combat, for the triall of their right vnto that kingdom, which they yet performed not.
Neither is this any meane matter, when as Corbis and Orfua contending for the princip-
ality before Scipio Africamus the Romane Generall, said, That they would have none
other judge, either of God or man, to decide their quarrell, but Mars only. And yet
for all that it is better to appoint combats amongst subiects, according to the auncient
and lawfull manner of our auncellors, when the perfons are of like qualitie which so
stand vpon their honour, and that there is some apparant conjecture of the wrong re-
ceived (for why the auncient laws never admitted combat in a plaine and evident
matter, or wherein good proffe 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 fite of civil war even in the entrails of the Commonwealth, which after it is once kindled, enflameth the whole body thereof. For that two inconveniences propounded, wife men have well taught vs, the greater ought till to be of vs declined. Ioyne 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 all daungerous alfo. Rotariis king of the Lombards, had taken the law of Combats from amongst his subjects, but yet at their instant requests was enforced to restore the same againe into the former force; protestings withall, That it was but inhumane and naught, (as is in the lawes of the Lombards to bee 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 slaine and made away, than happily had bene, the danger and eternall infamie of such hidden treacherie being propounded to the offenders, to be tried by combat. So king Lewes the ninth, having the honour of God, and the welfare of his subjects before his eyes, was the first that forbade combats in this realm: which edict was thus, Norns Defendons Batailles Par Tovy En Nostre Domaine En Tovres Querellas, we forbid 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 be published, whereby he vitally forbad combats: who yet within two yeares after was at the instant request of his subjects constrained to refere them againe, by reason of the secret murders and stablings, yea euem 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 forbid combats in Holland, but yet commanded them not to bee at all suffered, without the lawfull appointment of the magistrats: whereas before they were there open and common without just cause euem to all sorts of men. But it was a thing most barbarous, that Fronto king of Denmarke in auncient time appointed all caufes and quarrels to bee decided by combat, as the Saxon his toriographer saith. Howbeit that the Russians and Hungarians otherwise vs it not, but when there is no evident proue of the matter brought in question. But in our remembrance the prince of Melphie, the king his lieutenant in Piemont found no remedie or meanes better, for the restayning of the secret murders and mutinies which were ordinary amongst his souldiers, than combat to be for them appointed, by the league and authoritie of the Generall; with condition, That the vanquished should not be spared, but still bee slaine by the victor, and his bodie throwne into the riuier: For which such combats hee appointed a publick place betwixt two bridges, compassed round about with the riuier, to that the hope of flight or of aid taken away, and that they mult either overcome their enemie, or there shamefully die; the souldiers afterwards began to belie themselues more modestly, and so live the more quietly together.

But now, when as to have the lie given one, was neither by the Romans thought to be a thing injurious, neiter that our auncelles had allowed the combat for the lie given to another man; it began in our age to be a thing not only contumelious, but euem capital also; and that especially in the time of Francis the first the French king, who in a great assemblie of his greatest peers one day saide, that he was not an honest man which could endure the lie given him. Which he saide, having by his heraults at armes given the lie to Charles the fifth for some dishonorable speeches he had given of him. Which yet since with vs is grown as it were into a law, so that none of the nobilitie or martiall men, which will put vp the lie, is accounted of, as of a man of any worth or valour, but as of a base or vile fellow. Whereof have risen great quarrels, brawlies, and murders, amongst all sorts of subjects. Which to meet withall, Henry the second, who not with-
out much grieue with a great number of his nobilitie, had seen a matter ended by combats, by a perpetuall law forbad controversie or quarrels to be afterwards stried. And to the intent that no man, who had rashly receaved the lie, should incurre the note of infamous: Charles the ninth requiting the edict made by his father, for the forbidding of combats, joyned thereunto mouteoner, That he would take vnto himselfe the honoure 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 France so many murders seen, as when combats were so forbidden. For who should not bee well laughed at, which for the lie givn him should appeale vnto the judges? And yet in the opinion of the nobilitie and martiall men, he shald seeme to incurre the most heauie note of infamous, which shall not by force of armes repel such a reproach or disgrace offered him. Neither can the frowardnesse (thould I say) or vanitie of to foolish an opinion cally be out of mens minds removed.

But whereas we before said, that the combat is for the avoinding 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 expressle letters, after the hearing of the partes, and for the auoyding of murders and seditions, which might otherwise enue. Whereby that inconvenience shall be auoyded, which without combat could not be prouided for, that kinsmen, neighbours, and friends, should for one mans wrong in a fort be enforced to take vp armes, and to enteraine another mans quarrel: as oftentimes it chaunceth the force and furie of wicked men, to fall vpon the heads of good and worthy subjectts. But that is in the hearing of the matter especially to be respected, that combat be not granted for the trial of any but of capittall causes, and those alse whereof no manifest proofe is to be had or found out: following therein also the auctoritie lawes, which will, That the vanquished shold 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 auctorial of punishment, and feare of infamous, might flay many as well from entring into combats, as alse from leading of a quarrellous and wicked life: For Philip the Faire having forbad combats, thought it not good otherwise to restore them againe vnto the nobilitie, but vpon the cause before knowne vnto the magistrats, as it was by the old decree of the Senat provided. As by another decree of the same Senat giuen in the controvertie betweene the counties of Foix and Armagnae, it was said, That combats might not take place, when question was of cuill right and law, which is yet the custome of them of Berne. And by the lawes of Naples alse, it was ordained, That combats should not take place but in cases of treason, and of causall murder: whereas before it was lawfull in any offence whatsoever to chalenge the combat of the aduersarie, that onely except: which yet I see by the custome of them of latter time, not to have beene without good cause lawfull: Howbeit that by the lawes of Spaine no such cause of combat is allowed. And thus much concerning pruai and particular quarrels, with the means to appeale the same.

But if quarrels and contentions arise betwixt whole families, or betwixt whole corporations and colledges of the fame citie or Commonweale, and vpon such like cases as doe betwixt priuat men: combats in that case are not to have place, but the partes so at oddes are by way of justice to be kept in good peace; or otherwise by force and sharp punishment to be inflicted upon the offenders to be kept in awe: yet for all that in such fort, as that justice shold still have place even in armes in the execution doing; as it was in Rome, at such time as by a decree of the Senat it was appointed and let downe, That foure hundred innocent flues should be all put to death; with which vn-

Comba not to be admet for the quarrels and contentions betwixe families.
Seditions arising for the execution of justice, how they are to be presented.

Nothing more hurtful to a warlike people than peace.

Seditions in a Popular Commonwealth of all others most dangerous, and how to be appeased.

usual manner of execution the common people all enraged was about to have taken vp arms, if the emperor Nero had not for the keeping of them dispersed the souldiers of his guard into every quarter of the city, to to keep all quiet, until that the execution was done. Whereof Justinian the emperor having even in like case failed, fell into the great and daungerous sedition (whereof we before spake) which upon the sudden fell all Constantinople almost upon a light fire. As not long ago the two most famous cities of Paris and Antwerp were in great tumults and uproares, at such time as the people fanned from execution certaine persons for their religion condemned to die; whereof the revolt 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 Consull had commanded one Volero a factious fellow to have the baftenado giuen him, (as the manner of punishing of such offenders was) the people by force tooke him out of the hands of injustice, even as hee was to have beene stripp'd, and made him Tribune to defend the popular libertie against the Senat and the Nobilitie, with whome 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 amongst 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 vnquiet peace, but twice in seuen hundred yeares space. And if we mark the histories well, wee shall find nothing to haue bene more daungerous and hurtfull vnto a valiant and warlike people, than peace: For that men accustomed to warres, and still trayned vp in armes, seek for nothing els but dissention and broyles, neither hate any thing more than to be at rest and quiet. And that is it for which the histories report Ca. Marius to haue bene the best genetall of his time in the warres abroad, but the worst and moft troublesome man alive 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 haue in some sort touched certaine meanes for the preuenting of seditions and part-takings: but as it is much more easie to lay the enemie from entering, than to drive him out after he is once entred; so is it more easie alfo to preuent seditions and tumults, than to appeale the fame: and yet that more hardly alio in a Popular estate or Commonwealth, than in any other. For why, the prince in a Monarchy, and the lords in an Aristocratie still are, and ought to be, as soueraigne judges and arbitrators of the subiects: and so oft times of their absolute power and authority appeale and quiet all their differences: whereas in the Popular government the soueraignty lieth in the people themselues, which are so divid'd into factions, which 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 rilien 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 wisedome and kind speeches may againe appeale 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 musitian tune his instrument vnto their mad man-
net and fashion, to draw them unto his owne, and so to fall by little and little, vntill that they be so againe made more quiet and tractable: even so ought also the wise magis- 
trate seeing the people in a rage, at the fift to accommodate and frame himselfe vnto 
their disordered appetite, that so he may afterwards by little and little induce them to 
hearken vnto reason: and so by yeelding at fift vnto the temper, at length put into 
the desired hauen. For to feeke by force to flay the rage of an angry and incenfed mul-
titude, is no other thing than as if a man should by maine strengthe feeke to flay the 
force and course of an headie ftreame, moft violently falling from the high and steep- 
rockes. 

And as for them which goe about by force of armes and strong hand to flay the 
angtie peoples rage and furie, if they bee no verie strong and well aflured of the vi-
cotie, they put the estate into great perill and danger: for if the fubieft become vctor, 
no doubt but that hee will at his pleafure preffcribe lawes vnto the vanquifhed. And 
admit that the prince himfelfe be no vanquifhed, yet fo it is, that if he attaine not vnto 
the full of his desigines, hee fhall in fo doing make himfelle contemptible, give occa-
fion vnto his other fubiefts to rebell, for ftrangers to invade him, and for all men to 
contemne him. Which is yet more to bee feared in popular eftates, and was moft 
manifestly knowne in the feditions which happened in Rome, wherein they which 
would needs proceed by force, and openly refift the defires of the people (vp in furie) 
marrd all: whereas to the contrarie, they which fought by faire meanes to win them, 
fhall brought them to reafon, and fo vpheld the state of the citie, otherwise readie to 
have fallen. Appius Claudius feeing the people of Rome to demand to haue had the 
obligations and hands for money lent, canceled, (wherein the richer foort and visiiters 
haue a notable interef) was of opinion, not to haue any thing of the due debt remitted. 

And at another time the people being reuolted from the nobilitie, hee the same man 
would haue had them molt rigorously entreated, without any regard to haue been had 
of them at all; for that the people otherwife would fwell with pride, and become in-
supportable: howbeit, Servilius at the firt time, and Memenius Agrippa at the fcond, 
withfliomed, and fo carriage away the matter from him. Which Agrippa shewed in 
deed, and by a moft excellent fable of mans bodie and the parts thereof (which hee 
fo liuely fet before everie mans eyes) that hee caufed the armes to fall out of the 
hands of both parties, and fo fweetly againe reconciled the people into the nobilitie: 
wherby hee together with the welfare of the Commonweale, and all mens love, gained alio 
vnto himfelfe immortall fame and glorie. And if fo be that wild beasts will never by 
strokes be tamed, but by the kind handling of him that tames them: even so the peo-
ple once moued or enraged, as a beaft with many heads, and of all others the wildef 
and fiercelf, is never by force, but by good and kind vflage and entreatie to be gained. 

Wherefore in fuch time of common vprore and tumult, fomthing is to be graunted 
vnto the people: and if the fedition be rafed for famine or for death of victuals, fome 
preffent distribution is to be made, and releafe gien vnto the pooreft fort, who are not 
with words to be appeaied. For that as Cato the Centor, speaking of the people of 
Rome, fayd, The hungry bellie hath no ears. Neither in that cafe muft the magiftrats 
pare faire words of promises, yea more than is ever to be performed. For that the 
matter fo standing, both Plato and Xenophon give leave vnto the magiftrates to lie, as 
physitians to children and their sick patients. So the wife Pericles, to draw the peo-
ple of Athens vnto reason, fed them with feaftis, with plaies, with comedies, with fongs 
and dances; and in time of death caufed fome distribution of courfe or money to be 
made amongit then: and having by thefe meanes tamed this beaft with many heads, 
one while by the eyes, another while by the cares, and sometimes by the bellie, fee 

Then

The heuy gryt bellie
hath no ears.

Then
then caused wholesome edicts and laws to be published, declaring unto them the grave and wise reasons thereof: which the people in mutiny, or an hunred, would never have hearkened unto.

Yet whereas we have said, that the people is to be flattered, and to have something granted unto it: yea sometimes even things unreasonable; especially in popular and Aristocraticke estates, that is to be understood in time of extremitie, when as it is already vp in sedition: and not for that one ought still to follow the appetite and passion of the infaillable people, and without reason: But even to the contrary, it is so to be governed, as that it be not too hard cutted, neither yet left with the reigns too much liberty. For as it is a right slipperie high standing place to seue the appetite and pleasure of the vnsteady people, so is it yea much more dangerous also, openly to oppose a mans selfe against it: so as did Appius, Coriolanus, Metellus, Cato the younger, Phoenix, and Hermiodorus, who whilest they would have all things of the people by strong hand, and rather breake than bow, they did either vutely vndoe themselves together with the Commonweale: or at leastwise brought it into most great peril and danger. True it is, that for the prince or magistrats thus to temper maiflie with clemency towards an vnruel 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 stares and planets, daily carried about with the most swift motion of the superior celestial spheres: so yet for all that faileth not to performe his owne natural course by retiring backe by little and little; and that by how much the higher he is mounted, vp from the Horizon, the lesser hee seemeth for to be: Even so ought the wise govertour to doe, following in part the affections and defires of the troubled people, so much the more easily afterwards to attaine vp to the full of his designes. 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 inconsiderate, as to use fections, and cauterlings, or burnings, if the diseafe might otherwise be cured? And so what prince is there so euill aduised, as by way of force and faet to proceed against his people, if with a kind word speaking hee may appease all? But especially in a Popular estate, wherein it behoeth the wise magistrat, by all faire means to appease and quiet the passions of a troubled people, in laying plaine before their eyes the euill successe which may ensue of their so euill and disordered proceedings. We read ther-of many examples, but yet none more famous than that of Pacuvius Calvinus of Capua, who being accounted a great fauourer of the comminial, and an utter enemie vnto the nobilitie of that citie, yet vnderstanding of a purpose that the people had upon 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 removed, 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, hauing that vp all the Senators into a strong place, as men appointed for the slaughter: but indeed so to preueste them from the pretent furie, hee then with a metre and chearefull countenance comming forth vp into the angry people, spake vnto them thus, That which you men of Capua haue oftimes wisued for, That it might once be in your power to be re-
A. menged of the most wicked and abominable Senat: you now have the same put into your hands, not by proper and lawful, by aaulting 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 forth 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 to satisfies your anger, as yet to desire 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 Counsell of a free citie. Wherefore two things rest for you to doe, the one that you take out of the way the old Senat; and the other, that you chose a new. And this laid, hee latt downe; and so the Senatours names being 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 die? Whereunto all the people cried aloud, That it was well said of him, and well done. Well, I see then (said Pausanius) what his doomes is: let him bee cast out; and now for him an euill and wicked man, make you choyce of a good and upright Senatour 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 loone as one more impudent than the rest had named one, presently a greater chie was heard than before; some crying out, That they knew him not; and some explaining as fast against him as a naughty base fellow, of some beggarly trade or other, and so vnworthy of the place: The like furious there was, when choyce was to bee made of the second, and third Senatour, the bafe artificers and trades-men still nominating some one, and some another: in such sort, as that they now began to fall out among themselves, about the choyce, none of them being willing to yeeld or give place to other, which whilest they did inuerie Senatour which was named, there was no lefel trouble and furious among them selves, 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 counsell of the Tribune was right wise, and cunningly by him put in execution: who alter hee had by his wife dissimulation somewhat appeale the mad peoples rage, hee as it were with his finger pointed out, and layed open euery euerie mans eye, the great hurt and inconvenience that was to ensue, by putting the Senatours to death: as that not only such a shamefull murder should for ever bee accounted most cruel and inhumane; but that also, by the doing there of the Commonweale 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 alreadie 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 (leart the Commonweale should with the flames of sedition even then have perished) so to turne the citizens then together by the eates to leave the fray, and to come to helpe to quench the fire, for leart all should have beene burnt. Then if any man there bee in verite and valour exceeding the rest, who will with good speech take vppon him to persuade the people into peace and concord, hee onely, or else none is the man that may appeale the peoples franticke fury and rage. Which thing Virgil most excellently expressed in thefe few versys following:

\[ \text{Virgil's expression about persuasion and peace} \]
And as a sudden tumult rais'd amidst a people great,
When as the base and rafcall fort are in the greatest heat,
And firebrands now and stones doe fie, fuch weapons as there y'e,
Then if some good graue worthy ftre they fortune to efpie,
They filent with attentive ear stand listening to his lore:
He with good words their minds doth tule, and calmes the whole vprote.

Such we fay Pericles to have bene in Athens, Memenius Agrippa in Rome, and not long agoe Peter Loredan in Venice, who at fuch time as the marinners and fca-faring men banded themfelves againft the reft 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 rejected; this plaine gentleman Peter Loredan (I fay) a priuat citizen, and bearing no office at all, showing but himfelfe in the middeft of thefe combats, and holding but vp his hand on him, caufed the weapons to fall out of every mans hand, for the reuenue they all bare vnto the vertue of fo graue a petfonage; and fo as it were in a moment appeared all that ciuill discord. Whereby it was to be feene, vertue to be of greater power and maiestie than armes, than lawes, yea than all the magiftrats together.

There is also in the reuentend feare of religion a great power for the ftyeing of the tumultuous people. For at fuch time as the Florentines were fallen out into fuch a furie among themfelves, as that the citie fwayne with the blood and flaughter of the citizens: and that they could by no meanes be parted, Francis Soderin the bishop attired in his bishoipleke attire, and attended vpon with a company of priets, and a frowne carryed before him, came to the middeft of the furious citizens, to bandying it one againft another; at the figh and Prefence of whom, they all for the reuentend feare of religion vpon the fudden laid down their weapons, and fo without more ado, got themfelves home euery man vnto his owne house. So alfo Iadus the Ieues high Priet, in his Pontificalibus met Alexander the Great comming towards Hierufalem with his victorious armie, with whole port and maiestie Alexander terrified, worthhipped the High Priet, and was fo farre from ranfacking either of the countrey or holy citie, as that he gave it great privileges, with whatfoever the High priet el's requifed. With like wifedom pope Urbain is reported to have turned Attila king of the Hungarians from the Siege of Aquilia.

But fome time fuch is the deadly hatred of citizens amongst themfelves, as that they need the helpe of their friends and allies, yea and fometimes euen of meere strangers to let them agreed. In which cafe an other good old man of Florenc seeing the citizens without pity to kill and maffacre one another, and on all sides to burne one anothers houses, went to requifte the Luquois their neighbours and friends, to interpole themfelves for the appeaung of these fo deadly broyles, as had well neere ruined the whole estate: Wherewith the Luquois moued, came in great numbers, by whole good trauell and meditaung all those flaughters and broyles were well stayed and quited: a thing both commendable and profitable, not to them onely which are fo let agreed,
A agreed, 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 devided into factions, weary at length of their murders and tumults, seeke but to find an occasion for them to fall to agreement; yet being of opinion it to touch them in honour, that should first seeke for peace, therefore continue their bloody quarrels vntil that they have vterly ruinated one another, if some third man intetpose not himself between them for the making of them friends: which thing oftner happeneth in popular or Aristocratike commonweales, than in a monarchie: wherein the subiects are by the power and authority of one onely prince still to bee set at one, & reconciled amongst themselues, together with the commonweale. Howbeit, that sometime it happeneth the foueraigne prince to make himselfe a partie, in stead of holding the place of a foueraigne judge: in which doing for all that he shall be no more but the head of one partie, and so undoubtedly put himselfe in daunger of his life, and that especially when such dangerous seditions and factions be not grounded upon matters directly touching his estate, but otherwise, as it hath happened almost in all Europe within this fifty years, in the wares made for matters of religion: for we haue seene the kingdomes of Sweden, of Scotland, of Denmarke, of England, the Cantons of the Swißers, 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.

B But religion by common consent once received and settled, is not againe to be called into question and dispute, that for all the wayes and entrances into sedition and faction may be stopped, and the aslurts 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 nearer to impotency 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 resolued and assur'd. Besides that, nothing is so firm and stable, nothing so manifest and clear (except it rest upon 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, resteth not so much upon demonstration or reason, as upon the assurance of faith and beleefe only: which they which seeke by demonstrations and publishing of books to performe, they are not onely mad with reason, but weaken also the foundations and grounds of all sorts of religions.

There is a most antient law of Liewzus extant, which the Florentines (of all others the sharpest disputors) established in their popular estate, viz. \( \text{X e de legibus semel reepctis a probatis differere literas} \), That it might not be lawfull to dispute or make question lawes once receuied and allowed. For why he of others the swift, well understood, lawes disputed and reasoned vpon to be stille 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 consequtently the ruine and destruction of the whole commonweale. But if Philosophers and Mathematicians cannot abide to have the principles of their sciences reasoned of, what great folly, or rather madnesse is it to dispute not onely priuely, but even openly also of religion alreadie approued. Howbeit that Anaxagoras maintaine the know to be blacke, and Panorius the Quarta feuer to bee a very good and wholesome thing: and Carneades having one day highly commended justice, the very next day preferred injustice before it, and that it was (without all comparison) better to be a vertuous knaue than a vextuous honet man:

\[ Z z ~iii \] 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 fence: 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 neceffarie demonstration proued there to be one eueraffling 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 Mogouie seeing his people, who had received the rites and ceremonies of the Greckes, diuided into diuers sects and factions, by reason of the diuers preachings and disputations of the miuillers: hee thereupon forbade them vpon paine of death any more to preach or dispute of religion; and withall gaue a booke vnto the bishope and parish priests, wherein was contained what hee would have euery man persuaded of, and to belieue, concerning matters of faith and religion, which he commanded them vpon all feastuall dayes to reade and publish vnto the people: with a capitall paine thereunto annexed, if by any mens exposition any thing were at all thereunto either added or diminished. And *Moses*, when hee had most curiously written all those things which he had learned and receiv'd from Almighty God, and declared the same 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 Levits aloude and distinctly to reade the law: yea, and that dayly also, that so it might bee understood and knowne vnto the people of euery age and sexe: and so in another chapter forbidden any thing to be vnto the lawes of God either added or detracted. Yet sayth he not, that they should dispute thereof: but euery to the contrarie, the Hebrewes instruct'd by the prophets from the father to the sonne: they teaching the law of God in euery Colledge, which then were in mount Syon, never yet suffred men to enter into disputations thereof, as we read in Optatus Mileutinus. For why, disputations was invented but for things probable and doubtfull: and not for things religious and needless, and such as euery man is bound to belieue: which by disputations are alwaies made doubtfull: Wheretfoere seing that disputations of religion bring not only the doubt and overthrow of religions, but euery nuisance and destruction of Commonweales also; it behoouneth them to be by most strait lawes forbidden: which after long ciuill war was by the estastes and princes of the German 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 shoulde vpon paine of death dispute of the religions. Which seuer several punishments, after that the German magistrates had inflicted vpon duers, all Germany was afterwards at good quiet & rest: no man daring more to dispute of matters of religion. Moreover, seing that not onely all wise law-givers and Philosophers, but even the very Atheists themselves also (as namely *Polybius* himselfe an Atheist) are of accord, That ther is nothing which doth more uphold and maintaine the estastes and Commonweals than religion: and that it is the principal foundation of the power and strength of monstechies and Seignories: as also for the execution of justice, for the obedience of the fubieces, the reverence of the magistrates, for the ease of doing ciuill, and for the mutuell lone and amitie of euery one towards other, it is by most strait and seuer al lawes to be provided: that so faced a thing as is religion be not by childish and sophistical disputations, (and especialy 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 hearers & of the disputors together. Neither are they to be heard which thinke themselves to be able with more fubill
reasons to persuade all things: for that as Papinian most wisely said, **Summa ratione quae pro religione factis, It is of all the greatest reason, which tendeth to the maintenance 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 assured of the truth of his religion, would draw his subjects therunto, divided into sects and factions, hee must not therein (in mine opinion) vfe 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 of it (selfe be led to like of anything, but never enforced so to doe) but rather it hecougheth the prince so persuaded of the truth of his religion, without sauinting or diffembling to profess and follow the fame, till 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 also plucke vp even the vertic roots of all sects and opinions: In which doing he shall not onely avoid commotions, troubles, and ciuill wrarres, but lead alfo his straying subjects vnto the port of health. Whereof as there are many examples, so is there none more fit for this purpose, than that of Theodosius the elder, who at the beginning of his raigne found all the provinces of the empire full of Arians, whose strength and power was so growne and encreased vnder three or foure Arian emperous their fauourours, as that their doctrine was not onely by eight counsels confirmed, which were at diuers times assembled at Tyre, at Sardis, at Sirme, at Milan, Seleucia, Nice, Tariff, 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 aduersaries of opinion contrarie vnto themselves, with confiscations, proscriptions, and other most grievous punishments. Yet would not this good emperour now come vnto the empire, either force or punish the Arians, although that hee deadly hated them; but granted vnto them both the Arians (I say) and the Catholikes, their churches, and suffered them in euery towne to have two bishops, of either religion one: and albeit that hee at the importunit suit and instance of the Catholike bishops, commaunded certaine edicts to bee publisshed against the Arians, yet was hee well contented to have the same holde in suspense, and not put into execution; as his letters vnto Ambrose in those words declare, **Trade Arrianus Basilicam, mei nomine sunt omnis suas**, Giue (faith hee) vnto the Arians a church: for that all are in my power. Which thing Rotaris alfo king of the Lombards by his law permitted. And yet neuertheless this emperour lining according to his Religion, and instructing his children & kinmen in the same, wonderfully diminished the Arian sect in Europe: howbeit that they have erect since continued: and so yet do, both in Asia and Affrique, vnder the law of Mahomets, grounded vpon the same foundation. The great emperour of the Turkes doth with as great devotion as any prince in the world honour and observe the religion by him receivd from his auncefours, and yet detesteth hee not the strange religions of others; but to the contrarie permitted euery man to live according to his conscience: yea and that more is, neere vnto his palace at Pera, furtuereth foure duets religions, **vex. That of the Iewes, that of the Christians, that of the Grecians, and that of the Mahometanes:** and besides that, sendeth almes vnto the Calogers or religious Monkes, dwelling vpon the mountainie Athos (being Christians) to pray for him: as did Augustus to the Iewes, to whom he ordinarily sent.
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tent his almes and perpetuall sacrificies to Hierusalem, which hee commanded to bee there daly made for the health of himselfe, and of the Commonweale. For why the people of auctent time were persuaded, as were the Turks, All sorts of religions which proceed from a pure mind, to bee acceptable vnto the gods. And albeit that the Romans easly admitted not straunge religions into their Commonwealeas (as in the warres against them of Vcios the Ediles had in charge, Ne qui nisi Romani dy, nee quo alio movere quam patrio Celerentur, 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 easly suffer every man privatiely within the citie to vfe his owne manner and fa•

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tion, and his owne religion: yea the Romans themselves received into the citie the sacrificies of Isis and of E usefulness, and suffered the Pantheon to be dedicated to all the gods. Only the Iewes of all people detested straunge ceremonies: whereby they provoked 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 dayes, wherein they might keepe holy the Feast of their deliuerance out of Egypt, dedicated vnto the honour of the immortall God: Whereunto Antiochus (as Plutarch writeth) willingly condescended; and yet not so contented, with great rejoicing brought also bulles and rammes for the furnishing of the sacrificie enu to the gates of the citie. Howbeit that afterwards the time of the truce expired, he tooke the citie and fackt it. But as he was about therein to have factificed after the manner of the Grecches, the Priests & Leutes cursing and banng, fortooke the Temple. For which cause Antiochus enforced them, as contemners of the gods, to receive the Greccke ceremonies and sacrificies, yea and caufed hoggges also to be killed in the temple, and the Iewes to bee enforced to eat of them, tormenting them as refused to do with all kind of torments and tormtures, which in that citie wrought the change both of the religion and state. But Polonius Lagus (as Agatharchides writeth) and after him Pompeius, after long siege having taken Hierusalem (the same day that the Iewes had before taken truce with Antiochus) yet both of them kept their hands from sacrilege: which Crassus did not, neither Flaccus: whome ye Cicerone denieth to have taken any gold belonging vnto the temple; in which oration, as seru'd for his purpose, hee said, The gods of the Iewes to have deliuered their servants from the bondage of the Romans. So that the Iewes detesting the gods of other nations, caufed all other people and nations most grievously to hate and contenmne them: For at such time as Quadratus being President of Iuda, a common fouldiour had in contempt shewed his tayle vnto the Iewes, as they were sacrificing in the temple, such an uprose and tumult ensued thereof, as that twenty thousand of the Iewes were there flaine. At which time the Iewes by a decree of the Senat, were driven alo out of Rome: where Tiberois caufed such as would not remoue thec, either to change their religion, or to become slaines: but this was done in Rome one. For the fame Tiberois forbad Pilatus, who had determined to have placed certain shiels and efcutcheons 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 priuat sacrificies worshipped Abraham, Orpheus, Hercules, and Crliff. But when the Christians as well as the Iewes, had begun to detest those thirtie thousand gods which Pindarus now in his time worshipped, and so began to breed a contempt of the gods in the minds of men, the princes and magistrates began likewise with most grievous punishments to persecute them, except they would forswear Christ and the Christian religion, the Iewes (beaing themsefes vpon the antiquitie of their religion) being become their accusers and enformers against them, left they should seeme partakers of the same impietie 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 never thought they it lawfull for them to rule over mens minds before the time of this Antiochus, whom wee but even now spoke of. Which was the cause that Theodorus king of the Gothes (though favouring the Artians) would not yet enforce the conscience of his subjects, nor have them reconciled for their religion: least under the pretence of impietie hee should have seemed to haue taken the spoyle of their goods, or bind their minds, which could by no threats or commands be constrained or bound. For so he writing vnto the Senat at Rome, writhe these words, Religionem imperare non possimus, quia nemo cogitatur ut cre.

B dat iniuris, Religion (faith he) we cannot command, for that no man is compelled against his will to beleue: as we read in Cæsiodore: Wlich reason of all others fecmeth vnto me most effectuall, for the taking away of such punishments, as are yernder the colour of religion to be inflicted vpon the subjects. Wicked and straunge rites & ceremonies, and such other as the greater part of the subjects of greatest power detest, I thinke it good and profitable to haue them kept out of the Commonweale. For the preservation of the subjects loye amongst themselues, 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 restraine, but also so much as may be prouided, that it may not without sedition bee publike professed, yet that no man be forbidden the priuate exercice of such his religion. For otherwise it shall come to passe, that they which are deffitute of the exercice of their religion, and withall dissatisfied 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 under foot both the laws and magistrats, and so use themselves to all kinds of impieties and villainies, such as is impossible by mans lawes to be redresse. Howbeit what letteth vs to follow the counsell of the most holy prophets, of whom the one persuaded his countrymen led away into capitulate 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 alaways worship the ever liuing God: & the other admitted the request or excuse of Naaman the king of Syria his servant, but newly instructed in the true religion and servitude of God, if he were present with the king his maister sacrificinge vnto a strange god, so that hee kept his mind pure and clean from idolatrie. For they are much deceived, which thinke 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 so miserable as an Anarchie, when as there is neither prince nor magistrat, none that obeleth, neither yet any that commandeth, but that all men rule as they list in all libertie in all loofenes of life, without feare of punishment. So the greatest superstition that is, is not by much any thing so detestable as Atheisme. And truly they (in mine opinion) offend much, which thinke that the fame 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 almighty and everliuing 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 meere Atheisme doth utterly root out of mens minds all the feare of doing euill. Wherefore two inconveniences propounded, Superstition (I say) and Atheisme, we must still decline the greater: yet when we may not publike vse the true religion, which still contynueth in the worshipping of one almighty and everlastinge God: least by contemning
of the religion which is publikely received, we should seeme to allure or stirre the subie\cants vnto impiete or sedition, it is better to come vnto the publike service, so that the mind still rest in the honoure and reuerence of one almighty and ever living God.

But now, whereas some men matuell how it came to passe, that in the time of Theodotius, considering the diuertisie of sects and of religions that then were, they could so stand without ciuill warres, being then at the least an hundred divers forts of them according to the account of Tertullian and Epiphanius: whereof the cause was, the multitude and variety 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 have the subjicients divided into two opinions or factions onely, whether it be before matters of estate, or of religion, or for the lawes and customs, or other matters whatsoever that the subjicients are so divided. For that but one thing can be contrary vnto another thing, and more things than one to be contrary vnto one, is a thing not to be imagined. So that wherethere shall be more than two sorts or forts, there must needs be some in the meane betwixt the two contrarie extremes, which may let them agree, which otherwise of themselfes would neuer fall to agreement. And therefore Solon by law prouided, That in ciuill seditions and troubles, every man should of necestitie 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 praise and commendation of a good subjicet is, to bee a quiet ciuill man, defirous and doing the best that he can to live in peace. Besides that, 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 mayso happen, that in such seditions he will follow that part which hee judgeth the better, he must bee armed euen 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 euen them whom we ought to defend, & to deprive them of life, by whom we our selves live. In briefe, the law of God forbidde him that kneweth the truth, to follow the common opinion of them which are out of the way: whereunto Solon's 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 fy vnto the contrarie, this Solon's law to be most profitable and necessarie also vnto Populare and Arillocratike eftates, wherein is no sooneraigne, which standing as neuter, may determine and decide the differences of them which shall doe at discord and variance. For men well know, that the most craftie men in time of ciuill warres, withdraw themselfes so much as possibly they can out of the preasfe, if they be not well assured of the victorie of the part that they themselfes take (if it bee not so, that they see the daunger such, as that the publike fire is like to take hold and burne euen their own priuate houses) yea oftentimes the more subtil and deceitfull fort set the rest at disentention and debate, do that they may themselfes the better eth in troubled water, and make a bridge for themselfes to passe oute, to ceaze vpon other mens goods and honors, imitating them in the prits of Mars, whom the auntients called tugadepes, or Fire-bearers, who having orderly performed their solemn expectations, cast fire brands betwixt both armies standing ready ranged, and so stirred them vp to battell: but yet retired themselfes in safety out of the medley 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 themselfes then run into the same 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 themselfes by all means to prevent seditions,
A seditions, and in what they may to withstand them: or if they cannot be foreseen, yet to do what they may to appease them. For why, the great virtue and authority of goodPubliets is of great force to keepe the rash and mad vulgar people in some order: and to persuade them being disquieted against yuo reason, who would ever be at odds and variance, if they were not by the good counsell of the wiser sort better persuadeful. By which reasons Solon law feemeth to be unto cities and Commonweales profitable. Besides that, if in the leagues and societies of princes among themselves, it be good and profitable for them all, some one of them to be of greater power than the rest, or at least wise to ioyne 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 he which standeth as neuter, as he is of no man protested, so lieth he open to the common spoyle of all men. For so Theramenes, who all the time of the Peloponefian 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 for taken of all, and so left unto the mercie of the tyrants, who made him amiable spectacle unto 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 endeaue to set the rest agreed: or if hee shall see the quarrel, warres, and ruines 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 show himselfe in appearance delusive and forward to set them agreed: which many men have done even then when they most nourished and maintained such quarrels in the most deceitful manner they could: A thing which God (as Solomon faith) abhorreth: if it be not in case (as I haue said) that the concord and agreement of the euill, 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 euill and wicked men should ever one of them by another be brought to ruine and destruction: I will revenge me (faith God, speaking by the mouth of the prophet Jeremias) of mine enemies, by mine enemies. I have said, that good princes and good subiects ought to dissimble 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 rejoie in his ruine and decay.

Thus haue we seen some certaine means for the appeasing of tumults and seditions amongst many. For which there might yet some more particulars bee also rehearsed: as to take away the vyce of belles from rebellious or feticious citizens: so as we reed to haue bene done in the rebellions at Montpelier, and at Bourdeaux, which were yet afterward vnto them againe without a great fire restored: howbeit that the greater part of the inhabitants of Bourdeaux most instantly requested, That they might not be so restored, haung felt the commoditie that came thereby. But whether well or euill, I haue it to the resolution of every man of sound judgement. The great emperor of the Turkes, with the other princes of the East, haue taken strict order. That this intenion of belles, first deuided in Italie, should not into any of their dominions or territories be receiued: whereby they haue well avoided one of the greatest occasions of ciuill tumults and broyles. The noise and backward ringing of the belles(as when houses be on fire) being not onely proper vnto strange accidents, and so the mutinous people into armes, but also to trouble euery quiet spirit of peaceable men.
and to thrust foole's headlong into fury: as did he, who the more to flutter vp the people rugh the Toeeau, together with the great bell at Bourdeaux, and was therefore him selfe hanged in the belrope, as he had well determed.

Another and the most visuall way to prevent sedition, is to take away the subject's armes: 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 to Aristotle speaking of the Barbarians, accounteth it for a strange thing, that a man shou'd in a quiet and peaceable citie weare 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 even necessarilie commuanded: the cause of an infinite number of murders, hee 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 injury be offered him: whereas if he were disarmed, he should doe neither the one nor the other; neither should yet incurre the infamy and disgrace which followeth them, who when they are wronged, dare not to draw their weapon. The Turkes herein go yet farther, not onely in punishing with all feretie the seditious and mutinous people, but also by forbidding them to beare armes, yea even in time of warre, except it bee when they are to give battle: whereas otherwise if the enemie be not nie, they lay their armes vp in their tents, or in their carriages: and yet they are accounted the best soldiours 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 townes, 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 car man or porter shall weare sword, dagger, knife, or any other offensive weapon, and that for the murders by them committed in their ordinarie quarrel which they still had one of them against another: which if it might take place vpon all persons: also a thousand murders and stabblings are committed, which should never have happened, neither the seditions and broyles rayled, which haue vpon this occasion bene in many places kindled. For it is not the part of a wise 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 plaintiff preventeth diseases: and if chauce be that the partie be sodainly attainted with any violent griefe, he first adviseth the present paine, and that done applyeth convenient remedies vnto the caules of the disease: untenso the wife prince ought (so much as in him lyeth) to prevent 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 thereunto to apply remedies convenient.

Now we have before spoken of the causes which worke the change of estates and commonweales, of which selde same causes proceed also seditions and civil warres, as of the denyall of justice, of the oppreccion of the common people, of the inequall distribution of punishments, and of rewards; of the excessit riches of some few in number, and extreame pouertie of the greater sort: of the too great idlenesse of the subiects, or of the impunitie of offendours: and it may be that this last point is the chief of greatest confecuence or importance, and yet the least of all regarded. Which as I have before touched, so must I also oftentimes repeat the same, for that the princes and magistrats which desire to be accounted mercifull, do oftentimes turne vpon their owne heads the same punishment that the offendours defered. And that is it for which the wife Hebrew hath so oftentimes advised vs; Not to become furie for another man: not for that he forbid-
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 forries for wicked men, and to find meanes to deliuer them from defeu't punishment, shall beare the paine of the offenders guilt therefore. As was said to King Ahab, who had sstack the life of Benadab the king of Syria, whom hee should have put to death, God caused it to bee told vnto him by his prophet, That he was become forrie for another man, and that it should surely cost him his life therefore. Which being but spoken in particular vnto this one king, extended yet in general vnto 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 meanes to prevent and meet with rebellions yet to come, which how it is to be done we have before saide, when as wee reasoned of punishments to be upon corporations and collidges inflicted; which is to take place when some one corporation, or the least part of the subjectts have erred or offended; but not if all the people in general, or the greatest part of them in fault: For albeit that the physitian or surgeon sometimes for the preferration of the whole bodie, cuts off a mans leg or arme, yet must he not therefore cut off the head, or any other of the principal members, if they pull chance to be infected: but then follow the wife counsell of the great Physitian Hippocrates, who vnto desperat diseaues forbiddeth vs to apply any remedy at all. But beside the causes of seditions & rebellions, which wee have before spoken of, there is yet another, which dependeth of the immodrate libertie of speech giuen vnto orators, who directt & 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 anclefors have not without cause portrayed Hercules Celterique not as a yong & strong man with a great club in his hand, but as a tecten old man, drawing after him a great number of people enchain'd, & hanging by the ears with chains, which all fluxed out of his mouth; to shew, that the armes and power of kings and monarchs are not so strong as the vehemencie and force of an eloquent man, who encourageth & enflameth the most cowardly & faint hearted to vanquish the most valiant, who striketh armes out of the hands of the most couragious, 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 of ten 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 vseth this art well, fifteen vfe the same cuill, & that amongst 50 Orators it is hard to find an honest man. For that to fecke after the plaine & bare truth, were a thing altogether contrarie vnto their profession, seeing that the best rule that Cicero giveth vnder the person of Marcus Antonius the Orator, is to say nothing against himself: or rather as Aristotle saith, So well to disguise matters, as that the deceit thereof cannot be disouer'd: or to speake more plainly, to couer all things with lies and disimilation. So that if we will but well looke into all them which had the name to have beene the most noble and famous Orators, we shall finde them to have beene still the flitters vp of the people to sedition, to have oftentimes changed the laws, the customs, the religions, and Commonweals, yes & some others of them to have utterly ruinated the same; in which doing they have also almost all of them ended their daies by violent death. Which it is not needfull here to proove by the Orators of Athens, or of Rome, but eu'n by those of our age, who have so well befittred themselves, as that vnder the colour of religion they have troubl
bled all the empires both of Africa & of the West: yea and many of them so wrested the scepters even out of the kings hands. As it happened vnto the king of Marocco, descend-"ed (as is suppos'd) 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 Ade Knight, yet preached he so well, as that he assembled an armie of sixtousc thousand men to take his part. In like sort he which was first called the Sophi, invaded the kingdom of Persia, and in short time drave out the children of Vrum Caßam the lawfull king, vnder the fame coutour of religion. As also not long agoe John of Leiden (who of a butcher became a preacher) ceased vpon Munster the Metropolitical citie of Westphalia, and there taking vpon him the state of a king, was hardly after three yeares siege by the imperials armie thence remoued. And by the felie same means Hierome Suanara, a preacher, incited by Anthonic Soderin, vpon the contention which happened among the inhabitants at Florence, about the estate, so much preuatied with his persuasions vnto the people, as that hee translated the souerainignt from the nobilitie vnto the people, and changed the Aristocratic into a Democratice or Popular estate. No other wise than had before Ephialtes, by the setting on of Pericles by his seditious oratons, drawne vnto the people the souerainiugnt of that state, taken from the Senate of the Areopagi; and so made the Athenian estate of all others the most 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 stirred up 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 Nestorius, preaching before the emperor at Conftantineople in this sort, Give me emperour, the earth void of heretiques, and I will give thee heaven: destroy with me the heretiques, and I with thee will ruine the power of the Persians: for which he was called the Fire maker. For had the emperour gien credence vnto him, he had so put to death the greatest part, and almost all his subiects, and Nestorius himselfe first of all. Wherefore a knife is not more dangerous 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 use it, to reduce the people from barbarisme to humanitie, to reforme disordered manners, to correct the laws, to chastifie tyrants, to caft out vices, to maintaine vertue. And as men charme the Aspis, Vipers, and Serpents, by certaine words: even so the Orators (as Plato faith) by the sweetnesse of their eloquent persuasions, charme even the most fauage 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 virtuous preacher, by whom they may bend and bow the hearts of the most stubborn rebellions, especially in a Popular estate, wherein the ignorant people beateth the sway, and cannot possibly bee kept in order but by the eloquent Orators: which for this cause have alwayes holden the chiefe degree of honour & power in such Popular estates, caufing the honourable charges & commissions, gifts and rewards, to be still giuen to whom they law good: so 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 forasmuch as the rules by vs alreadye set downe, ought to bee applied vnto the nature of Common-waels, and that the Commonwaels, laws & culloms, are likewise to bee fitted vnto the nature & disposition of euery nation: Let vs now also speake of the nature of al people, as of a thing moost necessarie for the good government of Estates and Commonwealews.
What order and course is to be taken, to apply the forme of a Commonweale to the diuersitie of mens humors, and the means how to discover the nature and disposition of the people.

Itherto we have treated of that which concerns the general Estate of Commonweales; let vs now shew what may be particular to some, through the diuersitie of peoples humors, to the end that wee may accommodat the publike weale to the nature of the place; and the ordinances of man to the laws of nature, whereof 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 climates 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 under the same degree, we find a difference betwixt a hilly country and the plaines: so ar in the same citie, the diuersitie of hills and vallies forceth a diuersitie of humors and dispositions: and townes seated vpon vneuen places, are more subject to seditions and chaunes than those that are built vpon 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 Aitis, demanded a popular State; those of the base towne required oligarischis, or the government of few; and the inhabitants of the Port Pirce, desired an Aristocraticall State, that is, a mixt government of the nobilitie and the people: whereof we will shew you a natural cause. And if Theophrastus find it strange that the peole 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 nature of the people: for it is much to be regarded in the framing of a Commonweale, towards vneuenly built vpon mountaines and vallies, are subiect to seditions.
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 influed out of the land of Attica, wherein the Orator Aristides doth glorifie. In like sort we say the Swizers (hauling their original out of Sweden) to be very different in manner, nature, and government: for although they be more strictly allied than ever any nations were, yet the five small cants of the mountaines, and the Grifons, are held more fierce and more warlike, and do governe wholly popularly: the rest are more tractable, and are gouerned by an Aristocratie, being more enclin'd thereunto, than to a Popular estate. It is needfull to have a speciall care to the nature and inclination of the people, if wee will change an estate as it happened in Florent, about an hundred years since, when as the Commonweale by succession of time was almost chaunged into Aristocratie, the citizens being so encreased, as they were forced thilke to enlarge the compass of their waies. For the precaution whereof the Senat was assembled, and the matter propounded: whereas the Senator Rufinus did shew by lucere reasons, That an Aristocratticall estate was without any comparison the most sure, and farre better than a Popular gouernment; guing for an example the state of Venice, flourishing under the command of few gentle men: but Antonio Soderine maintained a Popular estate, and prevailed: saying, That the nature of the Venetians was proportionable to an Aristocratie, & the Florentines to a Popular estate. We will shew the grounds of the truth. Wee read also, that the Ephesians, Milesians, and the Siracussians were almost of the Florentine humor: for they could not endure any but a Popular estate, nor allow any one to exceed his companions, banishing even tho't that surmounted in vertue: and yet the Athenians, Ephesians, and Milesians, were more mild and tractable: so were they much nearer the East: and contrariwise the Siracussians, Florentines, and Carthaginians, 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 prudent writers, and even of the embassadors of the Rhodians, excepting the faults of their masters, upon their naturel inclination, making mention also of the naturel vices of other people, Gentes alie (inquit) iracundae, alie audaces, quedam timide, in cinum et venerem profon- res alie sunt, Atheniensium populum fames eft celorum & supra vires audaces ad con- dum, Lacedemoniorum cunclatorum: non negauerim & totam Asia regionem insanior parere ingenis, & nostrorum humiliorem sertomen efi. Some nations (said he) are cholericke, others bold; some feartfull, others prone to wine and women; the peole of Athens are fai'd to be fudden, and exceeding bold to attempt any thing; the Lacedemonians are slow and deliberat: I will not deny, 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 pleasure in flatteries, and enduring easily a foole: but tho'se of Carthage were cruel and revengefull, humble to their supeior of, and impertious to their subiects, faint hearted in adversitie, and insolent in prosperitie. The people of Rome contrarie vnto them were patient in their losses, confiant in their victories, moderat in their passions, hating flatterers, and taking delight in grace and fueete men: so as the elder Cato demanding the Centorship of the people, said, That they had had of a feuer Censor, threatening to punishe vice with feueritie: yet the people defierd rather to chuse him that threatened them, being but of a meane calling, than the greatest noble men that flattered them. The like they did to L. Torquatus, whom the people did chuse Contull without his priuie: understanding of his election, he told the people, That his disoffision was fuch, as he could not tolerat their vices, neither could the people endure his commandements; and therefore if they were wise, they should make
A make another choyce: yet was he chosen againe by the people. That which I say may be easilie discerned by the difference of the Athenian and Roman Orators: for these did more respect the maine of the people, than those of Athens, who abused the people with such insolence, 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 pleading place, with a garland of roses, laying into them. That he had resolved that day to feall his friends, and so departed: whereat the people laughd. Another time Aelidiades speaking to the people, let him a quaille out of his boosome, and the people run 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 deprived of his Bourgeoiship, for that he had yawned too low before a Cenfor, as Valerius Maximus doth teell thee.

Therefore a wise governour of any Commonweale must know their humoures, 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 Commonweale, is to accommodat the estate to the humor of the citizens; and the lawes and ordinances to the nature of the place, persons, and time. For although Baldus faith, That reason and naturalle equitie is not restrained nor limited to a certaine place: that is to bee understood, when as the reason is inveterall, and not whereas a particular reason of places and persons receives a private consideration. For which cause we must variue the estate of the Commonweale to the diuerse of places; like vnto a good Architec, which doth fit his building according to the stuffe he finds vpon the place: So should a wise Polititian doe, who may not chuse what people he will. As Iocrates said in the prayses of Bussyris 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 gouete. 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 betwixt the mountaineers & those that liue in vallies, or in moistue places, or that are subject to violent winds: then will we shew you how much discipline may change the nature and disposition of men, reiecting 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 infinite varietie which may be betwixt the people of the North and South, we will divide all the nations that inhabit the earth, or 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 thirtie degrees next, to those that inhabit the temperat regions, vnto the sixtieth 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 diuision may be made of regions beyond the Equator, towards the Antarctike Pole: then we will divide the thirtie degrees of the burning regions into the mote, the fiftenee first being more moderate; betwixt the Equator and the Tropicke: the other fiftenee more burning under the Tropicke: and by the same meanes we will take the fiftenee degrees following of the temperat region, which stretche therto the 45 degree, which hold more of the South, and the other fiftenee vnto the sixtieth degree, which are more distempered with cold and incline more to the North; and in the fiftenee following, vnto the 75 degree, although they bee much afflicted with cold, yet are there many nations and Commonweales. But as for the other fiftenee adjoining to the Pole, wee must make no account of them; for that there are few men, which liue in cases like vnto brute beasts (as merchants do report, and histories have certified) I have giuen the reason of these diuisions in a particular booke of the Method of Histories,
ries, and therefore need less now to enter any further 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 haue force, with bignesse & beauty of the bodie, and little wit: and contrariwise, that the Southerne nations are weak, little, blacke, and have great wits: for that experience doth teach vs, that those people which lie in the extremities of the North, are little, leane, and tamed with cold; the which Hippocrates doth confesse, the which we must reconcile with the rest, in letting the limits as I haue said. And the faying of Hipocrates shall bee vnderstood 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 haue written, That the people of the North haue a flaxen and fine haire. And yet Galen saith, That they haue the haire red: the which we must understand of those that are about the 60 degree, whereof there are many in England, where the inhabitants lay are issuad from the Danes and Swedes, who invaded England; noting them by their red haire. But from the Baltique sea unto the 45 degree, and on this side, the people haue commonly flaxen haires. And in old times, when as nations were not so mingled as since they haue ben, they did know a Northerne man by his flaxen haire and his greene eyes; as Plutarch, Tacitus, Firmian, and in our times the Barcji of Heberstein haue observed: and as I haue discoursed in my booke of the Method of Histories, and shewed that Amiot in his translation of Plutarch, upon the towne of Marius, comme them red and cheynut eyes: whereas he should haue called them greene eyes: the which is verie apparent.

But those which are about the 60 degree, haue in a manner all eyes like unto Owles, and the colour of the water lookes white in their eyes: they haue a weake sight by day, and see better in the darke, like unto night Owles, which they call Nightopes. Of this I was assured of the ambassadour Prauski, a Lituanian, and of Holles Commiffarie of the warres, borne at Oslolocome in Sweden, who is haided like a Kow, and eyed like an Owle: which colour, force, and bignesse, comes (as Aristotle faith) of the interiour heat: as the inhabitants of Africa haue 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 in the heat in the Northerne regions, if it be not so vehement as it doth in a maner quench 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 dieas the merchants report. And eu'n the baron of Heberstein writes, That the fiddle freezeth sometimes before it faileth to the ground, the which may seeme incredible. But it is most certaine that the Baltique sea freezeth in such sort, as whole armies passe from the maine land to the ilands: although the heat in summer is sometimes 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 yeare 1524. The which also changed in Polonia, in the yeare 1552, as Thomas Cromer writes. And the like changed in England, in the yeare 1556, as I haue 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 affirme in his Problemes, That the heat is more violent in cold countries than in heat: that is to bee vnderstood in watry places. And whereas there is some mountaine which doub leth the heat by retereration; as it happened in the towne of Naim in Gascoyne, the which was wholly burnt with the heat of the sunne at noone day, in the yeare 1540: and the towne of Montcorner neere vnto 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 faire distant.
A. A plant from the houles where it first began: for the situation thereof is waterfull, as I have said; and the grossenesse of the vapour retaines the heat, which the maiitlers of boat houles know full well; who to spare wood, cast water into their houles. The Northerne parts then being full of waters, lakes, and fountains, the vapors which are drawn vp into the ayre, receive and retaine the heat more vehemently: as in the Southerne parts is more vehement upon the earth. For even as the heat is more violent in metall than in wood, and in great wood than in small broth: 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, where the ayre is subtile, and without any sensible bodies: which may be the cause that God hath made the Southerne countries more rainie, and lesse waterfull: and those places which are moist in the Southerne parts, lie commonly towards the North, and are covered with mountaines towards the South, as Aquitaine (which is so called for the abundance of waters) hath the Pyrenecan hilles. Barbacian hath mount Atlas,which is wonderfully high, out of which the springs and rivers rise all towards the North (as we read in Leo of Afrique) also the sun calling his beams perpendicularly upon the country, would make that inhabitable, which is one of the most fruitfull and best peopled countries in the world. And euene as in winter the places vnder ground, and the inward parts of creatures, retaine the heat which doth evaporat in summer: euene so it fares with people that inhabit the Northerne parts, which have the inward heat more vehement than those of the Southerne regions: which heat causeth the forces and natural powers to be greater in the one than in the other: and which also doth cause the one to eat more, and to digest 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 vigrous and lustie; as it was scene in the armie of Hannibal passing into Italy, and the armie of Moores and Arabians, which haue come into Europe: and of seven thousand Spaniards which paffed into Germanie, under the emperour Charles the fift: and of sottie thousand Galcoesines, which went to succour the king of Sweden, who obtained goodly victories. And contrarywise the armies that come out of the North, grow weak and languish, the more they goe towards the South, yea euene in sommer; as it appeared in the Cimbrians, of whom Plutarch witteseth. That they were all molten with sweat, and languisht with heat which they felt in Provence, the which would souene haue consumed them all, although they had not bene vanquished by the Romans: as it happened to the French before Naples, & to the Lanquenets which paffed into Italy, under the command of Charles of Bourbon and of George Fransberg, of the which after they had fackt Rome, there died seven thousand without any blow, before the yeare was expir'd, as Guichard writes. This doth also plainly appeare in the troupes of cattell which goe out of the North into the South, they lose their famesse, and their milke, and fall away: which Plutarch hath noted, and the marchants find it true by daily experience. And euene as the Spaniard doubles his appetite and forces, comming out of Spaine into France: even so the French loose their appetites and languisht, going into Spaine: and if he will eat and drinke as he doth in France, he is in danger not to continue it long. And euene the nations of the Northerne regions fall a languishing and fainting of the heart, when as the Southerne winds blow: the same reason doth teach vs, why that men and beasts, yea and birds which most suddenly feel this alteration, grow fat in winter, and lean in sommer. If Leo of Afrique, and Francis of Aluaraes, (who haue written the histories of Afrique and Ethiopia) had well observ'd this reason, which is natural, they had not so highly commended the abstinence of those people: for they cannot haue any appetite, the interiour heat wanting in them. Neither must we blame the
Why the people of the North are more hungry, and devote more than they of the South, considering the inward heat and greatness of the men. The same effects are found in the Antarktic regions: for wee read in the Histories of the Indies, That Magellan found near unto the strait which he called by his own name: Giants Patagonies, 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: for they of the middest participat of the one and the other, and are more fit for warre, by the judgement of Vegetius and Vitruvius: and therefore they have erected great empires, which have flourished in armes and lawes. And the wisedome 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 cruel than injustice armed with power. The people therefor of the middle regions have more force than they of the South: & leave policie: and more wit than they of the North, & leave forces: and are more fit to command and gouerne Commonweales, and more lust in their actions.

And if we looke well 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 philosophy, the Mathematikes, and other contemplative sciences, are come out of the South; and the politike sciences, lawes, and the studie thereof, the grace of well speaking and discounting, haue had their beginning in the middle regions, and all great empires have bene there established; as the emprise of the Aslyrians, Medes, Perissians, Parthians, Grecians, Romans, Celtes. And although that the Arabians & Moors had for a time seised upon the empire of Persia, Syria, Egypt, and Barbarie, & brought a good part of Spaine under subjection, yet could they not subdue Greece nor Italie. And whereas they would have subected France, they were vanquished, and their armie of 500 thousand men (which they had brought) defeated. In like sort the Romans haue stretcbed 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, & had somewhat to do to make resistance against the Northerne nations, who neither had walled townes, forresses, nor castles; as Tacitus faith, speaking of the Germans. And although that Trajan had made an admirable bridge upon the river of Danow, and vanquished Decembalaus, king of Dacians; yet the emperour Adrian his successor, cauited it to be broken downe, fearing least the people of the North (having such a passage open) should enter into the heart of the Roman emprise: as they did after that the emperour Constantine had discharched the Roman legions, which guarded the river of Rhine and Danow: for soone after the Almans, then the Gothes, Ostrogothes, Vandales, Francs, Bourguignons, Herules, Huns, Hongres, Lombards; and in succession of time, Normans, Tartars, Turkies, and other nations of Scythia, invaded the Provinces 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 yeares they could never expell the Scotch men out of the isle; 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 Turkies, a Northerne nation, who hath extended the greatness of their empire to the goodliest regions of Asia, Affrica, and Europe, housing in a manner subdued all the isles of the Mediterranean sea; yet have they beene defeated by the Tattarians, & are much troubled to make head against the Moiscouts. 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 ruin of Commonweales should come from thence. For although that men be much diminished in numbers, force, proportion
portion, vigour, and age, in respect of the antiquents (a complaint of most wrieters by the historie of Plutie) so hardly upon the face of the earth shall you now find a cite comparable to Capua (containing thirteene miles in circuit) much lesse matchable to the famous Babylon, which though it were situated fourre square in a leuell soile, yet could a good foot man hardly trauell round about it in three dayes: but this notwithstanding in multitudes of people, in strengthe of bodies, and large proportion of members, the Northe parts do at this day farre exceele the Southen. In regard whereof that military discipline of the Romans, which privileged soulsious at fitttie yeares from future seruice, was not allowable amongst the Lacedemonians, who being nothing inferiour to the Romans, either for strengthe of bodie, or warlike experience, yet freed their people from the seruice thereof, at fortie: the reason being, for that they were so much the more vnable to hold out so long as the Romans, by how much the one nation approached more neere to the South than the other. So bring a Scythen from his native habitation to the South, and you shall find him presently to drope, and fall away with sweat and faintnesse. And therefore the pirates of the Mediterranean finding by experience, that the English and Dutch captains are vniel for paines taking in those hote countries, in their markets prize them at a verie lowe rate. For the people of the North are inwardly hote, enjoying a moist dry aire, and therefore more thristie than the Southen, who inwardly are cold, according to the propriety of the South, a climat moist by nature. Whertain the Grecians deriving, οἰονία, πελάγια νεαρίδος, i.e. ab humore, from moisture, are to be beleued: experience teaching vs, That when the winds blow from the South, we expect showers; but when from the North, faire weather and cleeer skies. For which reason the people of the North are and haue alwaies beene great drinkers, witnesse the Grecke prouerbe, To drinke like a Seycythian, the which Tacitus hath not forgotten, speaking of the maners of the Germans, Diem non temque, (inquit) continuare potando nulli proburi, ut crebra inter vinolentos rite fiebant, 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 trauell from the South to the North, will eat and drinke no leffe than they that are home bred. But Tacitus was deceived, in saying, That the Germans did drinke more and eat leffe, by reason of the coldenesse and barrennesse of the country. But contrariwise seeing that thirst is nothing els but an appetite of cold and moisture, and that hunger is an appetite of drouthe and heat; and that the people of the North haue the interiour heat much more in comparison than those of the South, they must of necessity drinke more. In like fort the people of the Northern regions have their skins foter, more hairie, and subject to sweat than the people of the South; which haue the skin hard, little hairie and curtled, and the skin withetted with drimesse, enduring heat easlie without sweating: but they cannot well bearre 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 hote regions, in colder places inwardly waxe chill, whose bodies if any extraordinaire or sudden alteration of wether attache (an accident often happening in those Sootherly quarters) especcially upon 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 beteth the Seythian, who by nature being inwardly hote, by cold becommeth so much the more able and courageous, by how much the cold forseth the outward heat vno the heart, the true heat and center of lively heat. Yea the report, how subject the Southen people through want of inward heat are to loofeneffe and the bloody flixe, almost paliseth credit, albeit most true: Whereas on the contrarie the countries situated

The reason why they of the North

drinke more than

in the South,
Northwards, abounding with rivers and lakes, do entire mens bodies to fogges & cold moistures, and that in such able manner, that Scythians do oftentimes defeat their enemies by their ambushdoes hidden in deepes marshes; testified by *Herodianus*, who writeth, That the Germans inacted the Romans with their misile weapons, themselves standing fast in the middeft of the waters. Which secret of nature *Galen* not well understanding, feemeth to wonder at, especially for bathing their new borne infants in cold running rivers; a custome vied in like manner by the Aufonij.

*Natvs ad fluminis primium, Deferimus, semoque gelu duramus & undis:

Our new-born babes at first to springs we bring,
T'endure cold storms their bodies so enduring.

The ground of which German custome *Julianus* sumnied 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 bastards would sink to the bottome. And even as the people of the North doe languishe soone with heat, so are they soone wearied and tyed with labour in the Southern parts, or in a hot 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 vanquished. *Polybiius* faith, That to vanquish the Celtes, you must but ward their blows for a time, and yet they were held invincible. *Cesar* 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 natuall 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 Langedouch, hold the middle region betwixt the cold and extreme heat, although the qualitie of the Western region makes the country more cold. And those which are in the middeft are impatient of cold or heat: the which *Cesar* doth witnessse 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 wisedome doth vorte all things by convenient means to their extremities. In like fort we see that he hath ordered the same order betwixt the nations of the North and South, which can never concurre together for the contrarietie 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 haue their affections more moderat. As *Galen* faith, That the Germans and Arabians haue not that commendable ciuilitie which is in them that are borne in Asia the leste, the which is not onely betwixt the Pole and the Equator; but also betwixt the East Indies and Franaue Wellward: A country for this vertue so highly commended by *Tully*, that he doubterth not to affirme, That therein not onely resteth the mirror of ciuilitie, but that from thence it hath bin derived to all forreigne nations. But I am not of their opinions, who draw their arguments of ciuilitie and barbarisme from the effects of heat and cold, finding every day by common experience, that the Southerne people go beyond all other nations in quicknes of wit, whereas barbarisme and rude behauior proceed from ignorance and want of education, a leffon long ago verified by *Herodotus*, who for good wits and ciuill behauior commendeth the *Egiptians*.
A Egyptians before all other people of what nation soeuer. And after him Cesar (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 wrote these words, *ipsi homines ingentissimi sibi subtisendi.* The men themselves were very wittie and politicke: And yet Egypt is partly under the Tropick, whereas the heat is more violent than under the Equator, by the judgement of Posidonius and the Spaniards. The Romans held the like opinion of the people of Afrike, whom they called *Penuxes,* who had often deceived the Romans, and outherthrown their forces by policie. So Columella teares them *Genem attifissimam,* A most subtil nation: But yet they had not such excellent wits as the Egyptians, neither are they so near the South: And without any further search we have the prooie thereof in this realm, where the difference is apparent in regard of the English, who complained to Philip of Comines with admiration, for that the French lost most commonly in their warres against them, and won still in their treaties. We may wittie the like of the Spaniards, who never made treatie for the hundred yeares with the French, but they had the advantage: the which were long to repeate in particular. I will only produce the treatie of Cambresis, 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 treatie, without striking one stroke, than they had done before in fortie yeares, never hoping (as they confessed afterwards) to draw Sauoy nor Piedmont out of the hands of the French: For although the duke of Sauoy, a vertuous and a generous prince, deferted much, as well for the equitie of his cause, as for the alliance of the house of France, yet he expected not so happy an issue of his affaires: the which was cunningly handled by the Spaniard, which reaped both thankes, and the greatest fruits of this treatie, having so much diminished the stature of France (which stretched euem unto the gates of Milan) and set the duke of Sauoy as it were a barre betweene Italy and France, to shut vp the passage that the French might pretend no more in Italy. It cannot be denied, that such as had the charge to capitate 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 councils of Spaie, 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 tived with many iournyes, and the ordinary tediousneffe of the Spaniard, the which was not forgotten in this treatie. It was also observ'd, that in all the battings 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 laft: yet were they still deceived by the subtillie of the Spaniards, and impatience of the French, who seemed by this meanes to sue for peace. This fault is not to bee imputed to them that had the charge to treat a peace, but unto nature, which is hardly vanquished. For we read the like of the ambassadors of France, conferring with the ambassadours of the emperour, of Venice, Spaine, and Ferrare, before Francis Sforce 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 observations, That the nature of the Spaniard (being much more miridional than we) is colder, more melancholike, more staid, more contemplative, and by consequence more ingensive than the French; who by nature cannot stay to contemplated, being cholertike and full of spleene, the which makes him more active and prompt, yet so sudden, as he feemes unto the Spaniard to run, when hee goes but his ordinaire pace: for which cause both the Spaniard and the Italian desire to haue French men to
The Spaniard heaven & florish, for their diligence and quickness in all their actions: so as yt ere there go infinit numbers into Spaine; as I haue seene being at Natbone, especially out of Amsterdam and Limosin, to build, plant, till their lands, and doe all manuall woorks, which the Spaniard cannot doe, but would rather die for hunger, he is so slothfull and heaue in all his actions. When as N. Stronike Prior of Capoua, attempted to surprize Valencia; by means of the French gullies, whereof he was then Admiral: the practise being discoverd, the Viceroy fought to expell all the French out of Valencia, which were found to be ten thousand: for whose loyalty the Spaniards round bound, rather than they should depart: which thewes how greatly that countrey is peopled with French. And without doubt those which are bred of the mixture of those two nations, are more accomplisht than either of them: For the Spaniard wee desire more vivacity and cheerefulness, and to haue the actions and passions of the French more moderat: and it semes the Italian doth participat of the one and the other, Italian being in the most temperatur situation that can be, betwixt the Pole and the Equator, and in the middeft of Asia, Afrike, and Europe, bending a little towards the East & South. And even as they which live at the extremities of the Poles, are Legmatike, and at the South melancholie; even so they which are thrite degrees on this fide the Pole, are more fanguine, and they which approach nearer unto the middeft, more fanguine and cholerte; and then drawing towards the South, more fanguine and melancholie: so their complexion is more blake and yellow, bauce being the colour of melancholy, and yellow of choler Galen confesseth. That flegme makes men heaue and dull-blood cheerefull and strong; cholere, actue and nimble; and melancholy, confant and grave: and according to the mixture of these four humors, more or lesse, so many varieties there be; which Theodore Dac of the house of Lafare emperour of Constantinople 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 uppon the proue of any example, nor uppon necellare reason; and for that he makes no difference of the parts of the world, neither of moist places, hilly nor windie, from those that are dry, plaine, and temperate: neither for that he hath not denièd those people which have beene brought vp in civil discipline, from the rude and barbarous, in this varietye of foules and humors which he hath supposèd, we will not follow that discipline which seemeth most agreeing to reason and nature, & hath beene confirmed by many examples. Autism histories doe agree, That the people of the North are not malicious nor craftie, as the nations of the South be. And Tacitus speaking of the Germans, saith, It is a nation that is neither lufftill nor craftie, discouerying their lecters as it were in jest, and then they goe easlie from their promises. The like judgement we find of the Scythians in Herodotus, Juslin, Strabo, Plutarch, and Vegetius, & therefore autentie princes as well as at this day, had no other guards for their persons than Scythians, Thracians, Germans, Swifflers, and Circassians. And euen the Seigneurie of Rhaguse or of Genes, have no other guards but Germans and Swifflers. And which is more, the kings of Affrike beyond mount Atlas, have none other guard but fouldiers of Europe; who although they be Mahometans, yet had they rather truft in Christians that have abjured their faith, than in those of the countrey; the which was first put in practive by the great Manfor emperour of Affrike and of Spaine; and hertofore the king of Tunis had 1500 light houemen of Christians renigadoes, and his guard of Turkef and Christian scules, as Leo of Affrike faith; knowing well that the people of the North have more force than subtiltie, and having receuied entertainement of any prince, they always remayne faithfull for the guard of his person, and to revenge his injuries (although he be a tyrant) never aspiring to his estate. And therefore...
Cheræa, 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 obtained a barbarous cruelty in the people of the North: for even Thucydides, son to Olorus, king of Thrace, tearmes the Thracians a most cruel nation: and Taritus (speaking of the Germans), They doe not (faith he) put the guilty to death after order of law, but by cruelty, as enemies. I will let passe the antients, and content my selfe with late examples. We have none more notable than that of George, captain of the rebels in Hungarie, beeing taken by them of Transilvania, they cau'ed his fouldours and companions to fast three dayes, and then gave them to eat their captaine halfe roafl'd, and his bowels boyled. I omit the strange cruelties of Dracula, duke of Transilvania, and of Otton Trucces, who cauf'd the martherer of his lieutenant to be roafl'd with a flow firte, during the commons warr: and of late Grombauche a German, was condemned to haue his heart pulled out being alive, and to haue his face beaten therewithall, by Augustus, duke of Saxonie in the caflle of Goth. We find alfo, that the breaking vpon the wheele was inuented in Germany, and the impaling or teating men vpon stakes alue, in Tartaria. Neither is it leffe cruel in Tartaria, 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 leffe reafon and judgement men haue, the more they approach to the nature of brute beafts, who can no more yeld to reafon and governe their passions than brute beafts. And contrarywife, the people of the South are cruel and unreasonable, by reason of melancholie, which doth inflame the passions of the soule with an exceeding violence, which is not easilly suppress'd. Polybius speaking of the warrs of the Spdecians, and Carthagines, people of Afrike, he faith, That there was never seene nor heard of any warr, where there was more treacherie and cruelty: and yet they are but toys in respect of the horrible treacheries mentioned by Leo of Afrique (and in our age) betwixt Mulefles and his owne children. And eu'n the king of Tenefme beeing solicited by the king of Marocco to submit himfelfe under his obedience, which his grandfather had reiect'd, he flew his ambaffadors; wherewith the king of Marocco beeing influc'd, put a million of people to the fword in the realme of Tenefme, leauing him neither towne, caflle, houfe, beaft, nor tree. And speaking of Homar Efeuin a minifter to Mahomet, seeking to make himfelfe king, after that he had forced the fort of Vagiafen, he was not content to put all to the fword, but he cut & tare the children out of their mothers wombs. And the fame author writes, That ifaak king of Tombut in Afrike, having taken the king of Gagao, he cau'ed him prefently to bee put to death, and his children to be gelt to ferue him as flaves, doing the like vnto all the kings he takes. We read of the like cruelties or greater at the W ett Indies, newly discovered: for the Brasilians are not contented to eat the flefh of their enemies, but will bathe their children in their blood. But the cruelty is more remarkable, 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 vned in old time among the Persians, which exceed all crueltie: and in Egypt at this day they fleau them alive which rob by the high way, then they flaffe the skin full of hair, and fet it upon an Asle, by his fide that is so fleau: Which cruelties the people that live betwixt both these extremes can neither fee nor hear without horror: and therefore it seems, that for this caufe the Romans suffered them that were condemned, to die of hunger, and the Greeks gave 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 bitterness thereof, as Theo-
Why the people of the South are
more prone to
madness, and
why mufick
cares mad men,
and expels dience.

The difference
between a furious
and a mad man.

Phrasislation. We may therefore note the difference of
cruelty between 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 vnto foxes) employ all their wits to glut
themselves with revenge: and even as the bodie cannot bee purged of melancholy but
with great dificultie, so the passions and perturbations of the mind, which grow by a
fetled melancholy, are not easilie pacified. So as they which are posseteed with this hu-
omor, are more subiect vnto frenzie than any others, if they find not wherewithall to fa-
satisfie their affections. And therefore there are more mad men in the Southernne reji-
gons, than towards the North. Leo of Auffike doth write, That in the kingdoms of Fez
and Marocco there are great numbers: And even in Grenado (which is more Sou-
thernly) there are many hospitals for mad men only: The varietie of mad men shews
the natural humour of the people: for although there bee store of fools and
mad men in all places and of all sorts, yet those of the Southernne parts haue many
terrible visions, they preach and speake many languages without learning them, and are
sometimes posset with euill spirts, hauing leane bodies, more like vnto ghosts then
those corpulent and fanguin men towards the North, which do nothing but dance,
laugh and leap in their fooleries: and in Germanie it is called the disease of S. Victor,
the which is cured by mufick: whether that the sweet harmonic thereof doth recall
the reason which was dispertered, or whether that mufick doth cure the infinities
of the bodie by the mind, as the phisick doth cure the mind by the bodie, or that euill
spirts which do sometimes torment mad men are expell'd with this divine harmonie,
by delighting in nothing but in discords: so as we reade that the euill spirit hearing the
sound of a harp fled, and left Saul in rest, which seemes to haue been the cause why El-
izew when he would prophesie before the kings of Judea and Samaria, he caus'd one
to play upon an Instrument. And when as Saul was encountred by the holie troupe
of the Prophets playing vpon instruments of musick, presently the spirit of God fell vpon
him. Oftentimes euill spirits doe apply themselfes to the humor of mad men: for chollerike
men strike in their furie, which happens not in those that are of a fanguin
complexion, and much leaft in them that be flegmatike, which have a Lethargie, the
which is a dull and sleeping furie. And for that the melancholike man is the wiser, if
he chance to fall mad, his furie is the more incurable, for that a melancholike humor suf-
fers not it felie to be gomeued as the rest: those that be flegmatik, 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, insanias non potest, & furioso curator datur,
non insanos, quis insanus dicitur, qui suis capitatibus imperare nescit: Furie may well fall
into a wise man, but not madness: a goutenor 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 haue said, that the people of the South are commonly more grave, more
discree, and more moderate in all their actions: it is plainly seen not only in divers
other nations, but also in this realme, which seemes to be the cause that those which
haue made the customes, have limited them to be of full age that liue towards the
North at 25. yeares, and the others at 19 or 20 yeares, except it bee in those countries
which border vpon the sea, whereas the people (by reason of their traffike) are more
polite. I cannot without the note of ingratitude to mine owne country forget the
judgement which the ancients have gien of the ciuitie of Angiers, as it is to be seen in
the letters patteens of King Charles the 5 called the wife, the which he granted for the
priviledges of the Vniuerstie of the said ciuie in these words, Quod, inter regiones alias
Regni nostri, sitias et Andegauenfis et eburneas fons feientiarum irregulares, viros alti consilii folet
ab antiquo propagatis quasi naturi prudencie: For that amonge provinces of this
the our realme, the citie of Angers like vnto a flowing spring of all sciences, is wont to
fend forth men of great knowledge and judgement, as it were by a naturall propaga-
tion. 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 these are mote chaste and abstinunt, and those of the South much
given to lust, the which grows by reason of the spongyous melancholie, so as all Mon-
ters do commonly come from Affrike, which Ptolomie faith to be vnder Scorpia 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 subiects or allies),
The Numidians (ffay he) were given to venery more than all the other Barbari-
s. Wee read also that the kings of Affrike and Perfa had alwayes great troups of
wifes and concubines, the which is not to be imputed to their deprauated customs,
for that at the West Indies king Alcazares had 400 wifes: and the father of Attab-
lipa the last king of Peru, (who was defeated by Pizarre) had 200 wifes, and fifty
children: and the king of Goio had 600 children: so many had Hieroitus king of
the Parthians, who had also a great number of wifes: and Surensus General of that
armie of the Parthians which defeated Croesus, had ten thousand. The Scythians and
Germanes have enough of one wife: and Cefar in his Commentaries sayth, 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 insufficiences, geld themselves in despight, cut-
ting the vaines Parotides vnder the eares, as Hippocrates fayth: who seeking out the
causc of this dificitie, concludes, that is for the coldnes of the helie, and for that they
are commonly on horseback: wherein he is deceived, for Aristotle holdeth, that agita-
tion doth prouoke: and as for want of heat, it is most certaine that those which
dwell in cold countries abound with heat inwardly, as it appeares by the corplencie
and strength of those Northern nations: and contrary wise those of the South are very
cold. It is the nature of melancholie which abounds most in them of the South, the
which being frothie, prouokes to lust, as Aristotle writes in his Problemes, where he
demands why melancholique men are most lecherous: the which is notorious in the
Hare, the which is the most melancholique of all other creatures, and which only con-
ceiveth being big with yong, as well the male as the female, as M.Scaro, and other writ-
ers do witness, and experience hath taught vs: so as we may say they are much decei-
ued which have so much extolled the pudicitie and chastitie of the Scythians, Ger-
manes, and other Northern nations, as Cefar writes in his Commentaries. Among
the Germanes (ffay he) it is a dishonest and villainous thing for a man to know a wo-
man before the age of 25 yeares, which thing they conceal not: and Tacitus fayth,
there are none but the Germanes among the barbarous nations that content them-
selves with one wife: yea sometimes they liue in perpetual chastete, as the Emperour
Henry 2. did, and Cefar 1. king of Poland, and Ladifus king of Bohemia would ne-
uer marrie; the which was not for that they were chaste, but rather through a naturall
weaknes: and Ihon 2. great Duke of Muscouia, did do abhorr women, as he did euen
found at the very sight of them, as the Baron of Herbehstein doth write, speaking of the
Muscouites, They neuer see their wifes (ffay he) vntill the day of their marriage. The
people of the North are so little subiect to jealousy, as Alcmene a Germane, and Henn-
cus do write in commendation of their countrey, that men and women throughout all
Germanie doth bathe together pel mel, yea and with strangers, without any touch of
jealousie, the which as Muniger fayth, is not knowne in Germanie: whereas contra-
ristische those of the South are so passionate, as oftentimes they dye of that diuelse. Being
sent into England with an Ambassage, I heard Membeo the Spanish Ambassadour
say,
fay, That it was a shamefull thing to see men & women fit together at holie sermons: to whome Doctor Dale Master of Requests answered pleafantly, That it was a more shamefull thing for Spaniards to thinke of satisfying of their lufts even in holie places, the which was far from Englishmens minds. We reade in the historie of the Indies that the king of Puna was fo jealous, as he did cut off the private parts, with the noles and armes of those Eunukes that attended of his women. The people that inhabit the middle regions hold a mediocrity in all this, but the moft part of them allow but one lawfull wife: and although that Julius Cæsar did peruade Heludine Cinna to publish the law of Poligamie (or manie wifes) to the end that Cefarion (whom he had by the Queene Cleopatra) might be legitimate, yet this lawe was reiect&: and the fame lawe being reuied by Ibon Leiden a cobler, hauing made himselfe king of Munifter in Westphalia, did more trouble their estate than all the other lawes and alterations which he made. But the Romaine Empourts made a generall lawe to all nations without any diffinition, noting him with infamie that had more than one wife: and since, that punishment of intamie hath beene made capitall within this realme. But the Romaine lawe hath beene of no force in Affrike, for the inconueniences that happened; as it is incident to all those that fecke to appilie the lawes of the people of the South to them of the North, making no difference of their dispositions, wherein many haue beene much deceived, and even Cardan, who faith, That man is wiser than all other creatures, for that he is more hote and moyft; the which is quite contrarie to the truth, being moft apparant that the wildeft beasts are colder than any other, in the opinion of Aristotle. In like fort among militarie punishments, one was, to let the fouldeir blood that had offended, for that those which abound in blood had the paifions of the mind more violent and lefte obedient vnto reason. Of all beastes the Elephant is held to be the wildeft, of the Antients, for that their blood is coldeft; and the moft melancholike of all others, the which makes them leapers: and to this leprofie the people of the South are much subiect, the which was called by the Antients Elephantiasis, a diseafe unknowne in Greece before Plutarch, or in Italy before Pompey, as Pliny writes. But he deuiceth himselfe to faie, that it was proper to the Egyptians, for all the coast of Affrike abounds with them; and in Ethiopia it is fo common, as the leapers are not sepa rated from the bound. But Leprofie differs from Elephantiasis, the which is a great swelling in the thighs and legs, and leprofie is a canker or infection ouer the whole bodie. It may be this melancholick is the caufe of long life, for all the Antients content, that the Elephant liues three and foure hundred yeares, and Rauens more, who haue little blood, and that very melancholick. Francis Alvarez 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 euer was found in the Seniors regifteres at Rome. And we must not wonder if Homer saith, that Memnon king of Ethiopia liued five hundred yeares, for Xenophon long after writeth, that in the fame countrey there were men that liued sixe hundred yeares: but those of the South haue verie drie bodies, and are subiect to the falling sicknes, quartaine agues, and the Kings euill. Hereby we may judge, that the people of the South are infected with great diseases of the bodie, and notorious vices of the minde: and contrarywise there are no people that haue their bodies better disposed to live long, and their minds apter for great vertues. So Titus Lius having much commended Hannibal for his heroicall vertues; Those great vertues (faied hee) were accompanied with as great vices, inhumane cruelty, treacherie, impiete, and contempt of all religion: for greatest spirits are subiect to greatest vertues and vices. Wherein the antient writers haue bene deceived, commending so highly the vertue, integritie, and bountie of the Scythians, and other people of
A the North, and condemning the vices of the South: For he defirues no prayle for his bountie, that hath no wit, and that cannot be wicked, for that hee knoweth no euill; but he that knoweth euill, and how to put it in practice, and yet is an honest man. In like fort Machiavel was ouerseene saies, That the Spaniards, Italians, and Frenchmen, were the wickedst people in the world; shewing thereby, that he had never read any good booke, nor knowne the disposition and differences of nations. But if 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 fort cuerie one of those three in the government of the Commonweale vthe which he hath most at command: The nations of the North, by force; those in the mideff, by equity and justesse; and the Southerne parts, by religion. The magiftrat (faith Tacitus) commands nothing in Germanie, but with the sword in his hand. And Caesar writes in his Commentaries, That the Germans haue no care of religion, and make no account of any thing but of warre and of hunting. And the Schyrians (faith Solinus) did iftie a sword into the ground, the which they did worship, placing the end of all their actions, laws, religions, and judgements, in their force and armes. We find that combats came first from the people of the North, as wee haue said elsewhere: all the laws of the Saliens, Franconis, English, Ripuiaries, and other Northerne nations are full of them: And the law of Fronton king of Denmarke would hate all controuersies decided by single combatt: Which lawes could never be abrogated, although that both popes and other princes haue laboured much, not considering that the natural disposition of them of the North, is quite contrarie to them of the South. And at this present 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 Brennus captain of the Gaules fayd vnto the treaflor Sulpius. The middle nations are more reasonable and lesse strong, they have recourse vnto reason, vnto judges, and vnto suits. It is most certaine, that lawes and the manner of pleading are come from the people of the middle nations: as from Asia the lesse (whereas great Orators and Pleaders were in credit) from Greece, Italy, and Franchise: whereof a certaine Poet (speaker) Gallia saepesdoces ducunt facundo Britanni, 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, vntil they change the nature and disposition of the people: and it is much better to decide all controuersies by law, than by the sword; the one is fit for reasonable creatures, the other for brute beasts: and to conclude, all great Orators, Law-makers, Lawyers, Historiographers, Poets, Comedians, and others which draw vnto them the hearts of men with goodly difcourses and sweet words, are in a manner all of the middle nations. We see in the histories both of the Greeks and Latins, before they attempted the least warre, the matter was debated with many solemn orations, denominations, and protestations: the which the people of the North do not vse, who pretend fall to armes, and even as the one vse force only like vnto Lions, so they of the middest armes themselves with lawes and reaons. In like fort the people of the South haue recourse vnto craft and sibillarie, like vnto Foxes; or vnto Religion: for eloquent discontes agree not with the grosse wis of the Northerne people, and they are too base for them of the South, who allow not of any legall reasons or rhetorical suppositions, which hold truth and falsitie in suspence, but they require certaine demonstrations or divine oculures, which exceed any humane discours. So we see that the people of the South, the Egyptians, Caldeans, and Arabians, have brought to light the hidden sciences both
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reasons that are of either side, they oftentimes depute arbitrators, or else they prolong the suit 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 arms, 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 better capable of government, give themselves wholly to the contemplation of natural and divine sciences, and to discern true 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, so those arts which consist 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 diuers 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 imaginative or common fence, reason, and the intellectual part, 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 provide for the government of the State, being as it were the reason of the citie; and the common people apply themselves to labour and mechanical arts, the which is conformable to common fence.

We may conclude the like of the vniuertall 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 arts: and those of the middle betwixt the two extreames, to negotiat, trafficke, judge, plead, command, establish 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 are too much guien to divine and natural contemplations; or for want of that alacrity and promptness, which is required in humane actions; be it that he cannot yeild in his opinions, dissemble, nor endure the toyle which is necessarie for a man of state; or that he is soone wearable 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 Pithagorians in Italy. And it seems this was figured by the fable of Jupiter, who expelled his father Saturne out of his kingdom: that is to say, an ambitious and politike courtier disposseied a Philosopher guien to contemplation: For who so shall well obserue the nature of Planets, he shall find in my opinion, that the diuision of them doth agree with the three regions aboue 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 Mars 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 venere. And the nations betwixt both the qualitie of Jupiter and Mercury, fit for politike governments: the which hath a straunge sympathy in mans bodie, which is the image of the vniuertall world, and of a
well ordered Commonweale: for setting the right hand of man towards the North, going from the East into the West, 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 melancholie humor, discouers the quality of the people of the South. Even so we find more women in the Southerne parts, and more men in the North: for else it were impossible that everie man in the South countries should have so many wives.

And thus much as touching the general quallities of all people: for as for the particular, there are in all places and in all countries men of all humors, and subject to that which I have said more or lese. 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 distinguish 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 (saith Julian the emperour) how the Persians and Syrians are mild and tractable: Who sees not the furie of the Celtes & Germans, & how jealous they are of libertie? the Romans are courteous and warlike, the Egyptians witty and subtil, and withall effeminat. The Spaniards have observed, That the people of Sin (the which are farthest Eastward) are the most ingenious and courteous people in the world: and those of Brazil, 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 North; and the people of the East with them of the South in the same latitude. The natural bountie of the ayre, and of the Easterner winds, is the cause that men are more faire, and of a bigger proportion: and it is strange, 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 infallible in the country of Languedoc, whereas the plague is ordinarie. I have noted many examples in another place, the which I omit now for breuitie sake: yet the difference of manners and dispositions 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 hilly places from valleys: and of valleys turned towards the North or towards the South, in the same climat, or like latitude, yea in the same degree, which caueth a wonderfull difference betwixt the one and the other: as it is plainly seen 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 Auergne in France, and the Pyrennees betwixt France and Spaine, mount Taurus in Asia, and Atlas in Afrique, which runs from the Atlantick sea into the confines of Egypt above fix 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 Poland from Hungarie; the which caueth them of Tuscanie to be of a contartie humor to them of Lombardie, and farre more ingenious: as also wee see them of Atragone and Valence, and other people beyond the Pyrenean hilles, to bee of a different disposition to them of Galconie and Languedoc, who hold much of the nature of the North; and the people on this side mount Atlas are farre lesse 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, cheerful, and of long life. We must not then marvel if the Florentines (who is towards the East and South, having the mountains at his backe vpon the North & West) be of more fubtill spirit than the Venetians, and more aduized in his priuie affaires: and yet the Florentines in their affembles spoile all through the fubtilitie of their wits: whereas the Venetians in their councils refolue grately, as wee have obferved for these two hundred yeres: for those that have leaft wit,yeeld to reafon,change their opinions, and refere themfelues to men of beft judgement: but so many great spirits being fubtil and ambitious, are obfinate, and will hardly yeeld from their opinions: & for that euerie man holds himfelfe able to command, they will have a Popular effate, the which they cannot maintaine without quarrels and ciuill diflentions, by reaon of a naturall obstinacie,proper to the people of the South, which are melancholie, and to those which for the particular situation of the place, doe participat of the nature of the South. And euen as they which goe from Bouloigne to Florence, or from Caraffonne to Valence, find a great alteration from cold to hot, in the fame degree of latitude, by reaon of the diuerfitie of the one valley turning to the South, and the other to the North: in like fort shall they find a diuerfitie of spirits. And therefore Plato gaue God thanks, That he was a Grecian, and not a Barbarian; an Athenian, & not a Thesban: although there be not twentie legnies betwixt Thebes and Athens: but the situation of Athens was towards the South, inclining towards Pyrene, having a little mountaine behind it, and the riuer Afpus betwixt the two cities: so the one was given 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 diflentions for the state. In like fort the Cantons of the Swiflers have maintaine their Popular effate vrrie wisely these three hundred yeres, at the which the Florentines and the Geneuines could never (with the excellency of their wits) doe ten yeares together, without some mutinies. For the people of the North, and those that liue vpon mountaines, being fierce and warlike, trufting in their force and strength, defire Popular effates, or at the leaft electifie Monarchies: neither can they easily endure to be commandad imperioiusly. So all their kings are electifie, whom they expell if they infult or tyrannize: as I have obferved of the kings of Sweden, Denmark, Norway, Poland, Bohemia, and Tartarie, which are electifie.

That which I have spoken of the nature of the Northerne countries, agrees with the mountaines, the which are ofentimes moare cold than the regions that are farre Northward: for in many places they haue snow and yce perpetuall: and euener the Equator or the mountaines of Peru are fo high and cold, as many Spaniards died for cold, and lay long dead before they corrupted; as we read in the histories of the W eft Indies. Leo of Affrike hath no caufe to wonder, why the inhabitants of the high mountain of Megeza in Affrike are white, tall, and strong: and those of the valley are little, weak, and blacke: for generally both the men,beasts, and the trees of the mountain, are of a ftronger constitution than the others. And old men vpon mount Atlas of 100 yeres old, are vigorous, as Leo doth teftifie. This force and vigour doth caufe the mountainers to love popular libertie, who cannot endure to be braued; as wee have said of the Swiflers and Grifons. And in like fort the inhabitants of the mountaines of Bugia, Fex, Marocco, and Arabia, live in all libertie, without any commander: not through the affurance of any places that are fortified by nature, but for that they are savage and cannot be reclaimed. The which should serve for an aunswe vnto Plutarch's demand, why the inhabitants of the high towne of Athens required a Popular effate, & thofe
of the low townes the government of few: considering the reason that I have giuen. He should therefore wrong himselfe very much, that should seek to change the popular estate of the Swiflers, Gigns, and other mountaineers, into a Monarchie: For although a Monarchie be farr better of it selfe, yet is it not so fit for that subiect.

We must therefore carefully observe what euerie 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, inuring them to the studies of sciences and musicke. And for this cause Polibius faith, That the auncient lawgivers of Arcadia, had straitly bound the inhabitants of the mountaine of Arcadia, to learne musicke, vpon great penalties: thereby to temper the naturall saugnifices of that people. Titus Livius also speaking of the Aetolians dwelling on mountaines, the most warlike and rebellious people of all Greece, he sayth, Procoros Aetoli quam pro ingenios Grecorum, The Aetolians were more fierce than was agreeable to the humor of the Grecians: They troubled the Romans more (although they had but three towns) than all the rest of the Grecians. In like fort, the inhabitants of the mountaine of Genes defeated the Roman armies, and continued warre against them one hundred yeares, neither could they ever bring them in subjection vntill they had transported them from the mountaines into the vallies, after which time they became good & quiet subjects; as we read in Titus Livius. We must not then maruell, if by the Swiflers lawes euerie man is bound to ware a sword, and to have his house furnished with offencive and defensive armes: which other people forbad for the most part. And contrariwise the inhabitants of vallies are commonly effeminat and delicat: and euen the naturall fertility of the vallies, giue the inhabitants thereof occasion to glut themselves with pleasure.

As for the inhabitants vpon the Sea coast, and of great townes of trafficke, all writers have obserued, That they are more subtil, politicke, and cunning, than those that lie farr from the sea and trafficke. Therefore Cæsar speaking of the inhabitants of Tourny, These men (faith he) for that they are farr from the ports of the sea, are not soft & effeminat with the marchandise and delights of strangers. And to that end Tully fayth, That the inhabitants of the river of Genes, were called decuers and coufeners: & those of the mountaines, rude and vnicivil: for that these were not accustomed to trafficke, to sell and to deceive. Wherfore Ioffeb speaking of the inhabitants of Jerualem & Sparta, fayth, 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, saying, That such men are deceitfull and treacherous. And it seemeth that the prouerbe which fayth, That Ilanders are commonly deceitfull; should be applied to this that we haue spoken, for that they are more giuen to trafficke, and by consequence to know the diversitie of men and their humors, wherein the policie of trading doth consist, to dissemble his words and countenance, to deceive, lie, and to confound the simple for gaine, the which is the end of many merchants. And to this end the Hebrewes applye that text of Scripture, where it is said, Non eris mercator in populo tuo, There shall be no merchante among the people: which fome do interpret a deceuier or coufener; but the Hebrew word signifieth Merchante.

There is also a great variety for the difference of places subiect to violent winds, which makes people to differ 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 calme and temperate, than those which liue in regions beaten with violent winds: as Fraine, and especially Languedoc, high Germanie, Hungarie, Thrace, Cireassia, the countrey of Genes, Portugal, and Persia, whereas men have more turbulent sprits, than...
A than those of Italie, Natolia, Asia, and Egypt; whereas the calmnesse of the ayre make men farre more mild. We do also see in moist places another difference of men, contrarie to humour to them of the mountains. The barrennesse and fruitfulnesse of places doth in some forthe change the natural inclination of the heavens: And therefore Titus Livius said, That men of a hot and fettle soil, are most commonly effeminat and cowards; whereas contrariwise a barren country makes men temperate by necessity, and by confection careful, vigilant, and industrious: as the Athenians were, whereas idlenesse was punished capital: Neither by Solons law were the children bound to relinue the parents, if they had not taught them some means whereby to get their living. So as the barrennesse of the foyle doth not onely make men more temperate, apt to labour, and of a more subtile spirit; but also it makes towns more populous: for an enemy affords not a barren country, and the inhabitants living in fatie doe multiple, and are forced to traffeque, or to labour. Such a one was the cite of Athens, the most populous of all Greece: and Nuremberg, which is seated in the most barren foyle that can be, yet is it one of the greatest cities of the empire, and full of the best artisans in the world: and so are the cities of Limoges, Genes, and Gand. But those that dwell in vallies become soft and slothfull through the richnesse of the foyle. And as they that liue upon the sea for their trasseque, and those of barren countries for their industrie, are industrious: in like sort those which make the frontiers of two electates beeing enemies, are more fierce and warlike then the rest, for that they are continually in warre, which makes men barbarous, mutinous, and cruel: as peace makes men quiet, courteous, and tractable. And for this cause the English heretofore were held so mutinous and vnruly, as even their princes could not keep them in awe: yet since that they haue treated of peace and alliance with France & Scotland, & that they have bene govern'd by a mild and peacefull princesse, they are growne very ciuill and full of courtesy. Whereas contrariwise the French, which did not yeeld to any nation in courtesy and humanitie, are much changed in their disposition, and are become fierce & barbarous since the ciuill warres: as it chaunced (as Plutarch saith) to the inhabitants of Sicilie, who by reason of their continual wars, were growne like vnto brute beasts.

But he that would see what force education, lawes, and custome, have to change nature, let him looke into the people of Germanie, who in the time of Tacitus the Proconsull had neither lawes, religion, knowledge, nor any forme of a Commonweale, whereas now they seeme to exceed other nations in goodly citie, and well peopled, in armes, variety of arte, and ciuill discipline: And the inhabitants of Bugia (which in old time was Carthage, the which in former times had contended with the Romans for the empire of the world, being the most warlike people of all Affrike) by the continuance of peace, and the prætide of Muses (wherewith they are much delighted) they are become so effeminat and timorous, that Peter of Nauatre comming thither with fourteene ships onely, the king with all the inhabitants fled, and without striking stroke abandoned the citie, whereas the Spaniards built goodly forts without any opposition. Therefore Plutarch maintained, That there were two arts necessarie in al citie, Writing and Muses; the one being the nure of the mind, the other of the body. If they neglect writing, the force of the bodie must languish: if the studie of Muses, they will become rude and barbarous: if both, then must both bodie and mind grow dul: with idlenesse and sloth: For commonly we see those whole minds are delighted with the sweet sound of Muses, to be vere mild and courteous: What should I speake of the Romans, & of that famous citie, which had so often triumphed over Europe, Asia, and Africa, whilst that it flourished in armes and learning: which hath now loft the beautie and yeutes of their fathers, through sloth, to the eternall inamie of their idle prelates.
preats. Whereby it appeares how much education prevailes: whereof Licurges made triall, having bred vp two greyhoundes 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 laves and custome be not well maintaine and kept, the people will soone returne to their natural disposition: and if they be transplanted into another countrey, they shall not be chaunged to soone, as plants which drawe 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 forrest and Frameford, with their Collonies. Cæsar faith, That in his time (which was some fift hundred yeares after their passage) they had chaunged their manners and natural disposition with that of Germany.

But it is needfull to purge an errour into the which many haue fallen, hauing taxed the French of lightneffe, imitating therein Cæsar, Tacitus, Trebellius, and Pollio. If they tarme a certaine alacritie and promptneffe in all their actions, Lightneffe; the inuie pleafeth me, the which is common to all the people of the middle regions between the Pole and the Equator: for even in like sort Tims Linius doth call them of Asia, Grecce, and Syria, Leuifima bominum genera. Light kind of men: the which the ambassadour of the Rhodians did freely confesse in the open Senat at Rome. And Cæsar himelfe doth interpret that which he would fay, acknowledging that the Gauls haue good wits, and prompt, and tractable. And Scaliger borne at Vetona, writes, That there is not any nation of a quicker & more lively spirit than the French; be it in armes or learning, be it in the trade of marchandife, or in well speaking: but above all, their hearts are generous and loyal, keeping their faith more constantly than any nation. And Baptifta Mantuanus, the most excellent Poet of his age, writes thus of the French,

Host faire spirits have the Gauls, their bodies passing white,
And of that white haue they their names, a crimson colour bright
Their womenes faces garnished, wherewith a comely grace.
Being mixt, Nature out of two sundrie colours one doth raise;
Frolike they are, of cheerefull hew, delight in rounds and rime,
Prone unto Venus sports, to banqueting, and when they see their time.
As prone unto Church service. They list not beare the yoke,
Hypocritie they flie amaine, and what is falsly spoke.
Hating the fallen Saturnis, they give themselues to game,
To hunting, hawking, hils and dailes there thei throw them amaine.
I, they in warres delight them too, she barbed horse to ride,
Their brigantines, their bow, and speare, to use it is their pride:
Whole nights abroad to sleep on ground it is their chiefest toy,
And to be flourd with fume, and fust, th account it nothing coy,
With dust to be oversped, to sweat under the weight of armes,
For countrey, kin, and eke for king, to undergoe all harmes;
Tis death it selfe to them is sweet.

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not to observe the climate alone, for we see in climates that be alike and of the same elevation foure notable differences in people in colour, without speaking of other qualities, for that the West Indians are generally of a dusky colour like unto a rosted quince, vnlesse it be a handful of men that are black, whom the tempest carried from the coast of Affrike: and in Swill of Spain the men are white, at Cape Bonnie 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 countrey to another, and that the Sunne in Capricorne is nearer vnto the earth by all the eccentricall latitude, the which are about foure hundred thousand leagues. The transportation of Colonies works a great difference in men, but the nature of the heauens, 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 aspirations more lightly, and interlacing the vowels with the consonants: as the Saxon when he calleth a horste Pferd, the Flemings say Perd, and so of many others. For alwayes the people of the North, or that dwell vpon mountaines, hauing a more inward heat, deliver their words with greater vehementie and more aspiration than the people of the East or South, who interlace their vowels sweetly, and avoid aspirations all they can (and for the same reason women who are of a colder complexion than men, speake more sweetly) the which was verified in one tribe of the people of Israill, for those of the tribe of Ephraim which remained in the mountaine and towards the North, which they called Gallaad, were not only more rough and audacious and bold than tho:te that dwelt in the valies, of the same tribe, but did also pronounce the consonants and aspirations which the others could not pronounce; so as being vanquished, and flying from the battaile, not able to distinguish the one from the other being of one nation, they watched them at the paffage of Jordan, demanding of them how they called the paffage or ford, which was named Schibolet, 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 42000 men slaine. It is most certaine that at that time the Hebrewes held the purenes of blood iniovable, and that it was but one tribe. That which I have saide, That the nature of the place doth greatly change the nature and pronunciation of men; may be generally obserued, and especially in Gaflconie in the countrey which is called Labdac, 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 these men pronounce Cabre, and the Geneuois say Cra:be, whereby the Venetians distinguished them that fled, hauing 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 Charler the first, seeking to kill the strangers, they threw them beanes, which the strangers called Febues, and the inhabitants of the countrey called them Hames; like vnto the Sabins, which did pronounce Fircus Fadus, for Hierus Hades, as Marcus Varro saith. And thus much touching the natural inclination of people, the which notwithstanding carry no necessitie as I have saied, but are of great confluence for the setting of a Commonweale, laws and customes, and to know in what manner to treat with the one and the other. Let vs now speake of other means 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 subjects, 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 embraced 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 slaves which were thirte or fortie for one free man; and the greatest reward of their service, was to see themselves 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 themselves to restore it, besides the duties they did owe to them that did inschanchise them: besides, they had many children, which happens most commonly to them that labour moist, and live moist contintently, so as seeing themselves in libertie and oppreffe with poortie, they were forced to borrow upon interest, to sell their children, or to satisfie their creditors with their fruites and labours; and the longer they lived, the more they were indebted, and the lease able to pay: for the Hebrewes called vfurie a bitting, which doth not only waft the debtor vnto the bones, but doth alfo suck both blood and marrow, 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 lived on them at difcretion. And therefore Plato called riches and poortie the two antient plagues of a Commonweale, not only for the necessitie that doth oppreffe the hongtie, but also for the shame, the which is more insupportable to many than poortie it selfe: for the preventing whereof, some haue fought an equalitie, the which many haue commended, teemning it the middel of peace, and loue betwixt subjects; and contrariwise inequality the spring of all divisiouns, 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, hauing no great regard of vertue: the poore on their part conceiue an extreme hatred and jealouzie, seeing themselves so troden under foote, they thinke themselves more worthy than the rich, and yet are oppreffe with poortie, honger, miferie and reproch. And therefore many antient law-givers did equally divide the goods and lands among the subjects, as in our time Thomas Moore Chancellor of England in his Commonweale saith, That the onely way of safetie for an estate, is when as men live in common: the which cannot be whereas is any proprietrie. And Plato hauing charge to frame the Commonweale and new Colonic of the Thebans and Phociens, by the consent of the subjects which sent Ambassadors to him to that end, he departed, leaving it unfinishe, for that the rich would not impart any of their wealth unto the poore: the which Lycurgus did with the hazard of his life, for after that he had banished the vl of gold and silver, he made an equal distribution of the landes. 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 vl of gold and silver was allowed in Lacedemon after the victorie of Lisander, 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 causeth all bonds and obligations to be brought into a pub-
like place, and there burnt them, saying, That he had never seen a goodlier siter: then
he began to devise his owne goods equally, but when he found to distribute
the lands, he was cast into prison by the Ephores and there flaine. In like fort Agis the
tyrant having taken the city of Argos, published two Ediets, the one to free them
of all debts, the other to devise the lands equally: Duas fatales (layth Titus Livius) no-
quantibus ac plebem in optimatis accenderam: Two firebrands for them that sought
for innovations to kindle and incense the people against the better fort. And al-
though the Romans have in that point seemed more just than other nations, yet
have they often granted a general rescission of debts sometimes for a fourth part, G
sometimes for a third, and sometimes for all; having no better means to pacifie
the mutinies and seditions of the multitude, least it should happen unto them as it did
unto the chief men among the Thutieus, who having gotten all the lands into their
hands, the people seeing themselues oppreft with debt and vniue, and without any
means to satisfie, they fell upon the rich and expelled them from their goods and
houes. These reasons may be held goodlie in shew, when as in truth there is nothing
more pettineous and dangerous to Commonweales, than equalitie of goods, the
which have no furer support and foundation than faith, without the which neither
justice, nor publique societie can stand, neither can there be any faith, if there be not a due
observation of conventions and lawfull promisses. If then bonds be broken, contracts
difannulled, and debts abolished, what can there be expected but the utter subferviency
of an estate? for there can be no trust one in other. Moreover such general abolitions
do most commonly hurt the poore, and ruine many, for the poore widowe, or
orphelins, and meaner for having nothing but some little tent, are vsedone when this aboli-
tion of debts comes; whereas the vfiurers prevent it, and oftentimes gain by it: as it
happened when as Solon and Agis did publish an abolition of debts, for the vfiurers
(having some intelligence thereof) borrowed money of all men, to defraud their cre-
ditors. 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 dis-
contented and desperate, and to ffl vp feditious: whereas if the hope of these aboli-
tions were not, every one would fecke to gouerne his estate wisely, and to live in peace.
If it be vniue for the creditor to lose his goods, and the debtor to gaine that which is
not his, how much more vniue is it to take land from the lawfull owners to enrich
other men with their spoyles: for they that feeke to be freed from their debts, pretend
the oppreftion of vfiure, 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
meare robetrie vnder the shew of equalitie, and the ruine not onely of a Commonweale,
but of all humane societie. To say, That equalitie is the nurse of friendship, is but to
abuse the ignorant: for it is most certaine, that there is never greater hatred, than nor-
capital quarrels, than betwixt equals: and theivalence betwixt equals, is the spring and
fountain of troubles, seditions, and ciuill wars. Whereas contrariwise the poore and
the weake yeeld and obeye willingly the great, rich, and mightie, for the helpe and pro-
fit which they expect; which was one of the reasons which movd Hippodamus the law-
giuer of the Mileftsians, to ordaine, That the poore should marrie with the rich, not one-
ly to avoid inequality, but also to make their friendship the more firme. And whatso-
ever they say of Solon, it appeares sufficiently by the institution of his Commonweale,
that he made foure degrees of citizens according to their reuernes, and as many de-
gresses of state and honours: the rich had five hundred measures of corn, wine, or oyle,
A in rent; the next three hundred, others two hundred, and those which had lesse might bear no office of honour. And even Plato hath made three elites in his second Commonwealth, one richer than another, ordaining, That every one of the sixe thousand & fortie citizens, should leave one of his children sole heir. And as for that which Licur- gus did, who would have equality perpetually obscured in succession, dividing the lands by the powle; it was impossible, for that he might see before his eyes, or sooner after, this equality quite altered, some having twelve or fifteene children, others one or two, or none at all: the which would be more ridiculous in those countries whereas pluralitie of wifes is tolerated, as in Asia, and in a manner throughout all Africke, and at the new found lands, whereas it falles out oftentimes, that one man hath fifteen children. Some have found to prevent this inconvenience, as Hippodamus law-maker to the Milesians, who would not allow about ten thousand citizens, the which Aristotole did like well of, but by that means they must banish the outerplus, or else execute the cruel law of Plato approved by Aristotele, who hauing limited the number of his citi- Izens to five thousand and fortie, ordained that they should cause the rest to miscarr. as soone as they were conceited, and those that were borne lame or crooked should be cast off: the which cannot be spoken without great impiety, that the goodliest cre- ature which God hath made, should not only be made away after it is borne, but also be destroyed in the mothers wombe. Whereunto Thomas Moore Chancellor of England seemes to agree, who would not have lesse than ten, nor more than 16 children in one fameline: as he might command nature. And although that Phidon law-giver to the Corinthians did seeme to foresee it more wisely, forbidding expressly to build any more in Corinth (as they made a deffence not to build in the suburbs of Paris, by the kings Edict in the yeare 1558,) yet the subie&ts multiplying they must either erecte a new Colonie, or banish them iniuriously. But in my opinion they err much which doubt of scarceity by 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 lesse 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 factions 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 wife and the simple, and artificers and noblemen, which may recoucie these extremes when they disagree: and there is nothing more dangerous than to have the subie&ts divided into two factions without a meane, the which doth usually fall out in cities where there are but few citi- ens. Laying aside therefore this opinion of equality in a Commonwealth already framed, ruiniuing and taking away another mans goods, whereas they should preferre to every man his owne according vnto the law of nature; and reiciting 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 Commonwealth in a conquered country: the which division should be made by families, and not by the powle, refer- ring alwaies some prerogative for one of the familie, and some right for the elder in every house, according to the law of God; who doth shew vs with his finger what course to take, for having chosen the tribe of Levi to give him the right of the elder aboue the other twelve, he gave them no lands but only houses in cities, appointing them the tenth of every tribe (which was twelvetenth) without any labour, the which was twice as much at the least as any tribe had, all things deducted. And among the Levites the right of the elder was referred to the house of Aaron, which had the tenth of the Levites, and all the oblations and first frutes: and to every privete house he assigned twice as much of the goods and lands vnto the elder as to any other of the

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heires, excluding the daughters whole from the succession, but for want of male: in the same degree, whereby we may judge that the law of God hath directly rejected all equality, giving to one more than to another: and yet he hath kept among the twelve tribes, except that of Levi, an equal division of inheritances; and among the yongers an equal division of the succession, except the right of the elder, the which was not of two third parts, nor of foure five parts, not of all; but of the halfe, to the end that such inequality should not be the cause of the great wealth of some few subjectts, and the extreme pouerie of an infinit number: which is the occasion of mutthers among brethren, of divisions in families, and of mutinies and ciuill wars among subjectts. And to the end the divisions 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 obserue the law of God, which ordaines, That all successions fold, shall returne the fiftieth yeare to the house, familie, or tribe, from the which it was sold: whereby the poore that are afflicted, and forced to fell to supply their necesseties, shall have means to fell the fruits and reneuements of their lands to the fiftieth yeare, the which shall returne afterwards to them or to their heires: ill husbands shall be forcerd to live in penure, and the courteousnesse of the rich shall be preuented.

As for abolition of debts, it was a thing of a daungerous consequence, as it is said, not so much for the loss of the creditor (the which is of no great moment, when the question is of the publicke state) as for that it opens a way for the breach of faith in lawfull conuictions, and giveth occasion to mutinies to trouble the state, hoping still to have abolition of debts, or at the least an abatement of interestts which have bene long due, reducing them to the fiftieth 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 giveth the debtor reprieve the seuenth yeare, and suspends the debt. But the true means to prevent visures to ease the poore for ever, and to maintaine lawfull contractts, is to obserue the law of God, which hath defended all kinds of visures among the subjectts: For the law were visure in regard of strangers, if it were lawfull for them to deliber out money upon interest vnto the subjectts, from whom he should draw his whole estate, if the subjectt might not vde the like prerogative vnto strangers. This law hath bene alwaies much esteemed of all lawgiuers, and of the greatest Polititian, that is to say, of Solon, Licurgus, Plato, Ariosto, and even the ten commissioners deputed to reforme the customes of Rome, and to make choyce of the most profitable lawes, would not allow above one in the hundred for interest; the which they called Vicarium, for that the visure of euery moneth came but to an ounce, which was the twelfth part of the hundred crowne which had bene borrowed, and the visure which exacted any more, was condemned to restore foure fold: esteeming the visure (as Cato said) worse than a theefe, which was condemned but in the double. The same law was afterwards publisht anew at the request of the Tribune Duilius in the yeare of the foundation of Rome 395: and ten yeres after Torquatus and Plautius 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 visure was quite forbidden by the law Genusia, for the dayly seditions which happened by the contempt of those lawes of visure: for what moderation soever you make of visure, if it bee any thing tollerated it will foone encrease. And those which maintaine under a color of religion, That moderat visure or trets, after foure or five in the hundred, are honest and just, for that the debtor reapes more profit than the creditor, abuse the word of God, which doth expressly forbide it. For although some would take light interest for the good of the debtor, yet many would abuse it.
A hatchet at the first makes but a little cut, but in the end breaks all in sunder: so the
sufferance of unlawful things, how small soever, grows in the end to all impunitie: as
they which have forbidden vniustie 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 or-
dinary fault among princes and prelates, seeking to exempt and free themselves from
those things which are forbidden to the subject: & who would find that bad in particu-
lar, which is publicly allowed? And for that all defences in matter of laws are unpro-
fitable without some punishment, the which are not regarded, if they be not duly exe-
cuted, therefore the law Genutia being ill executed, was by little and little neglected.
And therefore in England they have provided, that when as any edit was made, they
preently appointed a Magistrate or Commissioner, to see the law observed, who con-
tinued in that charge untill the law were disannulled. But the coutousnesse of vnieters did
so exceed, as they lent after twenty four in the hundred, untill that the law Gabinia
did moderate the greatest interest, at twelve in the hundred, vnslese it were in venuting
at sea, whereas the creditor tooke upon him the hazard: But this law was ill executed
in the provinices, whereas they did take fortie eight in the hundred for a yeare. For the
extreme necessitie of him that borrowes, and the infatiable coutousnesse of him that
lends, will always find a thousand deuises to defraud the law. The punishment of
vniustie was verie feuer in the Commonweale of the Candidots: 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 interet, which they could not recover by law, he was accused as
a theefe and robber: which was but a grosse flir, in regard of their tales they make
at this day, the Notarie putting in this caufe, &

And the rest in money. It is true, that at
the first councell of Nice, the bishops procurcd the emperor to forbid vniustie 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 oblieued, especially for fruits, whereas he that
borrowes in a time of death is glad to pay it againe and halfe as much more after har-
uest. Wherein it seemes there is great reaons, for hee that lends might have gained
more if he had told it in a time of scaritie, as they do commonly. Besides there is no-
thing deeter than that which nouriseth, nor any thing more necessarie. And there-
fore the emperor Infinimian hauing rated vniustie for the country man at fourte in the
hundred in money, he decreed, They should pay but twelve in the hundred in fruits, and
not fiftie in the hundred as had bene formerly vied. Charles of Molins had no caufe
to seeke to correct the Greek and Latine text of the law, against the truth of all copies,
that hee might defend the edit of Leuer the twelth, and the decrees of the court of
parliament, which made equall the interest in fruits and money: but the differ-
ence is great betwixt the one and the other: for by Infinimian law, the poore labour-
ner reaped great profit, being freed for thirteen bushells of corn after haruest, for twelve
which he had borrowed in a time of death: and yet by this correction which Molins
vies, he should be freed for a third part of a bushell, the which is verie absurd; seeing
that before Infinimian decrees, it was lawfull to take fiftie in the hundred for fruits.
It is farre better to rely upon the law of God, which doth absolutely forbid vniustie, and
the creditors good deeds shall be more meritorious and more honourable to lend without
profit, than to receive of the poore laborer, in the qualitie of vniustie, a handful of corn,
soe great and necessarie a good tunne. Therefore Nehemias (after the peoples re-
turne from captiuitie) did forbid them to take any more vniustie, as they had done before
taking twelve in the hundred, as well in money as in fruits: and according to this exam-
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 intereft hath growne so high, as the vurtue limited by Iuniusian, & partly practisied by the Cantons of the Swizers, is farre more easie and more supportable, although the laws of France and Venice do not allow any man to demand about five yeares arraiges past: For this sufferance of intereft, without intereft hath growne to be a law, whereby the vurters doe sucke the blood of the poore with all impunitie, especially in sea towns, where there is a common boune or banke; as at Genes, where there are some worth foure or five hundred thousand duckets, others aboute a million, as Adam Centenier, & they say that Thomas Marin hath twice as much. So as the marchant for the sweetnes of gaine giues out his traffique, the artifcer socnes his shop, the labouer leaues his labour, the shepheard his flocke, and the noble man fels his land of inheritance, to make fortie or fiftie pounds a yeare rent in annuities, in stead of ten pounds a yeare in fimple land. Then afterwards when as the rents faiie, and the money is spent, as they know which know not any other good means to live, giue themes to theuyen, or to fir vp editions and ciuill wares, that they might robbse secretly: the which is the more to be feared, when as one of the eftates of the Commonweale, and the leaft 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 subjectts in the Western Commonweales, making the third eftate, hath the tythes of what nature fower, and against the laws of the primitive Church (as the popes themfelves confesse) and have feized vpon teftamentaries legacies, as well mowables as immoveables, Dutches Counties, Barones, Lordships, Castles, houses both within and without Townes, rents of all forts, and bonds made freely, and yet they took the succession of all fides: they fold, exchanged, purchafed, and impioed the renewenes of their benifie for other acquisitions; and all without taxe, subsidie, or any charge, even in those places whereas the taxes are perfonall. So as it was neccefarie to enouyne the Cleargie to put away fuch land as had bene left vnto the church within a certaine time, vpon paine of confufation: as by a law made in England by king Edward the fift, which did forbid all church men to purchafe any land, as it appeareth in Magna Carta: the which hath bene since renewed by the emperour Charles the fift in Flanders, vpon paine of confufation: the which feemes to have bene forbidden in old time. For we find that eares of Flanders have bene heirs vnto priests: which custome was abolisshed by pope Urban the fift. For the fame reazon the parliament at Paris did prohibite the Chartrens and Celeftines of Paris, to purchafe any more, againft the opinion of the abbat of Palemer. Yet these defences were grounded vpon the chapter, Nuper de decimis. And at Venice it hath bene enacted, and church men were commanded to dispose themselves of all lands, prohibiting to leave any legacie to a Cleargie man, nor 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 Orléans, the twentie feventh article, all cleargie men are forbidden to receave a teftament or laft will, in which any thing is giuen him (the which is verie ill executed) for the abufoes that were committed. Not a hundred yeares fince within this realme, they would not have laide any dead bodie in holy burial, if hee had not bequeathed some legacie vnto the church; fo as they took out a commision from the officall directed to the fift prieft of the place: who taking a view of his goods that had died interftar, bequeathed what he pleased vnto the church in his name that was dead: the which was reproved by two deces of the parliament 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 battons of Normandy named in the act, dated in the yeare 1202, declare
A. declare unto Philip Augustus, That the goods of him that dies without making a will, belonged unto him, having laine three days sicke before his death: and by the confirmation of the privileges of Rochell, granted by Richard king of England and earle of Poitou, it is said, That the goods of the Rocheloirs should not be confiscat, although they died intestat: which was also common in Spain, yntill the ordinance made by Ferdinand in the yere 1391, bearing these words, Que no selluen quintos da los que mue- ven sin fazer testamento dexando higos o parientes dentro del quarto grado que puedan hu- her & heredar sus bienes. ox. The fit shall not be leuied 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 enetric man was forced to make a wilte to leave the church a legacie, under rigorous paines: being also straitly defended for many yeares, not to alienat nor rent out the goods of the church, vpon paine of millitic. By the commandement of Charles the ninth a survey was made of all the reueneues of the church within this reallie, the which was found to amount to twelve hundred and thritte thousand pounds flatting a yere rent, not comprehending the ordinat and extraordinary alms. But Allemont president of the accounts at Paris, made an estima, that of twelve parts of all the reueneues of France, the Clergie enjoyed feu. And by the regifters of the chamber of accents it appeares, within this reallie there are twelve Archbifhopricks, 104 Bishopricks, 540 Abbaies, and 27400 parifhes or cures (taking euery towne for a cure, and the leaf village for one where there is a parith) besides Priories and begging friets. Their reueneues had been far greater if Pope John the 22, had not difanulled the decree of Pope Nicholas, who had allowed all begg- ing friets to enjoy the frutes of lands, and the Pope should haue the proprietie, the which was a grosse cunning to frustrate the vowes of poutrici, for that the proprietie is fruitiellfe and in vaine, as the law faith, if the vistruct were perpetuall, as bodies and col- ledges bee. I do not speake of the well impoying of their goods, but I say that this great inequality (it may be) hath miniftrd occasion of troubles and seditions against the Clergie, throughout all Europe, when as in shew they made a cullour of religion: for if this occasion had not been, they had found out some other, as they did in time of our predeceffors against the Templers and the Jewes; or else they would have required a new deuifion 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 numbered in all to be above three hundred thousand; and those few did to increase in wealth, as Marcus Crassius by a declaration of the Cenfors, was esteemed to be worth five millions of crownes: and fiftie yeares after Lentulus the high Priest was found to be worth ten millions of crownes. The Romaines laboured to prevent these inconve- niences, publishing many lawes touching the deuision of lands: among the which the law Quinta and Apuleia, would haue the conquered lands deuided among the peo- ple, the which if they had bin well executed, those seditions had bin prevented which so troubled the Commonweale; but the milchiele was, that the conquered lands were farmed out by faavour to priuat men, with a pretence of benefit to the Commonweale, vpon condition to pay the tenth of graine, and the fit of frutes, and some rent for the pastures: yet this rent and other duties were not paid, for that great men held them in other mens names: for which cause Sextus Titus the Tribune presented a request vnto the people, to the end that the receivers of the reueneues might leuie the arrettages that were due, the which was granted, but being not well executed, it was a meanes to pre- sent other requests vnto the people, that the lands and reueneues of the Commonweale which priuate men held without paying any thing, might be deuided among the peo- ple: the which did greatly amaze the rich, and caused them to suborne Thorius the Tribune.
Tribune under hand, That by his intercession into the people the lands should remain still in their possessions, and the arrears should be paid into the receivers of the revenues: which law they caused afterwards to be abrogated, when as the magistrates themselves held the lands, of the which they could not be disposed of, nor forced to pay without great disturbance to the state. In the end the law Sempronius was published by force, at the request 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 kin, and five hundred sheepe and goates, and to forfeit the overplus: but the law Sempronius spake of nothing but of the publick lands, ordaining that every yeare there should be three Commissioners appointed by the people to dispose unto 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 moved by the Nobles: yet Cains Gracchus his brother being Tribune of the people ten yeres after, caused it to be put in execution, but he was slaine also in the pursuitt thereof, after whose death the Senate to pacifie the people caused it to be executed against many. And to the end those lands should not remaine waste, the poore wanting cattell and means to till it, it was ordained 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 means many of the poore were provided for. And to take away occasion of future seditions, they sent away part of the poorer part into Colonies, to whom they did distribute countries conquered from the enemy. But there was one article in the law of C. Gracchus which was most necessarie, and yet it was abrogated, Prohibiting the poore to sell or make away those lands that were assigned unto them: for the rich feeming that the poore had no means to entretaine those lands, redeemed them.

There was also another cause of this inequality of goods, which was by the libertie that every 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 Licurgus having divided the lands of the inhabitants of the citie into feuen thousand parts (some fay more, others fay leffe) and the lands of the country into twelve thousand equal parts, he did not suffer any one to dispose thereof; but contrariwise, to the end that in proportion of 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 have but one part of the feuen thousand, and he must be also a Sp arrtaine borne. Others were excluded from the succession, as Plutarch saith, 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 entretaine the 7000 families in equalitie, until that one of the Ephores being incensed against his eldeff sonne, presented a request unto the Seigneurie, the which passed for a law, by the which every man had libertie to dispose of his goods by will. These testamentarie laws being received in Greece, and afterwards published in Rome, and inserted 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 observed in some parts of France, Germanie, and other nations of the North. And therefore Tacitus writes, that the Germanes had no vfe of Testaments, the which many have vnadvisedly attributed to ignorance and barbaritie. And even in Polonia it is expressly forbidden by the lawes of the two Sigsmonds, according
According unto the antient customes, to dispose of lands by testament. The Oxiles and the Phytasies had a stricte custome, forbidding them to pawnse any lands. And by the custome of Amiens and other customes of the Lowcountrie of Flanders, no Nobleman might fell away their seigneuries vntil they had solemnely sworn to poeute tie: the which is also strictly obserued in Spaine. We haue also fayd before, that the law of God did expressly defend all alienation of lads, 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 dignitie and beautie of their antient houses and families, the which by this meanes are not dismembered, and all the estate of the Commonweale in general: the which is the most famie, and stable being grounded vpon good houses and families, and as great and immovable pillars, the which could not support the burden of a great building, if they were weake, although they were many. And it seems that the greatnes of France, Spaine, and England is supported by great and noble families, and by corporations and Colleges, the which being dismembered into pieces, will be the ruine of the State. But this opinion is more probable than necessitie, unlefe it be in an Aristocraticall estate: for it is most certaine that in a Monarchie there is nothing more to be feared than great men, and corporations, especially if it be tyrannical: As for a popular estate which requires equality in all things, how can it endure so great inequality in families, whereas some should have all, and others die of hunger: seeing that all the seditions which have happened in Rome and in Greece have been grounded vpon this point. There remains an Aristocraticke where as the noble and great men are unequall with the common people, and in this case the right of the elder may mainainte the estate, as in the seigneue of Sparta, whereas the seven thousand parts equally divided vnto the elder of every Familie, maintaine the State: and as for the younger brethren, vertue advanced them to offices and honors according to their merits: and commonly they proued the most famous, having (as Plutarch saide) nothing to advance them but their vertues. It was the antient custome of the Gauls: and without doubt our Nobilitie would be much more esteemed, if the prohibition of selling of their seigneuries were dule executed, according to the lawes and ordinances of this realme, and of the Empire, were it better obserued. The like defences were made in Polonia, by the laws of Albert, and Sigismund Augustus kings in the yeere 1495, & 1538, & by an edict made by Peter duke of Bruttaine, forbidding the common people to purchase the seigneuries of noble men, vpon paine of confiscation. And although that Lewis the 12th annulled those defenses in the yeare 1505, yet King Francis the first renewed the Edict in the yeare 1535, under the same paine of confiscation. The meanes to mainainte the nobilitie and the common people more strictly together, is to marrie the younger children of noble houses being poore (in an Aristocraticall estate) with the Plebeians that are rich, as they did in Rome after the law Canuleia; the which is practised at this day by the Venetians, and almost in every Commonweale, whereas the nobilitie hath any prerogatvie ouer the common people: the which is the surest way to mainainte the nobilitie in wealt, honour, and dignitie. And yet it is necessitie to modrate the dowries of women in what estate soever, lest that mean houses be not beggered to enrich the nobles: wherein the antient lawgivers have been much troubled to obserue this equality, and to providue that antient houes and families might not be dismembered and ruined by the daughters. The law of God would not allow the daughters to succeed, if there were any brethre: 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 

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faith the law, that the inheritance may not be drawne from the house by the daughter. This law was obserued in Grecce, where as the next kinman married the heire, neither might the daughter marrie with any other. In Persia and Armenia the daughter 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 Justinian the Emperour, or rather Theodore his wife, having alwayes fauored her owne sexe, reformed that custome of Armenia, terming it barbarous, not regarding the intention of the antient lawgivers. Hippodamus lawgiver to the Milesians, would not frustrate the daughters of all succession, but he ordained that the rich should marrie with the poore, wherein he did obserue the equalitie of goods, and entretained love betwixt the couples, and betwixt the poore and the rich. It is most certaine that if the daughters be made equall with the fonnes in the right of succession, families shall be sooner diuised: for commonly there are more women then men, be it in Commonwealthes in generall, or in private families: the which was first vertifed at Athens, where as the pluralitie of women gauue name vnto the citie: and within these twentie yeares at Venice, (whether comes a world of strangers) there was found upon a pluraie two thousand women more than men: whether it be that they are not subject to the dangers of water and trouell, or that nature is apter to produce those things that are lesse perfect. And therefore Aristotle laid in his Politikes, That of fure parts of inheritance the women of Sparta held three, the which cameby the permission of the testamentarie law: and for this cause (faith he) they commande absolutely ouer their husbands, whom they called Ladies. But to prevent this inconvenience at Rome, Voconius Saxa the Tribune, by the perswacion of Cato the Censor, presented a requent vnto the people, the which passed for a law, whereby it was enacted, That the females should not succeed so long as there were any male carrying the name, in what degree of confanguinitie soever he were; and that they might not have gien them by testament above the fourth part of the goods; nor more than the half of the Testators heires. This law retained the antient families in their dignitie, and the goods in some equalitie, keeping women in some sort in awe: yet they found a meanes to defraud it, by legacies and feomentes made in truft to friends, with request to restrue the successions of legacies vnto the women which could not recover them by order of law not 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 Senate, for his wife Lucis: so as this law being troden under foot, the Roman citizens began to be faules vnto their wifes, who were their mistrefses both in name and effect. Then might you haue seen women wearing two rich successions at their eares, as Seneca faith; and the daughter of a Proconsull who did weare at one time in apparell and jiewels the value of three millions of crownes, the unequalitie of goods being then at the highest, after which time the Roman empire declined still vntill it was wholly ruine. By the antient custome of Marcellus it was not lawfull to give aboue a hundred crownes in marriage with a daughter, and fие crownes in appertell. And by the Statutes at Venice it is forbidden to give aboue 1600 ducats to a noble mans daughter: and if a Gentleman of Venice marry a citizens daughter, he may not take aboue two thousand ducats; not the females 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 give vnto a daughter in marriage aboue a thousand pounds starling, and yet the ordinance of king Charles the 5 doth give no more vnto the daughters of the house of France. And although that Elizabethe of France, daughter to Philip the faire were married vnto the king of England, yet had he but twelve hundred pounds starling to her dowtie. Some one will lay vn-
A to me, that it was very much, considering the scarce tice of gold and filuer in those daies: but the difference also is very great betwixt a thousand pounds, and four hundred thousand crownes. It is true that she was the goodlie Princesse of her age, and of the greatest house that was at that day. And if we will feele higher, we shall finde in the law of God that the marriage of a daughter at the moost was taxed but at fiftie sicles, which make fower pounds statling of our money, in which penaltie 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 lyike, for that the Commissioners deputed yearely to marie the maids gave the honestest and fairest to them that offred moost, and with that money they married them that were leffe esteemed (that none might be vnprovided for) with this caution to them that married the deformed, Neuer to put away their wyes, but in reftoring of their dowries: by the which they providd for the marriage of maides, the modellie of wyes, the dignitie of husbands, and the publike honestie whereon wife lawgivcers should have a speciall care, as Plato had. For to take from the daughters all means to prefer themselfes according to their qualities, were to give occasion of a greater inconuenience. And it seemes that the customes of Aniou and of Maine 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 vnprovided for, haung not means to advance themselfes 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 Moldavi, and in that of Vendoisme, (an antient dependance of the country of Aniou, before that it was crested to a Countie or a Duche) where as a yonger brother of the house of Aniou, haung taken his elder brother prisoner, made him to change the custome of Aniou in regard of the Chafteline of Vendoyme, the which he had but for terme of life. And although that in Brittanie by the decree of Conte Geoffrie in the yeare 1181 the eldest in gentlemens houses caried away all the succession, and maintained the yonger at his owne pleasures 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 obserued in the country of Caux, by a decree of the Parlament at Rouen, the daughters portions being deducted. I haue hitherto treated of subiects only, but we must also take heed leaff that straungers set footing within the realme, and purchase the goods of the natural subiects: and preventing all idle vagabonds which deluge themselfes like Egyptians, when as in truth they are very theenes, whom all Magistrates and Gouernours are commanded to expell out of the realme by a law made at the estates of Orleans, as it was in like manner decreed in Spayne by Ferdinamd in the yeare 1492 in these words, Que les Egyptiens con senores falgan del Reyno dentro setenta dias: That all the Egyptians with their women shall depart out of the realme within threescore daies. This swarme of caterpillers do multiply in the Pyrenees, the Alps, the mountains of Araby, and other hillie and barten places, and then come downe like wasps to eate the honie from the bees. Thus in my opinion I haue set downe briefly the fittest meanes to prevent the extreme pouertrie of the greatest part of the subiects, and the excessive wealth of a small number, leaving to discourse hereafter, if the lands appoin ted for the furnice of the waare may be dismembred or sold. Let vs now see if the goods of men condemned should be left vnto their heires.
Whether the goods of men condemned should be applied unto the common treasure, or to the Church; or else left unto the 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 lawfull heires, 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 whome the succession of their fathers belongs by the law of nature, and who by the law of God should not suffer for their fathers offences. By which confiscations not onely the lawes of God and nature seeme to be violated, but the children (who haply have bene bred vp in delights) are ofentimes reduced to such poverty and miserie, as they are thrust into depaire, and attempt any villanies, either to be revenged, or to fly from want which doth oppresse them. For we may not hope, that they which have bene bred vp as masters, will serve as slaves: and if they have not in former times learned any thing, they will not now begin, when they have no means. Besides the shame they haue either to beg, or to suffer the reproach of infaminie, doth force them to banish themselves, and to ioyne with theues & robbers: so as for one sometimes there goe twentie two or three worse than hee that had lost both life and goods: so as the punishment which serveth not onely for a revengement of the offence, but also to diminish the number of the wicked, and for the fastie 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 Justinian the emperor, received and practised in many countreys, 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. Contrariwise some may say, that this is a new law, and contrarie to all the antient lawes and ordinances of the wisest princes and lawgivers, who would have the goods of any one condemned, adjudged unto the publick, without some especiall cause to move them to the contrarie: be it for reparation of faults, which oftentimes is penitentary, and is to be paid to the Commonweale interessed, for els these should bee no means to punish by fines, the 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 villanies in the world to enrich their children, and many times they care not to lose their lives, yea to damne themselves, so as their children may be heires of their robberies and thefts. It is needlesst to prove this by examples, the which are infinit: I will onely produce one of Casius Licinias, 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, choking himselfe in view of the judges with a table napkin, to the end he might saue his goods for his children: Then Cicero (faith Valerius) would not pronounce the sentence. It was in the power of the accursed to saue 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 Sempronius they might not condene a bourgeoise 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 minus; 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 guilty of any crime, had killed himself through despair or grief, he was buried and his testament was of force, in the time of cettul Tiberius, pretium festinans, (faith Tacitus) that is to say, Murthurers in their persons had that advantage over others. But whether that he were condemned after his death, or that he died of grief, it appeareth plainly that many make no difficulty to damn 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 beggars.

Therefore the law saith, That the Commonweale hath a great interest, that the children of them that are condemned, should be poor and needy. Neither can we say, that the law of God or nature is therein broken, nor is the sinner punished for the father, for that the father's goods are not the children's; 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 despair, and to all kinds of wickedness: much more reason hath he to fear, that wicked children will abuse their fathers goods, to the ruin of good men and of the Commonweale: And therefore the law excludes the children of him that is condemned for high treason, from all successions direct and collateral, and leaves unto the daughthers (who have left power to revenge) a fourth part of their mothers goods. But there is a greater inconvenience if the goods of the condemned be left unto their heirs, then shall the accusers and informers have no rewards, and wickedness shall remain unpunished.

These be the inconveniences on either part, but to resolve of that which is most fit, is most necessarie that the true debts being either publicke or privat, and the charges of informations, should be deducted out of the goods of the condemned, if they have wherewithall: else there should be no punishment of the wicked. Yet this clause ought not to be annexed unto the sentence, and hath been reproved 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 necessary that fines & amercements should be lewd out of their goods that are condemned in any summe of money, provided always, that it be taken out of their movable goods, or out of that which they have purchas'd, and not out of those lands which come by succession, the which must be left unto the heire. And in capital crimes, that the mowables & lands purchased, should be forfeited and sold to them that would give most, for the charges of the processe, and the reward of informers; and the rest to be employed to publicke & charitable uses, the succession remaining to the lawful heirs: In so doing you shall prevent the extreme poverty of the children, the courtousness of slanderers, the tyranny of bad princes, the evasion of the wicked, and the impudicity of offences. For to forfeit those lands which are vested unto the house, were no reason, seeing it is not lawful to alienate them by testament, nor in many places to dispose therof in their life time: by the which should follow a great inequality of goods. And for this reason the goods and lands purchased must be sold, and not applied unto the church or publicke trust; lest that in the end all privat mens estates should come to the publicke, or to the church: for that it is not lawful to alienate those goods which are vested to the renewsers of the Commonweale, or to the church. Moreover informers and accusers must be rewarded, not with the possessions of the condemned (which might animat them to accuse good men wrongfully) but with some piece of mony: For the desire to have the house or inheritance of another man, the which they could not obtain for money, would
be a great occasion of false accusers to ruine the innocent. Yet must informers have
some reward, else the wicked shall continue their villanies with all impunity. And as
a good huntman will not ever fail to reward his dogges with the intrails of the beast, to
make them the more lively: so a wife law-giuer must reward them which seize upon
the wolves 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 confiscations from the publicke, to employ them as I have said, and especially in a
Monarchy. Yet there are many reasons, the which a wise and vertuous prince will
more excuse for his reputation, than all the goods in the world gotten by confiscations.
For if the publicke reuenewes be great, or the charges and impositions laid vpon
the subject sufficient, the confiscations ought not to be adjudged unto the treasurers, if
the Commonweale be poor, much lesse may you enrich it with confiscations. In so
doing you shall open a gate for false accusers to make merchandise of the blood of the
poore subjects, and for princes to become tyrants. So we see that the height of all ty-
ranyny hath bene in prostitutions and confiscation of the subiects goods. By this means
Tiberius the emperour made the way to a most eminell butchery, leaving to the value of
sixtie sixten millions of crownes gotten the most part by confiscations. And after him
his nepheues Caligula and Nero, polluted their hands with the blood of the best and
most 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 master Senece, but for his wealth. Neither
shall there be at any time false accusers wanting, knowing they shall never bee called in
question for their flunders, being supported by the prince, who reaps part of the pro-
fit. Pliny the younger speaking of those times, Wee have (faith hee) feeene the judging-
ments of informers, like unto theues and robbers: for there was no testament, nor any
mans estate affered. And therefore by the lawes, the kings procurator is encomyed to
name the informer, leaft the accusation in the end should prove flanderous: the which
is necessarie observed in Spaine, before that the kings procurator is admitted to accuse
any man, by an edict of Ferdinand, made in the yere 1492, in those times, Que ningun
fiscal pueda accusar a consue pero particular sin dar primermente delator. That no fiscal
or publicke officer may accuse any privat person before the Counsell, but hee shall
first give in the accusers name. If confiscations have bene always odious in euery
Commonweale, much more daungorous bee they in a Monarchy than in a Popular or
Arbitractall estate, where false accusers are not so easily received.

If any one will obiect, That we need not to feare these inconueniences in a Royall
estate, having to doe with good princes: I answere, that this right of confiscation is
one of the greatest means that euer was invented, to make a good prince a tyrant, espe-
cially if the prince be poor. For hee that hath no pretext to put his subject to death; if
he hopes to have his goods thereby, he will never want crime, accusers, not fatterers.
And oftentimes the wives of princes kindle this fire, & inflame their husbands to al cru-
elie, to enjoy the goods of them that are condemned. Abab king of Samaria could
not get Naboths vineyard, neither for price nor prayer, but queene Jezebel suborned two
false witnesses, to condemne the innocent as guilty 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 Cestus, beinge condemned for
treason, whose goods the emperour left vnto his children: as the kings of Persia were
woont to doe, even in caues of high treason, and hath bene often practised in this realm.
And by the lawes of Polonia, confiscation hath no place but in the highest degree of
treason: and oftentimes it is giuen vnto the kinsfolkes. But it is a hard matter to recover
the
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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 receiv'd, are never restored, although the judgement 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 soyle, who cannot pretend any thing 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 realm, as ever were in any Monarchie upon this earth, yet wee shall see that the teuenenes have beene more augmented by confiscations and forced gifts, than 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 meanes aforesaid, having caufed Peter of Druex to be condemned, he did confirme, and then vnto him his crown to the endome of Druex: as he did also vnto Thibaut king of Navarre and earle of Champagne, who was in the like danger, if he had not resigned Bray, Fortiune, and Monvreuil: and Raymond earle of Tholoule, the countrey of Languedoc. The countreys of Guienne, Anion, Maine, Touraine, and Anjou, are come vnto the crown by confiscations in the time of Philip Angylius. The duchie of Alencon, and the earldome of Perche, are also come by confiscations. In like case Perigor, Ponthieu, la Marche, Angouleme, l'Ile in Touraine, the marquisat of Salies, &c. all the goods of Charles of Bourbon, with many other privat Seigneuries, 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 giving the most portion of them which hold directly of him, vnto such as shal cleare well, the which he may do before they be incorporat vnto the crown: hee shall not appropriat vnto the publicke all the goods of privat men, as else he might do in time. And to prevent this inconveniencie, the king cannot recover those lands which hold directly of him, offering the price to them that bought them: for he might by purchase get all his subjec's lands.

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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 enrich'd his friends and partisans with the spoiles of his enemies. But there is as small reason to give them to the flatterers of princes, and to the house leaches of the court, as it is usual in all governed Monarchies, which opens a gap vnto false accusers, giving vnto the unworthy the rewards of the well deserving. Who doth not remember (although I giue to remember) the blood of innocent citizens shed for gaine under a colour of religion, to glut those hot-leaches of the court? Therefore to aoid these inconveniencies of either part, as much as may be, I see no better means than that which I have said, That deducting the charges of the suit, his just debts being publick or private, and the rewards of the accusers; the firstpugage of his inheritance should be left vnto the heirs, and that which was purchased to charitable vses: provided always that that which is given to the informers, or to the colleges in charitie, shall be only in money and not in lands, for the reasons that I have formerly giuen. As for charitable works, there neuter wants means to imploy it, either in divine things, or in publicke works, or else about the sickes or the poore. In old time at Rome amercements were adjudged to the treasure of Churches, to be imploied in sacrifices, and therefore they called amercements Sacramenta, as Sextus Pompeius faith: for which cause Titius Romanus refus'd the peoples bonnie, which had decreed that

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Informers must be reward'd with money, and not with lands.
they should restore unto him the fine in the which he had bene condemned, saying, That things consecrated unto God should 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 unto the Church, as we may see in the sentence given against Archiptoleme, Antiphon, and his conforts in Athence in the forme that followeth. The 16 day of Prystance, Demonicus Dalopere being Regifter, and Philostratus Captaine, at the pursuite of Andron touching Archiptolemus, Onomaches, and Antiphon, 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 Thespianthes 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 under the decree the sentence is set downe in this fort, Archiptolemus and Antiphon were condemned and delitered into the hands of eleven executioners of justice, their goods forfaited, and the tenth refereed unto the goddesse Minerva, and their houses razed: afterwards they did adiudge all unto the publike treafor, and yet the law did allow the Judges to dispose in their sentence as they should thinke the cause defcrved for publike or charitable vies, as we have a commendable custome in this realme. That which I have said of succesions should principallie take place, when as there is any question of lands holden in fee, for the prerogatius and qualitie of the fee, affected to the antient families for the seruice of the Commonweale. Wherin the Germans haue well proidced, for in all confiscations the next of kin are preferred before the publike treafurie when there is any question of land in feewhereby flatterers haue no means to accuse wrongly, nor Princes to put good men to death for their fees; which seemes to have been the reason that by the lawes of God the amercement was consecrated unto God, and given to the high Priests, if he that had offended were not in preience, or had no heires. And for that this Chapter concerneth rewards and punishments, order requires that we discourse of the one and the other.

CHAP. IIII.

Of reward and punishment.

This needfull to treate 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 Commonweale shall be always happy and flourishe, and contrariwise if the good be not rewarded and the bad punished according to their deserts, there is no hope that a Commonweale 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 libertie which is gien to the wicked to offend with all impunitie. It is not so necessarie to discourse of punishments, as of rewards, for that all lawes and booke 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 refraigne the wicked with the feare of punishment, than to encourage the good to venture with rewards. But for that punishments are odious of themselves,
A felues, and rewards fauvourable, therefore wise Princes have accustomed to referre punishments vnto the Magistrate, and to referre rewards vnto themselfes, to get the loue of the subiects, and to fite their hatred: for which cause Lawyers and Magistrates have treated ample of punishments, and but few have made any mention of rewards. And although the word merit is taken in the best fence, as Seneca faith, Alius iniuria quam meritus defensans, Injuries make a deeper impression than merits, yet we will vfe it differently and accoting vnto the vulgar phrase. Euyey reward is either honorable, or profitable, or both together, else it is no reward, speaking popularly and politike, 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 goodly paradox, and yet contrarie to the rules of police, which doe neuer balance profit with the counterpoife of honour: for the more profit rewards haue in them, the leffe honourable are they, and always the profit doth diminish the beautie and dignitie of the honour. And even those are most esteemed and honoured, wherein they employ their goods to maintain the honour. So as when we speake of rewards, we vnderstand triumphes, fittures, honourable charges, eftates, and offices, which are therefore called honors: for that many times the priuate eftates of famous men are vnderfefted thereby: the rest haue more profit than honour in them, as benefices, militiaie gifts, immunities of all or some charges, as of taxes, imposts, wardship, exemptions from the waft; and from ordinatie judges, letters of eftate, of freedome, of legitimation, of faires, of gentrie, of knighthoode, and fuch 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 defect, and a benefit vpon speciall fauour. And as Commonweales be diueres, fo the distribution of honours and rewards is verie different 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 giue to them that are ambitious. But in a Monarchie the prince is more jealous of honour than of profit, especially if he be a tyrant, who takes nothing more disdainfully, than to see his subiects honoured and respected; feaing leaft the sweet intisfing bait of honour, should make him alpette 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 icalous and envious of the honor that was done to God himself: and the emperor Domitian, who was the moft base and cowardly tyrant that eu'r was, yet could hee neuer endure that any honour should be done vnto them that had best defended, but hee put them to death. Sometimes princes in stead of recompencing of worthy men, they put them to death, banifh them, or condemne them to perpetuall prifon, for the safety of their eftates. So did Alexander the Great to Parmeno his confible, Inftitian to Bellarius, Edward the fourth to the earle of Warwick: and infinit others, who for the reward of their proueue have bene blaine, poifoned, or ill intreated by their princes. And for this cause, as Tacitus writes, the Germans did attribut all the honour of their goody expeties vnto their princes, to free themselves from enuie which follows vertue. And therefore we neuer fee Monarches, & much leffe tyrants, to grannt triumphes and honourable entries vnto his subiects, what victorie sooner they have gotten of the enemie. But contrariwise a diligent capitaine, in stead of a triumph at his returne from victorie, humbling him selfe before his prince, hee faith, Sir, your victorie is my glorie, although the prince were not present: for hee that commandes deferves the honour of the victorie, even in a Popular eftate: as it was adjudged betwixt the Consell Lucatus and Valerius his lieutenant, vpon a controuerfie they had for the triumph, the which

The honour of the soultiers victorie is due vnto the capitaine.

D A tyrant cannot endure to have the subiecte honousted.

The difference of giving rewards in a Popular estate and a Monarchy.

E But contrarywise: a diligent capitaine, in stead of a triumph at his returne from victorie, humbling himself before his prince, he saith, Sir, your victorie is my glory, although the prince were not present: for he that commandes deserves the honour of the victorie, even in a Popular estate: as it was adjudged betwixt the Consell Lucatus and Valerius his lieutenant, upon a controversy they had for the triumph, the which Valerius

Differences of rewards.

Differences of reward and benefit.

D Differences of rewards.

The difference of giving rewards in a Popular estate and a Monarchy.
Valerius pretended to be due unto him, for that the Confed 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 unto one of his gentlemen, and retired himself out of the fight, fearing to fall into his enemies hands: And for this cause he was called wise, remembering how preudicial his fathers captiuitie was unto France. The like we may lay of Popular eflates, that the generals victories belong unto the people vnder whose ensigns they have fought, but the honor of the triumph is given unto the Generall, the which is not observed in a Monarchy. Which is the chiefe, and it may be the onely occasion, why in Popular eflates 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 leaste much restrained from them that deserve it in a Monarchy, and is graunted in a lawfull Popular estate, 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 leaste 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 unto there were no people vnder heaven where it was solemnised with more state and pompe than at Rome: For he that triumphed, made his entrée more honourable than a king could doe in his realme, dragging the captive kings & commanders in chains after his chariot, hee sitting on high attired with a purple robe wrought with gold, and a crowne of bayes, accompanièd with his victorious armes, being braue 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 Capitol to doe sacrifice. Above all (faith Polybius) that which did most inflame the youth to aspire to honour, were the triumphall statues or images lively drawnne of his parents and predeceessors, to accompany him to the Capitol. And after he had done the solemn sacrifice, hee was conducied home to his house by the greatest noble men and captains. And those which died were publickly prayed for before the people, according vnto the merits of their forepaffed lives. And not onely the men, but also the women, as we read in Titus Livius, Matronis honor additus, at corum sicut vivorum solenmis laudato effet, There was honoure vnto matrons, that there might bee a solene commendation of them as of men. I know there are preachers which will say, That this desire of honour is vaine, which euerie good man should flie: but I hold that there is nothing more necessarie for youth (as Theophrastus said) the which doth enflame them with an honest ambition; who when as they see themselues commended, then do vertues spring and take deeper root in them. And Thomas Aquinas (faith, That a prince must bee nourished with the desire of true glorie, to give him the taste of vertue. We have no reason then to matuere, if no euer 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 obtain a statue of brasse, or to be entertained of the publicke charge, or to be the first, or of the
A first rank in places of honor, for himselfe & his house; the which Democedes required of the people for Demosthenes, after that he had made a repetition of his oracles, wherein there was no lesse profit than honor. But the Romans (to give them to understand that they must not eteeme honor by profit) had no crowne in greater estimation, than that of grasse or greene 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. Fabius Maximus, & Cæsarius with this title, Patrie senatorius. To the present of his country. Wherein the wisedome of the auncient Romans is greatly to be commended, having thereby banished courtousneffe and the desire of gainefull rewards; and planted the love of vertue in the subiects hearts, with the price of honour. And whereas other princes are greatly troubled to find money, to emtie their coffers, to sell their renouewes, to oppete their subiects, to forfeit some, and to spoile others, to recompence their flaues and flatteters (although that vertue cannot bee valued by any price) the Romans gave nothing but honours, for that the captains respected nothing lesse than profit; and even a private Roman soldiour refused a chaine of gold of Labienus lieutenant to Cæsar, for that he had hazarded his life couragiously against the enemy, saying, That he would not the reward of the courteous, but of the vertuous; the which is honour, that we must have alwayes before our eyes. But vertue must not follow, but goe before honour: as it was decreed by the auncient high Priests at Rome, when as Conful Marcus Marcellus had built a temple to Honor and Vertue; to the end the vows and sacrifices of the one should not be confounded with the other, they refouled to make a wall to divide the temple in two, but yet so, as they must passe thorrow the temple of Vertue, to enter into that of Honour. And to speake truely, the auncient Romans onely did vertue, and the true points of honour. For although the Senator Agrippa left not wherewithall to defray his funerall, nor the Conful Fabricius nor the Dictator Cincinnatus whetwhile to feed his 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 furnishted with worthy men, as in those days, neither were honours and dignities better distributed than in that age. But when as this precious reward of vertue was imparted to the vicious and vnworthy, it grew contemnible, so as every one scorned it, and held it dishonourable; as if happened of the gold rings which all the gentlemen of Rome neglected, seeing Flavius a libertine to Appius and a popular man, created Edile, or chief ouerseet of the victuals; the which they were not accustomed to give to any but gentlemen, although he had defetered 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 dueters other judges to judge Gabinius, and seeing that they pretended to abolish him, being corrupted with gifts, he retired himselfe before the people and brake the tables that were offered unto him. So did the chaste women in this realme, who cast away their girdles of gold, the which none might weare that had stained their honours, who notwithstanding did weare girdles, & then they said, Que bonne renommee valloit mieux que ciente dorse. That a good name was better than a golden girdle. For alwayes vertuous men have impatiently endured to bee equalled with the wicked in the reward of honour. Haue we not seene that the onely means that king Charles the seuenth found to make a number of vnworthy men, who had gotten the order of knights of the Starre, by women of favore, to leaue it, he decreed, That the atchers of the watch at Paris, shoulde weare a flat vpon their caslockes, which was the mark of Saint Owen: whereupon all the knights of this
this disorder left the state. As in like case the people of Athens disannulled the law of
Ostracism, by the which the best men were banished their country for three yeares,
when as Hyperbolus one of the worst and wickedest men of Athens had beene condem
ned by that law.

It is a dangerous and very pertinacious thing in every Commonweale, to grant ho
nours and rewards without any difference, or to sell them for money; although that
they which think 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 metal; for then the precious trea
sure of honour turnes to dishonour; and honour being once lost, then do they exceed
in all vice and wickednesse: the which shall never happen if the distribution of rewar
ds and punishments be ordered by a harmonically just, as wee will shew in the end of
this worke. If a Conful 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 pri\nat
soldiers also should have part of the arms & spoils. And in the bestowing of offices they
must also have a respect unto the qualitie of persons: to Gentlemen the offices of Con-
full, and Governments; 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 private fouldier
be so great that hee exceeds all others, it is reason that he have his part in the grea-
test 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 Conful, a Knight of
the Order, or a master of the horse, of a base fellow that had never caried arms, without
doubt he should blenmish the dignitie of rewards, and put the whole estate in danger of
ruine. In old time there was more difficultie to create a simple Knight, than is now to
make a General: they must have defetued well, and prepare themselves for it with
great solemnity. And even Kings children and Princes of the blood were not admit
ned to be Knights but with great ceremonies: as we may read 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 before the battle of Marignan caused himselfe to be dub
ned knight by Captaine Bayard, taking his sword from him. But since that cowards and
housefodes caried away this price of honor, true knights never esteemed it: so as
Charles the first at the siefe of Bourges made about five hundred knights baronets, &
many other knights, which had not power to raise a banner, as Montflelet saide. In like
sort that militarie girdle which the Roman Emperours did use to give as a reward of
honor to them that had defetued well of the Commonweale; as the collar of the or-
der, the which they tooke away in reproof, as Iulian the Emperour did from IuEinian
and other cristian Captaines; and the honor of a Patrician, the which the Emperours
of the East did esteeme as the highest point of honor and favour: in the beginning it
was not given but unto the greatest Princes and noble men. As we read that the Em-
peror Anastasius sent the order of a Patrician to king Clones 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 new 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 Iohan did institu
t the order of the Starre in the Castell of Saint Owen: and long after that Philip the se-
cond duke of Burgogne 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 Aonctido, and other Princes have done
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 feuenth article wils, That all personall quartels and distinction of Knights among themselves shall be decided by Judges of the order, the which is a boodie and Colledge, with a Chancellor, Treasurer, King at armes, Regifter, 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 haue 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 euery 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 duty of Knighthood, or against the statutes of the order: and in the 42 article it is decreed, That any Knights place being voyed, the Chapter shall proceed to a new election, and the Soueraigne 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 worthyfliest that they know, without respect to hatred, friendship, fauour, bloud, or any other occasion, which might diuert them from the right: which oath shall be made in the Soueraigne hands from the first vnto the last: and in the last article there is an expreffe claue, That neither the King nor his sucellors, nor 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 royal that euer was in any Commonweale, to draw, yea to force mens minds vnto 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 expressly 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 that ought to have bene dulie obserued: to avoid the inconveniences which we have scene by the infinite number of the order of Saint Michell, for the number is sufficient to receive them that shall deserve 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 foureteene 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 have their Seigneuries erected into Earledomes, Marquiftes, and
and Duchies, which number hath so increased in a short time, as the multitude hath bred contempt, so as Charls the ninth enacted by an Edict, That after that time all Duchies, Marquisats and Counties should be vntied vnto the Crowne, if the Dukes, Marquises and Earles dyed without heires males issued of their bodies, although the said Seigneuries had not in former times belonged vnto the Crowne: the which is a verie necessearie Edict to restraine the inflatible ambition of such as had not defetered these titles of honor, whereof the Prince should be jealous. As ordinarily 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 defetered; who will thinke himselfe 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, bannifying from his court those fellers of smoke, or punishing them as Alexander Seuerus did, who causd one to be tyed vnto a post, as Spartan faith, and smothered him with smoke, causing it to be proclaimed by the trumpet, So petish all such as fell smoke. He was favored by the Emperor, who as soone as he knew the name of any whom the Emperor meant to grace either with honor or office, he went vnto him, promising him his fauour, the which he sold at a high rate, and like a horseleech of the Court he suckt the blood of the subiects 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 steal away the favorites of his subiects, it is to be feared that in the end they will make themselves masters, as Ahfolon did, who shewing himselfe affable and courteous to all the subiects, abusing the charges of honor, offices, and benefices, giving them vnder the fauour of the King his father to whom he pleased, he stole from him (by the scripture) his subiects hearts, and expelld him from his royall throne. We read also of Otho, who having received 2500 crownes for a dispensation which the Emperor Gallia gave at his request, he gave them among the Captains of the guards, the which was a chiefse means for him to vftp the State, after that he had causd Gallia to be flaine. This gift was like vnto the Eagle which the Emperor Iulian carried in his Standard, the which pulled off her owne feathers, whereof they made arrows to fhou at her. For the same occasion the last kings issu'd from Merouc and Charlemagne were expell'd from their elites by the Maiors of the palace, who gave all offices and benefices to whom they pleas'd without the kings pruitie or consent; and therefore Loup Abbot of Ferriettes did write vnto Charles the 3 king of France, aditing him to have a special care that his flattetters and courtiers did not steal from him the thanks of his liberallitie. Some will say, that it is impossible for a Prince to refute his mother, brethren, children, and friends: I must confesse it is a hard matter to avoid it, yet I have seene a King who being importuned by his brother for another, said vnto him in the presence of the factor, Brother, at this time I will do nothing for your sake, but for the loute of this man who hath defetered well, to whom he graconfly granted what his brother had demanded. But if the Prince will holie yield himselfe to the appetite of his followers, we may well say that he is but a cipher, which gives all power vnto others, & refures nothing to himselfe: he must therefore know which are good and vertuous men, and that have well defetered. And last the Prince should be forced to denie many importunate beggers, he must make choice of wise and faithfull masters of requests, to receive every mans petition, who may diffuse such as demand anything that is vnust or against the good of the State, or at the least they must 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,
A Prince, who they will think 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 master of requests will not presume to propose a thing that is yniust; for Princes never want flatterers and impudent beggars, which have no other end but to drink the blood, eat the bones, & suck the marrow both of Prince and subject: and those which have best deferred 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 pate: and many times without all hope. And if their petitions be once rejectted, they will not make a second attempt, no more then Calliomedon a Lacedemonian Captain (one of the most virtuous of his age) who was mock'd of the Courtiers of yong Cyrus, for that he had not the patience to count it long: and contrariwise Lifander a flatteringcourier, if ever any were, obtained whatsoever he demanded.

A modest and bashfull man is amazed in this case, where as the impudent prevail, 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 leaft bind them that giues, than him that receiveth: and contrariwise thanks and the acknowledging of a benefit is troublesome to an ingratefull person, and reuenge is sweeter, wheras Tacitus gies the reason, saying, Promotes ad vindiciae tuam fumus quam ad gratiam, quia gravis oneri, ut in quietu 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 anything but words, yet the leaft promise that is made unto them they hold as a firme bond. There is yet another point which hindereth and cuts off the rewards of good men, which is, that if a wise Prince bestowes any office, privilidge, or gift to whom soever, before he can enjoy it, he must giue the one half in rewards: and oftentimes their promises are sold for deere, as they came away little or nothing at all, the which is an incurable disease but by severet 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 prevent it is for the Prince to cause the gift to be brought and deliuerted, and if it were possible to be present thereat himself, 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 curtall'd for the most part. The like cenuiture is to be made of praife or commendations, which the Prince deliuers with his owne mouth to him that hath deliuerted it, which hath more effect then all the wealth that he can giue him: and a reproch or blame is as a flabe 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 shall fet to sale dignities, honors, offices, and benefices, the which is the most dangerous and petritions 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 haue vfed the faund 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 haue vnderstood by M. Kendall the english Ambassadour; the which was also stricly decreed by an edict of Ferdinand, great Grandfather by the mothers side to Philip, made in the yeare 1492 where as the

Why good and vertuous men want rewards.

Why we are more prone to reuenge than to require.

Punishments & rewards, the two supports of a Commonweale.

The isle of offi-

ces and benefices most dangerous in a Common-

weale.
forme of choosing of offices of justice is let downe: Que se puedan vender, ny trocar.

officios de Alcaldia, ny Alguazil, go regime, ny yeuente quatre, ny fuec executoria, ny iuradinga. It is not needfull to let downe the inconueniencies & miftakes 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 petiwhade them that this traffike is good, then where as the richest men hold the Soueraignetie. it is the onely meanes to exclude the poorest fowt from offices, who in a popular estate will have their parts without paying any money, and yet hardly shall they obtaine these prohibitions, when as the common people shall reap some benefit by choosing of ambitious men. As for a Monarkie, pouertrie sometimes forcesthem to breake good lawes to supple his wants, but after they haue once made a breach, it is impossible to repaire it. It was forbidden by the law Petilia to go to fayers and assemblies, to sue for the peoples favour & voyces. By the law Papitia no man might weare a white gowne. The law Calpurnia declared him incapable for euer to beare any office that had been condemned of ambition, vnlesse he had accused and convicted another, and he that had caufed his competitor to be condemned of ambition, he obtained his office; afterwards punishment was made greater by the law Tullia, publisht at the request of Cicerone, whereby it was decreed that a Senator condemned of ambition should be banihede for ten yares, but it was not obierced by the rich, who sent their broakers into the assemblie of the States with great forimes of money to corrupt the people, so as Cesar fearing to have one ioyned with him in the Consulship that might croffe his designes, he offered his friend Luceius as much money as was needfull to purchase the peoples voyces; whereof the Senat being aduetisht, they appointed a great forome of money for his competitor Marcus Bibulus to buy the peoples suffrages, as Suetonius doth testifie. This was upon the declining of the popular estate, the which was ouerthrowne by these meanes; for undoubtedly they which make sale of eftates, offices, and benefices, they sell the most facted thing in the world which is Justice, they sell the Commonweale, they sell the blood of the subiects, they sell the lawes, and taking away all the rewards of honor, vertue, learning, piety, and religion, they open the gate to thefts, corruption, couetousnes, injustice, arroganctie, impierie, and to be shott, to all vice and villainy. Neither must the Prince excuse himselle by his pouertrie, for there is no available excuse, or that hath any colour to secke the ruine of an eftate, vnder a pretence of pouertrie. And it is a ridiculous thing for a Prince to pretend pouertrie, 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 Emperor Helogabalus that monifor of naure, and yet Alexander Seuerus his Successor, one of the wealest and most vertuous Princesse that euer was would never induce the fale of offices, being in the open Senat, Non patiar mercatores potestatum, I will not induce these merchants, or buyers of dignifies: and yet this good Emperour did to abate the taxes and imposts, as he that paid one and thirtie crownes vnder Helogabalus, paied but one crowne vnder Alexander, resoluting, if he had liued, to take but the third part of it, but he raigned but fouereene yares after that he had freed his predecessors debts, and defeated the Parthians and the people of the north, leaving to his successor an Empire florishing in armes and lawes. But his court was wily upheld, extreeme prodigaliuies were cut off, rewards were equallie distributed, & the theues of the publike treaure were feretely punished. He was called Seuerus, by reason of his pouertrie. He hated flatterers as a plague to all Princes, neither durft the horfeleeches of the court come neere him. He was very wise in all things, but especially in the discovering of mens humors, and of a great judgement in decerning of every mans mettis; being ruerent with a serene kind
A of maieftie. We have 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 accessibe, the flatterers and hottelechees of the court came not meere him, so as the treasoure 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 receiued: and his realnie full of learned men, great Captaines, good Architects, and all forts of handicrafts, and the frontieres 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 encounters with great and mightie enemies, and had beene taken prisoner and paiied his ransome, ye which did he build Ciuities, Townes, Castles, and stately Pallaces: but the facultie and too great bountie of his successor Henry the second brought the estate indebted within little more than twelve yeres after, fourteene millions three hundred fortie eight thousand three hundred ninetie three pounds eightene flullings starling (as I learned out of the accounts) and the countries of Sauoy and Piedmont, with all that which they had conquered in thirtie yeres before, lost, and the reft much ingaged. I omit to speake how much France was faide from her antient dignitie and beautie, how worthie men were kept from their degrees, vertuous men troden vnnet foothe, and the learned con demeaned; and all these misfitie came vpon the realm, for that he did prodigallie gie dignities, offices, benefices, and the treasoure 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 Magiftrate, as it is expedient, and refere rewards vnto himselfe, gieing by little and little according to every ones merit, that the thanks may be the more durable; and command punishmentes to be done as an infaunt, to the end they may be the leffe grieuous to them that suffer them, and the feare deeper grauen in the harts of others, terrifying them from their wicked and disordered lives. These lawes of punishmentes and rewards being dulie obserued in a Commonweale, vertue shall be alwaies honesble rewardes, the wicked shall be banithed, publike debts shall be paiied, and the State shall flourishe with all abundancie. But for that the frauds of courtiers are so many, and such infinite defies to rob the treasurie, as the wiseft Princes may be circumrected, a law was made by Philip of Valois, and verified in the court of Parliament, and chamber of accounts, whereby it was enacted, That all gifts given by the king shoule void, if his letters patents did not containe whatsoever had beene gien to him or to any off his predecessors in former times by the Princes bountie: which law although it were most profitable, yet was it abrogated two yeres after by their meanes that were interested, finding how much it did prejudice them, so as it was enacted that it shoule bee sufficient to haue the derogatory annexed to their patents, as I haue seene in the ancient regifters of the court: but that also was taken away, least any remembrance of benefices shoule hinder the Princes bountie.

There was another law made by Charles the 8th, whereby all gifts aboue ten pounds starling should be enrolled: but since they haue vied so much fraud, as one in this realm was so ashamed to bragge in a great assembly, That he had gotten (besides his officers) five thousand pounds starling a yeare of good rent, and yet there was not any one gift made vnto him to be found in all the regifters 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 treasoure is exhausted after so strange a manner, as hee that hath most received, makes a shew to haue had nothing. For to give so much to one man, although he defere well, doth not onely waie the treasoure of the Commonweale, but also stirre vp the discontented to seditions and rebellions. And one of the best meanes to preserve
an estate in her greatnesse, is to bestow gifts and rewards on many, to continue courteous one in his dutie, and that they may balance one another. Also an aduised prince must give sparingly to the importunat, and offer to them that beg not, as they bee of good deffert, for some can never ask, nor yet take it when it is offered them. As Antimenes 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 Dionisius the elder, lord of Siracusa, behaued him following wisely. For to vs (said Aristippus) which demand much he gives little, and to Plato who craves nothing, he gives too much. This was a false kind of giving, retaining both the money and the thanks. Yet princes have many other means to grace and reward a subiect, than with money, the which is leefe effectued 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 gives it, than to him that receiveth it. Charles the first, emperor, being come into Spaine, to require the well deservynge of the duke of Calabria (who had refuded the crown, and kingdom of Spaine, which was offered unto him by the estate) being then a prisoner, he freed him out of prison, and married him to one of the richest princes that was then living, widow to king Ferdinand: with the which deed the people received great content, the duke great honour, wealth, and libertie, and the emperour the loue of the duke, the loue of the people, and the affluence of his estate, without any charge: And moreouer by this meanes hee kept the widow from marrying with any fotten prince; giving 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 respect, That his bountie and rewards be giuen with a chearfull heart: for some are so vnpleasing, as they never giue any thing without reprooch, 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 aduertisinge either the one or the other: the which is no benefit, but an injurie. This is to cast the golden apple among subiects to ruine them. And oftentimes we see them consumed with suits, and murder one another with the sword: whereby the prince shall not onely lose the fruits of his bountie, but the loue of his subiects, and reape for thankes eternall hatred. The which is a groffe error in maters of estate, and yet vitall among princes; not so much through forgetfulness of that which is past, but ofte purpose, being falsely instructed from their youth, That they must be libellall and refuile no man, thereby to win the hearts of all men: and yet the end is quite contrarie to that which they haue propounded, giving one thing to many. And to refuse no man, is not to be libellall nor wife, but prodigall and indifferet.

I would not onely have the prince libellall, but bountiffull, as he proue 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 liberalitie command, That he should obtayne 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 souveraigne prince must withall rememember, that rewards must goe before giues, and that he must first recompence them that haue well desperu'd, before he giue to such as haue nothing desperu'd: and above all, let him meare his bountie according to his abilitie. The Romans to releue the pouertrie of Horatius Coclles (who alone had withstood the enemies armie, and fauad the citie from sinking, and the citizens from ruine) they gave him an acre of land, or little more; the which was much at that time, having but two leagues compass about the citie. But Alexander the Great gauue kingdoms and empires, and thousands of talents; if he had done otherwise it had beene against his maiesty.
A. Ittie and greatnesse. Alphonfis the Kif, king of Castile, gave the kingdome of Portugal to Henrie of Boulogne of the house of Loraine, from whom are issued the kings of Portugal for these five hundred and fittie yereas: it was for a reward of his vertue, marrying him to his bafmaid daughter. But yet was he blamed to have given away so goody an estate, his owne not being at that time much greater. In like sort were many to lay, 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 memoriable victorie obtained by the three Horatius against the Curatius. But Solons lawe, which would have had their children which had beene slaine in the wares for their countrey, mainained by the publike, could not continue, although it were practised throughout all Greece, as we read in Aristotile, for it did quite waste and confume their treasure.

B. If any one suppose that the bountie and greatnesse of a prince shall not appear, if he give to none but to such as shall desire; I will yeeld unto him, I know that bountie & magnificence is well befitting a great prince: neither must we 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: else if the prince shall raise an unworthie person above good men, or equal him in rank with great personages, in doing good to the one hee shall wrong all the rest. That worthy saying of Chilo is extant, one demanding of him what God did, He calles downe the proud (answer'd he) from above, and taileth the poore and dejecteth to the highest degree of honour. A good prince should imitat God, advancing the poore and vertuous to honour and riches. But when as the college of Cardinals did admonish Pope Iulius the third, haveing created P. M. du Mont Cardinal, being a young boy whom he loved, saying, That it was a great dishonour to blemish so honourable an ordre with so base a man, having neither vertue in him, nor learning, neither nobilitie nor goods, nor any markes which might merit (as they said) to apporach to such a degree: But the pope (who was very pleasaunt) turning unto the cardinals, What vertue, (faith he) what nobilitie, what learning, what honor, did you finde in me, to make me pope? Is it most certaine, that a vicious 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: wherewith his subjects and guard being incensed, they flie that monftr of mankind, with his mother, and threw them into the common priques. But without any further search, we have scene the proofe before our eyes, how disdainfully it hath bene taken to see the dues rewards of good subjectes, and vertuous men, given to the vicious, to strangers, and to the unworthy, the which hath put the goodliest realme of Europe in combustion. For wee finde, that the gifts in the yere 1572 amounted to 270000 pounds flarterling: and the yere following to 204400 pounds: and in the yere 1574 there was given 547000 pounds: and in the first moneths following they gave 95500 pounds flarterling, besides pensions, which were not lesse than twenty thousand pounds flarterling: and the greatlest part of this treasire grew by the sale of offices, & by confiscations, which was the caufe of all our mifieries: and yet by the law of France, England, and Spaine, such buyers should be held infamous: which lawes should be reuned, and that commendable custome which was practised under Severus maintained, who caufed his name to be fet vp in all publike places, whom hee meant to preferre to any government, giving leave to all men to accuse him, yet with the paine of death to him that did it falsely, laying, That it was great shame to bee left carefull of the life and conueration of a governour, than the Christians were of the qualities of their bishops and ministrers, whom they examined with all rigour before they were admitted. The which is much more expedient than the manner of examin...
nation which the Venetians, Genouois, Luquois, and Florentines, do vfe, after that the officer hath left his charge. For a bad and corrupt magiftrate grown rich with thefts, will not flicke to corrupt a judge, to faue both his life and his goods corruptly gotten.

It is better therefore to prevent a difeafe, than to labour to cure it, and better late than never, that the fear is of this fearch might keepe officers within the bounds of their duty. But yet Solons law was farre better, by the which the life of the officer was examin

ed both before his admittance to the office, and after he had left it: as we read in the pleadings of Demoſthenes.

Having then examined the life and manners of fuch as aspire to dignities, offices, benefices, knight-hoods, exemptions, immunities, gifts and rewards. If their lives be polluted and wicked, they are not onely to be reieeted, but alfo to bee punifhed. And rewards are to be distributed to good men, according to cuerie mans merit: and by an harmoniaical proportion you must give the purfe to the moft loyall, armes to the moft valiant, juftice to the moft iuft, the cenfire to the moft vpright, labour to the ftongest, the gouernment to the wifteft, the priesthood to the deoutef: yet hauing reffpect to the nobilitie, riches, age, and power of cuerie one, and to the quality of the charges and offices. For it were a ridiculous thing to feeke a judge that were a w CFR", ...

whether it bee more convenient to trayne vp the subjectis 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 reolue, for the inconueniences that may rife 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 Arifotle finply, and to maintaine that a citie ought to be well fortifie, well situated for the fending forth of an armie, and of hard acceffe for the enemy, were not to decide the difficulties which might be obieeted, whether it should have place in a Monarchie, as well as in a Popular eftate, or in a tyranie as in a monarckie; feeing that we have shewned before that Commonweals contrarie one vnto another, or at the leaff very different, muft be governed by contrarie or very different maximes. Besides, for the well training the subjectis vp in armes, there is nothing more contrarie than to fortifie their towne, for that the fortification of them make the inhabitants effeminare and cowards: as Cleomenes king of Lacedemonia doth witnes, who feeing the strong fortifications of a towne, hecrued out, O goodly retret for women. And for this caufe Licurtas the lawgiver would never allow the city of Sparte to be fortifie, fearing lest the subjectis relying on the strength of their walls should grow fainthearted, knowing well that there was no fuch fortifie as of men, who will alwaies fight for their goods, lives, and honors, for their wives, children, and country, fo long as they have no hope in flight, or of any retreat to fave themfelues. These two things then are contrarie, to haue valiant citizens, and fortifie cities: for valiant and warlike men haue no need of castles, and those which dwell in strong places defire no ware. So we fee the Tartarians in Scythia, and the Ethiopians and Arabians in Affrike, which are held to bee moft warlike: and yet they haue no forts but tents, and some villages without wall or ditch. And even the great Negus of

Preffe-Ian
Prefe-Ian, which is the greatest lord in all Affrike, having (as they say) sixtie kings vn-
der him that doe him homage, hath no forts nor caffles, but his tems, but that fort only which is built vpon the top of the mountaine Anga, whereas all the princes of the
blood are kept with a sure guard, leaft they shoulde draw the subiects from the obedience of their prince by fudicious factions. Yet there is no prince vnder heauen more reuerenced and respected of his subiects, nor more redoubted of his enemies, than in Tarri
taria, and Ethiopia. Forts are held fuidieke 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 towne. It is well knowne, that after the battell of Arbella in Chaldeea, whet-
as Darius the laft 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, although there were an infinite number, and the conqueror had but thirtie thousand men. After that Paulus Emilius had vanquished Persia king of Macedon in battell, there was not any one towne that made resistance, but all the whole kingdome yielded in a moment. After the battell of Pharsalia, who forsooke not Pompey: all the townees and strong places of the East, which before were shut against Cesar', did now open their gates vnto him without any difficultie. And without any further search, it is well knowne, that after the victorie which king Lewis the twelth obtained against the Venetians, he was preently maister of the towne. As in like case after the battell of Ma-
rignan, all Lombardie, and even the castell of Milan, yelded vnto king Francis; and vpon his taking prisioner at Pavia, he lost all on the other side of the Alpes.

But there is a more necessarie reason against the fortifying of places, it is to bee fea-
ted, that an enemy entering the stronger, and taking those strong places, hee will hold them, and by that means the whole countrey: whereas otherwise having once spo-
yled it, he shall be forced to leave it. For this reason John Maria de la Rouere duke of
Vrbin, rafed all the forts of his countrey, and retired himselfe to Venice, finding his forces too weake to encounter the enemy; afluming him that the duke of Valentinus 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 feudatories to the church, were either taken or flaine in
their places of strength. And for the same caufe the Geneuois, after the battell of Pavia
being revengeed from the king of Franice, begett their fort called the Lanterne, and then rased it. As also the Milanois did the castle Iof, the which was built before the
forces were lords of Milan, to the end that forteine princes should bring them no more in subjection by means of their fort. So the auntent Siracussians did Acra
dina, and the Romans the cities of Corinth, Carthage, and Numance, the which they had neuer rased, if the fort of Acrocorinth and other places, strong by nature and caffe to
be fortified, had not forced them vnto it, leaft the inhabitants should make vfe of them, as Philip the younger, king of Macedonie had done, who called the cities of Corinth, Chalci
de, and Demetrias, the shackles and fetters of Greece. Which forts Titus Flami-
ninus rased to the ground, to free them from the seruitude of the Macedonians, and to take away all fear of tyrants. The which is another strong reason to take all occasion from princes to tyrannise over their subiects, as those doe which assure themselves by Ci
dades, which the people called Tyrants nestes; and tyrants teemed them a socour
for villains, in contempt and scorn of the poore subiects; as Griflerus lieutenant to the emperor in Swifteeland did, who built a fort in the vallic of Vri, and calling it Zweng Vri, that is to say, the yoake of Vri, which was the first occasion that mouted the
Cantons of the Swifters to revolt, as we read in their histories. And Salomon was the
first
first that made a Citadell in Ierusalem, beginning even then to in-treat his subiects ill,  
exacting new tributes of them, giving occasion to his successeurs to continue them; and  
for the ten tribes to revolt, and to chuse themselfes a king: for commonly Citadels  
breed a jealousy and distrust between the prince and his subiects, the which is the nurce  
of all hatred, fear, and rebellion. And even as castles and Citadels give bad princes oc-  
casion to affliet their subiects, so towns well walled and fortified, do oftentimes cause  
subiects to rebell against their princes and lords; as I have shewed elsewhere. And there-  ore the kings of England never suffer their subiects to fortifie their houses, the which is  
more strictly obsetued in Molcouver, to avoid the rebellion of subiects, who are easi-  
ly moved thereunto,rusting in their walls. And the inhabitants of Telefis in the  
realm of Thunis, relieved so much in the strength of their citie walls, as commonly they  
blew their gournotours, not able to endure any command: so as the king of Thunis  
going thither with a mightie armie, he demanded of them, Who liued? they an-  
swered him, The red wall: but having forced the town, he razed it, and put all the in-  
habitants to the sword: as Hannibal did at Saguntum, Sylla at Athens, the emperor Se-  
cerus at Bantinum, Dagobert at Poitiers, Rabuchodonosor and Vepsian to the citie of  
Ierusalem, all which were revolted for the trust they had in their forts, eating even their  
children through the tediousness of sieges, and in the end have bene razed, and the in-  
habitants rooted out: the which would have easilly compounded, if the confidence  
doctrine of their strong places had not abused them. For commonly wee fee, that weake  
towns and ill fortified, doe loose compound and fend away the enemy, for some  
peace of money, without any infamie or dishonour: as it hath bene seene by the citie of  
Paris, the which was never taken since that Cesar forced it, the which had bene long  
since razed, if it had bene fortified, having bene so often threatened by the enemy: but  
still they have preserved themselfes by treaties and compositions, the which they had  
done not being well fortified, either for fear of reproch and dishonour which follow  
them, which treat with an enemy when they may refit; or for the obstinacie of the in-  
habitants, or the heads of a faction, who had rather die, than yeeld unto an enemy, ha-  
ving 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  
refit the cannon, and much lesse famine: For if the besieged be few in number, they shal  
bbe sooner wearie and tirit: if there be many, they shall be the sooner starv'd.  

If then forts and citadels make a bad prince to tyrannize, an enemy to eize upon  
the country, subiects to be cowards towards an enemy, rebels to their prince, and fe-  
dious among themselfes? we cannot say they be profitable, or necessarie; but contrari-  
wise hurtfull and pernicious to a Commonweale.  

As for the other question, Whether we should traine the subiects vp in armes, and  
take warre rather than peace: It seemes we should not call that in doubt: for we must  
esteem that Commonweale most happie, whereas the king is obedient to the lawes  
of God and nature, the magistrats vnto the king, priuet men to the Magistrats, the chil-  
ren to the parents, the subiects to the magistrates, & the subiects united together in love,  
and all joyntly with their prince to enjoy the sweetneffe of peace and true tranquilitie  
of mind. But warre is contrary to this which I have saide, and fouldiers are fwarne  
emies to this kind of life. It is impossible for a Commonweale to flouth in religi-  
on, justice, charitie, integritie of life, and in all the liberall sciences and mechanike arts,  
if the citizens enjoy not a firme and an aulfred peace. And who is more enemie to a  
peaceable man, than a furious fouldier? to a mild countrey man, than a bloody  
warrior? to a philosopher, than a capaine? to the wife, than foole? For the greatest  
delight that fouldiers take, is to forrage and spoyle the country, rob the peasan, burne  
villages,
O F A COMMONWEALE.

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, profane holy things, raze 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 fools, 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, field, cart, 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 vince flies, which cannot hold themselves upon a smooth polished glass, but upon rough places. And those which seek war to enrich themselves with their neighbours (poles), shall be in continual torment, leading a miserable life, for desire hath no bounds, although in how they seem to be contented with the desire of a kingdom: even like unto a flate, who desires only to be freed of his bands; being vnbond, he affects his libertie; and being feke, he demands to bee made a citizen; after that he desires to be a magistrate; and being come to highest place of magistracie, 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 assured rest, and a peace without enemies, without warre, and without enemie. For the bounds of a well ordered Commonweale are not limited by the word, as Ageslaus boasted, but by justice, as Pompey said to the king of the Parthians, when he would have the ruler of Euphrates to distinguish the bounds of the Roman and Parthian empires.

This have I briefly objected against the fortifying of cities, & militarie discipline: but many things may be said on the contrarie part. That towns without walls lie open to the poyle of theeues and robbers, and the lines and liberties of the citizens, to the mercie of their enemies. Moreover a townes without walles seemes to be a bait to in- tice any one that would invade it, who else would have no designe; and lesse power, if it were well fortified: like vnto men that travell vnarmed, they encourage theeeus to kill them, to have their spoiles. For it is manifest, that the facke of cities is a bait for soldiers, and he will willingly be an enemy to them that are weak, that durst not look of them being armed. Besides, the first, and in a manner the onely occasion to gather men together into one societie and communallie, was for the tuition of every one in particular, and of all in general; and of their wives, children, goods, and possessions; the which cannot be in saftie 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 alwaies more women than men, besides children, old men, sick men, and impotent, who can have no recourse but vnto walles.

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 afront the enemy, nay rather, it should be necessarie to command euery man to fight naked, as Iphidas 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 labouring to enter into their citie, he stript himselfe naked, and with a perruifan in one hand, and a sword in the o-
that he chargeth the enemy desperately, whereas he did valiant exploits: for the which the feigneurie gave him a towerne, but he was condemned in a fine, having so rashly abandoned his life unto the enemy, being unarmed. In like fort shoulde 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 mercie of their enemies, hauing no walls, the which without doubt had then fallen into the Thebans power if they had not been fortiﬁed with ditches and ramparts. If a rampart did then save for the salvation of the citizens, who doth but walls will be more proﬁtable? and if walls make the citizens cowards, mutinous, and rebels, why did they not ﬁll vp the ditches of Lacedemon? But the euent doth shew which of the two is most proﬁtable, for Cleomines king of Sparta hauing loft the battle of Selatia, hauing 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 resistaunce. And if walls make men cowards, Lysander hauing taken Athens, would not haue razed the wall, the which Themistocles and Pericles had cause to be built 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 country if there be no walled townes, I yeeld unto it: but who shall keepe him from the spoile of cities, from burning of houfes, from murtheting of men, raifhing of women, and leading children into captuities, according to the antient wauners, that is, of the stronger? all histories are full of these calamities. There is alfo, in small reason to thinke that weake townes and without walls will compound with the enemy, and not stand out: whereas as contrariwise an enemy that shall see the entrie caufes, will neuer allow of any reaſonable composition, which otherwise he would doe, ﬁnding a diﬃculty to besiege and to force a town well fortiﬁed. Moreover who sees not but a small fort doth oftentimes play a great and mightie armie, whereof we have too many examples: and many times those which do besiege are besieged with cold, hunger, and diﬀeaces, and for one they within, there are a hundred slaine without. Contantinople did induce the Turks siege euen yeares, untill they were reliev’d by Tamberlan emperor of the Tartars, who deiatet Basazet king of the Turks with all his armie. Even so the king af Fez induced a siege euen yeares in the towne of Faразza against the king of Marocco, whose armie in the end was confum’d with the plague in the yeare 1412. And the towne of Meena in Affrike held out also euen 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 zet ﬁsh the armie of the emperor Charles the ﬁft, and was a bucketer unto all France, which had been in great danger if the emperor 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 diﬀeaces. The citie of Tyrre held out great Alexander euen 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 faintharted and cowards, why did the Romans fortiﬁe their city, being the most valiant people that euer were? And it was available for them to have good walls, when as Marcus Coriolanus, the Tarquins, Hannicall, and others did besiege them, and burnt euen unto their gates. And even when as the Gaules had forced and whole burnt the citie, their estate had been utterly ruined if they had not retired into the Capitol. The like had happened unto the Pope and Cardinals after that the armie of Charles of Bourbon had attackt Rome, if they had not fled into the castell S.Ange, where they were besieged as long as the antient Romans were in the Capitol. And euer man knowes that countries without forts are presently conqueered vnpon the ﬁrst battle that is woon within the counttrie, as we reade of England, which
which the Saxons conquered from the antique Britains, who were expelled, and their enemies took it possession. After the Saxons the Danes entered, 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 it possession thereof. And during the quarts between the houses of Lancaster and York, the realme was lost and recovered thrice in fixe moneths: as if Henry the first, Edward the fourth, and the count of Warwick had placed at base; and although that Edward in the end enioyed the realme, yet soone after his death his brother Richard duke of Gloucester (hauling made himselfe king by the murder of his nephues) was defeated and slaine by the count of Richmond, who had bin banished into France, from whence he brought some small ayde 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 amtie of 25 foot broad, and most commonlie with pallisades; neither did they ever gine bataile but they left a garrison within their camp to make good the retreat if their enemies were the stronger, the which hath releaseth them in great losse, as Paulus Arnillius did widely discouer into the amtie before that he gane bataile into the king of Macedon, saying, Maiors nostri castra munere portum ad omnes causas exercitus ducant esse, onde ad pagam exirent, quod taliis pagina receptum haberent & qui castra exstant erat, eumque nusquam uter viscisset, pro vicis habebatur: Our elders held a camp well fortified, a safe retreat for all events, from which they went forth to sight, and retir'd if they were beaten, and he that had lost his camp, although he had overcome in fighting, yet was he held as vanquished. The experience of many ages, and of the antique Commonweales of the Persians, Egyptians, Greeks, Latins, Gauls, and other nations, which have alwaies fortified and vaitailed their townes, ports and places that were fit to be fortified, to afford and defend their friends, and to encounter and refit their enemies, giues vs to vnderstand, that it is necessarie to vse it; and even the Tartars within these hundred yeares build and fortifie their places: for how valiant (fouer a nation be; yet can they not long refit nor vanquish him which is much more stronger. These reasons shall sete to proue that it is necessarie to fortifie towes. We will in like maner hold, that the citizens must be instru'd in martiale 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 needful to accustome the subiects to armes not only defensive, but also offensive, to protect the good, and offend the wicked. I call all those theues and wick'd which make warre vnjustly, and take away other mans goods wrongfully, and even as wee ought to punish and take teuenge on subiects that bee theues and robbers, so must we of strangers what royal title souer they carrie, this is grounded upon the law of God and nature. Neither is it true that Tully writ, That no warre was iust but for the recouerie of ones owne; or, that was deni'd before vnto the enemies for the pronouncing of warre makes it not iust, but the cause must be necessarie: there can be none then more iust than to defend the lives of innocents. There are other private confederations besides these: for the best nices to maintaine an estate, and to preserve it from rebellions, seditions, and ciuill waures, and to entertaine them in lowe, is to have an enemy against whom they may oppose themselves. This appears by the example of all Commonweales, and namely of the Romans, who neuer could find a more safe and sure remedie against ciuill wares, than to affront the subiects with an enemy; for being on a time at warre among themselves, the enemy entered the towne, and seazed vp on the Capitol, but suddenly they were reconuenc'd, and expell'd him; a while after the Vciantes seeing them returne to ciuill wares, they began to wait and spoyle the Roman territories, but the Romans were soone agreed, discharging
their choller upon them, so as they never ceased vntill they had razed their citie, and made the inhabitants subject. And about the same time the princes and people of Tuscane hauing conspired against the Roman state, sought to nourish seditions and diuisions among them, saying, That their power was invincible, and would always grow, if it were not made weak by ciuill warres, the which is the only poftion to make Empires and States mortall, which else would be immortall. In like case the people of Spaine being rousled from the emperour Charles the fift, forcing in a manner the duke of Calabria to accept of the crowne, being thus in armes one against another, king Francis the first sent an armie which recovered Fontarabie and the kingdom of Nauarre, but fodenly this ciuill warre was pacified among the Spanyards, who with one common consent fell vpon the French, and recovered 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 haue a president of this realme, the which was in great hazzard in the yeare 1562, if the English had not fet footing into France, hauing seize vpon Newhauen, but presently the ciuill warres ceased, and the subjects agreed to fall vpon their common enemie, which the English perceiving, they haue since refolued to let the French fight and ruine one another, and afterwards to invade the realme without any difficulty or resistance. But I will returne to fortaie examples, (and I would to God we had no domesticall presidents) to shew that it is a hard thing and almost impossible, to maintaine subjects in peace and loue, if they be not in war against some enemie. It is apparant in all the histories of the Romans, who after they had vanquished their enemies, presently fell to mutinie, for which cause the Senat enerrated warre, and deuiled enemies when they had none, to kepe them from ciuill warres, the which they continued vntill they had extended their frontiers vnto the lands of Orcades, to the Atlantiske sea, to the tiuers of Danubius and Euphrates, and to the deserts of Arabia; and hauing no more enemies to make head against them, they murthered one another most cruelly, and so much the more, for that they were growing mightie, and had few enemies, as in the ciuill warre between Cæsar and Pompey for rule, whereof Cicero speaking saide, Bellum pium ac necessarium vigilum est, ciuebus tamen existibilia, nifi Pompeius vicerit, calamitatem etiam ibit victrix: It seemes, said he, to be a godly and necessarie warre, yet fatal vnse the citizens vnlesse that Pompey win, and lamentable if he do win: But it was more cruel between Augustus and Marc Anthony, for which cause the emperour Augustus having charged the popular estate into a Monarckie, was not so ill advises as to discharge the fortie legions, but he fent 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 counfel of some Bishops and ministers vnaacquainted with matters of State) discharged the legions, which made them forget the antient martelal discipline, and opened a gate to barbarous nations, who invaded the Roman empire of all sides, whereby it appeares that lawes, justice, religion, subiects, and the whole estate next vnder God, is in the protection of armes, and under a strong shield. There is yet a nother reason of great moment, to shew that it is necessarie to entertaine martelal discipline, and to make warre, for that there is no citie so holy, nor so well gourned that hath not in it many theues, murtherers, idle persons, vagabonds, mutins, adulterers, and dicesplayers, 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 saide that giberis are set vp but for beggers, for that statutes and ordinances in many places are like unto spiders webs, as Anarcheris saide vnto Solon, for that none but weak 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 vituall bodie of the state. This was the principal occasion which moved Charles the wise king of France to send succours to willinglie vnto the balfard of Cauffile vnder the conduct of Bertrand of Guelfin Constable, the which purged France of an infinite number of theueres: Even so did Lewis the 11 to the Earle of Richmond; and both the one and the other not only purged France of idle perons, but also returned with honor to have fed two kings in their effaces, from the which they were expelled. Moreover, the martial discipline of the Romans which should be common to all nations, made a coward valiant, an intemperat man modest, a floufull man active, a prodigall man frugall, and a licentious man continent: neithet is it sufficent for a captain of fouldier to know how to fight, but there are many other excellent arts which be companions to this verme, that is to lay labor in business, resolution in dangers, temperance in desires, induftrie in action, speed in execution, and counsell in providing, these are necessarie for the arte of warre. The subject then being instructed in martial discipline, is not infected with luft, licentiousnes, impietie and floth, but being wicked and impious, they inure themselves to all kinds of vertue if they learne the precepts of the Roman martial discipline and arte of commanding. Besides, there is nothing that contains the people within the dutie of honor and vertue more then the fear of a warlike enemie. The people of Rome (faith Polibius) were newer then more vettorous, 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 Persem and Antiochus were vanquished, having 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 beaute of their ancient vertue. O how wisely did Scipio oppose himselfe in open Senat, that the citie of Carthage should not be razed, foretelling they either should have ciuill warres, or that the vertue of the Romans would foone decay, having no enemy to contend withall, for euem as moderate libertie pusses men vp, and makes them proaine to all vices, so feare retaines them in their duties: and we must not doubt but the great polititian and gouernour of all the world as he hath giuen to every thing his contrarie, so hath he suffred warres and hatred among nations to punife one by another, and to keepe them all in feare, which is the only comptroller of vertue, as Samuel in an oration which he made vnto the people saide, That God had firret them vp enemies, to keepe them in awe, try them, and punife them. And that I may conclude briefly, if there be no respect had of so many commoditie, yet let vs haue a care of the health and necessitie of the Commonweale, least 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 forsaken, the village is abandoned, and all traf fickle caefall; and oftentimes the whole yeares fruits are loft at the tumor of any danger, or the teror of warre. Who will then doubt but the subjects should be trained vp in atry, in the which there is not only much glorie and proftitute, but also the health of the citizens, the help of their neighbours, the fortunes of the subjects, and the secuturie of them all. By these reasons it appeates, 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 have 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 vnitied, and as Manlius Capitolinus said, Ostendite modo bellum pacem habeatis, idant vos paratos ad cin, sus ipsi remittent: Shew them warre
warre said he, and you shall have peace, let them see you trade for force, and they will do you right. These reasons are partly true and partly probable, and may of either side dazzle the eyes of the elettrest sighted if they looke not neerely vnto them. To the end we may resolve some thing, let vs distinguishe of Commonweales. I hold then that in a popular estate it is necessarie to traine the sujiects vp in armes, to avoid the aboutened incommodities, vnto which a popular estate is by nature suiebte; and if the people be warlike and mutinous by nature, as the nations of the North be, being trained vs to armes and martaill discipline, it shall be expedient to affront them often with their enemies, and not to admit any peace but vpon good terms, as a dangerous thing to a warlike nation. And a peace being concluded, you must notwithstanding entertain your foulieters vpont the fronctiers, as the emperor Augebvs did, although he had changed the populer estate into a Monarchie: or else send them to Princes that are in league, to be entertained in the ari of warre; as the Swisseres have wisely done, being a people bred in the mountains apt to warre, and hardly maintained in peace, enjoying a popular libertie, and by this means they haue alwayes had foulieters 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 to mightie a king. And as for forts, it is not needfull in a popular estate to haue their townes too well fortisied (except it be the chiefe citie, which is the same of the popular estate) and much leffe any Cittels or Citadels, least some one thrust on with an ambitious desire of rule surprize them, and change the popular estate into a Monarchie: as Denos the tyrant did, haueing surprized Actadina the fort of Siracusa by fraud. Or else the enemie may take them & fortifie them, as the Lacedemonians did, haueing razed the walls of Athens, they left a garrison in the Citfell: and doing the like vnto the popular estate of Thebes, they tooke their fort called Cadme, leaving a garrison in it. For there is no means to suiebte a people, or to change a Democratia into a Monarchie but by Cittels, so did the tyrants in old time: and in our age Cosine de Medici, duke of Florence had made two Cittels in Florence, with a garrison of strangers, haueing found by experience that it was impossible to change the popular estate into a Monarchie, and to affrute his life among the people: and therefore the Cantons of Vri, Vandenald, Glaris, and Appenzell, which are all popular, haue no wallies, like vnto the rest which are governed Aristocratically. We will giue the same censure of Aristocratic in regard of fortesles, 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 incense 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 Cittels, not places of stength, but vpon the frontiers, to the end the people may be without feate of tyrannizing; and yet haueing fortisied the frontiers of his estate with places impregnable, the suiebtes will thinke it is against the enemie, and the Prince at neede may use them against all enemies, both strangers and suiebtes in case they rebell: 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 vnarmed. But the Monarke is ill aduised that doth imuran a towne with mightie walls, if he doth not withall build a good Cittadell, for that nothing doth more animate the suiebtes to rebel, the which they would not so easilly attempt, seeing before their eyes Cittels well fortisied. It is also necessarie as well in a Monarchie as in an Aristocratic, that the governor of the towne depend not of the captain of the Cittadell, nor the captain of the governor, neither that the captain of the Cittadell be a Prince, or a great man: the which is well obserued in Turkie, according to the
A rule of the antient Sultans of Egypt, as also our kings do, but the Venetians more strictly than all others, for that they are forced to fortifie their townes, to defend the subjects against their enemies, and feared the rebellion of their subjects, who have no share in the government, they haue strong Citadels in their townes, whether they do every yeare send new Captaines besides the Potestats or Governours, leaft that he should hold the Citadell as his inheritance. And those of Rhagouse (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 courted. In like fort the Athenians changed the Captaine of their fortresse every day, the which was one of the nine Archontes, for the distrust they had that one of the subjects should make himselfe lord. For the preventing whereof, it shall be needfull to remove Citadels from the capital towns in a popular estate, or an Aristrocratical estate, as the Venetians have done wisely at Venice, to take all occasion from the duke, and to free the gentlemen from suspension of any alteration in the state. It was wisely provided in England, Turkie, Muscovie, and in a manner by all the kings of the East and of Affrike, that no subject should fortifie his house in the coutrie, for if the maiftet of a private caffell be a great man, he will foone take an occasion to reuoldt, if he be poore, to rob; and for this cause the imperial towns of Germany haue oftimes razed gentlemens caffells, that rebels and theewes might have no retreat, the which the Swiflers haue done throughout all their coutrie, having expelled the antient lords. But this were a dangerous thing in an antient Monarchie to tune private mens caffells which are of strength, but well they may prohibit their subjects not to build any more without licence from the Soueraigne, who may not easily grant it, for that it is sufficient to haue a house able to defend him from theewes, 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 wholice to banifie the arte of warre. If the common people do once become fouldiers, it is to be feared they will attempt to change the state; to have a part in the government, if they be not always imployed 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 banifie the arte of warre out of their Commonweale, they shall remaine a skorne and pray to all their neighbors, if they be not stricte allied unto the strongest, or else if they have not townes that be inaccessible and forts impregnable, as the Venetians, who fearing the above named inconveniencies, have banified the arte of warre out of their Commonweale, as Cardinalis Contarensis saith; the which is rather to be attributed to floth, then to any fet or positio law, for that within these two hundred yeares they were very warlike, and obtained great victories of the Genoese, but pleasing themselves with the continuall fruits of peace and eafe, they have neglected the practice of armes, imploying strangers in their warres: neither can they induce any gentleman of the feigneurie 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 haue 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 Praudador or Commisserie, by whose counsell the General is governed. And although there be many inconveniencies, to haue a Commisserie command a General, a citizen strangers: one that understandeth nothing in matters of warre, them that are bred vp in armes; yet by this means they avoid many other dangers which are not lefe: the which we haue feene fall out in their Commonweale, whereas they vied none but their owne subjects and forces. Their

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histsories are full of conspiracies, seditions & civil wars, which they had in the middele 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 Carthagian armie under a General of Carthage; yet would they never have both Generall and armie strangers, lest their Commonweale should fall into the power of strangers. If warre be not to be vndertaken, but for the repelling of injuries, and to enjoy peace; and that it suffice to make a Commonweale happy to keepe their owne, to have their places neere vn-to their enemies well manned and fortified, and to enjoy the fruits of a desired peace; without doubt the Seigneurie of Venice may justly terme it felle happy, which hath not only the feat of their empire by nature and are inexpugnable, but also have their towns and fortresses upon the continent so well fortified; as they neither need to feare the invasions of their enemies, nor the rebellions of their subiects: eating little for new conquests, or to extend their bounds. We see the Venetians do die from all occasions of warre, as from the plague, and they never enter into it but by contratant, and seeke for peace at what price soever, evene with the losse of their reueneues; as we may see in the treaty which they made with pope Iulio the second, the emperor Maximilian, and the king of Naples, in the yere 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 goodly kingdome. And euen as beasts which have no offentile armes, as 'harts that haue no gall, as Stagges and Doe seek to save themselves from the hounds and hawke, by flight; so they are not to be blamed, not that Commonweale to bee lesse esteemed, which seus for peace, hauing no means to resift: the which would be dishonourable to a warlike nation, or for a conquering prince, who cannot demand a peace of his enemy 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 fift, 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 deffire, ye he if he were entred into another's countrey. As the same emperour did in the yeare 1544, hauing thruf all the forces of the empire, and his owne, into this realme, with the secret of the king of England on another side, who had alreadie divided the realme betwixt them (as Sileian 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 Piccadie, and bought it dearly, eating little that the earle of Lude and other his fauourites called him cowardly king. But his father Charles the eleventh did a straunge thing for to obtain a peace of the duke of Bourgogne, his vaffal and natural subject: he sent the confable of France, the chaunceller, a marshall of France, and many other great personages, to treat a peace with him, who in open assembly, and in the name of the king their maister, cau'd pardon of the duke, for the death of John duke of Bourgogne, confessing openly, That the king had done ill, being young, indiscreet, and ill counselled; interracting the duke, that he would forget his discontent: the duke saide, That he did pardon the king for the honour of God, and compatison of the people of France; and to obey the counsell of the pope and other christian princes that had intreated him. A flaaue could not behave himselfe more humbly and abietaly unto his maister, than the king did unto his subiect, to restore the realme to his first beautie, and to expel the English, as he did soone after. The Romans would rather haue lost their estate, than once to haue dreamt of it: For wee cannot find that at any time during seuen hundred yeares, that they had warres with all nations, that they
they ever daemounced peace but of the Gauls, who held them besieged in the Capitol, after they had burnt their city: and of Coriolanus: But contrarywise being vanquished by the power of king Perseus, they would never accept of any peace of the victor, unless he would submit himselfe and his kingdom into their mercie, although he offered to pay them tribute. And when as king Pyrrhus (after that hee had obtained two notable victories, and was master almost of all Itacie) sent his ambassadour to Rome, to treat a peace upon reasonable conditions: they were answerd, That the Romans would not treat of any peace, except that Pyrrhus did first depart out of Itacie; and that they did contend with him for their honours and dignities, not for their liues and fortunes. The king receiuing 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 vnbecitting a weake prince, who must (like vnto a wife pilot) strike fails, & yeeld vnto the tempest, that he may recover a safe port, & not to make necessitie subject to ambition: as the Vanoide of Transilvania did, who fai'd openly, That he had rather bee flane vnto the Turke, than allied vnto Ferdinand, and so afterwards it fell out. Wee have an example of the great Knez of Mouesia, who seeing the Procope of Tartatia entred into his countrey with eightene legions, knowing well that he was vnable to make resistance, he went to meet him unarmed, and humbleing himselfe before him, he fau'd his people and his estate from an inevitable ruine, yet holding his countrey by yeelding homage to the Procope. But being at this day equal or greater in forces, & freed from the enimiety of the Tartar, all princes would fcorne him, if he should demand a peace, especially hauing receiued an inuiarie. For that prince that beares an inuiarie, will soone endure to haue a lawe prescribed him; and if he once suffer his enemy to giue him a law, he shall soone be reduced into slauerie. But howsoever, a mightie prince (if he be wise and valiant) will vnto war not peace, if necessitie (which is not subject to the lawes of honoure nor force) doth not contrue him, neither will he ever giue a battaile, if there be not more appaunt profit in the victorie, than of loss: if the enemies should vanquish: as the emperor Augustus faide, who for this reason never gaue a battaile but vpon necessitie. But it is not vnbecitting a poore prince, or a small signiuerie, or for him that makes no profession of armes, to demand peace in his loffe. As pope Iulu the third, who daemunded peace of king Henry the second, calling him before God, to judge of the wrong which hee had done him: The king granteing him a peace, and said, That he would appear before God; but hee doubted the pope would not shew himselfe. Wherewith the pope, who was of a pleasant dispoition (seing the letters which were sign'd by the king in the campe lying at Metz, in the yeere 1552) was very glad, although in shew hee seemed to bee grieved, saying, That it was not the king that had indited those letters, but the capall enemie of the church. And as the greatnesse of courage and magnanimity is the light of all other vertues, and which doth advance princes to the highest point of honoure; so is it the onely vertue which doth most daunt an enemie, although he be mightie and warlike, and oftentimes gives the victorie without blows: as Furius Camillus hauing fent home the children of the Falifques, whose their Schoolemaister had brought into his campe, hee conquered their citie without striking stroke. And Fabricius hauing fent vnto king Pyrrhus the Phyfiitian, which offered to poisoning 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, whose Pyrrhus had freely let at libertie, being loath the Romans should be bound in any respect vnto so great a king. Or as Scipio, who hauing conquered a good part of Spaine with little paine, fent backe a ladie of his.
gular beautie vnto her husband, prince of the Celtiberians, imitating the example of Cyrus. These virtuous acts tooke from their enemies all courage, to make any more warr against so valiant and magnanimous a people, who could neither be vanquished by honour, nor vanquished by treacherie: the which was more apparent after the battale of Cannes, Hannibal having appointed eight thousand Roman prisoners to be ransomed 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 Senate 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 euery where to vanquish the Romans. And contrariwise the Romans did affure their estate, which was much shaken and abandoned of all friends and allies. For the Senate 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 vertief coarts of all the Roman armie; making euery one to resolute either to vanquish or die, being lost all hope of libertie, whereby they became featefull and inuincible. And even as they neuer fainted in their losses: so were they neuer proud nor arrogant in their victories. For when as Antiochus the Great having lost a goodly armie, sent his amassadors 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 virtuous 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 countrey, 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 neuer attend an enemy in his owne countrey, if he may slop his entrie, vnlesse he hath another army ready, or a secure retrect into some places of strength, els he hazards his whole estate upon a victorie; as Antiochus, Perseus, Inba, and Ptolome the last king of Egypt did against the Romans: Darius against Alexander, and attimes the French against the English. And for this cause Lewis the grosse understanding that the emperour 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 emperour he gathered together an armie of two hundred thousand men, as Sugerres 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 emperour to lay aside armes, and to accept of what peace it pleas'd the king. In like sort Philip Augustus aduertised that the emperour Otto the second, the king of England, with the potentats of the Low countries, came into his realme with a mightie armie, he fortified his places, marched out of his frontiers, and defeated them in battale. And if king Francis the first, when as he loft his armie before Pavia, and himselfe taken prisoner, had receu'd such an overthrow in the hart of France, this realme had beene in great danger; but chauncing in Itaile, the conquerors contented themselves with the victorie; and the subiects in the mean time had leisure to rally their forces, and to fortifie their frontiers.

Many hold opinion, That a foueraigne prince should not hazard his perfon on a day of battalle, especially if the enemy be entred into the hart of his realme: It is true, if he be a coward and base minded: but having 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.
them all, and cucking one scene of him, for oftentimes shame retaines a flying armie, seeing the presence of their king, and fearing least he should fall into some daunger,

Vest

enm (cst sit Maro) preventia Tunni. The presence of Turnus (as Maro faith) doth urge them to fight. As it happened to Cesar before Therouenne; and in Spaine, fighting for his life against Pompeis children, where the battaile had bene left if he had not bene present. And many beleue that the victories which Edward the fourth got in nine battailes, was for that he did alwaies fight on foot. How many princes and great men do willingly follow the kings person, which else would not match vnder any others command. For when as Eumenes was very sick his armie refused to fight, yclese he were brought into the campe in a litter; such confidence they had in his presence. Yet would I not that a fouetaigne prince or a General, should do the office of a priuat 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 warr, which many have handled; but onely that which concerns the state. I conclude then, that a prince hauing well manned and fortified his frontiers, if he doubts that the enemie will enter into his country, let him prevent him, and put the warr as farre from him as he may: and if he be entred, not to hazard his estate and person rashly upon the event of a battaile, especially if he haue to deal with a warlike people, who commonly get the victory being brouught to dispute, knowing well, that there is no means for them to escape death in another country, if they be vanquished, hauing neither fort, retreat, nor any succour. Amongst many we haue a lamentable example of our king John, who chose rather to hazard his life, his nobilitie, and his whole estate, in a doubfull battaile at Poitiers, than 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, hauing defeated the enemie at Rauenne, seeking to putte a squadron of Spaniards that fled, he lost his life, and left all that hee had conquered in France in prey to the enemie. What should I speake of aunent examples, the histories are full of them: but there is none more famous than that of Cesar, whose armie was in despaite through famine & want, being environed both by sea and land with the enemies townes and legions, and had soone perished for hunger, if they had not vanquished, yet would Pompeis neede give that battell of Pharaila, hauing twice as many men as Cesar. In fo great a despaite of things, the Generall of the Volques did incourage his armie with a briefe speche, after this manner: Armis armatis obstant virtute pares, sed necessitate superiores estis, Armed men stand against armed men, equal in vertue, but in necessitie you exceed them. And another captaine of the Samnities said, fuitum est bellum quisus necessarium, & pia arma quisus nullam iniurias armis relinquitur spes, 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 scorne and disgraces of his enemies, rather than he would commit the fortune of the Commonweale to a doubfull battell; and in the end he reaped the honor, To haue preësued his country. Whereas Hannibal hauing hazarded a battaile against Scipio, who went to beleie Carthag, to draw the enemie out of Italie, left both his armie and the estate. It is no good conquence to say, that the Romans fought three battailes with Pyrrhus, and as many with Hannibal, in the heart of Italie, for that they had magazins of men of warr, as well out of their owne countries, as from their allies: the which they could not want, for that by the laws euerie one was forced to carry armes at fourteen yeates of age, and were not freed from

How a prince or General should carry himselfe in a battaile.

It is dangerous to fight with a desparat army.

Necessity of an insubincible force.

No prince should fight a battaile but constrained.
from them vntill fiftie fute: neither was it lawfull for any man to demand any office or benefite, that had not carried armes ten yeares. And at one time there were two thousand citizens excluded from the Bourgeois, for that they had bene foure yeares together abten from the warres, except they which had bene disposed willfully vpon some jiust cause (as Titus Livius saith) to the which discipline they were at the first constrained by the incursions of their bordering neighbours, being jealous of their greatneffe: But having afterwards brought all the people of Italie vnder their subjection, or treated alliances with them, and finding that a people given to armes, could not liue idly in peace without civilized warres, they found it expedient for the good of the Commonwealth, to seek out new enemies, making warre sometimes to revenge the wrongs done vnto their confederates: and sometimes defending them against their enemies, granting triumphes, honourable estates, and great rewards to valiant captains. The which was widely ordained by the Senate, as an healthfull remedie against civilized warres; the which Belenus 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 between military charges and offices of justice: So as one and the felfe same citizen, might be a valiant Captain, a wise Senator, a good Judge, and a great Orator: as it is said of Cato the Senator, who was well skilled in tillage, as it appeareth by his books, yet was he not ashamed to leave his armes to goe to the plough; or to leave the plough to plead, sometimes to be a Judge, so sacrifie, or to play the Orator before the people or the Senate. And Caesar was high Priest, and in Tullius opinion a most excellent Orator, and the best captain of his age. There were many not onely 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 three score. Therefore Aristides, Pericles, Phocion, Leofthenes, Demetrias the Phalerian, Alcibiades, Themistocles, and infinitely other Grecians, were like vnto the auncient Romans, and did excell in the art of warre and policie. But the wiseft politicians did seperat the art of warre from other vocations. In the Commonwealth of Crete every man was not allowed to carry armes, but certaine speciall persons: not in old times in Francie, whereas the horfemen had this charge, and the Druiides were exempt. In Egypt none but the Calafires were men of warre: the which Liurgus did allow. And therefore Plato divided 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 ytually 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 Governors of Provinces, the power to wear armes: so as in succeedence of time they called offices without armes dignities; as wee read in Cassiodorus, Quamus inquit, omnium dignitatum officia manus secluduntur armata, & civitibus velibus indui videantur qui aulfactionem publicam docentur operari: tanta cum dignitatem a terroribus eruditor, quae gladio bellum resit etiam pacatis accingitur: armis iusta inuisunt, non furoris. Although (faith hee) that all offices of dignitie bee excluded from armed hands, and that they seeme to bee attired with civilized garments, that are taught to labour in the difficulties of the Commonwealth: yet the dignitie seemes to be pluckt from terrours, the which is quieter with a warlike sword, even in the quietest times; these be the armes of Justice, not of Warre. And consequently all nations by degrees, have separated fouldiers from schollers and men of Justice, being a difficult thing to excell in one art, but impossible in all; not worthy to exercise many victories. Moreover it was a thing almost impossibell, to traine all the subiects of a Commonwealth.
A weale vp to armes, and to maintaine them 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 erected within this realme, in the yeare 1534, every legion containing six thousand foot. And although that his sonne Henry did renew them twentie years after, yet was he forced to alter his opinion, seeing the Commonweale troubled, and mutinies grown in many places, by means of those legions. And yet in the opinion of strangers, and of those that have judicially 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 entrusted with warlike and mighty nations, which make a common practice to spoyle; like to a country of conquest. Yea if they had entretained but foure legions of foot, besides the troupes of horse, for the defence of the realme, and placed them as it were in garrison upon the frontiers, they had prouided wisely for the safetie of the Commonweale. Francs is not the twentie part of the Roman empire, for the guard where numbers of Augustus Cæsar laid, That fortie legions did lusifce, being but fute thousand men in a legion. The foure legions of foot and troupes of horse, paid in time of peace, according to the ordinance of king Francis the first, would not have cost three hundred and fiftie thousand pounds starling, and yet 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 starling, as well the old bands, as the men at armes.

And Augustus entertained fortie legions of horse, and foot, besides his and the citie guards, and two navies for the defence of both seas, keeping the empire safe from forrein and civill warres, and all for twelve hundred thousand pounds starling a yeare, with an excellent description of all orders, the which other princes should propound vnto themselves, to imitate as Orofius, Dion, Tranquillus, &c. other writers have described it in their monuments: and yet was it not lawful for the Roman fouldiers (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 repel the enemie: Else if you be prit with warre, you shall be forced not only to abandon your neighbours, but also your country: or else in this extremitie you must viue untrained fouldiers, who become captains before they were ever fouldiers: or else forced with necessitie you must beg and buy forren succours at a deere rate. I doe not think that forren succours are to bee rejected, as many suppose: for there is no great empire can be augmented, without the succours of confederats, neither can they long reftit the violence of an enemie: but I allow of those succours which come from allies, that are united together in an offensive and defensive league, as the Cantons of the Swiflets be, or at the least in a defensive league, as they bee with the house of France. For by this means they are not onely the more strengthened, but they also take from the enemie those succours which he might draw from them, and the occasion from all men to make warre against either of them, vnlesse hee meanes to be a professed enemie vnto them both. But I desire that the confederats should be tied by a mutuall bond, and altogether equall, to avoid the reproaches, quarrels, and inconveniences that grow of inequality. Those leagues and treaties be vnequall, when as one is bound to pay the diet or assemblies of their allies, although they did raise but one compaine of fouldiers, and notwithstanding bee tied to pay them a continuall pension, besides their entertainment in the time of warre, and succours of horse and foot at need without pension or pay. Those treaties did our kings of Francs make with the Cantons of the Swiflets, least other princes should draw them to their succours. It is also necessarie in an offensive and defensive league which is equall, That thee
conquests should be common (as it hath always been among the Cantons, when as they have made war in common) and that whatsoever is conquered by the one shall be private, wherein the antient Italians were circumcuted 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 legion two or three of their neighbors ready paid, and the Generall of the armie was always a Romaine; and yet their allies had no pension not entertained from the Romans, nor any part of their conquests which were made common, nor in dignities and offices, except some townes of the Latins; which was the cause of the social or confederats warre in Italie against the Romans, who were reduced to that extremite, 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 frauds did circumcute their neighbors and confederats, 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 into the Lacedemonians when occasion was offred.

It may also be doubted whether it be fit to have many allies, or mercinarie fouldiers of diuer languages, for the difficultie there is to speake unto them, and to encourage them by orations, a thing very necessarie in warre. But experience hath taught vs, that diuers nations and diuers tongues are easie to govern and leade, as Alexander did they, having an armie consisting of Carthaginians, Mauitaniens, Numidians, Spaniards, Italians, Gaules, and Greeks, and yet in fifteen yeares space he never had mutinie 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 experience, and Schoolemaister to Scipio Africanus. That which we have spoken touching the succours of allies, is not to be vnderstood that an estate should wholly rely upon them, but a well goutened Commonweale must be supported by her owne forces, and always be stronger than the succours the hath from her allies: for he always commands the state that is master of the force, and will make himselfe an absolute lord upon the least occasion, if he have any desire, the which never wants in ambitious minds. And if allie and confederates be to be leared in an others country when they are the stronger, what assurance can we have of strainge forces, which have no offensive or 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 unto themselves the profit and honor of the victorie, exhausting their truftees, and growing fouldiers at their cost whom they seue. How often have we seen the strainger being the stronger, make himselfe absolute lord over them that called him: We have in our age the example of Cairodin, that famous pirat, called in by the inhabitants of Alger, to expell the Spaniards out of their forts; hauing vanquished them, he flew Selim their king with all his famili, and made himselfe king thereoff, leaving the state to Artaden Barbaroaffe his brother. And Saladin a Tartar being called by the Caliphe and the inhabitants of Caire to expell the Christians out of Soria, after the victorie he flew the Caliphe, and made himselfe absolute lord, and leaft that they of the country should attempt any thing against him, he always imploied Tartarians and Circassians (that were slaves) in the warre, and for his guard, forbydding all others to bear any armes: and by this means he and his succetors injoyed that kingdom, vnill that Sultan Selim Emperour of the Turks made himselfe lord thereoff. By the same means the Heretikes, Gothes, and Lombards became lords of Italy, the French of Gaule, the English Saxons of Britaine, the Scotishmen of Scotland, hauing expelled the Britons and the Picts, who had called them to their succours: and the Turke of the emprize of the East and the
A realme of Hungary, being instreated by the Emperours of Constantinople and the states of Hungary. And the Emperour Charles the fist had reduced Germanie into the forme of a Province, 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 spanish 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 caufe was called by the Germaines in their printed bookes the protector of the Empire, and the defiruer of the Princes. The which the princes of Germanie hauing foreseene, did bind the Emperour Charles the fist in the twelfth article of his oath, that he should never bring an armie of strangers into Germanie; but since the Emperours death the Electors did sweare never to choose a foraine prince Emperour: yet if the States of the countrey cannot agree vpon a fountaigne prince, it is better to have a prince from a farré countrey than a neighbour. And for this caufe the Etolians made Antiocbus 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 Hongarie, to give him his daughter and his eftate: else it is to be feared that a neighbour prince chosen Generall but for a yeare, will make himfelfe perpetuall, or if he be perpetuall, will grow hereditary, taking from the subjectes their right of election; or if the eftate be giuen 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 caufe why they did not choose the Emperours eldeft fonne king of Polonia, for it is not to be expected that he will euer beare that affection to strangers that he doth vnto his owne, but will easily abandon an others eftate, and to defend his owne. To conclude, in my opinion a Commonweale well ordained, of what nature souer, should be fortified vpon the approches and frontiers, in the which forts there should be good garrisons trained vp dayly to armes, hauing certaine lands appointed for soldiers the which they should enjoy only for their lives, as in old time the fees and feudatories were, and at this day the Timats and Timariots in Turkie, the which are giuen vnto soldiers like vnto benefices, vpon condition they should be ready 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 soldiers, with a clause not to alienate them, that soldiers might not rob andsteale as now they do with all impunitie. And vntill that these lands in fee may be disposed according to their first institution, it shall be fit to erect some legions of forote and horse according to the late and greatnes of eyuer Commonweale, that they may be bred vp in martiall discipline from their youth in garrisons vpon the frontiers in time of peace, as the ancient Romans did, who knew not what it was to live at discretion, and much le<o-ur> rob, spoile: and mutter, as they do at this day, but their camp was a schoole of honor, sobriety, chastity, juftice, and all other vertues, in the which no man might escape his inuries, nor vfe any violence. And to the end this discipline may be obserued, as they do at this day in the Turks armie, it is necessarie that good garrisons and soldiers be recompened, especially when they grow aged, with some exceptions, privileges, imunities, and rewards, after the manner of the Romans, but although the third part of the revenues be employed about the entertainement of soldiers, it were not too much: for thereby you should be assured of men at neede to defend the state, especially if it be enuied and envirooned about with warlike nations, as those people be that are teuate in the temperate and fertile regions of France, Italy, Hongarie, Greece, Asia the leafe, 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, Gothes, Muscovites, Scottifhmen, and Swedens, have no need of great forts, not to entertain any legions in time of peace, having no enemies but such as they make themselves; the people of the North being by nature too warlike, all horsemen, or for the most part, and given to arms, without any need to train them vp in it, whereas it be to discharge the country, 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 suck not the blood of the subject growing warlike at an others charge, being teade to invade the estate, let all offensive and defensive leages and alliances be equall, receiving as great succours at neede as they shall be bound to give; and yet the succours of the confederate must not be such as they may force or prescribe a law. Moreover, it must not be allowed for all other succors to carrie armes, lest the laborer and handicrafts man should take a delight in thefting and robbing, leaving the plough and shop, having no experience of armes, and when as they are to march against an enemy, they forfeake their courtors and file at the first charge, putting a whole armie in disorder, especiallie the handicrafts man, and they that fit alwayes, being bred vp in the shadow, whom all antient and wise Captaines have held vnfit for warre, whatsoever Sir Thomas Moore faith in his Commonweale. Seeing that wee have discoursed of men of warre, of forts and of succors that are drawne from them that are in league, let vs now speake of the suertie of treaties and leagues betwixt Princes and Commonweales.

CHAP. VI.

Of the suertie of alliances and treaties betwixt Princes and Commonweales.

His treatie depends of the former, the which ought not to be omitted, seeing that neither lawyer nor politian hath ever handled it: and yet there is nothing in all affaires 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 neiethers, or with subjests. Some assure themselves upon their simple faith mutuallie given, others demande hoftages, 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 blood. And even as there is a difference betwixt friends and enemies, the conquerours and the conquered, those that are in power and the weake, the prince and the subjesty, so is like fort their treaties mutuallly diuers, an all their assurances diuers. But this maxime holds generall and vn doubted, that in all kinds of treaties there is no greater assurance then that the clauses and conditions inferred in the treaties be fit and fordtale for the partes, and agreeing with the subjesty that is sued of. There was never any thing more true then the advice of that Confull which said in open Senat, Neminem populum diutius ex conditione esse posse, cutus eum perempta, No people can continue long in that estate whereof they are wearie. The question was touching the Priuernates whom the Romans had vanquished, for that they had broken the league, they demanded of their Ambassadors what punishment they had deftined; The paines, answere he, of such as should live in libertie. Then the Confull replie, If we pardon you, shall we be assured of a peace? the
the Ambassadour anfwered, *si bonam dederitis, & fidam & perpetuam, sim malam hand dinaturam*; If you give vs a good peace, you fhall hafe it kept faithfully and perpetually; if a bad one, it fhall be loone broken. The younger Senators found these anfwers too proud and haughty, but the wifer fort faid, That this people which contended only for their libertie deftept to be made citizens of Rome, elle they would never be good subiects, nor trufte 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 yeelded themfelves to the mercie of the Romans, as all the other cities of the Latins their allies had done, who had confpired againft the Romans. The affurance which the antient Romans took of thofe whom they would make subiect after they had vanquifhed them, was to feaze upon all their places of strength, to put in garrifons, to receive hostages, and to difarme the vanquifhed. *Mos antem, inquit Licius, Romani vetustus erat, cum quo nec faderete nec aquis legibus inuerteretur amiciti, non prius Imperio in cum tanguam pacatum viv, quam omnibus divinam humanique dedidiffet, obfides accepti arma aedempta, presidia viribus impafts forent*: It was an antient cuftome among the Romans towards thofe with whom they had not ioyned in league, not contracted friendship vpon equall terms, never to goure them peacably, vnufull they had yeelded vpon all, delivered hostages, difarmed them, and put garrifons into their towne. For we may not thinke ever to keepe that people in subjeftion which hath alwayes liued in libertie, if they be not difarmed. To take away part of their libertie, is to incenfe them more, than if they were wholly subiects: as Lewis the 12 did vnto the Geneuois, who had put themfelves under his protection when they were in danger, which being past, they refoled, and allied themfelves vnto his enemies; againft whom he went in person, besieged them, and forced them to yeeld; then he condemned them in two hundred thoufand crownes, putting a ftrong garrifon into their fort called the Lantener; yet heuffered them to live after their owne lawes and with their old magiftrates, taking only from them the stamp of their coine. It had been farre better either to have made them good subiects, or to have refored them to their perfe&liberti: for king Lewis the 11 to whom they had given themfelves, made anfwere, That he gaue them vnto the duell: refufing to receive a yearly penfion for the protection of fuch difloyall allies, who had refoled from king Charles the 6, having received them into his protection to defend them againft the Venetians. And the Earles of Sauoy received those of Berne into their protection, being oppreffed by the lords of Bourdeau; but the fcare being past, they defired nothing more than to be freed from their protection, the which the Earl willinglie granted, chufing rather to have faithful fellowes, than faithiffe allies. But king Francis the firft in my opinion commited a greater error, who refued two hundred thoufand crownes in his necessitie, the which the Geneuois offered him to be freed from his protection, giving him to vnderftand that vpon the firft occasion they would refole, as they did after the batterie of Paui, and afterwards expelled the garrifon which remained in their fort, and razed it to the ground: he fhould either have made them faithfull and free confederats, being tied together by an equall league; or els have made them subiects, and fo haue taken from them the government of their eftate.

But some one will fay, that it is a breach of faith to infringe the treaties, and to change the protection into a foueraignetie. I anfwere, that it is and alwayes fhall be lawfull for the Patron to make himſelfe absolute lord, if the client be difloyall. We read that Augustus made thofe people subiect which had abufed their libertie. And therefore king Charles the 9 (having difcouerted the secret practices of the Spaniards with the inhabitants of Thoul, Metz, and Verdun) was inforced somewhat to re-
strain their libertys, for in all treaties of protection there is an express clause, That those which are in protection shall retaine their estate and soueraigntie: but there is no great assurance if the Protector holds his clients forts, for that he may make them subject when he pleareth. Who knowes not that the cities of Constance, Vtrech, Cambray, Vienna in Austria, and many others which have put themselves in the protection of the house of Austria, have now lost their libertys. The kingdome of Hongarie hath runne the fame fortune: for after the death of king Ihon, the estates of the countrey sent Ambassadors to the Turke to receive their young king and the realme into his protection, fearing least Ferdinand should make himselfe lord thereof, pretend\u2026
A the protector, not so much to warrant him from his enemies, as from the protector himselfe: as it happened after the battle of Pavia, all the potentates of Italie turned theirvoices to the Spaniard, and to free themselues from invasion, they put themselves into their protection. Amongst others the Luquis payed into the Empeor Charles the fit, tenne thousand ducates: the Siennois fiftene thousand, and the duke of Ferrate fiftene thousand, the which he payed 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 Liffland, against the king of Moscouia: but having made a league with the Moscouite, he is not onlye laid to have abandoned his clients, but to have betrayed them into their enemies. But if he that is in protection as a vassall, and in subjection as a vassall and subject, demaundes 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 appear personally at Rome within fix moneths, and not by any procurator, upon paine of confiscation of all her goods, estates, and feigneuries. King Charles the ninth tooke her into his protection, laying, That she was neerely allied into him in blood, that she was a widow, and tied to the house of France, a vassall and subject into the king; and that by treaties of popes, and generall councels she might not be drawne out of the realm for what causse soever: seeing that pope Clement the seventh sent two cardinals into England, to heart king Henrie the eight, touching the divorcse betwixt him and Katherine of Spaine. And for that the Citation and threat made vnto such a princeesse, toucht his honour and the estates, the king of France did aduerse all his neighbour princes and allies, by his ambassadours, giving the popes legat to undersand, That his maister should not take it ill, if he did punnish those that were the cause of this enterprise: as Lewis the young did in the like case to Thibaut earle of Champagne, who had caused the earle of Vermandois to be confuted by the pope, intreating the pope moreouer, to reuoke his sentences giuen as well by him selfe, as by his deputies: else he should not hold it strange if hee vied the means which had bene accustomed in like cases.

But it falls out of, that thowe which are received into protection, after the daunger is past, make warre against their protector: We have many examples, and without further search, in our memorie we have seene many princes of Germany cast themselves into the protection of king Henrie the second, to be freed from the captivity and flattery which did therewax: the king received them into protection, and in stead of taking any pension, he gave them two hundred thousand crownes towards their wars, and leuad an armie of threescore thousand men at his owne charge for the libertie of the empire. And although the 34 article of the treatie of Protection, it was concluded, That the confedertas princes should suftier the king to sette vpon the imperiall townes, speaking French, yet the emperour was no sooner chafed away, & the empire restored to her former beautie, but by means of the French, but the chief of the confedertas and adherents, tooke the kings protection: and which is more, tooke arms against their protector. And at an imperiall diet, held in the yeare 1565, it was decreed, to send an ambassadour into France, to demand thowe three imperiall townes which are in the protection of France, Thoul, Verdun, and Metz, althoogh that Verdun hath for these hundred and sixtie yeares bene in the protection of France, paying thirteeen pound starling onlye for a yearely pension. But this imperiall decree tooke no effect;

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and the king was aduertised 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 towns of the empire, doing homage for them; which shewed, that he held not those towns but upon good and just considerations. And for that the protector cannot be invaded by him that is in protection, being alwayes the weaker; those which put them selves into protection, have need of greater securitie than the protectors, least under a colour of patronage they lose 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 auncient decre of the court of parliament, the vaflal demanding securitie against his lord, was rejected. But the deceit and treachery of man hath so farre extended, as the wisest have held it necessary to succour the vaflal against the violence of his patron, whom the soueraigne prince shall take into his falegard, 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 upon reasonable conditions annexed into the treaty: the second of the letters of protection, which the protector must deliver unto the clients, to testifie, That all the rights of soueraignty and maieftie remaine absolute unto the client: and this is to be done in Monarchies, at the comming 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 unto the protection. And therefore the inhabitants of Mets, 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, the which is generally in all treaties made betwixt princes, and it hath beene alwayes obscured, 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 embassage 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 upon the conditions. So Hervie the feuenth, king of England having received the duke of Suffolke from the Archduke Philip, father vnto the emperour Charles the first, vpon condition, That he should not put him to death, he kept his faith: but he being dead, his sonne Henry the eight caused his head to bee cut off, vying, That he was not tied vnto the treaty which his father had made.

But for that protections are more daungerous for the adherents or clients, than all other treaties, it is needfull to have greater securitie: for oftentimes we see, that for want of securitie the protection is changed into a feignitie. And sometimes he thinks himselfe well affered, that makes the wolle the keeper of his flocke. And therefore protections must be limited to a certaine time, especially in Popular and Aristocratique estates, which never die. And therefore the inhabitants of Geneua having put themselves in the protection of them of Berne, would not have the protection continue above thirtie yeares, which did expire in the yeare 1558, and then the Genueois 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 control some places: but hee doeth to be punished by the Seigneurie: First, for that hee hath attempted against another mans works, who hath spoken as honourably of Geneua, as of any Commonweale whatsoever. Secondly, for that hee hath infringed the ordi-

The allience of the league of protection.

A league made with the father binds not the sone.
An issue of the Seigniourie of Geneva, published the fist of June, 1559: wherein it is
expecially defended, To make any invective against such authors as are set forth. For if
the author defeter any reproachfull words from the Printer, he should not have
printed them, and much lesse let them to fale. But as for his reprehensions all men of judg-
ment have esseemed them as they deserve. And heretofore this good Printer hath
bene aunfwered, who maintaines, That it is lawfull for the subiect to kill his prince, kin-
dling by this means the fire of sedition and rebellion in all places. And whereas he
faith, That Geneva hath not bene in the protection of Berne, the author refers him-
selbe unto the treaty that was made in the yeare 1536. But the fault growes, for that
they knew not what protection was, which our auctent treaties call Ananione, and
in Latine, Advocatio. The like may be laid of Rouille, and of Mulhouse, which are
allied with the Cantons of the Swisser, but it is an alliance of protection. As in like
cafe the aubt and towne of Saint Gall, which are also allied, but yet in the protection
of Zurich, Lucerne, Swits, and Glaris, as I have seen be the treaties which the
abbot of Orbey (having remained long ambassadour in Swifletland) imparted unto
me from the first unto the last: those of Valdoft, were in like danger to them of Ge-
neua, for the Valoisians would have made them subiect, vnder a colour of protec-
tion, in the yeare 1559, if the king of France had not defended them. And even as the
vaffal is freed from the fealtie and homage which he oweth unto his lord, if he be accall
intreated by him, as it was adindged by the court of parliament, for the lady of Raiz
against the duke of Britaine: in like fort the client is exempt from the power of the
protector, if he doth infringe and breake the lawes of protection. But the chiefest cau-
tion and assurance is, when as the protector is not ceied of the places of strength, nor
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 assurance for the weake against the mightie, which was, That if
the mightie would, they could not hurt them: for that ambitious men that haue power
over another, neuer want will. And therefore it was wisely prouded by the Scotts,
when as they came into the protection of the Englishe, made in the yeare 1559, That the
queen of England, who tooke their protection, shoule give hostages, the which
should be changed every six moneths: and that she should not build any forts in Scot-
land, but with the content of the Scottish men. Wherein the Athenians did err, who
having put themselves first into the protection of Antipater, then of Caphander, of Pi-
lonea, and in the end of Demeterius the Befieger, they suffered their protectors to leize
upon their forts, and to put in garrisons, who prelomely made themselves foueraigne
lords. The which Demophenes had well and wisely foreseen, when as one commen
ded vs unto him the mildnesse and courtefie of Antipater: hee aunfwered, We de
difie no lord and maister, how mild and gracious soever: and him did Antipater put in
unto Italie, and flue him. But the Athenians were circumducted by the same fraud as
they had done their associats: For the Persians being expelld out of Greece, all the
cities of Greece made an equall league, for the defence of their estates and liberties, con-
cluding, That they should have one common treatyrie in Apollonos temple, whether all
the associats should yearely bring their money, that an account might be giuen of the
receits and expenes by a common consent. Euerie citie sent ambafadors for the
swearing of their league. Aristides surnamed the Iust, came for the Athenians, who
after solemn faire, did cast pieces of burning yron into the sea, calling heaven and
earth, and all their gods, to witnesse, and faying, As this fire is quenched in the water, so
let them suddenly perish, that shall breake their faith. But the Athenians feeling the
common treatyrie greate, fortified their citie ports, & passages therewith, and made pro-

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The cities of Greece habited under colour of alliance.

The cause of the social war.

Linea, 56.

The cities of Greece habited under colour of alliance.

uision of navie, ships, & gallies 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 subjects vp in arms, at their confederats costs. And so did the Lacedemonians to all their confederats, whom vnder colour of an equal league, they impetuously forced to obey: for that for the most part they were all mechanike people. And contrariwise in Lacedemon there was not any Spartan that was an Artifician, being against Licurdus his lawes: so as the citie of Sparta was fare more mightie, and held in a maner all their other allies in subjection; as we read in Plutarch. We see that the Latins fell almost into the like difficulty, after that they had made an equal league with the Romans, against whom they tooke arms: for that the Romans commanded them impetuously as their subjects: whereof Sevin captain of the Latines complained, saying, Sub umbra fuderis, says, quum aequum: We are (faith he) slaves vnto the Romans, vnder colour of an equal league. And a little after, Consilia popularum Latnorum habitae, responsume non ambitigabantur militibus romanes datum, absenterent imperatur nos, quorum auxilio egereat: Latins profur libertate postum quum pro alieno imperio arma laturus, The Latines having held a councell, and given a plaine aunswere to the Romans which commanded the fouldiers, they wilfed them to forbeare to command them whose aid they needed: the Latins would rather take arms for their owne libertie, than for another rule and empire. We read, that Licortas captain general of the Acheans, vfed the like complaints to Apollis the Conful, after that the Acheans had treated an equal league with the Romans, Fauds Romarum cum Achis specie quidem aequum esse: re precarius libertatem, quod Romanos etiam imperium esse, The league which the Romans haue with the Acheans, in their it is equal, but in effect it is an inntredted libertie, and with the Romans it is emperorie 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 reason the cities of Italie allied vnto the Romans by an equal league, resolved from their alliance, for that the Romans drew from them an infinite succour of men and money, so that in all their warres they had two of their allies for one Roman, and by that means conqrested the greatest empire that euer was, and yet their associates had no part of the conquest, but some pillage, after that the Romans had taken what they pleased: which was the cause of the confederats warre in Italie, the which had no end, vntill that the allies were made citizens of Rome, to have part of honours and offices. And yet what equal league soever the Romans made, they were still the stronger, & held their allies as it were in subjection. How imperiously the Romans behaved themselves towards their confederates, the speech of the Conful Apollis vnto the Generall of the Acheans, contending for the libertie of the Lacedemonians, is a sufficient testimonie, saying, Dum licet voluntate sua facere gratiam inirent, ne maximi arati & coepti facerent. Whilest they might do it of their owne free will, they should deferre thankes; else they should be soone forced thereunto against their wills. And in the treaty made with the Aetolians (to whom they would not grant any peace, vnderse they submitted themselves wholly vnto their mercie) there are these words, Imperium maiestatemque populi Romanorum gens Aetolorum conferunt a fine dolo male; holies eo dem habeto quis populus Romanus, armaque in eos ferto; & bellum parenter gerito, ob sides arbitrio Consulis 40, & talenta guinngantes date, You Aetolians shall maintaine the empire and majestie 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 Consuls discretion, and fittie talents. They left them the free government of the state, but with such conditions, as they were little better than subjectts, having unfurnished them of men and money, and taken the best amongst them for hostages. These words of the league, Maiestatem Romanorum conferunt, Maintaine the maieftie of the Romans; shews, that the league between the Romans and the Aetolians was unequall, and that the one did respect the maieftie of the other with all honour. And although the Romans gave lawes unto the Aetolians, yet they did enjoy their estate and soueraignty: 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 Perus king of Macedon, they freed all the people, and discharged them of their importuns, sufferings to govern their owne estates: and for their better assurance, they commanded upon paine of death, That all Gouernours, Captaines, Lieutenants, Presidents, Councellours of state, Gentlemen in ordinarie, and even the kings Pages and footmen (qui servire regibus humiliter alias superbe imperare consuerunt, 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 foute provinces, forbidding upon paine of death, That the one should have no accesse, communication, trade, trade, nor alliance of marriage, with another: and moreover, that the maieftie of those charges which were paid to the king, should be carried yearely 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 Confuls Mammitius vfed the like policy, enquiring subjectts the estate of Achaea, he rasied Corinth, and abolished the societies & communa
ties of Greece; yet he suffered the free people to enjoy their laws and magistrates, eating them of part of their tributes; the which was a subtil measure to draw vs into the amitt of the Romans all the people which had bene held in flaifish subjection, and to make tyrants to tremble, or at the leafe to force soueraigne kings and princes to govern their subjectts subtly, seeing that the prize and reward of the Romans victorie, was the liberty of people, and ruine of tyrants. Whereby they reaped the greatest honour that men might in this world, To be iust and wife.

B It is also a double wrong which the lord receiveth from his subject, having put himselfe in the protection of another, and from him that hath received him, if he hold not of him by sealtie and homage, or hath some living in the protectors countrey. And for that Charles of Lorraine bishop of Metz, put himselfe into the protection of the empire, and obtained a safegard for him and his, of all that which he held in the countrey of Meislin, in the yeare 1565, the king of Fraunce his lieutenant oppossed himselfe to the publication of this safegard: 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 feele it, without discretion, the which is the cause of many inconueniences, if the protection be not iust. It is a dangerous thing to undertake the protection of another prince, but it is more dangerous to undergo it without a iust cause, being the chief subject of all wars, & the ruine of cities and kingdoms, when as subjectts fall from the obedience of their natural prince, to obey another. And generally all treaties of alliance made with a prince of 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 confederats, 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
Neutralities i s
many times dan-
gerous.

How a prince
maintains his
greatnesse.

Neutralities is
sometimes pro-
table.

Vnto the vanquished. And therefore many haue bene of opinion, That it was expedi-
ent for a prince to be a Neuter, and not to meddle with any other princes warres: the
chief reason is, That the loss is common, but the fruit of the victorie is his only whole
quarrell 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 euerie side. And if all princes be in league one against another,
who shall mediate a peace: Moreover it seems there is no better means to maintaine the
greatnes of an estate, than to see the neighbor princes ruine one another. For the great-
ness of a prince (to speake properly) is nothing else but the ruine & fall of his neighbors:
& his strength is no other thing, but the weakness of another. And therefore Flamininus
said vnto the Consull Attilius, 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 subject to greater inconveniences. First in matter of state it is a
maxime, That hee must either be the stronger, or of the stronger faction (and this rule
doeth not admit many exceptions, be it in the felle same Commonweale, or among
fourtie princes) els hee must always remainge a prey at the victors discretion: as the
Roman ambafladour said vnto the Achicans, whomme Antiochus king of Peria petition-
ded, That they would remainge neutrals betweene him and the Romans. And it seemes,
that whofoever will maintaine himselfe, must of necessitie bee a friend or an enemy.

Whereof we have an example in Lemes the eleventh, king of Fraunce, against whom
they made warre of all sides, so long as he continued a newter: but after that he had al-
lied the Swifters more strictly among themselfes, & the citie of Straubourg with them,
and that he had entred into that league, neuer any enemies durft affault him, (as Philip
de Commess faith:) for neutralitie, Neque amicos parat, neque inimicos solit, It neither
purchaseth friends, nor takes away enemies: as an auntient captain of the Sarmittes
said. And the like proceeding was made among the estates of the Aetolians, by Ariste-
manus their Generall, saying, Romanos aut socios habere oportet, aut hostes, media via nulla
est, We must haue the Romans either confederats or enemies, there is no meane. We haue
infinite examples in all histories: Ferdinand king of Aragon found no better means
to pull the kingdome of Navarre from Peter of Albret, than in petiuing him to bee
a neuter betweene him and the king of Fraunce, that hee might bee abandoned at need.
And the inhabitants of Iabes remaining neutrals, and not engaging themselves
in the warre which the people of Israel made against the tribe of Benjamin, they
were all slaine, and their townses razed. As also the Thebans fell into great daunger,
being neutrals, when as king Xerxes came into Greece. As in the like cafe the towne of
Lays in Soria, was surprized,spoiled, sacked, and burnt, by a small troupe of the tribe of
Dan: for that (as the historic faith) they were not in league with any foureaigne prince
or state. And without any further search, the Florentines after they had left the all-
iance of the house of Fraunce, refusing to enter into league with the pope, the emperor,
the king of England, and the king of Spaine, against the king of Fraunce, they foone 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 beest an enemy to
my associates, or if thou joynest with my enemies, but also iffor feare thou dost aban-
don thy associates, being bound by the league to succour them; as a Roman Ambafla-
dot said, Si socius meos pro hostibus habeas, aut cum hostibus te coniungas, If thou takest
my
my associates for thine enemies, or in noet with mine enemies. Yet some may say, that
neutralite may well be granted with the content of other princes, which seemeth to be
the beft support without any feare of the victors. The efpates of Lorraine, Bourgongue
and Saucy have maintained themselves in a free peace, so long as they had an alliance
of tranquilitie, but after that the Duke of Saucy had once united himselfe to the Spa-
nith faction, he was expelled his countrey by the fearch. But there is a great difference
to be a neuter without the friendship either of the one or the other, and a neuter allied
to both parties, and these are farte more afluenced, than if they were enemies to both fa-
otions: for they are free from the victors inuition, and if there be any treatie of peace
betwixt both parties, they are comprehended of either fide. And if neutralite be com-
mendable in that manner, as I have faid, it is farte more commendable in a Prince that
doeth exceed all others in power and dignitie, that he may have the honor to be the
vmper and moderator, as it happeneth alwaies, that quartels betwixt Princes are deci-
ded by friends that ftand indifferent, and especially by those which exceed the reit in
power and greatness, as heretofore many Popes which knew well how to maintaine
their ranke, and reconcile Chriftian Princes, have reapeed honor, thanks, and affurance
for their perfon and eftates, and thofe which have followed either the one or the other
party, have drawn after them the ruine of other Princes. It was thought very strange
in Spaine that Pope Alexander the 6 a natural Spayrd, fhould enter into league with
Lewis the 12, king of France againft the Spayrds; and when as the Spayrds had the better in Itay, he told the french Ambaffador that he would remaine a neuter,
and be a common father to both parties, but it was too late now to make a fhow to
quench that fiet which he himfelfe had kindled. As in the like cafe the Duke of Alua
Viceroy of Naples beingadvertifed of a request made by the Procurator of the cham-
er of Rome againft the Emperor, touching the confiftence and reuion of the
realme of Naples to the reueues of S. Peter, he did write unto Pope Theatin, who had
entred into league with the house of France, that he fhould remaine as neuter for the
dignite which he had abowe all other Chriftian Princes, but the truce being broken,
the armies in field, and their enftiges displayed, the end was miferable, for the Pope re-
nounced the league, leaving the French in their greateft neede, and it was concluded by
a treatie which he made with the Spayrd that he fhould continue neuter. Neuer
was the hatred of any Prince fo pernicious unto his enemy, as the favour of Theatin
was then vnto the French, without the which they had not bin reduced to fuch extre-
mities, as in one day to lofe all they had conqured in thirtie yeares. It is more strange,
for that the memory is more fresh of the like errors committed by pope Clement the 7,
fauring one of thefe princes against the advice of Lewis Canofa his Ambaffador, who
advertifed him by letters written out of France, that the greatnes and fucceft of his
eftate was to fhew himfelfe a neuter: fo foone after he faw himfelfe prifoner to the im-
perials and the citie of Rome fackt after a strange manner, and both himfelfe and his
Cardinals ranfored at the victors difcretion. I enter not into the worthisnes of the
fait, neither is it in queftion to know who deferved moft favour, but only, that hee
which alone may be ifte and moderator of honor, fhould never make himfelfe a
partie, although he were affured that he fhould inenture no danger, much more when his
eftate is in queftion, and that he can have no fucceft but hazard by the victoire.
There are others who to win favour of all fides forbids their fubyects by publike pro-
clamations to give ayde or fuccour to the enemies of their associates, and yet vnder-
hand they fuffer them to paile, yea sometimes they fend them, to did the Etoilians,
saith Titus Livius, Qui inuentntem aduer fuiitius focios, publica tantum auctoritate dem-
ta, militari fununt, & contraria fope aces in urag partes, Etolices auxilis habent. Which
Allies are sometimes dangerous.

It is honourable for great princes to be neutrals.

A general league against the Venetians.

It is most safe for a prince to meditate peace.

suffer there your young men vnderhand to goe to warre against their owne confederates, and oftentimes troupes of Etiolians 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 increas in power as he may give law vnto 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 secke by all means to hinder him; for the futurie of Princes and Commonwealths confixts in the equall counterpeeze of power. So when as the Romans made warre against king Perses, some favored the king, others supported the Romans, Tertia pars (sai Titus liinus) optima eadem & prudentissima, si optime domini potioris daretur, sub Romanis quam Sub Rege esse malebat: si liberum inde arbitrium neutram partem volebat altera oppressa fieri potentiorem: ita inter utroque conditionem civeis inum optimam fore, protegente semper altero, non ab alterius iniuria, & illibus utroque partis viribus pares esse: A third part, with Titus liinus being the best and the wisest, if they were to make choice of their lord, had rather subject themselves vnto the Romans then under 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 both with both the cities should be secure, the one always protecting the weak from the injuries of the other, and they both should remaine equall, their forces being not impaired: So as the wisest have held opinion, that there was nothing better for the futurie of estates, than to have 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 the power 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 partizan. It is therefore commendable for the greatest and mightieest Princes to remaine neutrals, although it be not so concluded betwixt other Princes, as I have 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 upon 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 enemy, as it happened to the Venetians, who were always wont to few diuision among their neighbours, and to fifh in a troubled water. Lewis the twelfth discoyering 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 Creame, Brefle, Bergame, Cremona, and Guiradaddo, being members of the Duchie of Milan, vnto the french king, and to the Pope Faunce, Rinnine, Rauene, and Cerbie, being of the patrimony of S. Peter: to the Empire Padoua, Vencinta, and Verona: to the Emperour the places of Friuli and Treuifan, being the inheritance of the house of Auffria: to Ferdinando the ports and places ingaged by the kings of Naples to the seignorie of Venice, and to call home their magistrates from the imperiall townes, and out of all the country they which they held vpon the firme land. Whereas before the warre the Pope would have been contented with some one place, but this tooke not effect, for Dominike Treuarre Procurator of S. Marke stayd the Senat, saying, That the Venetians were always 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 remains a neuter to mediate a peace, than to nouris the warre, and in so doing to putchase honor and the loue of others with the assistance of his owne estate, as the Athenians procured a peace betwixt the Rhodians and Demetrius the befeiger, to the great content
tent of both patties, who were tyed with warre, and yet were loth to demand a peace one of anothert:by which means the Athenians did reapre great honor and profit 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 Swiflets, and betwixt the Grifons and the Swiflers, as well for the lawes of friendship, as fearing that in the mean time he should want the aid of his confederaets. And sometimes those which are wearied with the warre, firre 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 Pilans, by reafon of the Venetian succors, who desired 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 attain vnto, to be chosen judge and umpire of other princes quarrels, as in old time the Romans were, for the great opinion which was held of their vertue, and integritie: and since; his prerogatiue hath been giuen vnto the Popes among other Christian Princes, who oftentimes have been chosen judges and arbitrators of all their controversies: as in the treaties betwixt king Charles the 5, and Charles king of Nauarre, 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 Emperour Frederick the 2, then the Emperour made choife 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 Emperour in the yeare 1528, he caused it to be inserted in the treaty, That if it were needfull to conclude a peace with the Emperour, he should have the honor to be arbitrator. Paule the 3 did the like betwixt the king of France and the Emperour in the treaties of Marseilles and Soiffons. 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 umpire in case of contrauention, that they may have recoue 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 keepe 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 theigneuorie 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 Florentines, the Duke of Ferrare, and other Potentates of Italie, made a league with the king of England for the deliuerie of the king of France: not for that the affiled fortune of the French did move them vnto pietie (as it is vssial to kings, to whom the name of maiestie seemes holie) but for fear of the imperiall Eagle, which having covered a great part of Europe with her wings, might gripe and teare in sunder those petty princes with their tallets: and yet they themselves had not many yeares before toyneyed in league with the Emperour against king Francis after the battale of Marignan, and restored Francis Sforce to the Duchie of Milan, having found by experience how dangerous the neigbourhood of a mightie Prince was, for if he be not and upright, his succesor will not resemble him, for which cause Methridates king of Ponnus seeing the Roman empire to reach vp to heauen, he entred into league with the kings of Parthia, Armenia, and Egypt, and with many cities of Greece against the Romans, who had feazed vp on the greatest part of Europe vnder coulor of justice, cauising in one day
forty five thousand Roman citizens to be slain throughout all Asia, by a secret conspiracie, but it was then too late to make a league against a power which was invincible. And 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, leaft that the one by his greatness oppose 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 months. But they must be named particularly, and not in generall terms by the names of allies or neutrals, for if there be not a speciall expression, they mayuftly pretend ignorance; for that affairs of state are sometimes managed fo secretlie and fo sodenly, as a league is made before the enterprize can be discouer'd, 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, Ferrara, and Mantoue, entre'd into league against the seigniourie 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 any intelligence thereof, they might easilie have prevented it, seeing that after the conclusion thereof, and the warre begun, they found meanes to withdray 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 treaty of Soifons 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 joyn their forces together to make warre against them, the which they could not use beleue, until they had seen the preparations made against them. They might easilie have prevented the storme which fell vpon them; for that the Emperour had no great defier to make warre against them, and the king lefle, who did secretlie favour them: so as in giving the Emperour some succors, or sending an ambassador vnto him, they had been comprehended in the treaty, for they had no enemie but the Pope, who was then a neuter betwixt the Emperour and the King. Sometimes the league is so strong, and the hatred so great, as it is a hard matter to hinder it, and much more to break it, being concluded. King Francis the first was well advertized of the league made betwixt the Pope, the Emperour, the King of England, the Venetians, the Dukes of Milan and Mantoue, the Commonweales of Genes, Florence, Luques, and Sienna, all confederates against his estate; yet could he not prevent it, but in quitting the duchie of Milan. Thofe which had concluded a peace and perpetual amitie with him, and thofe which were tied vnto him by a defensive 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 so teachorous, as they swear most when as they intend most fraud, as Lysander was wont to say. That men must be circumspect and deceiv'd with othes, and children with toys; but he felt the grievous punishment of his disloyalty. Doubtlesse, periurie 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 coulour of a false and counterfeit oath, is not ashamed to skorne and abuse his deity: so as we may rightly say, That teachethie is always joyned with impietie and bafeffe of mind; for he that willinglie forswears himselfe to deceive another, thewes
A shewes plainly that he sornes God, and feares his enemie. It were better never to call the immortall God, or him they hold to be a God, to be a wítes of their fraud, but onely them chose; as Richard Earl of Poitiers fome to the king of England did, who giving a confirmation of the privileges of Rochell, vfed thefe words, "Tehe meipso, My felfe being witnes. Seeing then that faith is the onely foundation and support of iustice whereon not only Commonweales, but all humane societie is grounded, it must remaine fcarcd and immovable in thofe things which are not vniuift, especially betwixt princes: for seeing they are the warrants of faith and oathes, what remedie fhall the subiecte have againft their power for the oathes which they take among themfelves, if they be the first which breake and violate their faith. I speake of iuift things, for it is a double impietie to fwear to do a wicked act, and in this cafe he that breakes his oath is no treacher; but defertes reward. And in like cafe, if the Prince hath promiséd not to do a thing which is allowable by the law of nature and iuift, he is not periuied although he make breach thereof; neither are private men tyed by their oath, if they have promiséd to do more than is allowable by the Ciuitall law. Those things which are by nature vniuift and vnlawfull no man may promisé, neither may any man urge them if they be promiséd. But wise Princes ought not to fwear any thing vnto other Princes that is not allowable by the law of nature and nations, not force any Prince that is weaker then themfelves to fwear to vnreasonable conditions. And to take away all ambiguity of words, it fhall be needful to fiew what is vniuift, elfe he that is bound will take the word iuift in generall to make vfe of it in fome speciall cafe, as in the tracte 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 Alancoc and Armaignac, and the lord of Albret on the other part, who fware to ferve the king of England with their bodies and goods in all his iuft quarrels when they fhould be required. There was no exprefle relevation of their foueraigne, againft whom the king of England meant to imployn them by vertye of this contract, which he could not do. There is never any iuft caufe to take armes againft ones prince or countrie, as an aunctent orator faid, yet are not those princes free from the note of treachere, which infringe their faith in matters which they have swornne to their prejudicie, being forced thereunto by the victor as fome Doctors have maintained, being as ill informed of the state of Commonweales, as of aunctent hiftories, and of the ground of true iustice, discourfing of treaties made betwixt princes, as of contracts and conuenions among priuie men, the which is an opinion of moft dangerous confequence, which error hath taken fuch roote within thefe two or three hundred yeares, as there is no league (how firme foever) made betwixt princes, but it is broken, lo as this opinion goes now for a grounded maximie, that the prince which is forced to make a league or peace to his hurt and prejudicie, may go from it when occasion is offered. But it is strange that neither the firft lawgivers and lawyers, nor the Romans, who were the patrons of iustice, did never thinke of this fift and evasion. For it is manifest, that most treaties of peace are made by force, either for fistance of the victor, or of him that is the stronger; and what fistance is more iuift then of the losse of life? yet never any prince or lawgiver did refuse to perfoyne that which he had promifed vnto the victor, as if it had been forced. Que enim iuif fortis, eajcit Tullus, vis potest adhiberi? What force can be vfed, faith Tullus, to a valiant and refolute man? It appeared in the Conful Marcus Atilius Regulus, who being taken prisoner by the Carthaginians and fent to Rome upon his word, faying that he would returne vnfele he could procure some noblemen that were capartnes to be fet at libertie, from the which he diffuaded the Senat, yet did he not refuse to returne, although it were to an affifted death.
death, nor yet the Confuls {M}aximus to the Spanyards, when as he could not pers-
suade 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
Confuls? they went willingly vnto torments rather than they would treacherously
breake their faith. The Conful Petbhumius and his companion with sixe 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, re-
tire, 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 feare, but it was only said, that they could
not treate of any conditions of peace with the enemy, without an efectuall charge and
commission from the people of Rome: whereupon the Confuls which had dworne the
peace, and those which had gien themselves as hostages for the whole armie, yeild-
ed themselves willinglie to the enemy, to dispose of their liues at their pleafure, and
so they were delineter vnto them by the Heralds.

In the treatie of Madrill, made the 14 of February 1526, it was said, That king Fran-
cis the first being come vnto the first towne of his realme, he should ratifie the articles
which he had dworne in prifon, and cause them to be ratified by the Dauphin 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 dworne, he should returne prifoner into
Spaine, giuing his two fones Francis and Henry for hostages. Being at libertie, all
Princes offered themselves, and joyned with him in league against the Empyre in
Charles the fift, to pull downe his power whom they had raised vp to heaven. The
king hauing assembled all his princes and noblemen in his court of Parliament to re-
resolve what was to be done touching the treatie of Madrill: Selua the first president, fee-
king to prooue that the king was not tyed vnto the treatie, he grounded himselfe vpon
the authoritie of Cardinall Zabarella, who held, That whatsoever was done by force
or feare, was not to be ratified; confirming it by the example of Iob, king of Cypres,
who being taken prifoner by the Geneuois, gave his fone for hostage, and yet kept
not his promise. I wonder the President of so great a Senat did not blush not only to
commend a man that was ignorant of the lawes of armes, but also to arm himselfe
with such foolish arguments, yet this was the chiefest ground of the breach of the trea-
tie of Madrill, adding thereunto, that the king could not give away or renounce the
foueraignetie of the Lowcountries, nor the duchie of Burgongne, without the express
content of the eftates. This indeed was sufficient to breake the treatie, the rest were
impetuoues. 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 rat-
ifie that which he had dworne being a prifoner: a ridiculous thing, that were to call the
treatie in question, and leave it to the discretion of him that was a prifoner, whether he
shall obserue that which he hath dworne or not. Moreover the antients never regarded
the breach of treaties, when as they tooke hostages: for that he is not tied to any lawes
of the treatie, nor to any other, neither is he forced to sware; for hostages are giuen to
be pledge for him that is captiue, and to suffer, if he shall make a breach of the condi-
tions agreed vpon. And were not he simple, that hauing a good pledge, shoud com-
plaine of his debtor, that he hath broke promise with him: therefore the Conful Pe-
bhumius 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 promise, the which did bind them onely which had consented thereunto, Quid
emis (inquit ille) obsidebus aut sponoribus in sedere opus est, si praecatione res transig-
tur?
A prisoner taken in the war, being kept, may escape without blame.

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his oath, but he took occasion to advance a fact in Rome to the bishopric of Arles in Provence, without the priuie of the king or his ambassadour, which did reside at Rome: wherewith the king being incensed (as the case defeeted) he caused all the fruits which the benefactors of Rome had in France, to be seized on: then the pope having found what he sought for, declared himselfe an open enemy vnto the king. So Guichardin writes, that pope Iulius was wont to bragge, That all the treaties which he 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 lose the treating, and hold the fruits thereof sweet: as it is written of Philip king of Macedon: and the Lacedemonians condemned Phileides their captain, for that contrary to the tenor of the treatie made with the Thebans, he had seized upon their castle called Cadmea, & yet they kept the place still, as Plutarch writes. Some which can find no just cause nor colourable to falsifie their faith, and have any respect to their honour, they aske aduise and counsell of lawyeres: as the marquess of Pesquiere, who aspiring to make himselfe king of Naples, caused many consultations to be made vnder hand, to know if hee which were vaftall to the king of Naples, might (with his faith and honour fauced) obey the pope, who was fouraigne lord of the realm of Naples, rather than the king, who was but a feudatarie: hauing two strings to his bow, for he made his account, that if the warre were attempted by the duke of Milan with the popes content, against Charles the first, should succeed, he should then be king of Naples: but if hee should faile, then would he begge the dutchie of Milan, as a reward for his service, the duke being contented of rebellion. But this conspiracie being discovered, hee caused Maron the dukes chancellour to be apprehended and put into the caffle, and making of his proceffe, he suffred him to escape, fearing he should speake too plainly, if he were ill treated: and soone after he died of thought, knowing well that his treacherie and disloyaltie was discovered, and inexecutable, seeing that he betrayed both the emperour and the duke, and all those of the league by the fame meanes: the which is the most detestable treacherie of all others. Yet do I not blame him, that to assure 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 vnslee he departed suddenly out of Europe, the Greekes had resolved to breake the bridge which hee had made vpon the sea Hellepont, to passe his armie out of Asia into Europe: defining him to keepe it secret: This hee did to assure himselfe of the fauour of the king of Persia, if he did vanquish, or to have the honour to have expell'd him out of Greece, if hee marched away, as he did. But these subtill deuices being dicouvered by princes that are in league, do oftentimes cause good friends to become tworne enemies: as the Epirots, who agreed with the Acheans their confederaits, to make warre against the Etiolians, and yet they did significie by their ambassadour, That they would not take armes against them. Another time they paid the like part with Antiochus, promising him al friendship, so as they might not be in disgrace with the Romans, Idagebatur (inquit Titus Livius) ut surrex afferexit Epiro integra, sibi est omnium apud Romans, & conciliata apud regem gratia, quod acceptis facient venientem. That was done (faith Titus Livius) that if the king did forbeare to enter into Epirot, they should continue in fauour with the Romans, and they should purchase grace with the king, that they would have receiued him if he had come. But their counsells being dicouvered, they procured to themselves a miserable flauerie with the flight of Persians. 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 decreet made at the councell of Constanct, 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 Jerome of Prague, would not suffer any to proceed against them: but to free him of that doubt, there were many lawyers, canonists, anddivines, especially Nicholas abbat of Paleme, and Lewis du Pont (unnamed Romain), which concluded in this opinion, the which passed for a decrete, and was confirmed by the councell. So as John Hus and his companion were executed, although that neither the council 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 Iulian was sent Legat into Hongarie, to breake the treaties of peace concluded with the Turke: against which Humadius father to Mathew Cornan king of Hongarie opposed himself vehemently, shewing that the peace was concluded with very reasonable and profitable conditions for the Christians, notwithstanding the Legat shewed him this decree made by the Counsell, by the which they might not hold no faith with the enemies of the faith. The Hongarians building thenceon, brake the peace. But the Emperor of the Turke having notice of this decree, and of the breach of the peace, leaned a mighty armie, and hast neuer ceased since, both he and his successors, to increase in power, and to build that great Empire upon the ruin 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 appeareth 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 fift made a league of friendship by his Ambassador Robert Inghilp with the king of Persia, who was pursuied by the Sancie of Soria even vnto the frontiers of Persia, and yet he had no other reproof to make against king Francis the fift but that he had made a league with the Turke. It is well knowne that the kings of Poland, the Venetians, Genoese, and Raguinsians have the like with them. And the same Emperour Charles the fift gave his faith vnto Martin Luther (whom the Pope had curst as an enemie to the Church) to come to imperials diet at Wormes, in the yeares 1519, whereas Echius seeing that hee would not abiate his opinion, allaged the decrete of Constance, according to the tenor whereof hee vrged them to proceed against him, without any respect to the faith which the Emperour had given. But there was not any prince which did not abhorre this request of Echius, and defeated his decrete. And therefore the emperour to mainaine 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 Constance, to take all faith from heretikes, when as the pope him selfe at his first infallings, doth take an oath of the Iews, suffring them to enjoy their religion with all libertie. Yea and many times the princes of Germanie and Italy do admit Iews to be witnesses in their suits, the formes of the Iews oath is set downe in the decrees of the Imperiall chamber, Lib. 1. the 36 chapter, where it is said, That they should weare to keepe their faith with the Christians so loyally as their predecessors did with the Gifans that were Idolaters. So Ioias commanded ouer the Israelites, having bene circumcumented by the Gabionites beeing Pagans and Infidels, in a treatie which he had made with them, to faue them, and foure towns.
townes which they had: and hauing afterwads discouered their fraud, being perswaded by the Captaines of the Iraclites to breake the peace, he would not do it, saying, That they had gien their faith, to the end faith the text, that the yttrie of God whom they had called to wittneffe should not fall vpone them. As for that which we said, 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 Sman Bascha having capitulated with them of Tripoli in Barbary, and sworne by his maisters head to infet the knights of Hoddes to depart with their baggage after, that the towne was yeelded, notwithstanding his oath; he made all the inhabitants slaves, except two hundred which he fet at libertie at the request of Aramont the french Ambassador; and being challenged of his oath, he answered, That no faith was to be kept with them, for that they had sworne at Hoddes neuer to carrie armes against the Turks, reproching them that they were worse than dogs, which had neither God, faith, nor law, the which might have been refelcted by them of Tripoli, but that might ouercame right; for that they were not tyed to the oath taken by the knights of Hoddes; nor, if the Tripoliants had formerly sworne, could he now take revenge thereof by this new accord. For former petuie and treacherie may not be repeated nor reuenged when as they haue once concluded a peace and agreement together, elze there should never be any assurance of peace, nor end of treacherie. But if one Prince hath broken his promisse and deceiten an other, he hath no caufe to complainte if he be required with the like: as the Romans hauing vanquished the Epirots (who had broken their faith with them, and put garri-
sions into their townes during the warres of Macedonie) presently after the taking of Perseus, they made it to be gien out that they would also fet the Epirots at libertie, and withdraw their garriisons, ioyning ten men of the chiefe of every citie to bring all the gold and siluer, and then fodenly they gave a watchword to the garriisons to fack and spoil the cities, the which was done; and in this fett they spoyleth 70 cities. In the punishment of this treacherie, the Romans behaued themselfes more cruelly than was needfull, for that the revenge should not extend but to them that had committed the petuie; and this dissembling was against the antient honor of the Romans. But if petuie were covered by a new treatie, it were not lawfull to reuenge it; yet there are fome fo base and treacherous as when they sweare, they have no thought but for to sweare and breake their faith, as Charles Duke of Bourgogne gave a fadge to the Earle of S. Paul Constable of France to tell him ditnomable to Lewis the 11 king of France. But Antony Spinola Governor of the Ile of Corsica for the Generous committed a fouler act, adding crueltie to his petuie; for hauing called all the Princes of the ifland together vnder colour of councell, and inviting them to a banquet, he commanded them to be slaine, the historie is freth. And the banished men of Cynetha a citie of Greece, being called home, and receivd by a new treatie made with them which had expended them, they sweare to forget all injuries past, and to live together in peace and amitie: but in swearing (faith Polybius) they studied of nothing els, but how to betray the citie, as they did, to be reuenged of the injury (which they had covered by a new accord) expelling all their enemies. But God to reuenge their difloyaltie, sufferd the Arc-
cadians, to whom they had betrayed the citie, to kill all those which had put it into their hands. Ofentimes princes and feignitures forfake their leagues for feare, who commonly doe follow the victors partie: as after the bataille of Plauia, all that were in league with the king of France in Italie, forsooke him: and after the bataille of Can-
nes, almost all the Romans associats 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 upon paine of death, should say or doe any thing in fauour of him.
Fears may well excuse base minded men from giving aid, but not from pettier: but what colour or excuse can he haue, that comes to capitulate with an intent to deceiue and circumvent? It is inexcusable to men, and detestable before God. And yet the emperor Maximilian the first was wont to say, That he made no treaties with the French, but to abuse king Lewes the twelfth, and to bee revenged of fourteen you in injuries which he had received from the French, although he could not specific one: for eyery man knowes, that for these two hundred yeares, Europe never had prince more religious than Charles the eight, nor more upright and just than Lewis the twelfth, who reigned in the time of Maximilian. Yet the last, who alone among all others, was called Father of the people, did shew how loyall he was both in deed and word, havning treated a peace with Ferdinand king of Arragon, from whom he had receiued many wrongs and loposes, yet when as Ferdinand was come into the port of Sauonne, the king of Fraunce entred into his galleie, accompanied onely with two or three noble men, Ferdinand being amazzed 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 Fraunce to retaine (as Charles of Bourgongne did in the like case to Lewes the eleuenth at Peronne) but he was so free from any foolish disposition, as he omitted no pompe nor magnificeence to give him all the content that might bee. The confidence of both kings is disallowed by treacherous men, who shew plainly how peraduiously they would haue dealt: but to all good men it must needs seeme commendable, which detest that in others, which they themselves hold dishonest. But if princes being in warre, have made a truce, and concluded a patie, they must come unarmed, leaft the one (being secretly armed) shoulde by fraud murther his enemy, as Ipberates the Athenien did Tfon the tyrant: or as Athiandates, who slue the prince of Armenia his sisters sonne. Or if the one comes weakely accompanied and with small force, then must he take hostages from the other, or some places of strength, before he approach, as it is commonly vned. So did king Perseus, who being come with a great traine into the frontiers of his realme, and would haue passed the river which diuided the two kingdoms, O. Martius Philipus, the Roman ambassadour required hostages, if hee must to passe with about three in his company: Perseus gane the chiefe of his friends, but Martius gane not any, for that he had but three men with him. If there be question to giue hostages for the deliuerie of some great prince that is a prisioner, it must be done with equall forces on either side; and in deliuering the hostages, to receive the captaine at the same instant, as they did when as king Francs the first came out of Spain from prision: else it were to be feared, that a dishonourable prince would hold both prisoners and hostages: as Tryphon the govertour of Soria did, hauing taken Jonathan by treacherie, he promised to fet him at libertie for threecore thousand crowns, and his two fones hostages; havning deliuered him the ranfome and hostages, hee kept the money, and flue the hostages with the prisioner: commading his pupil the king of Soria to be cruelly murthered. We must by all meanes shuole these pestilent kind of men, and not contract any league or friendship with them, vnlesse it be forced. Yee if they had contracd a marriage, yet there is no assurance, if the prince be treacherous and disloyall: as Alphonius king of Naples was, who slue Count James the duke of Millans ambassadour. Such a one they write was Caracalla emperor of Rome (who never vwed a good countenance, but to such as he meant to murther) hauing made a peace with the Parthians, he demanded the kings daughter, the which was granted him: so as hee went into Persia, well accompanied to mathe her, being all arme under their garments, whopon 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.
afhaized to boast: That it was lawfull to vie his enemies in that fort. This murder was not so cruell, as the excuse was detestable and odious: but God did not let his disloyalty to be long unpunished, suffering one of his househould servants to murther him as he was at the stoole, and enjoy the empire for his reward. They say, that Cæsar Borgias sonne to pope Alexander the sixt, was like unto this monster, whom Machiavel doth 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: Alexander the father neuer did that which he said, and Cæsar his sonne neuer spake that which he did: and both of them did religiosly hold, That faith was to be given to all men, but to be kept with no man. Cæsar gave his faith, and sware great oaths for the assurance of the peace which he had made with the princes that were in league against him: and having drawn them together upon his faith, he murthered them cruelly whereat his father laughing, said, That he had shewed them a Spanish tricke. But it was an extreme folly for the princes to put their lives into the hands of the most disloyal 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 have excused them as his subiects and vassals, without any note of treachery. But the pope was poisoned with the same poison which he had prepared for his friends and companions: and his sonne escaping the force of the poysion, was overreacht with the same fraud that he had circumvented his enemies. For wherein as Consalbus Viceroy of Naples had given him his faith, not being so skillfull in the law of armes and heraldry, as he was to command in warre.) Borgias came to Naples, which when as king Ferdinand understood, he commanded him to keepe Borgias prisoner: the Viceroy shewes his charge, and Borgias durst not take him with his oath and faith: but the Viceroy could not give his faith without the king's express command, much less release a subiect that is captive, when as the king forbids it. Neither should Borgias have entered rashly into his enemies country. We read that Albret earle of Franconie committed the like errour to the duke of Valeninois: for being besieged by the emperor Lewis of Baniea, Otho the Archbischop of Ments persuaded him to come vnto the emperor vpon his faith, swearing, That if hee were not reconciled to the emperor, he should returne safe with him vnto his castle. This good bishop being gone forth, made shew as if he had forgotten somthing in the castle, and returned backe with the castle. After that he had deliered the earle into the emperors hands, being vrged of his promisse, he said, That he was returned: like vnto the louderour in Polybius, who notwithstanding his shift, was sent backe by the Senat of Rome, with his hands, and feet bound to the enemy. But although the Archduke could not give his faith vnto a rebell, without warrant from the emperor, yet for that hee had fraudelently drawn a man into danger, who was ignorant of the laws of armes (other wise than Consalbus had done) he was not free from the foule crime of treachery: like vnto Paches, who persuaded 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 easily taken: then did he bring Hippias backe late into the castle according to his promisse, and there slue him. In like sort Saturnius the Tribune with his complices, having seized vpon the capitoll by conspiracie and rebellion, comming forth vpon the Consuls faith and safegard, they were flaine, and their memorie condemned: The like chance happened in Luques in the yeare 1522, when as Vincent Page and his companions had flaine the Gonfaloner in the palace, the magistrates gave them their faith and assurance, 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 soone after they were purfued and
A and punished as they deserved. And to the end that by the promise of magistrates, the publick faith and assurance should not be broken, the Seigneurie of Venice made a decree in the council of ten, published in the year 1500; that no governor nor magistrate should give any assurance to a banished man: the which was referred for the Seigneurie only; who by another decree made in the year 1512, did forbid to take any one prisoner, to whom the Seigneurie had given assurance: not that princes and foreign states are bound to give their faith unto subjects, and much less unto banished men; but having once given it they must keep it inviolable. We have no better schoolmasters of the laws of arms, and of the publick faith, than the antient Romans, and yet we read that Pompey, the Great did capitulate with pirates, giving them a safe retreat in some towns & provinces, to live there under the obedience of the Romans: for he was assured, that the pirates had nine hundred sail of ships, and above five hundred towns upon the sea coast, commanding the whole sea, so as the governors could not passe to their provinces, nor merchants traffic: and that so great a power could not be defeated, without exposing the estate of the people of Rome to apparent danger: the majesty whereof stood, and was absolute by means of this treaty: and if he had not kept the faith which he had given them, or if the Senate had not ratified the treaty, he had polluted the honour of the Romans, and blazoned the name of a worthy an exploit. Not that I would have states to enter into any league, or have any commerce with pirates and theesues, (for that they ought not to bee partakers of the law of nations, as I have said before,) And although that Taeuerin chiefe of an armie of theesues in Africa, sent ambasfadors to Rome, to the end they should appoint lands & places for him and his to inhabit, else he would proclaim perpetual warre against the Romans; yet the emperour Tiberius taking this for an indignity, would not so much as heare his ambasfadors, saying in open Senate, That the antient Romans would not heare, nor treat in any fort with Spartacus the flave, by his profession a Fencer, and captain of the theesues, although he had gathered together three thousand flaves, and defeated the Romans in three battles: but after that he had bene vanquished by Creatus, all that escaped were hanged. Whereby it appeares, that it is dishonourable for a prince or state, to treat with theesues: but having once plighted their faith unto them, it is against their dignity to break it. There is a rare example of the emperour Augustus, who made a proclamation, That whatsoever could bring unto him Crocutus, captain of the theesues in Spaine, should have 2500 crownes; whereof he being assured, he went and presented his selfe to Augustus, and demanded the reward: the which the emperour caused to be given unto him, and withall pardoned him, to give an example to others, that they must keepe their faith, without any respect to the parties merit.

There is great difference, whether faith be given to a theesue, a friend, an enemy, or a subject: for a subject which ought to maintain the honour, estate, and life of his soueraigne prince, if he prove treacherous and disloyall unto him, and that he hath gian his protection, or if he come to capitulate with him, if the prince doth infringe his oath with him, he hath not so great cause to complain as a theesue, if the theesue be not his subject: as the legion of Bulgarian theesues, which being come into France to dwell there, king Dagobert gave them his faith, finding it dangerous suddenly to break such a troup of looke and desperat men: but having ouer vpon a certaine day, a watchword being given, they were all slaine. But there is a great difference, whether a soueraigne prince doth capitulate with his friends or his enemies, & that those subjects which have rebelled against his maiestie, be comprehended in the treaty; Many have made a question, if the prince breaking his faith with those rebels, and seeking revenge of them;
whether the enemy be thereby wronged, and if the assurance given, or the truce, bee thereby broken? as it oftentimes falles out, the which doth most affift princes: as Titus Livius faith of Philip king of Macedon, Vna res Philippi maxime agentat, quod cum leges a Romani vto imponerunt sequiendis in Macedonas, qui in bello ab se decerrent adempta 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 security for an other prince subject, may take it for an injury, & seek his revenge, although the subject 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, fourtayne lord of Naples, the king of Spaine, the Venetians, and the Florentines, who were bound, and had all sworn to entertain the treaty; yet they were imprisoned by Ferdinand king of Naples, who put them all to death, although he had receiv'd them under his fathers assurance and his owne. But there is no breach of the treaty if a private person seek his revenge of former wrongs of them that are comprehended in the treaty vnelles 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 having given his faith and a passport vnto Paul Ballon (who had expell'd 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 reports, that the pope had not only given his faith vnto him, but to all his friends in generall: true it is they were all his vassals. He did the like vnto Alphonso Cardinall of Sienne, being accused that he had attempted to poysone the Pope: to draw him into his fames 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; wherupon the ambassador of Spaine complained greatly, but the Pope (who wanted no lawyers) answer'd him, That a safegard or protection how ample soever, is of no force, if the crime committed be not expressly fett downe: so as presently after the Cardinall was strangl'd 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 ignorance whereof hath oftentimes been a great plague and vaine to princes. Pope Clement the 7 circumvented the Florentines in our age with the like fraude, having promised the Spanish Ambassador to maintaine their estate free: but having feazed of the citie, he made it subject to Alexander his brothers bastard, who put the chief men to death, after the procription of many, saying, That treason was alwayes excepted: the which was a frivolous and idle excuse, seeing that he was never lord of Florence. Therefore in all treaties it is most safe to sett downe particularly the number and quality of the judges, for the differences that may arise among the associates, so as the number be equal of either side; with authority to the arbitrators to chuse an umpier, if they cannot agree among themselves: as in the league made by the fourt first Cantons in the yeare 1481, where it was fayd in the fourth and fift Article, that in all controuersies they should chuse an equall number to determine of them. And in the alliance betwixt the house of Austria and the twelve Cantons, the Bishops of Bohemia and Constance are named: but in the treaty betwixt the king of France and the Swisser,
Swiflers, in the yeare 1516 the 17 Article it is said, that in matters of contouertie; every one should chuse two arbitrators, and if they could not agree, the plaintiff should chuse a fit out of the Valefians or from Coire to be umpire, who might not alter any thing of their opinions, but chufe the one of them. It were more convenient that the fit should been chosyn by the fource which could not agree, for that the Swiflers were always demanders, and named whom they pleased, fo as the king had always the woffier caufe.

There is an other point which doth commonly deceiue Princes, which is, to treate with Ambassadors, deputys, or Lieutenants, without an especiall commiffion; for notwithstanding any promife which he fhall make to have it ratified by his maiftet, yet is there no assurance, for that the Prince which promifeth stands bound for his part, and the other remains at libertie to accept or reject the conditions of the treate; and hap-pelie in the mane time there falls out some accident which breeds an alteration: as it happened betwixt the Sammites and the Nuanantes, and (without any farther fearch) to Lewis the 12, who treate a peace with the Archduke Philip passing through France in the yeare 1503, by vertue of an ample Commiffion which he had from his father in law, promising moreouer to caufe him to ratifie it: but Ferdinand attended the issue of the warres of Naples, whereas the French were vanquifh'd in two batailles, and expelled the reallme, fo as he refufed to ratifie what his fomme in law Philip had concluded with the king of France, faying, that the Archduke had no especiall commiffion. At the leaft there muft be a time preffix for the ratifying of the treate, or a refolute clauze for the want thereof: for in matters of State, and of treties betwixt Princes and Commonweales, a filent ratification is not fute. And this was the caufe of the breach of the treate of Bretigny, the which Charles the fift then Regent of France had not ratifie, touching the fourraignetie of Guienne, and the fame occaion made them of Carthage breake the peace betwixt them and the Romans: for after the fift warre, they had made two treties, in the fift all the associates of bothe nations were comprehended in generall tarmes only; and it was faid, that the treate made with Lucatius the Conftull fhould hold if the people of Rome did like of it, the which they would not ratifie, but fent an espreffe commiffion into Affrike with the articles they would have concluded, and Aftarball Generall of the Carthaginians confirmed them. In this treate the Saguntines were expressly comprehended, as allied into the Romans, but this treate was not expressly ratified by the Carthaginians, upon which point the Senat of Car-thage ftood, maintayning that Hannibal might lawfully make warre against the Saguntines: and yet the Carthaginians having oobered the treate made by their Generall in all other clauzes, they had ratified it in fact, which is more than words. It is therefore the more fure not to conclude any thing without an especiall commiffion, or espreffe ratification, for there never wants excuses and deceitis to cover their diloyalties, the histories are full of them, as of the Calcedonians against the Byzantines, of Cleomenis against the Argues, and of the Thracians against the Theffalians, who when as they had concluded a truce for certaine daies, they spoyle their fields by night: and as the Flemings, who fearing to pay two millions of flores into the popes tretarie, (as it was concluyed by the treate of peace, if they did rebell against the king of France) they councell'd 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 council and advice of Lewis of Luxembourg Constable of France, he faid, That he wanted his head. And the Emperouer Charles the fift by a substiff alteration of a letter denied that which others thought hee had affirmed, writing touching the deliciue of
the princes of Germanie out of prison. But George Cornays found a mote subtill interpretation, seeing that he could find no means to breake the tracts made with the king of France, said, That the tracts was made with the king for the preformation 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 Achabalipa, king of Peru (being prisoner to Francis I Pizarre, Captaine of the Spanyards) he promised the value of ten millions and three hundred thousand ducats for his ransome, 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 Christiante, he to save his life was baptized, but with much griefe of mind, saying, That the immorlaall sonne was to be preferred before mortall gods, but terrified with such imminent danger, he imbraced the Christiante religion. What shall I say more? The Spanyards hauing a king that was penitent, confessing 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 hauing 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 denie God; he abjured God and all his works with horrible executions, but his adefate not satisfied therewith, caused him to repeat those curtesies often, least they should be counterfeited, and then he flue this blasphemes, saying, That he was reunited both of bodie and soule. Behold the reward which this denier of God receu'd, for putting his trust in the promis of a murthere. In the tracts made betwixt king Lewis the 11 and Charles Duke of Bourgongie, in the yeare 1475, 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 baptism, and upon the Evangelists and the Canon of the Maflle, and in the end upon the true Croffe. I omit to write what he professed by this oath, and what succeeded. But the Earl of S. Paule would not give any credit to all this, when as the king gaue him a safeconduit, vnlesse he would sweare by the croffe of S. Lau, which was kept at Angers, the which he refused to do, hauing resolved to put him to death, and fearing above all things this croffe, whereupon the lord of Lefcut required him to sweare before he would come into his seruice, and he kept his oath. The like was done in the tracts of peace betwixt Charles Regent of France, and the king of Navarre, when as the Bishop of Lizzieux faid Maflle in a tent pitcht betwixt the two armies, and receu'd the oath upon the hoistle: for better assurance of the tracts, the Bishop diuided the hoistle in two, giving the one halfe to the king of Navarre, the which he refused, excusing himselfe that he had broke his faft, neither would the Regent take the other part, so as either suspeced the other of perjurie. The Auntients vied sacrifices with effution of blood, with many imprecations and executions against the breakers of the league: and the kings of Parthia and Armenia, when they entred into any offensive and defensive league, they tied their thumbs, and drawing forth the blood, they fuckt it one after another: as in the like case the king of Calangc at the East Indies, making an alliance with the Portugalls, drew blood from his left hand, and rub'd his face and tongue therewith. But there is no assurance in any oathes if the Prince be disloyall: and if he be iust, his simple word shall be a law unto him, and his faith an oracle. It is forbidden by the holie scriptures to sweare by any but by the name of the eternall God, for it is he alone that can reuenge the breakers of their faith and the scomers of his name, and not they which have neither power nor care of humane things, the which the thritte Ambassadors of Carthage feared when as the Romans had agreed to graunt them a peace, an Auntient Senator (knowing the disloyaltie
The manner is,
to capitulate betwixt the prince and the subject,
it is more difficult to entertain, 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 speedily to depart the country. And if any one will object 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 Earl of Tonerte, I confess it: But I say, the subject must either do thus, or else depart the country, when they have to do with a fourteen Prince. For there is no greater torment unto a Prince, than to be forced to capitulate with his subject, and to keep his faith with him. Lewis the 11 gave a good testimony thereof to the Duke of Nemours, to the Earl of S. Paul, to the Duke of Britannie, to the Earl of Armaignac, and to all his subjects 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 poisoned. 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 entered into the Castell with a small traine to do his homage, but sodeny he was strangl'd by the kings commandement, and ca'ted out at a window in view of his armie, which hauing lost their head, yeelded presently.

In like for 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 house of Yorke and the prince of Wales, sorne to king Henry the 6. Should be excluded, and in the meantime he should remaine Regent of England; but soone 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 reveng'd: I would I had not so many examples as haue bin seene in our time. But when as I say it is necessarie that neighbour princes and allies be comprehended in the treaty made betwixt the prince and his subjects as pledges and warrants, I do not meane that it shall be lawfull for forraine princes to thrust their neighbours subjects into rebellion, vnder coulor of protection or amity: and in truth the beginning and spring of all the warres betwixt king Francis the first, and the Emperour Charles the sist, was for the protection of Robert de la March, whom king Francis receiued, as du Bellay hath well oberserved. But a wise prince may mediate an accord betwixt another prince and his subjects, and if he finds that the outrageous proceeding of a Tyrant against his subjects be irreconcilble, then ought he to take vpon him the protection of the afflicted with a generous resolution: as that great Hercules did, who purchased to himselfe immortal praise and reputation for that he tooke vpon him the protection of afflicted people against the violence and crueltie 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 receiued into his protection the Bentiuols, with the houses of Ferrara and Mirandula, against the oppression of pope Iulius the 2: but he caused to be inferred 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. took the protection of the same princes of Mirandula against the violence of pope Inno the 3, and of many princes of Germanie against the Emperor Charles the 5. for the liberty of the Empire, and entertained the league of the sea towns, which the Emperor sought to break, &c. to change the Empire into an hereditarie kingdom else he which persuaded: another Prince subject to rebel under colour of protection (which should be as a holy anchor for people vniustly tyrannized) he doth open the gate of rebellion to his own subject, and brings his own estate into danger, with an everlafting shame and dishonor. And therefore in all societies and leagues among princes it is always excepted, That the one shall not take the protection of another subject, whether the cause be just or vniust. The only reason which hindered the treaty of peace between king Antiochus the great, and Ptolomie king of Egypt, was the protection of Athens, who of governor of Asia had made himselfe king, and had withdrawn it from his foreign prince, as Ptolomie faith. And for this cause Sigeismond Augustus king of Polonia, to have peace with the king of Muscoue, was forced to leave the protection of Signie in Livonia. And whatsoever some say, that it is lawfull for the vassall to free him self from the subjection of his lord, if he be ill treated; it is to be understood of an vnder vassall, which hath recourse unto his foreigner lord, and not of a vassall which holds immediately, and without the means of any other vassall, who in some other respect may be a foreigner: as the subject of Guinenne and of Poitou rebelled unjustly 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 jurisdiction only. And of late daies the Geneuois expel the Marquis of Finel out of his estate at the complaint of his subiect, and took them into their protection: who when as hee complained vnto the Emperour of the wrong which was done unto him, the Geneuois answer'd, That they had freed but their own subject from the tyranie of the Marquis: yet hee prevailed against them, notwithstanding they pleaded that hee was their vassall. Else every one might under colour of ill usage rebel against his lord, and put himself in the protection or subjection of another. As some subject of the Duke of Sauoy, having beene thirty yeares or thereabouts under the Seigneurie of Betme, seeing now that they would turne them over to their ancient lord, they beleaguered the Berneois instantly, not to abandon them, being afraid of vllage: but they were denied their request, as I have understood by letters from the Ambassador Coignet. And although that hee that is banished by his prince may be received into protection by another prince, or into subjection, without any breach of the treaty (which forbids the receiving of another prince subject into protection) for that those which are banished for ever, are no more subject: but if those banished men would attempt anything against their ancient Lord, the prince which hath received them ought not to suffer them: and therefore the princes of Germanie sent Ambassadors to king Henry the 2. to require him not to receive Albert Marquis of Brandebourg 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 alwaies been the support of afflieted princes, yet would he not shew any favour unto the Marquis against the holy Empire. Yet notwithstanding if the prince exceeding others in power and dignitie, be duly informed that another prince subject 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 laue out of the power of actuall master: but it more befiteth to free the subject from the subjection of another, and to set him at liberty, than so subject.
A left him to himselfe, as the Romans did all Greece and Macedonie, which they deliuered from the dominion of kings; to set them at full libertie. So did pope Agapetus (who freed the successefts of Gautier d'Iuetot 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 giue example to other princes not to vfe any such 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 tracts made betwixt Philip the long king of France and the Flemings, cau'd it to be set downe, That if the king did infringe the tracts, it might be lawfull for his subiects to take armed against him, to which the Princes and Barons of France did oppose, cauing that clauze 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 break the tracts made by him, his subiects shall be freed from their obedience, as it was in the tracts of Arras, and hath been vfed among our first kings of this realme: as in the tracts which was made betwixt Lewis and Charles the bald brethren, the oath which either of them made was with this condition, That if it chanc'd, which God forbid, that I should break my oath, I then absolve you from the faith which you owe me. Lewis sware first in the Roman tonge these words which follow; the which the President Fanubet, a man well read in our Antiquities, did shew me in Guytert an hisfotian and prince of the blood, Pro deo amor, & pro Christiano popolo & nostro commun publiceament dift di en avant, ingnant des faictz pour meurdr mon frere Karle, & en adieu, & in cadauna caufa fi com bon par dretz fon frere falvar ditz, ino qual si en altre fature, Et abluder nel plaid nunaum prindrael quy meon vol ciff, meon frere Karle in damno fii: That is to say, For the loye of God and the Christian people, and for our common health from this day forward, as long as God shall giue me knowledge and power, I will defend my brother Charles, and I wilde him in every thing as any man by right ought to save 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 hauing made an end of this oath, king Charles spake the same words in the Germaine tonge thus, In God eft & c. Then both the armies subiects to the two princes sworne thus, St. Ludoues sagament que son frere Carlo ivarat, conferuit, & Carlo mco fender de fuo par no loizaint, fi io retorner non lat pois, ne io veulz cui co retorner ne pois, in nulla adiudha contra Ludouig: That is to say, If Lewis keepes his oath made with his brother, and Charles my lord for his part doth not holde it, if I cannot preuent it, I will not returne with him in peace, nor do him any obedience. The subiects of Charles swarre in the Roman tonge, and the subiects of Lewis in the Dutch. But to returne to our purpose: it is dangerous to take the protection of another, especiallie of those which are subiect to princes allies, but vpon a soueraine, is it more strange to leaue an associat in danger. But it is a question, whether a prince may take the protection of another prince vniustlie 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 against him that is allied, without breach of the league: on the other side it is a thing which seems very cruell, to leaue a poore prince to the mercie of one more mightie that doth opprecle him and feakes to take his estate from him.

The Senat of Rome was much troubled herewith, for that the Capouans being affailed, and vniustlie oppreffed by the Sammites, had recoufte vnto the Romans, who had a good desire to aid them: considering withall, that the Sammites would be too mightie,
In considering the affairs of the Samnites, it was resolved by the Senate not to give any succours to the Capouans, considering the league which they had sworn with the Samnites. The Senate, having resolved, sent their ambassadors to the Capouans, and the Senate, acting upon the advice of the ambassadors, decided to make war against the Samnites. The Senate ordered the ambassadors to go to the Capouans and demand succours against the Samnites. The Senate held the Capouans in high regard, but it was to their advantage to have a league with them. As a matter of fact, the Samnites were not violated, but they were defended against the Romans. The Senate was not willing to go to war against the Capouans, but they were willing to support them with succours. The Senate was satisfied with the offer of succours from the Capouans, and the Senate agreed to the offer. Quodque idem nostro tueris non vultis, vestra certe defendetis: itaque populum Campanum verumque Capouam, agros, delubra Deum, annua humanaque omnia in vestram P.C. populique Romani ditionem dedimus. Tu namque vis, vestra non prodi, Seeing you will not protect us and ours, yet at the least you shall defend your own: we yield therefore into your power O recente 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 ingaged, not to betray them that yield unto you. Whereby it appears, that the stranger is not to be succoured against the ally, unless he yield himself a subject unto him whose protection he pretends; for in that case every one is bound to defend his subjects against the injuries of the mighty. If the Athenians had made the same answer to the Corcyrians, demanding aid against the Corinthians their allies, they had not fallen into a war which set all Greece on fire for the space of twenty eight yestes, and was not ended, but with the ruin of the Athenians, who were made subject unto the Lacedemonians, as they had defecred, what colour of justice do they pretend, that the league ought to cease if one of the associats doth make war against a stranger. If this interpretation might take place, there should be no league nor alliance unbroken. And therefore in contracting of leagues and new societies, the more ancient associats (although they are held to be excepted by law) must be precisely excepted: so as no aid is to be given unto the latter confederats against the more ancient, unless they have firstly begun the warre. As in the league made between the house of France and the Cantons of the Swifets, in the year 1521, in which the ancient allies were excepted: but there was a detegatory clause, in these words: If the ancient allies did not make war against the king of France, which was the principal subject of the treaty. But it may so fall out, that three princes being in league, one may make war against the other, and require aid of the third. In this case there are many distinctions. If the treaty of alliance be but of amity and friendship, it is most certain that he is not in that case bound to give any succours, if the treaty imports a defensive league, he must aid the most ancient ally by a precedent alliance. If the associats be of one standing, he owes succours unto 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 used, making warre against him that will not referre his cause to arbitrament, or yeeld to their arbitrament, as it is expressly set downe in the treaty of Stance, made betwixt the eight Cantons. Arbittements are not to be reiect: how great soever princes be: as Henry king of Sueden did, upon the controuersies hee had with the king of Denmark, who offered to referre his cause to Henry the seconde, king of France: the which the king of Sueden refused, laying, 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 controuersie with their allies, they referred it to the arbitrament of their common confederat: Romans Legatus (faith Titus Livius) ad communes focii vocabat. And if it be not lawfull by the law of armes, to allow of the combat, when there is any prove by witnesse or otherwise, what an injustice were it, to suffer two princes of states to enter into warre, if a third may reconcile them, or els joyn with him that is wronged. It were a simple part to suffer his neighbours house to burne, the which hee might quench with his honyour. Moreover it may be doubted, whether the league be broken, if that shall offer violence to any confederates father or brother, being not comprehended in the league. If they bee sujects, there is no question: if they bee absolute 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, unless the fathers person were excepted in the treaty. And although the father may pursuе an injury done unto 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 confederates: for that the fathers power hath nothing common with the lawes of armes and maieftie, much lees may the league be broken for brethren that are wronged. But to avoid all these inconveniences, the most safe and sure way is, to limit all leagues to a certaine time, to the end they may add or take away from the treaty, or glue over the league altogether, if they thinke it expedient for them: and especially betwixt Popular states and thofe which are governed Aristocratically, the which never die. For in Monarchies societies and leagues are dissolved by the death of princes, as we have saide. Yet princes making treaties with Seigneuries and Popular states, have beene accustomed to continue the time of the league after the princes death: as it was in the league betwixt the Cantons of the Swissors 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 Swissors, and not Francis his succesfor, 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 succesfor.

But some one will say, Thus the first clause in all the antient treaties and leagues, which the Romans made with other states and Seigneuries, was, That they should be perpetuall. And therefore the HEBREWS did call the strongest and best assured 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 everlasting. A statue of Salt, not that the holy Scripture meanes, that Lots wife was turned into a salt stone, as many beleue: 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 treatie: hath reason to breake it, seeing it is perpetuall: but if it be limited, hee hath no cause to complain. Moreover it is easie to continue leagues and alliances alreadie made, and to renew them before the time prefixt be expired: as hath beeene alwayes done with

* Tit iii.
the Cantons for these fiftie yeares: and although we were assured of a perpetuall amitie and friendship, and that there should bee no cause of griefe or dislike, yet friendships grow cold, and have need to be reuived and quickned by new treaties. And therefore in the treaties betwixt the Valleysians 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 betwixt the eight Cantons it is fayd, that the alliances should be tenued every five yeares. The Romans did sweare a league and perpetuall amitie with the inhabitants of Lau-
rentum, and yet it was renewed every yeare, Cum Laurentibus (inquit Lutius) renounati
fudus asfiam, renounaturque ex eo quotannis post diem decimum Latinorum, Bening com-
miaund (faith Lutius) to renew the league with the Laurenntines, it was thereupon re-
nevved every yeare after the tenth day of the Latines. And the fame author faith, Adi-
re infidunt Legati Romani Cretam, & Rhodiam renounare amicitiam simul, speculari num-
comitatis anims fectorum ab rege Perfo suis, the Roman ambafadors were com-
mommando to go to Cret and Rhodes, to renew the league, and to discover if their con-
ferderats minds had beene corrupted by king Perfoe. There was a league of perpetuall
friendship made in the yeare 1336, betwixt Philip of Valois, and Alphonfo king of Ca-
stile: and after wards it was renewed betwixt king John and Peter king of Castile, in the
yeare 1352: and betwixt Charles the fifth, king of France, and Henrie king of Castile:
and yet euerie one of these leagues was made perpetuall for the affociats and their suc-
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 also another reason why the time of leagues and alliances
should be limited, for that there is an ordinarie clause annexed to all treaties, Not to
make any peace or truce, or to enter into league with a common enemy, or with then
that are not comprehended in the treatie, without the consent of all the associats, or of
the greatest part: But if one of the allies will not consent thereunto, must the test be in-
gaged in his hatred, and in a continual warte, if the league bee perpetuall? That were
against all divine and humane lawes, if the occasion of this hatred doth create, and that
a peace may be made without the prejudice to the allies. But this clause is ill practised,
for if any one of the associats hath an intent to go from the league, he is so farre from
demanding the consent of the test, as sometimes he doth treat to secretly, as all is con-
cluded before that any thing can be discovered, and oftentimes they abandon their afso-
ciat into their enemies. We have a notable example in our memorie, of the treaty 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 Langraue of Hesse on the other;
where it is said in the two & twentieth article, That if any of the associats should make
any peace or agreement, or have any secret practise with the emperor, or his adherents,
without the consent of his other allies, he should be punished as a perjured, without all
remission, in the view of all the armie. And yet within six moneths after, the elector
Maurice agreed with the emperor at a treatie at Passau, neither aduertizing king Hen-
rie (who was chiefe of the league) nor yet comprehending him in the treatie. Against
whome the marquesse Albert exclaimed, saying, That it was a base and villainous act,
calling the duke traitor, and disloyal to his country, the emperor, and the king of France.
And yet he did wroth than his companion: for after that he had drawne great
summes of money from the king, he turned to the emperor, and made open warre
against the king: so as the imperiall fouldiers called Maurice Bachelor, or Graduat,
Albert Doctor, for the notable tricks which he pleased. And of late memorie the Seign-
orie of Venice concluded a peace with Sultan Selim, so secretely, as it was published at
Constantinople, at the comming of the French ambafiadour, before that any one of

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the confederats of the holy league was aduertised thereof, although it were expressly forbidden in the treatie, that not any one of the confederats might make a peace or truce with the Turk, without the consent of all the rest. So the auintent Romans having to doe with faithlefe and disloyall people, they did not willingly conclude a peace, but a truce for many yeares, as they did with the Veientes, Vietenib us pacem petentibus in annos centum inducias date. The Veientes requiring a peace, they had a truce granted them for an hundred yeares. And in another place, Induc!a Vietenib us pacem petentibus in annos 40 date. A truce of fortie yeares was granted vnto the Veientes, who demanded a peace. And in another place, Cum popu/0 Certe inducias in centum annos facias, There was a truce made with the people of Cerites for an hundred yeares. And in another place, Hetruriae populi pacem petentibus in annos 30 inducias impetrarunt. The people of Hetruria demanding a peace, they obtained a truce for thirtie yeares. For alwasyes a truce is more holy, and leffe 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 alwayes punished feuerely the breakers of any truce: the first example was showne vpon the person of Metius Dictator of the Albanois, who was pulled in pieces with foure horses, and the citie of Albarased: the people of Veientes were rooted out, having rebelled feuen times against the articles of the truce: the citie of Carthage was burnt to ashes: the people of Capoua flaine 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 feuen times, as we read in Titus Linius, Strabo, with infinit others, which were impossible to set downe in particular, which carrie an euerlafting testimonie of Gods just judgments against treacherous and disloyall princes, and faithlefe people, which mocke at oathes. As for treacherous and disloyall subiects, they were neuer unpunished, In Vetricos veteres eius grauiter sanatum, quod toties rebellarent, muri destituti, Senatus abducit. They punished the Vetulianes (who were auintent citizens) verie feuerely, their walles were cast downe, and their Senat carried away. And after the second Punike warre, the Roman subiects which had bene traitors were excepted, Per fugi (Inquit Linius) bella punico 380 Romam miser, virgis in Comito cafi, & de Saxo delecti. In the Punike warre 380 runaways (faith Linius) being sent to Rome, were whipt in the open assemblie, and cast downe the rockes. And if the enemie having gien hostages, did infringe their treaties, the hostages were publicly put to death: as it happened vnto three hundred hostages of the Volques, which were flaine: and in like case the hostages of the Tarentines, Eugentiae retracti, ac virgis in cafi, de Tarpeia delecti sunt. Fleeing they were fetcht backe, and being beaten long with rods, they were cast from the mount Tarpeia (faith Titus Linius.) But since that they have made a trade of the breach of faith, they have also made a conference to put hostages to death: as Marcus, who pardonned the hostages of the Luquoies, having broken their faith: and Charles duke of Bourgonie had no sooner set three hundred hostages of the Leegeois at libertie (the which he might instealye put to death, whatsoever Comines faith) but they attempted a new warre against him.

...The clause that hostages should be subiect vnto capital punishments, was vnowne to the auintents, for it was always lawfull not only to kill hostages that fled, but also if they that had gien hostages had infringed their faith. But since they have thought it fit to expresse those words in their promises, let not hostages should pleade ignorance of the law of armes, or that it should seeme too cruell that one should suffer for anotheres offence. I will not deny but the Romans have somewhat blemished the brightnes of their auintent integritie and justice, the which happened vnto them not so much
much through their owne fault, as by the Grecians and Carthaginians, whose treach-
ery they had often tried: witnesses that which Livie writes of the Ambassadors that were
sented into Greece, when as they made report of their charge in open Senat he faith thus,
L.Martius & Attilius Romam venere, nulla alia re magis gloriantur, quam decepto
per induacio & spem pacis Rege, quae magna pars Senatus probat: fed veres moris anti-
qui memores, novam istam sapientiam improbant, nec est magis quam vera virtute bel-
lage sese maioris, denunciare belli, & sepe locum finire, guo dimicantur essent. L. Martius
and Attilius being returned to Rome, gloried in nothing more, than that they had cir-
cumvented the king with a trick, and the hope of peace: the which the greatest part of
the Senat did allow of, but the most austient (remembering their customs of old) did
disallow of this new kind of wisedome, for that the austients 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 had wronged them, before they would begin any warre. Vere,es,
faith Suctonius, bellum induci, renunciabat amicitiam. The austients when they
would make warre against any one, they renounced his friendship: a custome which
was obserued among priuats men, euin in the time of the Emperour Tiberius: for Ger-
manicus being grievously wronged by Piso gounor 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 ambassadour, That he could not define him, vnlesse he renounced his
friendship, and sent back the alliance. And at this day those which be brethren in armes,
and princes which do were one anotheres order, they lend back the order before they
make warre. But the Grecians who had taught the Romans their deceits and disloy-
alties, were punished, as we may see in Livie, where he faith, Phocenes cum paci essent
 nihil hostile se a Romanis passuros portas aperuerunt, tum clamor est sublatus a militibus,
Phocenes munquam fidos socios, impane eludere: ab hac voce milites urbeb diripiant, Em-
ilis primo resiitere, captas, non deditas orb esse diripi. The Phocenes when they had
contradicted that they would not induce any hostile acte of the Romans, they opened
their gates; then began there a citie among the fouldiers, that the Phocenes being ne-
uer faithfull associates did laugh at them vnpunished: at this citie the fouldiers spoile the
towne, at the first Emilus made resistance, saying, That they vfed 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 Po-
libius who was a Grecke botte, and gounor 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 tenorates, and twice as many seals,
and yet would they break their faith. But it is far worse at this day, where there is no
assurance neithet in letters, seals, nor safegards, yea ambassadors are not assured, for
we have seen Rincon and Pregeofe ambassadors to the king of France slaine by the offi-
cers of the Emperour Charles the 5, and yet no justice was done of them: whereas the
Romans delivered Minutius and Manlius to their enemies, and at another time Fab-
ius 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 shall we hope of others: yea some have gloriéd in killing
them, as Helene Queene of Russia, being intreated by her enemies to make a league,
to the end she might mate with their king, she buried all the ambassadors alive; and
before they were aduertised thereof, she sent them word that she would have ambassa-
dors of greater worth, whereupon she sent her fifteene more of the nobility of the whole
country, all which she caused to be burned alive, and under promise of marriage she
murthered
A murthered fute thousand which the had made dronke. It is not needfull here to re- 
hearse how many cities and people have been ruined and rov'd out for the breach of 
faith with ambassadours, who are and ought to be facted and inviolable. And ambassad- 
dours are also to be wainted 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 alwaies deliuer his charge, if in things that be odious spattingly, and in those that be 
pleasing full, to the end that he may entertaine princes in friendship, and appease hatred; 
for that princes do ofentimes fall into mortall quarrels through the indifferetion of am-
basdours. Amongst many we have the example of Stephan Vanoode of Valachia, to 
whome the Procope of Tarrata fen an hundred ambassadours, threatening to waste 
all his countrie with fire and sword, if he sent not backe the Procope of Tonne, whom he 
had taken prifoner. The Vanoode incensed at these threats, put them all to death, except 
one whom he sent home mainted of his members, to bee a messenger of this 
strange calamitie. Others revenge not injuries done vnto them by ambassadours so in-
dicetely, but yet as cruelly, leaft they should seeme to have broken their faith, dismis-
sing them, and yet sending others alter them to kill them: as Tus queen of Sclatonia 
did, who sent some to murther the yongest of the three Roman ambassadours, having 
threatned her, the which was afterwards the caufe of her ruine, and of her eftate. But the 
faft of the king of Mofcouie was moft 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 
moft cruel and barbarous deed, yet was there an error in the ambassador, who should 
hold the ranke and dignitie of the prince his maifter, so it bee not with the contempt 
of the prince to whom he is sent: for sometimes ambassadours relying upon the great-
ness of their matter, forget themselves to meanet princes, especially men that are bred 
up in Popular eftates, accustomed to speake with all libertinie, think they may doe so 
with Monarches, who are not accustomed to heare free speeches, and much leaft that 
the truth should be spoken vnto them: for which cause Philip the young, king of Ma-
cedonie, seeing the Roman ambassadour question too boldly with him, he could not 
forbear to brave him with reproaches. And Popilius the Roman Legat vied Antio-
chus king of Asia with greater presumption, making a circle with a rod about the kings 
person, willing him to give him answere, before he went out of that circle: here Littue 
faith, Obiuefatus est rex tam 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 vied the like libertinne towards Mithridates king of Pontus or Ama-
phia, who altho' he neither were ambassadour, nor had any publicke charge, yet he fad 
vnto the king, That he must obey the commande ment 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 lib-
tine without any injurie offends princes. For which cause Marc Antonio caus'd an 
ambassadour which was sent from Augustus to be whipt, for that he talk'd too fre-
ely to queen Cleopatra. But those princes are wift, which having receiv'd any answer 
from ambassadours, demand reparacion from their masters: as Charles earle of Char-
rois, fad 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 fame yere he 
imbarqu'd the king in a moft daugnorous warre, with the hazard of his eftate. And 
therefore king Francis the first, doubting that he should hear some thing of an herald 
which was sent from the emperour Charles the fit, 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 
approach'd, letting him understand, that he would hang him, if he open'd 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 injury: as the Scots did in old time against the Picts, for taking away their dogs, having lined together almost six hundred yeares in great peace and amity. A good prince must trie all means, and dillembel many things, before he come to armes. I do not agree with Bartol, who saith, That the peace is not violated, if any one hath undertaken that he 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, Putsua non alter uim inferri quam si homines vulnerentur: vis est etiam cum quod per Indemnem debuit, per te se 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 authoritie, which thou shouldest recover by law. But some make breach of their faith, by a craftie interpretation of the law. As that which Bartol proves, 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 inuiorous, to repaire that which happens accidentally with the losse of life. (**)
THE SIXT BOOKE OF
OR CONCERNING A
COMMONWEALE.

CHAP. I.

Of Censuring or Reformation, and whether it be expedient to inroll and number
the subiects, and to force them to make a declaration, or give a certificat
of their private estates.

Ithereto we have described at large the first part of the de-

finition of a commonweale: that is, the true governing of
many families with absolute power, and that which de-

pends of the said definition. It remaines now to speake of
the second part: that is, of that which is common to an es-
te, and which consists in the managing of the treasure,
rents, and revenues, 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 pro-
per termes is nothing else but a valuation of every mans goods: and for that wee
are to treat of revenues, 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 apparent, 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 subiect. And calling to mind the farthest
bounds of antiquity, I doe much wonder, how so goodly a charge, so profitable
and so necessarie, hath beene laid aside so carelessly, seeing that all the ancient Greeks
and Latines did ve it; some yearely (faith Aristotle) others from three, four, or from
five yeares to five yeares, making an estimation of every mans wealth and private
estate: whereof Demothenes having made an abstract out of the publick registers,
said (speaking vnto the people) that all the revenues of the county of Atica did
amount vnto threescore thousand talents, or thirtie six millions of crownes. Even
so the Romans (who did imitate the Grecians) could well imbrace this custome, and
bring it vnto Rome: for which cause king Servius is much commended in histories.
And although the people of Rome had disanulled and abolibhed all the edicts and
ordinances of their kings, after they had expelled them, yet this law of censuring or
surneying continued still, as the foundation of their treasure, imposts, and public-
like charges, &c. was continued in the Confuls persons. But after that the Confuls
were dist rated & drawn away for warlike imployments, they then created Censors,
three score and six years 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 years: but ten years after L. Aemilius Mamercus limited the time of the Censors office to eighteen moneths. And soone after, this custome was followed by all the cities of Italy, and namely by the Roman Colonies, who brought their Registrars and Inrollments to Rome. Afterwards this charge was still continued; and euen Caesar the Dictator took the paines to go from house to house to supply the Censors 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 Antonie, the Senate by a publike decree gave him the office of Censor, calling him Prefectus morum, or Controller of manners, who thrice numbred 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 subjests of euerie province: And was there euer Emperour that left so goodly an estate of an empire, as he did?

Afterwards it was discontinued under the tyrannie of Tiberius and Caligula, and reuied againe by Claudius the Emperour, which made the 74 Lustre. It was left againe under Neron, and continued againe under Vespasian, who made the 75 Lustre: and then it left under the tyrannie of Domitian, who called himselfe Perpetual Censor, and yet made no survey. A hundred and fiftie yeares after, or thereabouts, the Emperour Decius caused the Senate to declare Valerian Censor, with ample authority. And since that this office was laid aside, the empire hath alwaies declined. True it is, that the Emperours of Greece did erect an office, which they called Magistrum Census, or The master of inrollments, who kept the publike regesters containing all testamentes and publique acts, with the names and ages of euerie person; yet not with such dignity and power as the auintent Censors. But it is certaine, that all townes subjete to the Roman empire, had their Censors, euene under Traian the Emperour, and that the Senators of euerie towne were chosen by the Censors, as wee may read in an epistle written by Pliny the younger to the Emperour Traian.

And (not to goe out of this realme) we read, that king Childeberis, at the persuasion and instance of Maroieus Bishop of Poitiers, made an edict, commaunding all his subjests to be inrolled, and their goods to bee valued; the which is yet sometymes put in practice at Venice, Genes, and Luques, whereas there bee Censors created: and namely at Venice in the yeere 1566 they made three Magistrats to reforme the peoples manners, whom they called, J Seignors sopra il ben vvere de la citta: The Magistrats for the well living of the citizens: for that the name of Censor in a free cite aboundinge with all kind of delights, seemed hard and feuer.

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 Censors, which were most necessarie. The commonweale of Geneue in stead of Censors haue deputed ten Antients, the which are choisen as magistrats, whereof four are of the counsell of three score, and fix of the counsell of two hundred, which hold the subjests of that state in such awe, as few offences remaine unpunished: so as without doubt this commonweale will flourish, if not through armes and wealth, yet by their vertues and pietie, so long as they shall maintaine the authoritie of those Antients. Whereby it doth plainly appeare, that the best and most flourishing cities could not long subsist without Censors: wherein many ignorant judges abuse themselves, in thinking that David was grievously reprehended by God, and punished,
A punished, for that he commanded his people should be numbered when God commanded Moses the Emperor of the Israelites to doe it after their departure out of Egypt, and again before they entred into the land of promise; and not only to number them, but to note euerie family, and to take the name of euerie particular person before they had conquered anie thing, which hee should leaue to posteritie; but the fault which David committed, was in forgetting Gods commandement, charging him, that when he did number the people every one should offer vnto God two groats of siluer (as Joseph hath verie well observed) 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 trusting more in the force of his legions, than in the power and helpe of the Almighty, did not number all his people, but those onely 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 euerie one to put halfe a fickle, or two siluer groats; that is done in my opinion, to abolish the impietie of the heathen, who taking the number of their subiects, offered a piece of siluer for euerie one vnto their gods: as also God commanded they should sprinkle the bloud of the sacrifice aboue, and of eyther side of the altar, forbidding them expressly, not to offer any more bloud vnto their devils, that he might call his people from the inhumane and hatefull worship of devils. And it seems that king Servius had borrowed this ceremony from the people of the East, when as hee commanded a boxe to be set in Iuno Lucinæ temple, into the which they put a denier for euerie one that was borne: and another in the temple of Iuuentus, where they did also put a denier for euerie one that had attayned to feuentene yeares 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 euerie one that died: which custome continued inviolable, euyn when as the office of Censor was neglected.

We read, that the Athenians were inrolled in the publike registers at the age of 14 yeares, yeer wee finde no mention made of the tribute. But the numbering of the people which God commanded to be made, was but of such as could cary armes, from 20 yeares vpward; in which it seems that old men above 60 were not comprised, & yet they were found by pole to amount to six hundred thirtie thousand five hundred and fiftie, besides the tribe of Levi which made twentie two thousand, from a moneth old vpward, which was in all six hundred fiftie two thousand five hundred and fiftie. And forty yeares after the number was taken, when as all these which came forth were dead, except Moses, Joshua, and Caleb; they were found to bee six hundred twenty four thousand seuen hundred seuenty three, comprehending the Leuis, besides the women, flauers, old men, and youth under twentie yeares, 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, Censae sunt ciiuinum capita 415 millia, preter orbos orbisque, the number of the citizens is 415000 besides the blind. Florus in his 59 booke saith, Censae sunt ciiuinum capita 313 millia 823 preter pupillos viduas, the citizens are inrolled at 313823 besides widowes and pupils. Fute yeares after he saith, Censae sunt ciiuinum capita 390 millia 936. The number of the citizens is 390936. And in the following euryne, 394356. And in the next inrollment 450000 and in the other after that 150000. I omit the former euryne, which are all greater than this last: but it seems the Citizens of Rome were not excluded.
excluded, as it may appear in that which I have noted, for that there were none but widowes and orphelines excepted: and yet Florus faith in his 27 booke, Censum sunt 137000 civium, ex quo numero apparuit quantum hominio est pretior aduersa fortuna populi Romani abitus: 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, Censum sunt civium capita 270 millia: The check-roll of all the citizens comes to 270000, as if he would inferre, that the loffes which they had receiv'd against Hannibal, had carried away 133000 citizens: for if the women had beene 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 suruy taken, whereas the number of women was greater than that of men, as Pausanias faith. But the scruple is decided by Titus Livius, where he faith, speaking of the seuenth inrollement, Cunium qui puberis essent, supra centum decem millia erant: mulierum autem & puororum: servorum & mercatorum, & forididar a rtes exercentium (siquidem Romanorum nemini cauponariam, aut operis ares tractare licuit) triplo plus quam turba civitatis. The citizens of full age were aboue 110000 of women, children, flaues, marchants: and of those which vied bate trades (for no Roman might bee a Viutualer or handycrafts man) the number was thrice as many as of the ciuill fort: whereby it appears, that marchants, handycraftsmen, women, nor children, were not registred: as for flaues they were not nubred among the citizens, but among moveable goods, the which were commonly fiftie for one: and even in Athens there were found 1 hundred times more flauies than free men, by a suruy that was taken, whereas for ten thousand strangers, and twenty thousand citizens, there were foure hundred thousand flaues. And of the number that was taken at Venice about thriste yeares since, there were found two thousand women more than men, as I have formerly noted.

The benefits which redounded to the publique by this numbering of the people, were infinite: for first 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 imploied in publique works of reparations, and fortifications: whereby they shall know what provision of victuals is necessarie for euerie citie, and especially in a 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 futes and quarrels the which are inuention touching the minoritie and maioritie of persons: for which cause king Francis the first commanded his chancellour Poyer, to publish an edict, injoyning all curats to keepe a registre of all such as should bee borne: but for that the registres are not kept as they ought, this law is ill obserued. And in regard of the quality, we see an infinit number of futes touching the nobility, which should be sujoyed by this means: and the futes of forgerie & falshood, for the disguising and concealing of names of the parents, country, estate, and qualitie, of euerie one, whether he bee a citizen 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 citizens of Athens, for the prerogaties and priviledges they had aboue strangers, where there were found thirtene thousand three hundred and sixty citizens, and five thousand strangers which carried themselves as citizens, and were fould for flaues by a publique decree. Morcouver, to order and gouerne the bodies & colleges of citizens according to
A to the estate and age of every person, as they did vse in Rome and in Greece, it is more than necessary to know the number of the subjectes; to gather their voices in elections the number is also requisite; to decide the people into tens, hundreds, and thousands, it is also necessarie to know the number of them. But one of the greatest and most necessary fruits that can bee gathered by this cenfuring and numbering of the subjectes, is the difference of every mans estate and faculty, and whereby he gets his living, therby to expell all drones out of a commonweale, which sucke the honey from the Bees, and to banish vagabonds, idle persons, thieves, coseners, & ruffians, which lye and contserue among good men, as woolues do among sheep, spending their liues in theuing, dicing, robbing, drinking and whooring; who although they walke in darkness, yet thereby they should bee seene, noted and knowne. And as for the valuation of goods, it is no leffe necessarie than the numbering of persons. Cæsiidorus speaketh thus, Orbis Romanus agit dinius census descripsit eis ut possesio sua nulla habeat incerta, quam pro tributum susceperat quan tumate folvenda. The Roman territories were devided, and every private mans land laid out, so that no mans possession should bee uncertaine, the which he had taken for the payment of a certaine rent or tribute. If then a survey were taken of all the Roman empire, and the lands distributed accordingly, that it might bee knowne what burthen euyry one was to bear in regard of the goods he enjoyed; how much more necessary is it now, when as there bee a thousand sorts of imposts in every commonweale, which the auntsians did never know. This poyn is of such consequence, as it should suffice, if it were for nothing else, but to cause every one to bring in a declaration of his goods and revenues: as was done in Prouence in the yeare 1471: whereby it did afterwaerdes plainly appeare that the commons were oppressed by the cleargie and nobilitie, if it had not beene provided for by an edict made by Francis the first, in the yeare 1534, and by another of his successors: wherupon the three estates of Prouence (beeing gowne into great futes) were called before the Parliament at Paris, where a provinciall decree was made; That all men of what qualitie soever, should pay their charges & imposts according to the regifter made in the yeare 1471, when as there were three thousand houses charged with a foule uppon the pound, without respect of families or persons, but to the lands subject to contribution. They were also constrained in the yeare 1516, to make a survey 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 survey or numbring: for some Incumbent payes more than a moiety of his benefice, when as another payeth not the thirtieth part for the tithes. The like was required by Marillas the kings aduocate for the subsidie of Prouence.

By this means the poore mens suit complaints shall be releuted, whom the rich are accustomed to ouercharge, and to free themselves throughout all the realme of Fraunce, as well as in Prouence & Languedocke: By this means, mutinies (which are usuall in every commonweale, for the vnequalitie of charges) shall cease: and moreover all futes depending before Judges for relief, should be quite cut off: by this means the concusions, malice or favour of the aßessors and other officers, who have charge to make an equal distribution of the tribute or impost, shall bee discovered, or at leaft the controuersie shall be decided by the Censors regifter: or els they might put in practice the custome of the ancient Athenians, whereas if any one were ouercharged that had leffe wealth than another, he might force him that was leffe taxed to take his charge, or to change estates with him: as ifocrates, who lost against Lyssmachides, and wonne against Megalides.
By this means you shall know who are miserable, who prodigall, which be banquerouts, who rich, which poor, who coofeners, which vfluters, & by what gains some get so much wealth, and others are oppressed with so great want, and how to redresse it: for that by the extreme povertie of some, and the exceeding wealth of others, we see so many feditious, trouble, & ciuill-warres arise. Moreover, all edicts and decrees, and generally all judgements and sentences touching fines & amercements, should be ordred, and justice equally administered, when as every mans estate were knowne, seeing that the punishment may not exceed the offence. Also, all deceit in marriages, in bargaines and sales, in all privat & publicke negotiations should be discoverd and knowne.

I omit a multitude of suits touching succesions, diuisions, and mortgages, the which are conceald for the most part, and should bee made plainly by the regifters without search, the which should ease the subiects charge, and prevent the falsehood of witness. It may bee some will say unto me, That it were a hard thing to expose the povertrie of some to be scorned, and the wealth of others to bee enuied. Behold the greatest argument that can be objected to hinder so good and commendable a thing. But I anfwere, That all enuy will cease against those whom they hold to bee rich and are not, and the mockerie against such as have wealth and are held poore. And shall the enuie of the malicious, or the detraction of the scone, hinder so good and commendable a thing? Neuer wise prince nor good law-maker did regard enuie or scorn, when there is question of good laws. Although this law (whereof question is made) concernes onely mouable goods and not lands. To say, that it is neither good nor comely to know privat mens wealth or wants, the course, traffike and negotiation of marchants, which consists most commonly in booke of credit, nor to lay open the secrets of families; I anfwere, 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 alwyse glad to have their estates knowne, with their qualities, wealth and maner of living. An Architect said one day to Linius Drusius the Tribune, That he would make the lights of his house in such fort, as no man should over-looke him: To whom Drusius anfwered, I pray you make it in such fort as every one may looke into it & see mine actions. Pelleus Patereclus who writes the historie, faith, that this man was sanctus & integritas, of a holy & upright 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 upon the declining of the empire, when as vices began to spring vp, they neglected it, faith Aspronius, for that many were condemn'd by their regifters. And I find not that ever any but tyrants thecues and bankerouts hated the office of Censor, and have hindred all they could the valuation of goods, as I haue noted of Tiberius, Calliguna, Nero, and Domitian. It is therefore a meere mockery, to pretend that this would bee a meane for tyrants to oppresse their subiects with exactions: for there is no tyrant so cruel, but he will more willingly take from the rich than from the poore; whereas for want of a Censor the poore are pinched, and the rich faine themselves. We alfo see that by the practises of the vfleres & the rich citizens of Rome, six Censors chosen succedually 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 regifters and publicke informations, which discovered euere mans estate, and their actiue and passiue debts, whereby they should find, that some of the Citizens were oppresseed by the others, and ruined by the vfleres. And then the Tribunes protested, that they would not suffer any debtor to bee adjudged to his creditors, nor involued to go to the
the warres, vntill they had first scene 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 assistaunce. Why shoulde a good creditor feare to have his debts and contracws viewed, or his lands (lawfully purchas'd) knowne? why should he hinder the knowledge of his goods, lawfully gotten by his industrie and labour? It shalbe alwaies honorable vnto him; and if he be an honest man, if he loues the preferuation 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 he be an vifurer, an extortioner, a publike thief, and a robber of private men, he hath reason to oppofe himfelfe all he can, that his goods, his life, nor his actions may be knowne: but there is no reason to aske the vinteners aduice if they shall suppreffe alehouses; or the trumpeter, if they shall put downe the fues; nor of bankers, if they shall aboſlith vifurie; nor of the wicked, if they should haue Cenfors.

The antient Greeks and Latines haue alwaies spoken of censuring, as of a divine thing, the which hath alwaies prefuered the greatneffe of the Roman empire so long as Cenfors were in credit. Titus Livius speaking of king Servius, who firft ordained that euerie one should giue a certificate of his goods, faith, Cenfum instituit rem salu·berimans tanto imperio. He instituted the office of Cenfor, a wholesome thing for to great an empire. But after that Cenfors were created in the Consuls place, and that by little and little they began to take knowledge of the life and manneres of euerie one, then began they to respect the Cenfors, and to reverence them more than all other magiftrats: whereof Titus Livius faith, hic annus Cenfure initium fuit, a par·na origine orto que deinde incrementa aut accepit, ut morum disciplinas Romanas penes eum regimen Senatus, equitum quas cenfurie, decoris, dedecoris quas discriiones eius magiftratus, publicorum ius, primatorum quas locorum vetustas populi Romani sub mutu arque arbitrio essence. This yeare was the beginning of the Cenfors office, springing from a small matter, the which was afterwards so augmented, as hee controlled the manneres and discipline of the Romans, the assembles of the Senate, and of knights; also the distinction of honour and infamie were subiect to this magiftrat, and the publike rites, with the revenues of private places belonging to the people of Rome, were cenſured by him. The Cenfors office then was to receive the number of the persons, and the valuation of their goods, to be superintendant of the treafure, to faine out the impoſſes, cuſtomes, and all the revenues of the common weale, to reforme abufes, to place and displaſce Senatours, to difmiff the men at armes, and to cenſure the life and manneres of euerie one. Plutarch speaks in a higher stile, earming the office of Cenfor, MoftSacred and migltie. It may be some will say, that the charge was ouer great: yet two Cenfors were fufficient to great an empire. But their charges may be denided: for to place and displaſce Senatours, that charge was given vnto the Cenfors, to cafe the people, faith Fefus: the which could not be done in a monarhic, whereas the prince makes choyce of all magiftrats, especially of his counfell. Yet it were necelfarie, that the ouerfeers of the treafure shoulde be true Cenfors, that is, men without blame or reproch: for you must alwaies commit the purfe to the moft truftie, and the reformation of abufes to the moft vpright. As for the reformation of abufes, it is the goodliest thing that euer was invented in any common weale, and it hath bift maintained the greatneffe of that empire: for euery as the Cenfors were alwaies chosen out of the moft vetuous men of the common weale, fo did they strive to conforme the subiects to the true pattern of honour and vertue. This was done from fuye yeres to fuye yeres: & after that they had feedt the effate of the
the treasure, andFarmed out the reuenues. And if they discontinued this charge (as oftentimes it fell out by reason of the trealousnesse of the warrers) then did it plainly appeare, that the people grew corrupted in manners, and that commonweale declined, like vnto a bodie which leues his ordinary purging: this was manifést during the second Punike warre, when as they had no time to attend that charge commenstly, but as soone as Hannibal was retired into the territories of Naples, then the Cenfors (faith Titus Livius) Ad mores hominum regendos animum adverterunt, caufig and daque vista, quae velut diutinus morbos aegrit as fegignum, nata bellow eram. The Cenfors applied themselfs to reforme mans manners, and to punish vices, the which had sprung vp by reason of the warrers, as continual feauers doe in sicke and corrupted bodies. And yet they dealt not with any abuſes, but such as were not to be cenfured by the Judges: for the magiftrats and the people tooke knowledge of murthers, patricides, thefts, concufions, and fuch like crimes, the which are punished by the lawes.

Is it not fufficient, will some one fey, to punish crimes and offences by the law? My anfwer is, That the lawes punish those offences onely, which trouble the quiet of a commonweale: and yet the greatest offenders doe eafily ecape the punishment of the law, euen as great beasts do eafily brake through the spiders web. And who is fo ill aduised, as to measure honour and vertue by the lawes?

Luit (faith Seneca) qui se præferuer legibus omnibus innocemt re, quod in a fir, quae augufta eft innocencia ad legem bonum effe: quanto latius patet officiwn quain juris regula? quæ multa pie tas, humanitas, liberalitas, iusticia, iudes eignum, quæ extra publicas tabulas funt. What is he that præfeth himfelfe an innocent by all lawes? how fhalt it be innocency, to bee good according to the lawe? how much larger are the rules of dutie than of law? how many things doe piety, humanity, liberalitie, iustice, and faith, challenge at our hands, the which are not inferted in the publicke tables? It is manifeft, that the most deteffable vices, and that moft corrupt a commonweale, are never called into judgement.

Treacherie is not punifhed by the law, being one of the most abominable vices: But the Cenfors (faith Tully) were not fo curious of any thing, as to punish periyre. Drunkenneffe, gaming, palliardife, and loolenesse of life, are suffred with all impunity; and who can redeffe these diforders but the Cenfor? We fee moft commonweales swarme with vagabounds, idle persons, and ruffians, who by their deeds and examples corrupt good citizens; and there is no ineane to expel this vermine, but by the Cenfor. There is yet one speciall reason which fhewes that the Cenfor's officce is now more necelfatie than ever: for that in old times the matter of eucry family had absolute command, the father ouer his children, the mafter ouer his slaves had absolute power of life and death, without any appeal; and the husband had the like authority ouer the wife in foure cafes, as wee haue fhewed elfewhere: but all this now ceasing, what iustice may we expect of the impiety of children against their fathers and mothers? of the ill government of maried couples? of the contempt of matters? How many virgins doe we fee fold and difhonoured by the parents themselves, or that rather fuffer them to live loofly than to be maried, thinking it better to caft forth their children, or to kill them, than to nourife them? and how can all this be prevented but by a Cenfor?

I diſpute not of the confidence to God, the which is the chiefſt and moſt principal thing that ought to be cared for in eucry family & common weale, the which care although it hath beene alwayes committed vnto Bishops, minifters, and other spirituall officers, yet the magiftrat ought to have a speciall regard that it be aboue 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 yere at the feaft, yet there are some
A. Some which never goe, and so by this contempt of religion, hath sprung up 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, paticides, poynings, treasons, perjuries, adulteries, and incests: neither is it to bee 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 overseers or Censours, who vse divine lawes when as mans decrees are of no force: for that Legum metus non feelera, sed licentiam comprimis. 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 laws, yet liue they most wickedly, and as Laetantius said well, Possunt enim leges delicta punire, conscientiam munire non possum. Lawes may well punish offences, but they cannot fortifie and amend the conscience. And as for the bringing vp of youth (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 for, some in another, the which I will not touch heere, hauing treated thereof in an other place. And for that Licurgo said, That thereon consisted the foundation of a commonweale; he appoynted the great Pedonomo to be Censor of the youth, and to gouerne 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 Aristolos opinion, should be all one: and so 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 Aristolos said) were not instructed in good manners. All this depends on the care and vigilancie of Censours, first to haue a care of the manners and behaviour of schoolemasters.

I will passe over 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 natural bounty; the which hath the more power & effect, for that their words, accents, gestures, motions, and actions, gouerned with all the art that may be, and of a most filthy and disorderly naure, leaves a liuely impression in their foules which apply thereof to all their fences. To conclude, wee may well say that the Comedians stage is an apprenticeship of all impudence, loseness, whooredome, cooezning, deceit and wickednesse. And therefore Aristolos did not without caufe say, That they must haue a care lest the subiects went to comedies: he had saide 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 desideres: For there is nothing more contrarie to good manners, than to haunt plays. 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 plays: I answeare, that it was for a superstition they had vnto their gods; but the wise haue alwaies blamed them: for although a Tragedie hath something in it more stately and heroicke, and which doth make the hearts of men leafe effeminat, yet Solon hauing seene the Tragedie of Thebys plaied, did much mislike it: Whereof Thebys excelling himselfe, said, It was but a play: No (replied Solon) but this play turnes to earneft. Much more had he blamed Comedies, that were then vnknowne: and now adayes they put at the end of euerie Tragedie (as poyson into meat) a comedie or jigge. And although that comedies were more tolerable amon
mong thosc that dwell in the Southerne parts, being more heauie and melancholy by nature, & for their naturall constancie leaflle subject to change, yet should they be utterly defended to thosc that liue towards the North, being of a sanguine complexion, light and inconstant, having in a manner all the force of their foule in the imagination of the common and brutall fence. But there is no hope to see plays forbidden by the magiftrats, for commonly they are the first at them.

It is the proper charge of the graue and wife Cenfors, who will bee carefully to entertaine the honest Gimmnasticall exercices, to keep the bodie in health: and of musike to restraine the appetites vnder the obedience of reason: I mean, musike, which doth not onely signifie harmonie, but also all liberall and honett sciences; hauing a speciall care, that this naturall musike be not altered, nor corrupted, as it is at this day, seeing there is nothing that slips more sweett and insensibly into the interiour affections of the mind. And if we may not preuaile so much as to hauie the Ionique and Lidian fonnes, that is to say, the fift and eueneth tunes bannified out of a commonweale, and defended from all youth (as both Plato and Ariftole faid it was neceffarie) at the leafl let not the Diatonie musike (which is more natural than the Chromaetique or Enharmonique) becorrupted by other medlicies: and that the Dorien fonnes, or of the fift tune (the which is proper to sweettneffe and feemely gracie) be not disguised into manie tunes, and fofuced, as moft part of muficians become foolees or mad men, for that they cannot taff of a naturall musike, no more than a weake flomake corrupted with delicates, can digest good and subftantiall meat. All this depends of the Cenfors dutie: for that neither Judges nor any other officers will euer regard it.

They also compaine of excelle in apparell, and that the sumptuarie lawes are trodden vnder foot. It shall neuer be reformed, if there be not Cenfors to fee the lawes executed, as in old time the Nomophylaces, or Law keepers, did in Athens. And therefore an auntient Oratour faid, That the Tribune which first restrained the Cenfors authoritie, had ruined the commonweale: It was Clodius, one of the wickedleft men of his time, which law was fixe yeares after difannulled by the law Cecilia.

Seeing then that censure is fo goodly, profitable, and necessary a thing, let vs now see, if Cenfors ought to hauie any jurifdiction: for it feemes it shouldbe but a leaft without some jurifdiction. Yet I fay, that the Cenfor ought not to have any jurifdiction at all, to the end that his charge be not intangled with futes and controverfies. In like fort, the auntient Roman Cenfors had no jurifdiction: but a booke, a word, and a dafh with a pen, was more bloudie, and touched more to the quick, than all the decrees and judgements of the magiftrat. When as they made their scrutiny or survey, you fhould have fene fowre or five hundred Senators, the order of horfemen, and all the people fland trembling before them: the Senatour fearing leaft he fhould be put from the Senat: the horfman from his horfe, & rankt among the bafer fort: and the fimple citizen to be rafed out of his order and from his line, and placed among the tributaries: as Titus Livius doth testify, That 66 Senators were rafed at one time out of the regifter, and excluded the Senat. And yet left this great honour and authoritie of the Cenfors fhould make way to a tyranny, if they were armed with power and jurifdiction, or if any should be condemned without hearing; it was therefore we aduifed they fhould have nothing but the cenfuring and reformation. And therefore Tully faid, That the judgement of the Cenfors did onely make men blufh: 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 Prætor did note them as infamous, that were casted with ignominy, 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; shewes plainly, that Ignominy and Infamy is not all one, as manie have suppos'd.

By the auntient cultome 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 Halinthius. Now although the Censor had raised any Senator out of the Regifter booke, yet if he would make petition unto the people, he was admitted, and sometime absoled 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 guiltie, 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, forejudged: and if the Censor were an eloquent man, he would oppose himselfe as an accuser of those that would seeke to be restored against his ceniture: as Cato did against Lucius Flamininus, making an oration against his filthy and disordred life, having raised 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 comission from the people, the which if they obtained, they were freed from all ceniture of ignominy, or else they were restored by the other Censor five years after: if hee did performe neither the one nor the other, he was not admitted into the Senate: neither could a horseman recover his horfe nor his ranke. And (Vipsianus 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 ceniture, he faith, That the auntients would have the Censors office to carry a certaine feare, and not a punisht. The which was partly the cause why the Claudian law was disannulled, the which would not have any Senator excluded the Senate, notwithstanding the regifter, if he were not accused before both by the Censor, and condemned by either of them, the which had imbaed the office of Censor, being so reverend, as the Senate of Rome would not permit the Censors, (after their charge expired) to bee accused, or called in question for anie thing that they had done during their charge: the which was lawfull against all other magistrats. And it seeming for the same reason the Emperour Constantine did teare the libels of accusation propounded against the Sontanians or Onufiers at the Counsell of Nice, laying, That he would not judge them that were Censors of a eueriemans life. And for the same cause Chailemaine in his constitutions hath made a Canon, That no Prelate should be judged without 72 witnesses, freeing the Pope from the ceniture of any man: the which hath bene obserued untill the counsell of Conclave, 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 preomued so much, they are likely to lose both jurisdiction & all ecclesiastical ceniture, the which hath alwaies bene of great confugence: for even as the auntient Druides (who were auntient Judges and Prelats in Gaule) did excommunicat kings and princes that would not obey their decrees, even so the ecclesiastical ceniture 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 Empe-
rous 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 so famous, as of Saint Ambrose, who did censure Theodosius the Great,
and Nicholas I Pope, who censured Lothaire King of Italy: and Innocent, who did
excommunicate Lewis 7 King of France, to whom for three yeres space no priest
durft administer the Sacrament.

True it is, that the abuse of a censure of so great consequence, hath made the
ministers, the discipline, and their censure to be contemned, the which consfired
in interdiction, suspension, and excommunication: for many ypwn light causes,
and without cause did excommunicate, yet they haue set downe 39 caufes where-
in a man did incure excommunication ipso facto, without judgement or sentence,
and which is more, they did excommunicate Corporations, Colleges, Universities,
Emperours, Kings, and Kingdomes, without distinction of age, sex, innocents,
or mad men, although since (but too late) they haue somewhat corrected
this abuse: but in this kingdome it was decreed by the statutes of Orleance, that
they should not use any excommunication, but in crimes and publike scandal.
The Prelats, Bishops, and Popes, have always pretended the censure of manus-
ners and religion to belong vnto them, as a thing whereof judges and magiftrats
take no knowledge, but in case of execution. And since the auncients and over-
feers have vied the like prerogatieve in many places, a thing which is verie necessa-
ary, if there be no Cenfors, as well to reforme the peoples manners, and to watch
other them, as to countenance the dignity of Pastors Bishops and Minifters, whom
we cannot esteeme and honour too much, for the charge and dignitie which they
beare; God did wisely provide, making choice of his minifters, and giving the
prerogative of honour vnto the tribe of Levi, above all the tribes, and to the fa-
mily of Aaron, of the which the Priests only were, above all the Levites, giving them
the tenths of cattel, fruits, and of all heritages, with great honours and prouileges:
and by an article of the law of God it is said, That he that shall disobey the sentence
of the high Priest, shall be put to death: And they that shall abuse the estate of the
Minifters, Bishops, and Auncients, and feek to take from them, all ecclesiasticall
censure, with their goods and honours, to see them poore and scorned, they con-
temne 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 induce that the Auncients should
have the censuring of manners: yet the one is most necessarie in euerie well govern-
ned commonwealt, either to create Cenfors, or to submit themselves to the censure
of the Bishops.

The Seigneurie of Genue reftores this prerogative to their Bishops, Minifters,
and Auncients, to have the prouilege of a Corporation, and to censure the liues,
and manners of men in their consifterie, and yet without any jurifdiction to com-
mand, 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-
sequence: for the perfon excommunicated, after a certayne time is purfued crim-
ninally before the magiftrate, by the Inquifitour of the faith, as in the catholike
church, but not so soone: for there hath beene some one excommunicate fifteen
yeres, and afterwards conuerted before the Inquifitour of the faith, who meant to
proceed against him, hee hath appealed to the Parliament, where his appellation
was
was convicted, & 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 lawful 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 Orleance, and confirmed by the Parliament, the Bishops and Auntici-
ents could not vie such penuries within this realme. At Lions Mr de Moulins was
much discontented against the constrictor, saying, That under colour of their cenfure
they attempted vpon the temporal jurisdiction, and yet he blamed it in the catho-
like church. But taking away suspension, interdiction, and 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 vie such penuries.

The auntient Cenfors did set notes and marks vpon the registers against those
that deserved it, to advertise their successors in their charge of those that were so no-
ted, 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 temporal 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 & Aunti-
ents, than to take all from them, and thereby to deprive the commonwealth of that
which is most necessarie: for wee see those estates which doe vie it, to flourish in
laws and good manners: we see whom some, vlores, mummeries, and execels in all
things rooted out, the blaspheamer, ruffian and idle vagabond banished; and
without doubt, those commonweales which shall vie such penuries, shall continue
and flourish in all vertues: they which neglect laws, 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 Plain-
fters, as we may note in Caiusiodorus. But for that the Cenfors office was first instituted
in regard of taxes, subsidies, and imposts, and to make a stocke for publike neces-
sities, let vs also speake of treasure.

CHAP. II.

Of Treasure.

Money the finewes of a commonwealde, as an auntient Orat-
tor said, it is verie necessarie to haue the true knowledge thereof, first
to see by what honest means to gather money together; second-
lly, to impoyt it to the profit and honour of the commonweale; and
lastly, to spare and to reserve some part for all needfull events, leaft
the publike treasure being exhaust, the commonweale might bee
oppressed with sudden calamity. We will therefore handle these three points eue-
rie one in order.

Touching the first point. There are many cunning politicians, which know many means to raise vp great summes of money, but they never had
the true knowledge of honour and honesty. But leaving thee cunning politicians
I will follow thofe, whoas they have had a great care of the treasure, so haue they
ought by honest means to increase the revenues of the commonweale, left the citie
by want should be drawne into danger, and the prince forced by unlawful means
to suck the priuat wealth and blood of his subiects, as it hath happened to those that seemed best acquainted with politike affaires: amongst which the Lacedemonians are named, whom not content with their owne territories, as their master Licurges had taught them, taking from them all vfe of gold and silver, injoyning them to make money of iron, left that strangers should grow in loue with the Lacedemonians country, or they with that of strangers, supposing thereby not onely to free his citizens from injuries, but also from forraigne vices: But they had no sooner past their frontiers but they fell to borrowing, some of the king of Persia, as Lycaon and Calliercatides: some of the king of Egypt, as Agesilas, and Cleomenes, kings of Lacedemon. For which cause the Seigniorie of Sparta having loose wonn 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 publicke Treasure, to serve them at their need, with defence not to vfe it for anie priuat occasion: but their treasure without ground or supply being loose wafted, they were forced to returne to borrowing to make wane (the which is not enterayned and maintained by diet, as an ancient Captaine said) whereby their commonweale decayed under king Cleomenes. Euerie commonweale therefore must prouide to have their treasure built of a true and durable foundation. There are onely seuen means in general for the making of a publike treasure, in the which all other are contained. The first, is, by the revenues of the commonweale: the second, by conquest from the enemy: the third, by the liberalitie and gift of friends: the fourth by the pensions & tribute of their aliens: the fifth, vpon traffike: the fixth, vpon merchants, which bring in and carry out marchandise: And the seuenth vpon the subiects imposts.

Touching the first, which growes by the revenues, there is not any seeme to mee more honest & sure. So we read that all the ancient monarchs and law-givers, which built new cities, or transported new colonies, they assigned (besides the streets, temples, theaters, & the poftitions of priuat men) certaine places fit for the commonweale, and free to all in general; the which were called Commons, and let out to priuate men for a certaine time, or for ever, paying a yearly rent into the Treafurie 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 in three parts, appoynting a third for the temporall of the Church, a third for the rents of the commonweale, and the surplusage to be deuided among priuate men, the which at that time were three thousand citizens, euerie one of which hauing two iournies, or acres of land: so as of eighteen thousand iournies or acres of land, lying in the territories of Rome, they refered six thousand for the sacrifices, six thousand for the revenues of the commonweale and intertainment of the kings house, and six thousand for the citizens. Yet Plutarch lets downe twice as many citizens, and faith that Romulus would set no limits of the territorie of Rome, left it should be seene what he had vsurp'd from his neighbours, and that his successor Numa diuided the revenues to poore citizens: but the first opinion is the more likely and the more common; for the deuilion of two iournies or acres continued a long time, as Pliny faith, speaking to Cincinnatus the Dictator, the which was two hundred and threescore yeares after Romulus: Arani suae duo iura Cincinnato viator inquis, velae corpus & audi mandata Senatus: Cincinnatus plowing his two acres, Passenger (faith he) vncouer thy bodie, and heare the commandements of the Senat. And Denis Halicarnasseus holds the first opinion; hee was in housshould with Marcus Varro, the true Register of all Roman antiquities. But since by the law Licinia, euerie citizen was allowed to have
feuen journies or acres of land. If it be true which wee read in Pliny, or Collamella: Post exactos Reges Licinianus illa septem ingera, que plebis Tribunus viri titum diuisorat, maiores queebris antiquus rescriebre, quam nume nobis præbent amplissima vera et, After the expulsion of the kings, those feuen acres which the Tribune deuided to utter one by the law Licinian, did yeeld our auncetfours more profit, than now our large fields. And the oration of Marcus Curtius is well knowne, noting him as a pernituous citizen that could not be contented with feuen acres. In this diuision Romulus did imitate the Egyptians, who in old time diuided all the revenues of Egypt into three parts: The frist was for the sacrifices and sacrificers; The second, to entertaine the kings house, and to defray the publicke charges; And the third for the Calafris, the which were the men of warre, alwaies entertained to serue at need: all the other citi- fens were either husbandmen, or slaves. Wee read also, that Ezechiel, in reforming the abuses of the princes of the Hebrewes, appoynted certaine lands for the sacrific- es, 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 grieue my people with exactions and impoits. Although from the beginning of the Israelits kingdome, the kings had some revenues; for the town of Zion, with some land being gien to David by king Achis, continued for euer as part of the kings revenues, and was euer alienated. Of the reigne revenues some are publicke, some are private, the last may bee fould and made away, the frist euer. And to the end that princes should not bee forced to ouercharge their sub- jects with impoits, or to seeke any unlawfull means to forfeit their goods, all Mo- narchs and States haue hold it for a generall and unoubted law, that the publicke revenues should be holy, sacred, and inalienable, either by contract or prescrip- tion. In like fort, kings (especially in this realme) grunting their Letters pattents for the reunion of crowne lands, declare, that they have taken an oath comming to the crowne, in no fort to sell or make away the revenues: and although it were dely and directly made away, were it for euer, yet is it alwaies subject to be redeemed, and in such fort as the prescripffion of a hundred yeares, which giues a just title to the possessor, doth not touch the revenues of the crowne. 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 decidion of the re- venue, & the prescripffion of a hundred yeares. And this is not peculiar to this realme alone, but common to the kings of England, Spayne, Poland, and Hungary, who are accustomed to sware not to alienate the revenues of the crown. The which is also observed in popular & Aristocratall states: and euene at Venice the law allows no prescripffion (the which many would limit to six score yeares:) nor yet the Can- tons of the Swiffers: for king Henry the siegiorie of Lucerne to ingage themeslues for a certaine summe of money, Hugo the chiefe magistrat made an fwere unto the Ambaffador, That both the Senat and Commons of LU- CERNE had fivorne, neuer to pawne nor ingage their lands. Wee read also, that the fame ordinances were religiously obseruaded in two the most goodly commonweales that euer were, Athens and Rome, whereas two great personages, Themis, and Cato the Censor, caufed all the publicke revenues to bee feized on, the which had through trakt of time, and sustenance of magistrates beene viuped by private men, saying in their orations, Nec mortales contra deum immortalem, nec privatos contra Rempub. prescribere poss, That mortall men could neuer prescribe against the immortall God, nor private men against the commonweale. And therefore the court of Parliament vppon a ciuill request obtained by the kings Proctor generall, against

The publicke revenues by nature are unalienable.
a decreemadethisin favour of the successors of Felix of Nogaret, to whom king Philip the faire 260 yeares before had guien the lands and Seigniorie of Calunned, for his vertues and well deferring of the commonweale, whereby it was revoked 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 guien the 14 of February, 1511, betwixt the kings proctor and the religious of S. Omer, adjudging the possession of certaine goods vnto the king, allowing the religious to releuce themselfes by some other meanes, and to proue it duely, by way of inquest, and for cause, which words (and for cause) are not to bee vnderstood for the poore subiects of the countie onely, but generally for all. And oftentimes the treaties made betwixt princes haue no other difficulties, but for the preferuation of the revenues, the which princes cannot alienate to the prejudice of the publike. Henry 8 king of England in a treatie made with the Pope and potentimes of Italy, in the yeare 1527, caueth this claue to be added, That they might not giue away any thing of the crowne of Fraunce, for the redeeming of king Francis: and vpon this poyn't the breach of the treatie of Madrid was grounded, for that the auncient custome of this realme, conformed 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 case were made at such time as the enemy had invaded the countie: and that the forme beobseru'd from poyn't to poyn't, as in the alienation of pupils goods (the commonweale being alwaies regarded as a pupill) and if there be any thing omitted, it is all of no force, or at the leaft it is subject to recifion, without reuention vnto the purchafer of the thing purcah'd. Neyther can the prince challenge that vnto himselfe which belongs vnto the publike, no more than a husband can his wifes dowrie, when the prince hath left right; for the husband may abuse the fruits of his wits dowrie at his pleasure, but a prince may well vfe, but not abuse the fruits of a publike dowrie: as the citizens that were in societie with the Athenians complained, that the publike money was to be put in Apolloes treausry, and not to be wafted by the Athenians.

Our kings haue and doe acknowledge, that the proprietie of the crowne lands is not the princes: for king Charles the 5 and 7, would not have the crowne lands pawned, vnlesse the Parliament at the instanc of the kings proctor had so decreed, as we may see in the auncient regissters of the court of Parliament, and chamber of accounts; and the reason 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 widdowes and orphans) hee commanded all his jewels and moveables to be fould to performe his legacies, leaft that any thing belonging to the crowne should be fould, as hauing no interest in it. And for this cause Pertinax the Roman Emperour caueth his name being written vpon the publike lands, to be raied out, saying, That it was the very inheritance of the commonweale, and not the Emperours, although they enjoy the rents for the maintenance of their houses and the commonweale. And we doe also read, that Antionius Pius liued of his owne inheritance, applying nothing that belonged to the publike, to his priuatie vfe: whom king Lewis 12 (called the father of his countie) 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, Couffy, and Montfort: and yet many haue erroneously confounded the publike with the princes priuatie lands. Neyther is it lawfull for soueraigne princes to abuse the fruits and revenues of
of the crowne lands, although the commonweale be in quiet and free from all troubles; for that they haue the vie onely, and ought (the commonweale and their house being maintained) to keepe the surpluage for publike necessitie; although that Pericles said to the Ambassadors of the confederates, That they had no interest in the imployment of the treasure, so as they were mainrayned in peace: for it was contained in the treaty of alliance, that the money which should be raised in the time of peace, should be gared in Apollon temple, and that it should not bee imploied but by a common conient. But there is great difference between the Treasuries or Exchequer in a monarchy, and in popular states: for a prince may haue a treasuries of his private patrimony, the which was called Fiscus by the Auntries, and that of the publike revenues Aerarium: the one being diuided from the other by the autentific laws, the which can haue no place in a popular or Aristocratcall effate. Yet there never wanted flatterers to perluade princes to fell the revenues of the crowne to make a greater benefite; the which is a tyrannical opinion, and the ruine of a commonweale: for it is well knowne, that the publike revenues consist chiefly in that which Dukes, Marquefes, Earles, and Barons did sometimes possess, the which, either by succession, dowrie, or by confiscation, have come vnto the state in Lordships, copipholds, in fees, alienations, sales, features, rents, amerceaments, rights, confiscations, and other regalities, the which are not subject to impofits and ordinarie charges, and oftentimes are gotten by them which are free from all charges.

Moreouer, commissions graunted to fell the publike revenues, for the making money speedily, allow it to be sold for ten yeares purchase, when as private lands in fee with justice are sold for thirteene yeares purchase, and those that have dignities at fiftie yeares and more: as some with purchase of the publike lands, escape in one yeare more profit by the jurisdiction, than they paid for the land. Others have paid nothing at all, taking the valuation of the revenue by extracts from the Chamber of accounts, gien 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 sales, the purchafer hath more profit than the intereft of the money which they haue payed can amount vnto as also the receiuers of the revenues are not accustomed to giue 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.

There are infinite more abuses which the commonweale sustaines by the sale of their revenues, 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 have least deferved, and so for want of money to redeeme this land, the commonweale falles to decay: then doe they also sell the commons whereby the poore are releued. It were more fit to fell the waife lands of the commonweale, the which no man will hire, and brings no benefite to the commonweale, to the end the Treasury may bee enriched, and that the citizenes may profit by the tilling thereof: but if they may haue a farmour, it is not lawfull to fell it, although that Aristotele commends them of Constantinople, who sod their lands for a continual rent, the which is a more alienation, and money taken before, diminisheth 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 waife lands, and paying of fines, by the persuasion of such as bought to make money: yet the Parliament of Paris vpon the verification of the saide edict, decreed, That the rents should not be redeemed, and that there should bee no fine payed at the
the beginning; and for that the Commissioners for this sale did sue unto the King that it might be lawfull to give money at the entry, the Court (all the Chambers being assembled) decreed, That the purchasers might not give above 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 Receiver of the revenues apart, to be employed to redeme the revenues that were fould, imposing a quadruple penaltie to bee leuied, as well vppon the receiver, as of thoile that had gotten any assignation of the said money. And it is not here needfull to relate what losyes the king and commonweale have sustained by such alienations of waste lands. King Francis the second comming to the crown, commanded his Proctors and magistrates to redeme the publike revenues from private occupiers: wherein he complained, that the crowne lands and revenues were fo dismembred and waifted, as that which remayned did not suffice for the charges that were laid vppon them. But our king hath farte greater caufe to complainenow, when as there scarce remaynes any thing that is to bee fould. In the generall accounts of the treause made in January, in the yeare 1572, there was no receit made of any revenues, although there were fix thousand crownes a yeare in the receit, when as king Francis died, as it appeareth by an account of the treause made in the yeare 1569: and by the fame eftate the alienation of the revenues, impositions, and subsidies amounted to fourtie millions nine hundred fixtie and one thousand foure hundred and feuenteen liures, fixteene fouzlz, and eight deniers; nor comprehending twelve hundred thousand liures for the fourth and half, fourth, and foure hundred and fiftie thousand liures, in regard of fixteene liures vppon the stroke of salt, the which the country of Guienne redeemed in the yeares 1549, and 1553, whereby is plainly appeares, that the kings revenues are almost all ingaged and made away, for fixteene or fiftie millions at the moft, the which is worth about fiftie millions: for that Earldomes, Baronies, and other Seigniories have not beene fould for about nine yeares purchase: and if it were redeemed and let to farme, it would amount yearely to almost three millions, the which would suffice to entertaine 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 revenues of the crowne of England, comprehending the land subsidies, taxes, customs, impost, and all other charges, amount to little more than sixcore and ten thousand pounds starting a yeare, housing a good part of the temporal lands of the church annexed vnto it, and yet the Queene doth maintayne her Court and the estate of her realme verie royally, and redeemed the revenues.

True it is, that a settled peace for these fixteene yeares hath much prevailed for the maintenance of the state of England; and ware for the nine of France, if God had not sent our King Henry from heaven to restore it to his first beautie. But we must obserue that for the preferuacion of the revenues 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 fort; whereas the magistrates and overseers of the treause convert the publike to their owne private profit: and euerie one sittis to gratifie his friends, or to purchase the people's favour with the preudom of the commonweale: as Cæsar did in his first Confulship, who deuided the territory of Capua among the people, and abated the rents of the farms a third part, after that he had beene well bribed. And ten yeares after Quintus Metellus Tribun of the people, to winne their favour, publisshed a law to take away the toles in all the ports of Italy. In like fort, Pericles to haue credit with the people of Athens, made distribu-
A distribution of great summes of money, which had come into the treasure. This happens not in a monachr, for Monarchs which have no more certaine revenues than their lands, and that have no power to impose subsidies or other charges upon their subiects but with their owne consents, or upon veryt necessitie, are not so prodigall of their crownland. It is not needfull to discouer any further of revenues, being impossible to order it better than was by the edict of king Charles 9 if it were duly executed.

The second means to gather treasure together, is by conquest upon the enemy to recover the treasure wafted 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 treausie of Rome. And as for the townes yeelded or taken by capitulation, 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 silver (faith Titus Linius) and all the brass that was taken from the Samnites, was carriied to the treausie. And speaking of the Gaules beyond the Alpes, he faith, That Furius Camillus carriied into the Capitol 17000 pounds of silver which hee had taken from them: and that Flaminius caufed to bee brought out of Spaine of the spoiles of Greece, the value of three millions & eight hundred thousand crownes, besides silver, rich houseables, armes and ships. Paulus Aemilius brought thrice as much out of Macedony. Caesar caufed aboute foueritie millions to be deliverid into the publicke treasure, by the report of Appian. Wee may see from the 33 booke of Titus Linius to the 34, the infinite treasures brought to the Treasure of Rome of the spoiles of conquered nations. And although all were not brought in by the Generals, yet fearing to bee charged with corruption, or to bee frustrate of their triumphs, they alwaies delivered in great summes: for Scipio Afauric was accusat and condemned of corruption, in a great fine, and yet he brought into the treasure aboute two millions of gold: and Scipio the Affrican his brother, was also included in the accusation, although he had brought aboute foure millions of gold of his conquests into the treasure, besides the value of ten millions and foure hundred thousand crownes: wherein king Antiochus was condemned: for means of the victorious that obtained, and yet both of them were exiled and died poore. And although that Lucullus was the first (as Plutarch faith) that inriched himselfe with the spoyle of his enemies, yet did he bring more into the Treasure than any of the rest, except Caesar: the which I thought fit to observe, for that commonly wee imploie the treausie for the charge of the wares, and yet in all victories and conquests there never comes a crowne into the Exchequer, and oftentimes the face & spoyle is gien before the townes be taken or yeelded.

The Romans were not contented with their treasures and spoiles, but they condemned the vanquished to loose a part of their territories, which commonly was the feuenth part. Since some have bene condemned to loose a fouart or a third part of their lands, as in Italy, being subdued by Odores king of the Herules. And soone after Hortarius king of the Lumbards condemned the vanquished to pay him yerely the moytie of their revenues: as also the Romans had done vnto the Doriens long before. But William the Conqueror, after he had conquered the realme of England, declared all the country in generall, & euery mans inheritance in particular forfeited vnto him by the law of armes, intreating the Englishmen as his famours. Yet the Romans have alwaies shewed themselves courteous and affaile 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 moneys for the warre.

The Emperor's order at Peru.

The third means to gather treasure.

The great benefit which grows by Colonies.

The Turks order to make moneys for the warre.

The Emperor's order at Peru.

The third means to gather treasure.

The vanity of the Emperours of Turkey.

to cure one a certayne quantitie: and by this means they freed their Citty from beggers, mutinies, and idle persons, and did forifie themselfes 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 means also have filled the world with their Colonies, with an immortal glory of their justice, wisdom, and power: whereas most part of conquering princes plant Garrisons, which serve onely to spoyle and oppresse the subjectes. If our kings after the taking of Naples and Milan had practiced this course, they had yet continued in obedience to our kings. And it is no marvell if they revolt against the Spanyard vpon the first occasion, as well as the country of Flanders hath done, having nothing but Garrisons there without Colonies. Yet wee find, that Sultan Mahomet king of the Turks, found means to enrich his treasure by means of Christian slaves, which hee sent in Colonies into conquered countries, giving to every one fiveene acres of land and two oxen, and feed for one yeare: and at the end of twelve yeares he took the moiety of their fruits, the which hee continued for ever. Amurath the first dealt more mildely with the Timariots, giving them certayne lands and rents, to some more, and to others lefse, vpon condition they should attend him in the wars when they were called, with a certayne 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 arms, 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 fixtures which the Turk hath, are in manner casual, and the warre is destrayed without any new charge.

The kings of Castile have done in manner the like at the West Indies, and namely the Emperour 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 aduanced in his place: taking moreover the fishe of all the pearle and mynes; so as cuerie two yeares there comes clearely into the kings treaurie,ayne, neere four millions of gold, the which is called, The port of Ciuili. But it is a reason, that the conquests which are made vpon the enemie, and which augment the treaurie, should 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 means to augment the treaurie, is by liberalitie of friends or subjectes, be it by legacie, or by donation during life: the which wee will speake briefly of for that it is uncertaine, besides there are few princes that give, and fewer that receive without requittall: for if a prince giues to one that is more rich and mightie, it seemes it is for fear, or vpon some bond, & sometymes he that receiveth it, accounts it as a tribute. The Emperour of the Turks sets to the view of all the world, as well those preses which are sent him from his friends, as those that come from tributaries, to shew how much he is feared of strangers, despaying the Ambassadors charges with great bountie, the which neuer prince nor people did. But we find that the Auntyents used 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 greatnesse and prosperitie, and the Auntyents gave in aduerstitie. Whenas 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, which the Romans refused, giving great thanks to the king. They did the like
to Hierom king of Sicile, who gave them a crowne of gold weighing 320 pound, and a Victorie of gold, with five thousand bushells of wheat: but they accepted nothing but the image of Victory as a happy preface. They shewed the same resolutions to the Ambraiciotes, and to many other Princes and Seigniories, who at that time offered them great presents, although they were in extreme necessities: 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 Coloffus fell downe & brake some of their ships, they sent Ambassadors to kings and princes to beg, having small means, and it succeeded well: for king Hierom sent them three score thousand crownes in guift, and many others imitated him: yea the king of Egypt gave them in gold the value of eighteen hundred thousand crowns, and in siluer much more, with twenty thousand bushells of wheat, and three thousand bushells for sacrifices, besides great store of floure, and an infinite number of Architechts and workemen the 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 crazed ships, were greatly enriched by the bountie of other princes.

It was common to the kings of Egypt to glorie in their bountie to others: for wee read in a manner the like of Protonie 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 flaues of their nation; and ninety thousand crownes for the sacrifices, besides a table of maffe 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 Seigniories 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 guift or legacie, great realmes and royall successions, which they gave them which had raigned peacefullly under their protections, for an honest recompence of their justice, when as they died without heires males lawfully begotten. By this means Protonie king of Cyrene, Astulas king of Asia, Eunenes 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 guifts 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 use intreaties to obtaine them, yet most commonly there is more force in thes requestes, than in commissions and letters of commandement. I understand by the word Gift, that which is liberally offered by the subiect unto his prince, as the gold which they called Coronarium, the which the Jews gave unto the Emperours, to be maintayned in the priviledges of their religion; and the magistrats of the towns and communalties of the empire: the which in time proved a forced subsidy, untill that this force was taken away, the guifts remaining voluntary to gratifie the Emperour, when as hee had obtayned any victorie against his enemies.

The like may bee payed of the impostes which in Spayne they call Service, the which was freely graunted to the kings of Spayne to entertaine their estate more honorably; and since it was almoast 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 subiects: but Darius Hystaspes (he that got the kingdom by the n eyi ng of his horfe) chaungeth those kinds into coynes of gold and s iluer, and the gifts into tributes and necessary charges, appointing Treasurers and Receivers inueriue government (which were 1 27 in number) to make a division of the taxes and subsidies, which amounted then to foureeteene thousand five hundred and three score Euboicke talents, the which is valued at ten millions one hundred four score and twelve thousand crownes. But this antient custome of Persia is maintainyd at this preffent in Ethiopia, whereas the gourmous of fytic governments bring vnto the Negus, king of Ethiopia, the gifts and oblations of his subiects in graine, wine, eattell, handly works, gold and s iluer, without any other commifion, or letters, patents: so as for the greatness of his maiesty, it is more befitting to have them obedient vnto him, than to send foorth his commiions to extract and beg of his subiects. As for Successions and testamentary legacies giuen to princes, by their subiects, it is at this day very rare, and yet in old time it was one of the greatest means whereby princes did augment their treasurers: for wee read that the Emperour Augustus having giuen by will the value of eleuen millions and two hundred thousand crownes to be distributed among the people of Rome, and the legions, he withall proftected, that he left not to his hyres but three millions and feuen hundred thousand crownes, although he shewed, that he had receyued from his friends not many yeares before his death, the summe of thirtie and five millions of crownes. True it is, that hee was accustomed to leave vnto the children of the Tetrators, the legacies and successions that were giuen him, neuer taking any thing of their testamentes whom he had not knowne: wherewith Cicero reproched Mark Antony in open Senat, That hee had inriched himselfe by their testamentes whom hee had neuer knowne, and yet Cicero confesseth that hee himselfe had gotten by testament a million of crownes. But tyrants tooke all without any designation: 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 reprobate by the law, for which cause the custome to make Emperours and Princes their hyres, ceased.

The fourth means to augment and intertayne the treasurers, is by pensions from their allies, which are payed in time of peace, as well as in warre, for protection and defense against their enemies; or else to have counsell, say, 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 capitolated with another to pay him some thing yearlie to have peace without any treaty of amitie or alliance, is a tributary: as Antiochus king of Asya, the Seigniory of Carthage, the kings of Sclauonia, and many other princes and states were tributaries to the Romans, the kings of Arabia and Idumea to David, and the princes of Asya to the kings of Persia. And for this reason the treatises of alliance between the house of Franchise, and the Cantons of the Swiflers, 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 thei pay in time of warre, & they to do him service in his court for the guard of his person: which doeth shew, that the Swiflers and Grifons are pensioners to the king, considering the mutuall alliance, and the service 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 Theophrastus 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 subjects vp in arms at another mans cost, & also to fend swaggars and idle persons out of their country. By the account of him that paid the Cantons, the ordinary and extraordinarie pensions came yearely at the least to fix score or feuen score thousand liures: and in the yer 1573 they came to two hundred eightene 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, Captaines, Orators, and houhold seruants of their enemies, to discouer their counsels and enterprizes: 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 taken, so that an affe laden with gold may enter it; as Philip the first king of Macedon said, who by his gifts & liberallitie figureth almost all Greece into 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 receiued should doe some seruice in requital of his money: for he is tyed by bond, or forced through shame, or mooued with hope of a greater benefit, or with feare least hee that had corrupted him should accuse him: for princes do feeldome giue any great pensions vnto strangers, vnlesse they first sweare against their native countrey: as a German prince fayd at a dyet at Wurmes in the yeare 1572. There was the same yeare a prince, who since is dead, the which offered an Ambassador in his masters name, that for two thousand crownes a yeare pension, he would discouer vnto him all the secrets, practises, and negotiations of his countrey, 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 Macedone gaue none pensions but a small number of Orators and Captaynes of the Grecians: and the king of Egypt for seuen thousand crownes pension, which he gaue to Aratus, had the whole estate of the Athenians at his deuotion. And therefore it seems strange to me, why our kings (besides the ordinary pension of the Swiflers) have giuen extraordinariley to about two thousand of them which exceeded the rest in credit and dignities; as king Henrie the second did, the which were knowne by their names and surnames, and gave their acquittances; besides the private pensions, the which were payed by roll, and came yerey to 49296 liures: happily it had bene better to have giuen the moity of these pensions to few men of authoritie, and secretly without any acquittance: for sometimes a pensionar had rather lofe 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 Henry I gaue 2000 crownes pension, the bringer demanded an acquittance for his discharge onely vnto the king as he said, whereunto the lord Hassings answered, That he would receive his pension, but he would giue him no acquittance: the which the king demanded earnestly, to make use of it in time, and to bring him in suspicion of a traitor to his countrey. There are also sometimmes 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 countrey; for my part I hold this fact

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no leffe odious, that shall suborne the househould servaunts of princes to murder their masters, or if they cannot kill them by force, to pay for them, than hee that shall take a reward for so fowle a fact. Wherein Pericles was commended, who giuing vp his accounts, set downe an article of ten thousand crownes disbursed without warrant, shewing neither acquittance nor cause of it: the which the people allowed without any further inquiry, knowing well the wildome and loyalty of the man in the government of the commonweale. It is most certaine, that a secret pensioner giuing an acquittance, is always in feare to be discovered, whereby hee 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 publiquely, the jealousie of such as haue none will be a caufe of quarrels and partialities, as hath oftentimes happened in Swederland, in such fort, as those which had leffe than others, or none at all, were very vehement to have the privaunt pensioners put into the recievers hands with the generall pensions: the which the king denied, saying, That he would rather restraine his liberalitie.

The fift meanes to gather together treasure, is by trafike, which the prince or the state vlieth by his factors; although there be few princes that doe vfe it: and by the lawes of this realme, England, and Germanie, it is not lawfull for the gentry to trade in marchandise, elle must he lofe his qualitie: and by the law Claudius, no Senator of Rome might haue a veffell at sea contayning aboute fourette bushles. Questus omnis (inquit Lucius) patribus indecorum vi nos est. All gaine (faith Timus Lucius) was held vnfeemeley for the fathers. And afterwards by the Emperours decrees, it was generally defended for all gentlemen and sodliers, and by the Canons for all church men to trade in marchandise. And the Persians in a mockety called Darius, Merchant, for that he forced them to those charges, which at the first they gaue him voluntarily. But yet in my opinion it is more seemely for a prince to be a merchant, than a tyrant; and for a gentleman to trafike, than to steale. Who is ignorant, that the kings of Portugal and for traffiked within stricte limits, and not well able to maintaine their estates, yet loth to oppresse their subiects, haue for these hundred yeares traded without reproch, and to the great inriching of their states? In the yeare 1475 they discovered the rich mynes of gold in Guinee, vnder the conduct of John Ballard of Portugal, and twelve yeares after the spices of Calicut, and of the East, and continuing their course to the Indies, haue so well traffiked there, as they are become lords of the beft ports of Affrike, and haue seized upon the Ile of Ormus in despite of the king of Persia: they haue taken a great part of the kingdome of Marocco, and of Guinee, and forced the kings of Cambar, Calicut, Malache, and Cauanour to do them homage, treating a league & commerce with the great Cham of Tataria: 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 to 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 desir'd to free it for 330000 ducats, which John 5 king of Portugal had paid vnto the emperor Charles 5, & to giue to 100000 ducats more that they might haue free paffage to thefe isles which, the k. of Portugal would not yeeld vnto, making account of the profit he draws from thence as of an infinit treasure, besides the gaine that comes to his subiects having much impaired the wealth of the princes of the East, & of the Venetians, who haue indured to great a losse, as of all the calamities they suffered during their warres with king Lewis 12, they receiued no such losse as from the Portugals, taking from them their gayne of the Eastern parts.
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Neither doth the Trade of Marchandizie ingrolfe dishonour, or imbrace the the Signoriotes and nobilitie of Itacie, neither did Tully didallyc of it, but of such as fould by retail, whom hee teared Sorido. As for the trafiques which Princes pracie upon their Subiects, it is no trafique, but an impoit or exaction: which is, to forbid them to trade, and to put his subiects corre and wine into his recievers hands, to pay them at an under rate, and to sell it vnto strangers, or to the Subiects themselves, at his owne pleasure. This was one of the reaons which made Alphonso King of Naples most odious; for that he gave his Swine to his Subiects to make fat, and if by chance they died, he made them pay for them: he bought the yole in Apulia, and gave his owne price, and the wheat in graffe, and sold it againe at the higheft price he could, condemning all others to sell vntill he had fold his. But of all the trafiques and marchandize which Princes vfe, there is not any more pernicious nor bafe, than the sale of honors, offices, and benefices, as I haue formerly laid, the which may never be tolerated, but in the extreme necessitie of the Common weale, as the Venetians did, having spent in feuer yeres, that Lewis 12 made war against them, fute Millions of Duckats, whereof they had made 50000 Duckats of the sale of Offices. The like reaon mou'd King Francis 1 in the yere 1527, to divide the Civillie from the criminal Magistrates, setting all Offices to sale to them that would giue moft. The which was more fowle and dishonorable in Pope Adrian, who three yeares before, not onely fold offices, but also benefices, as he did the Bihopricke of Cremona for 20000 Duckats, and had alfo refolved to leave two hundred and twentie thousand Duckats, by halfe a Duckat for euerie chimney within the territories of the Church, making his pretext of warre against the Turke. But for that these trafliques are fo filthy, and of fuch dangerous conquence, the which being once begun, doe never ceafe, it were better to trie all other meanes, than once to giue way vnto them.
The fixt means to encrease treasurie, is vpon the marchandize that are brought in, or carried out, the which is one of the antientest and moft vfitall in euerie Common-weale, and grounded vpon equitie; which kind of cuftome the Latines called Portorta, as they did the tribute of the publique farmes Decimas, and of pastures Scripture, and it is reaon, that heethat will gaine by another mans subiects, should pay some right to his Prince or Common weale. Whereof there be diuers kindes, the which were reduced within this Realme to one impoft of twenty Deniers vpon the lioure or pound, by an Edict made by King Henrie the 2. Anno 1555.
and after revoked, left the customes and impoits should bee confounded, the which might proue prejudicail, King Charles 5 abated the custome halfe, but afterwarde he refroled it, which was the twentieth part of the price, or five in the hundred, and fo the ancient Romans tooke for custome of foraine marchandize: but afterwards the Emperours exacted the eight part, the which they called Offinarium vertical, as in our time they haue demandd the twelfe part of the price. The Emperouer of Turkie takes ten of the hundred of all Marchant strangers going out of Alexandria, and of his Subiects five in the hundred. But in this Realme the contrarie is practied touching the salt, for the which the stranger payes nothing, but the duties of a Marchant, and the subiecte payes fortie and five liures vpon the mesure, contrarie to the Marchants rights. And although the Salt of France bee the bell and moft plentiful in all Europe, wherewith the lowe Countreys, England and Denmarke doe foare themselues, yet is it farre deeler to vs, than to them: for since that the Store houses of Salt were
were let out, and the officers of the Custom suppressed, the measure of Salt F which the Merchant sold for ten shillings9 a jarling, 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 been sometimes sold for a hundred and eighteene 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 privilege 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. having forbidden his subjectes of the lowe Countreys not to fetch any Salt in France, the effates of the countrey made it knowne, that their fish (which is their greatest mar-chandise) grew dric, and was spoiled with the salt that came from Spaine and Bourgongne, getting leave with great importuntrie 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 side the 47 degree: by reason of the cold: and the salt of Spaine is too coroline: so as if the stranger payed but a fourth part of that which the sub-ject payses for the Kings rights, there would come an infinite masse of money into the Treasury, for we often see the ships of England and the low Countreys come into France, only with their ballast (having no commodities to exchange with them) to buy salt, wine, and corn, the which abound in this Realme, and will never fayle: whereas the Myynes 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 subiectes, and encrease of his Treasury, 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 impost, shall buy the leffe, then the subiect shall haue it the better chaenes for all wares, the greatest treasures will be where there are most things necessarie for the life of man: although there be neither Myynes of gold nor ill uer, (as there are fewe or none atall in this Realme,) yet notwithstanding doth feed a great part of Europe as King Acippa layd: and the countrey of Egypt hath neither Myynes of gold nor illuer, and yet both Affricke and Europe, are much releued with corn which grows here. If anyone will say, that by the treaties of trarffe betwixt Princes, they cannot raise a foraine custome, I must anwere, that this may take place amonge thosse which have treated with that condition, but there are few of them, and yet it hath never been much regarded: for even in the lowe countreys and in England, the french Marchants were forced in the yeare 1557 to pay a crowne vpon euery tunne of wine that came into the port, and the subiects payd nine french crownes for the impost, without any regard to the trearffe of trarffe. And the yeare following, the Queene of England did raise the foraine custome a third part, imposing thir-teen shillings and a pennie vpon euery piece of cloth, the which is a matter of great conquence: and I haue been assured from a Marchant of Antwerpe, that in the yeare 1563 there came in leffe than three moneths into the lowe countreys a hundred thousand pieces of cloth, accounting three karles or three cottons to a cloth. It is therefore expedient to raise the foraine customs to strangers of such commodities as they cannot want, and by that means increase the
A the treasure and ease the subjects; and also to abate the custome of marchandize comming in, if the subjects cannot passe without them, you must raise the custome of things made by hand, and not to suffer any to bee brought out of strange countries, and not to suffer any raw stuffs to be carried out of the land, as iron, copper, leele, wooll, flaxe, raw silke, and such like, that the subjects may have the benefit of the workmanship, and the prince the forraigne custome, as Philip king of Spaine, had forbidden his subjects by an edict made in the yeere 1565, to require the queene of England, who had made the like three months before, the like edict was made in France by King Henrie the second in the yeare 1552, concerning woolls: but there was a Florentin, who having gotten a passport by a courtiers means, carried away more wooll at one instant, than all other merchants had done before in a yeere; and having it made into cloth at Florence, bee returned it into France, by the which he gained infinitly, the workmanship exceeding the stuffe fifteen parts: the which is a great incongruitez in matter of state and reuenues, to forbid a traffique vnto the subject, and then give leave vnto a stranger: for both king & Communewale in generall receive an irreparable losse, and the marchants in particular are ruined. Behold six means to gather together treasure without oppresion of the subjects, vnlesse the custome of forran marchandize that be necessary for the life of man were excesse. The seuenthe means is vpon the subject, the which they must neuer doe, vnlesse all the rest falle, and that necessitie force them to have a care of the Communewale, being sodenly oppreied either by the enemie, or by some other vnexpected accident: in this case seeing the defence of euerie one in particular, depends vpon the prefervation of the general, it is fit that euerie man straine himself: then are impositions laide vpon the subjectes moth 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 imposed during the warre, may not continue in time of peace, it is fit to proceed by way of borrowing; for that money is easiellier found, when as he that lends hopes to receive both his money againe, and thanks for his willingness. For when as Hannibal was in Italie, and did besiege even Rome it selfe, the senate having con fores their treasure, would not impose new tributes vpon their subjectes and confederates, (a very daungerous thing, being then preffed by the enemie) but the senates with one consent, brought their gold and filuer vnto the receivers, being followed by the people with great joy. And Titus Livius saith: Senatores profe quisque aenum, argensum, as in publicum conterunt, camo certamine inclito, ut primos primos suam nominat publicis valuit esse, ut nec Triumviri memlari accipiendo, nec scribere referendo sufficere. The senators bought their gold and filuer into the publicke with great contentation, who should bee inrolled, so as the receivers were not sufficient to tell it, nor the registrers to inroll them: After the victorie obtained against the Carthaginians, the senate decreed to pay what had been borrowed; but for that there was not sufficient in the common coffers to satisfy them, the creditors pretended a requent to have part of the citie lands assigned vnto them, the which shuld be valued by the consuls, vpon condition, that it might be alwaies redeemed, and to pay an alse of small rent to the receivers for euerie acre, only for a marke, and as a witness that it was the city lands, the which was done. If the commonweale hath not wherewithall to pay, neither in mony nor lands, & the enemy doth preffe it, then is there no redier means, than to make choise of those which are ablest to bare arms, which shuld be armed
armed and entertained at the charge of others, as the antient Romaines 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 extraordinarie. From 
hence these extraordinarie charges first took their beginning, the which after 
wards became ordinarie. As we read that Devis the tyrant, sometimes bought oc 
casions of war, or of fortifications, to the end he might have cause to raise new 
impotts, the which he continued, after that he had treated with the enemie, or 
discontinued the fortresses begun.

If my wishes might take place, I would desire that such detestable inten 
tions might be buried with the author. There be three kinds of tributes that be 
exacted of the subject, some extraordinarie; others ordinarie; and the third which 
holds of both, and is called causall: under which kinds is contained as well the 
revenue, which is received by the Latines: bee it in respect of the movable or immovable goods, and of 
fruits which grow above or within the earth, as mines and treaures, or that 
which is gathered at ferries, or passages, the which is rightly called Portorium 
velligal, or of any other imposition that may be imagined, how filthy and bea 
ftly loeuer, for tyrants alwaies thinke the lator of them sweeter: as that tribute 
which was usuallly exacted from procellid whores at Rome; and the fauing of 
wine commanded by Petfamin, the which his sone taking unworthy, the 
father held the first money that he receiued next of that tribute, to his hole, af 
kling him if it smelt ill, and hee denying it, Atqui iniquis est totius esse. But sayth 
he, it comes of the wine. Of which charges and impositions, the most ancient 
are reputed revenue, as the foreigne custome, others are ordinarie, as taxes; 
and the last are extraordinarie, the which the Latines called remenarum triburum, 
a rash tribute: as subsidies imposed upon free towneis and privilged personis, 
tents, charitable gifts equivalent to tenths, the which are levied by commissione. 
And to speake properly, the taxes, ayds, grants, tolles, and such like were meere 
subsidies and extraordinarie charges, before Lewis the ninth, who first leuied the 
taxe, as presidens le Maistre hath obserued: but hee doth not say, that it was as 
a neccellarie subsidy during the warres: and that hee made an ordinarie receive 
thereof: but contrary wise adressing himselfe to Philip his eldest sone and succes 
se, he vieth these words in his testament, the which is yet found in the treaure 
of France, and is registred in the chamber of accounts: Fili, religiosus imprimis er 
gr Deum efo: benigneus et liberalis adversus gentes, legam ac morum huius imperii cu 
flos ac vindex acerrimus: ut veligiosa et tribunis abstinere, nisi se summis vis neces 
sfatis ac velligis publice in his causa ad hoc impellat, sum minis, tyrannum te pori 
is, quam regem futurum puerrato, &c. Sone, be first devote and religious towards K 
God, be mild and charitable to the poor, observe the good lawes and manners 
of thy realme feuereely, exact no taxes nor subsidies of thy subiects, vnlesse that 
vrgent necessitate or the profit of the Commonweale preff thee vnto it; if thou 
doeft 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 revenue of 
churches: and Clovveris the 8 part of every mans wine growing and it seems that 
the impost of the 8 part of the wine, the which now is imposed vpon vinteners, 
tooke his beginning from hence: and that Lewis the yong during 4 yeres, tooke
A the twentieth part of his subjects reuenues in the yer 1167; yet it is most certaine that this was not an extraordinarie subsidie during the warre, as that semerarium tributum imposed by king Charles the fixt, for it was decreed in our open Parliament, called by Philip of Valois in the yer 1238, that no impon should bee raised vpon the people without the consent of the three estates: and in head of three hundred and fortie thousand pounds staring, which king Lewis the eleventh did leave the yerre 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 benevolence for two yeares, the like grannt that was made vnto Charles the feuenteenth, and for his entrance a hundred thousand crownes to bee paiide for once only, the which he might not after wards challenge as a due, nor call the grant a taxe or impon. The which hath been alwaies, and is still observed in Spaine, England, and Germanie: as Philip Cominens laid in open parliament, in the raigne of Charles the eight, That no prince had power to lay any imposion vpon his subjects, nor to pricichte that right without their consentes. And wee see in all commissions sent out for the levying of taxes, and subsidies, the king vseth 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 penie vpon every two shillings worth of falt that were solde, yet he publickeely protested to dischargethe subjects of it. Philip of Valois vied the like protection, being forced by the extremitie of warre to double the fayd custome, declaring by his letters patents in the yerre 1238, that he meant not to haue the imposion vpon the falt incorporat to the reuenues: and yet there is no custome seems more easie than that of falt, the which is common to all the subjects: yet in the popular estate of the Romaines, and in the hotell of their Punicke warres, the impos of falt being fet on foot by Lucius and Claudius, censures, 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 imposts seeme heauie and burdenome vnto the poore and weake, yet could not the senators maintaine the treaurie of Rome without new impositions: the people being freed from all taxes and customes by the law Valeria, after the expulsion of their kings: therefore C.Matius the Consull made a law with the authoritye of the Senate, (the Armie lying at Sutrium) that such as were made free, should pay the twentieth part of all their substance into the Exchequer: with which tribute, although the citizens were nothing oppressed, yet being vnderlode, the Tribune made a defence vpon paine of death, That no man should attempt the like without the peoples pruunitie. And Augustus made the law Julia, That whatsoever should come to any one by inheritance, legacie, or gift for death, the twentieth part thereof should belong vnto the common treaurie, both these impositions were profitable to the Commonweale, and pleasing to either of them: to the one, for that they possesse another inheritance; and to the other, for that they obatine their liberties. But for that the emperours which succeeded Augustus, exacted the twentieth part of all inheritances and legacies, Traian therefore abrogated the said law Julia, the which many have labored to reuie, changing the name of it: yet had they not then the hundred part of those tributes, which since the necessity of some, and the couroufhesse of others haue inuened. And when as Samuel prince of

B No Prince can lay any subside on his subjects without their consentes.

C And althogh that Philip the long did exact but the fift part of a penie vpon every two shillings worth of falt that were solde, yet he publickeely protested to dischargethe subjects of it. Philip of Valois vied the like protection, being forced by the extremitie of warre to double the fayd custome, declaring by his letters patents in the yerre 1238, that he meant not to haue the imposion vpon the falt incorporat to the reuenues: and yet there is no custome seems more easie than that of falt, the which is common to all the subjects: yet in the popular estate of the Romaines, and in the hotell of their Punicke warres, the impos of falt being fet on foot by Lucius and Claudius, censures, 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 imposts seeme heauie and burdenome vnto the poore and weake, yet could not the senators maintaine the treaurie of Rome without new impositions: the people being freed from all taxes and customes by the law Valeria, after the expulsion of their kings: therefore C.Matius the Consull made a law with the authoritye of the Senate, (the Armie lying at Sutrium) that such as were made free, should pay the twentieth part of all their substance into the Exchequer: with which tribute, although the citizens were nothing oppressed, yet being vnderlode, the Tribune made a defence vpon paine of death, That no man should attempt the like without the peoples pruunitie. And Augustus made the law Julia, That whatsoever should come to any one by inheritance, legacie, or gift for death, the twentieth part thereof should belong vnto the common treaurie, both these impositions were profitable to the Commonweale, and pleasing to either of them: to the one, for that they possesse another inheritance; and to the other, for that they obatine their liberties. But for that the emperours which succeeded Augustus, exacted the twentieth part of all inheritances and legacies, Traian therefore abrogated the said law Julia, the which many have labored to reuie, changing the name of it: yet had they not then the hundred part of those tributes, which since the necessity of some, and the couroufhesse of others haue inuened. And when as Samuel prince of

D The beginning of the calume of falt.

E The tribune of the twentieth part most pleasaung.
The Israelites spake vnto the people, who demanded a King of him, he added threats of bitter tributes, Ergo inquit regem habiut fielis qui decem fructum imperatius eff. Therefore said he, you shall have a King which shall command the tenths of your fruitts. Neither did Cip selus the first Tyrant of Corinth, exact any other tribute of his subjectts, but the tenths of their fruits; there were then no taxes, subsidies, tolls, and a thousand such like. So the greatest part of the Inuenters of these new Imposts haue left their liutes; as Philipus parasite to Dyomius the tyrant, who being drawn out of the tyrants caste, was from the people of Syracuse; and Parthenius or Proclerus, who was flaine by the people of Treves, for giving counfell to king Theodoric to oppress his subjectts with new subsidies: and of late daies George Preston parasite to Henrie king of Sweden, was cruelly put to death in the kings palace, and the king himself expelled his estate. What shall I speake of Achenus King of the Lidiens, whom his subjectts did hang by the feet with his head downward into a river, for the subsidies which hee imposed vpon his people: and Theodoric king of France lost his crowne for it. How comes it that the Netherlanders have revolted from the Spaniard, but for that the duke of Altua would exact the tenth penny of every thing which was sold, whereby he would have gathered an infinite treasure, or rather the wealth of all the countrey, being most certain that one thing might be sold often in a short time, and well knowne that the marchandize sold in one day amounted to seuentie thousand ducats, as a Spaniard himselfe did write. The Histories are full of these examples, for nothing doth sooner cause charges, seditions, and ruines of States, than excessive 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, laboring neither lands nor reuenues to maintaine the Common weale: as Nero the Emperour would have done, who having wafted all the treasure, sought to abolish the tributes, whereof the Senate being aduertised, they thanked him for his good will to the people, yet they diffused 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 immunitie 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 have any Commonweale, being as it were the ground and foundation of a Commonweale. There were more reasons to have the excessive gifts cut off and reuoked, and that an account should be made of the treasure wafted; but to take away all impostes before that the reuuenues were redeemed and the debts payd; it were not to repaire, but to ruine the state. And most of these men which seeme to understand the affaires of state so 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 sluer hath come in so great abundance from the new found Lands, namely from Peru, as all things are growne ten times dearer than they were; as I have prooved against the Paradox of Malestros: the which may bee easily seene in the ancient customs and contracts of this Realme, where wee shall find the value of fruits and victuals to bee ten, yea twelve times lesse than it is at this day. Wee find in the Registers of the chamber of Accounts, That the Chancellor of France in the time of S. Lewis, had for the charges of himself, his horsey, and servants, fene foules Pariffs allowed him
A him a day; the which is not eight pence halfe-penic of our money: and if he layd in any Abbey, or other place where he spent nothing for his horse, it was then abated in his wages. I haue shewed that Charles the 5. king of France payd but 31000 crownes for the countie of Anxerre: and that the duchie of Berrie was bought by Philip the 1 of Herpin, for threescore thousand crownes: and the countie of Venice and Anignon were engaged for fortie thousand Florins. To conclude, I haue made manifest that many Earledomes, Baroines, and great Signiories haue beenes fold a hundred or fixe score yeares since, twentie times better cheape then they are nowe, for the aboundance of gold and fluer that is come from new-found Lands: as it happened at Rome, when as Paulus

B Aemilius brought such infinit flore of gold and fluer 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 conquell of Peru by Francisc Pizarra, a small vellell of wine in that country cost 300 ducats, a Spanish cape of Frizado a thousand ducats, and a fennet fixe thousand: the which was by reason of the aboundance of gold and fluer which they found at Peru, and brought into Spaine: and namely of the ranfome of king Atabalipa, who paid the value of ten millions, three hundred twentie and fixe thousand ducats, besides twiche as much that came to private men, capitaines, soldiors, and even to the receivers themselves, as Augustus Zarata maister of the Accounts to the king of Spaine doth tellifie. Since great flore of gold and fluer hath beene brought out of Spaine into France to buy corre and other necessarie commodities, which are transported into Spaine in great aboundance, so as the prices of all things haue risen: and so by conseqwence the wages of officers, the pay of soldiors, the pensions of capitaines, and in like sort euerie mans employment, and by thee reason the rents of Farms haue risen: 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 abuued that would reduce the prices of corre and victuals to the ancient orders. We muft then conclude, that the account of the reuenewes vnder king Charles the 6 in the yere 1449, which came but to fortie thousand pounds flaring, was not much leffe (in regard of the value of things) than the reuenewes of fourteene thousand thousand pounds flaring, the fame yeare that Charles the ninth died, in the yere one thousand, five hundred, seuentie & foure; and yet the people complained at both times that they were oppressd with tributes. And the ranfome which king Lewis the 9 paid to the sultan of Egypt of fiftie 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 let at the fame ranfome by the king of England, yet was it held fo excessive, as they were fix yeares in lenuying of it, but Francis the fame yeare a peace was concluded, sent his ranfome into Spaine. We muft judge the like of the yearly pension of 900. pounds, that was appointed vnto Charles the faire, somne to Philip, not to be leffe, then that of ten thousand pounds flaring yearly, that was giuen first to Henrie, and then to Francisc dukes of Aniou from king Charles the 9 their brother. And much more honourable might they live with that pension, which I made mention of vnder Philip, than with that which Charles the 9 gaue vnto his brethren. Nor the Dowries of 400000 crownes assigned to euerie one of the daughters of king Henrie the 2, were not fo great as those of fiftie thousand crownes assigned to the daughters of L11 iiiij France
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 Taboritic the piper, the last king of Egypt of that race, did raise upon the country of Egypt the value of seven millions, and five hundred thousand crowns a year, and sultan Solyman did leave but a hundred thousand ducats of the same country, as appeared by an extract of the retenewes made by Gritty a Venetian, in the yeare 1520, when as the estate of the whole retenewes came not to above four millions; for four yeares after he raised it unto six millions, as Paulus Lonius faith, and now he levieth aboute twelve millions yearly, for the great abundance of gold and silver, 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 Silla did taxe the charges of Asia the firste, before the conquests of Lucullus and Pompey, at twelve millions of crownes, the which is not aboute the first part of the Turk's empire.

Sometimes the bountie of the land, and the great trade, and oftimes the unreasonable greedine of princes to heape vp treasure, make some richer than others: It is well knowne that Charles the fift gathered more retenewes out of the duchie of Milan, then king Francis the first, at the same time did leue in this his realme, which flowed in all abundance; who doth not know that he commanded more out of the lowe Countreys, than the retenewes of England were esteemed in those daies. Some one not long since, (seeking to perwade H Charles the ninth to encreas his taxes) did perniciously maintaine in open counsell, that Cofme duke of Florence did raise out of his estate six millions, hauing but a smallterritorie: the which was falle, 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 moit. But a new prince shall doe wisely at his first entrance, to cut off the extraordinary exactions of his predecesser, or at the leaat a great part of them, as well in regard of his owne dutie, as to get the good will of the people, if be be required; yea before he be required, and not to imitate Robeaum, 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 certain estate of impositions, they must be made in their proper kinds, as in corne, wine, and oyles; and as for marchandise in silver, it is the forme which the kings of Poland haue alwaies, and doe still vse, and the king of Ethiopia receiues cloth and other marchandise for his custome. But to require to haue taxes and subsidies quite taken away, or reduced to the antient custome, without any regard of the value of things, or the changes that haue happened; this were not to relieue, but to ruin an estate.

It is an ordinarie thing in changes from a tyrannie to a popular estate, to abolish all imposts, taxes, and subsidies for a signe of libertie, as they did in Rome, at the request of the confull Valerius, after they had expelled their kings: but every man was faine to goe to the warre at his ownde charge, then afterwards to pay the foldiers, and afterwards to taxe themselves by the raising of new imposts. True it is, that the Romaines did therein shew themselves very just: for at that time there were none that bare the charges, but the noble and the rich, the poore went free; and now adayes we see none but the poore pay, and the rich goe free. The like was in Sufferland, and at Lindaw, after they had expelled their
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 allianc made with the other cities of Greece, and in flead of traitor talents, they fo augmented it, as in leffe than three score yeares they made them pay twelve hundred yearly, the which amounts to 720000 crownes. And when as Themis:ocles captain of the Athenians, demanded the tribute of the Adrians, saying; That hee would bring with him two mighty gods, Force and Loue: they anwered, That they had two more mighty, Poverty and Impossibilitie.

And commonly the greater cities lay the burthen upon the champion country, and the richeft peafants upon the poorer, as it hath been heretofore in this realme, whereas the great cities were freed; and in old time the citie of Babylon (the greatest that euer 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 caeft all superfluous and vicious humors upon the weaker, and when as apotleyme is to sowe as the weaker part can endure no more, than must it brake or infect all the members: even so it falls out when as the rich cities, the nobilitie and the clercie, lay all the charge upon the poore labourer, he sinks under his burthen like vnto Aesops Asle, and the horfe which would carrie nothings: that is to say, the nobilitie and the clercie, are forced some to carrie the tenths and extraordinarie subtides, 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 clercie of the realme of Denmarke have been forced to taxe themselues since the yeare 1563, to maintaine the charges of the warre; but it was upon condition, that the king should not meddle with the money. The nobilitie and clercie of England, euerie man (according to his abilitie) was subiect to taxes & subtides, according to the antient custome of the Grekes and Romaines; yea almost of all nations. I except our nation the French, with whom, as Caesar saith rightly: Nihil est plebe contemptum, Nothing is more contemptible than the common people.

To remedy this inconueniencie, the antients did wisely order, That all charges should be real, and not peronall; as it is put in practive in Languedoc, and since in Provence by pruction, according to the disposition 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 governments, if there be a clergie-man, a noble man, a counsellor & a vigneron, the last pays for all, and the others are free not only for their fees, but also for other tailable lands. If then necessity 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 impof of salt, wine, and tuch like things. And to take away occasion of feditious, which doe often chance for the impof of small things sold by retaile, it were expedient to convert that impof into a general summe, as it was put in practive by Charles the fifth, with the consent of the eslates, for the freeing of king Louis, the which was 12 deniers upon euerie litre, or two shillings of goods that were sold: the which was changed to an equivalent, first in the countrey of Languedoc in the time of king Lewis the eleventh, yielding for the said impof 6000 pounds staring yearly; and the like hath been also done in Auvergne for the salt, the which the countrey hath exchanged into a certaine summe: and for the same reason the impof which was taken upon all small
small wares, haue ben abolisht in many Commonweales, for the complaints, fe-
ditions, 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 "man, which kind of impofits are moft pleasing vnto God, moft profitable to the Com-
monweale, and moft desired of good men, for the reliefe of the poore: it is
that which is laid on those things which serve onely to corrupt the subiects, as
carle kinds of dainties, perfumes, cloth of gold and flifter, flalles, cipresse, laces,
rich colours, women's painting, pears, precious ftones, and all kinds of works of
gold, flifter or enamell, & fuch like things, which are not to be forbidden: for
such is the nature of man, as they feem nothing more sweet & goodly than that
which is ftricly forbidden them; and the more superfluities are defended, the
more they are defired, especialy of men that are simple and ill bred: you muft
therefore raise them fo in price, by means of the impoft, as none but the rich and
thofe that are curious fhall be able to buy them. And therefore these princes that
lieue towards the North, lay great impofits vpon wine, the which although it be
dere, yet their subiects are to deliver thereof, as they drinke themselves drunken.
And for this caufe Cato the cenfor was commended, for that he laid a great im-
poft vpon the sale of flaves, that should exceed fiftie crownes price, for that fuch
marriage did not be warranted.

The emperor Augustus did more wifely, who to correct the disorder of the
fuiceti, made lawes for marriages, by the which he imposd a taxe in manner of a fine, vpon them that did not marry after the age of 25 years, or
that were married and had no children, intoying them to bring a part into the
treasury of fuch succiffions or legacies as were caltually left them, giving good-
ly immunities and pruillidg to fuch as had children: by which lawes Augustus
purchased the commendation of a wife prince. For hereby he did both punis
whoredome, adultery, & sodomy, and also force every one to feek him a lawfull
wife and children, taking away nothing of any mans prefent eflate, 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
veruous citizens. Which law Infinian the emperor did vnaduitely blame, and
likwise Conftanrin, who abrogated the law for punishing them that lived un-
married, or that had no children. But the emperors Honorius and Theoderic gave
the pruillidg of children to all subiects, which was to give way to adulteries
and to all deteable vices, causing marriages and the procreation of children to
grow in contempt, whereby the citie grew bare of citizens, and the empire being
found in a manner wall, was leazed on by a deluge of Gothes, and other barbarous
nations of the North. These kinds of impofitions which are intented
for the punishment of vice, seeme not onely infl, but verie profitable.

There was also another impofit of ten shillings vpon euerie fute in law that
was not criminally, to punish those that were too apt to plead, the which many K
haue found strange, and in the end haue taken it away: but there was never any
more needfull in this realme, where there are more futes than in all the rest of
Europe, the which haue much increasd since the time of king Charles the fiext,
when as an edict was made, to take away the antient cuftome, by the which no
man was condemning to pay any charges that had loft his fute: for in former
times they were not fo apt to plead: and it may be, our antient fathers, knowing
the dispositions of the French, had brought in this cuftome (although it were
vniuit of it selfe) to diuert the subiects from attempting of futes rashly. And al-
though
A though the Romaines in a free Commonweale could hardly beare any imposi-
tion or tributes, yet did they willingly endure a taxe vpon duties and contro-
versies, 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 vanqui-
shed, to lose him a punishment of his rashnesse: but the Romaines tooke
the tenth part in all ciuite causes, and the fift in criminall, as Pompeius Flius doth
wittesse; yet Marcus Porro writes, that either of the partes did lay downe fife
hundred alleis, which comes to about 10 shillings of our mony and he which won,
B recoverd his money which he had confign'd, and this was besides the thing
for which they contended, the which was called Sponsio & sacramentum, and if
any one refused to configne, hee yeelded to the other. The Hebrews did al-
ways 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 vpon
duties were divers, yet the emperor Caligala extorted against reason, the forti-
eighth penny of all that was demanded by law, without any preficion or limita-
tion, whether the cause were just or vnaught. But of all marchandise which tend to
pleasure, luft, and pompe, the imposition is honest and profitable, serving to no
other end but to corrupt the simplicitie of the subiect, the deereft of all (which
C is Amber gris) the which is valued but at twelve pounds stature, should be pri-
ced at 300 crownes.
The law setts no imposi vpon marchandise, but vpon spices, and such precious
marchandise, as are (especialiy named, as skins of Parthia and Babylon, tilkes, fine
linnen cloth, painting, Indian hare, wild beafts, and Eunukes. Such imposi-
tions are always commendable, and farre more supportable without comparision,
than that which is layd vpon the ale, the oxe, wine, and such like. And all good
princes have abhorred that imposi which they called Capissio, for to lay a charge
vpon mens perfonis for their worke, were to make warre to good wits, if they
haue not some great trade, and by that means have gathered together great
wealth, for the which they must beare some charge; the which is not properly
Capissio, but with the weaker for they must dealde mildly, especially with the
husbandman, which doth not till his own land. Neither are those impositions to
be allowed which employ all their studie to invent new taxes & exactions, fee-
kings by all means to incourage princes thenero: as that multiplier (whose name I
conceale for honours 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 thirtie millions: the king lent this
man to the three estates, to expound the heavenly gift of God.
And although we had many excellent wits and of great judgement, yet had
he abused many with his opinion, if we had not laid open his errour and deceil.
He suppos'd that France was two hundred leagues long from Bologne to Mar-
seilles, and as much from Mon. S. Bernard, to S. John de Las; and by this he con-
cluded that France had foure thousand leagues in square, and that euerie league
contained foure thousand acres of ground, which amounted to two hundred
millions of acres, of the which he abated the one halfe for waters, waies and
waif land, and of the rest hee would haue the king take a soule for an acre, the
which amounts to foure millions: then he made an effimate of six hundred thou-
sand townes and villages, and in them twentie millions of fiers, of the which he
would
would have the king take six pence of every, which comes to six millions and two hundred and fifty thousand liures. Moreover he made an account of fifteen millions of all sorts of merchandize, of which he took a toul of the merchant for the thousand liures, making the former twelve millions. And upon the said six hundred thousand towns and villages, one with another eleven fouz a piece, the which comes to twelve millions, and six millions and a hundred of liures more, which then the fourth, thents came unto, all which make thirteen millions, besides the aids, taxes, customs, grants, imposts, subsidies, and reuenues of the crown, which came then to fifteen millions, wherein his deceit was very apparent; first making France square, the which is in fourne of a Lorange much less than a square; next he makes the sertill land equal to that which is wall and fruitless (although there is not any land, be it never so sertill, whereas two third parts at the leafl liyes not) taxing the nobility and the clergy as well as the rest. And as for 600000 towns and villages, it is an impudent lie; for that by the extracts drawn out of the chamber of accounts, and brought to Elois and the eflates, there were found to be twentieths thousand and foure hundred parishes in France, taking the greatest town but for one parish, and the smallest villages having a parish for another; and in truth the number of parishes taken by king Henrie the second in the yeare 1554, came but to 24594 parishes, besides Bourgogne & Poitou, and the impo[l] of three pounds flaring upon every parish, came but to three core and fourteen thousand four hundred eightie one pounds Ierosine Laski a Polonois, father to the Pala\n Laski, whom we have seen Ambassadors in France, intemted another manner of means than this former, to encrease the treasure, giving aduise to raise three imposts upon the subjects, and to make three mounts of pietie (for so he call them.) The first was in taking the moitie of every subject's reuenews, for once the second was the twentieth part of his reuenues yearly; and the third was to have the eight part of things sold in grofle, or by retaile. But the aduise was rejected as penurious and most impossible: for in matter of impositions there is nothing that doth more kindle seditions, than to charge the subject with many things at once, especially a war-like people, and bred vp in libertie, as those of Polonia bee. And yet he gave a goddely name to a wicked and penurious in\uention, calling the grounds of such impositions, Mounts of pietie. For the mounts of pietie in the cities of Italie are profitable, honest, and charitable, & intemted to ease the poore, and those of Laski do ruin them. There are mounts of pietie at Florence, Sienna, Luques, and other cities, whereas he that hath one daughter, the day of her birth he may put what summe he will into the mount of pietie, upon condition to receive ten times as much to marry her withall, when she cometh to the age of eighteene yeare; but if she dies before, than doth it accrue unto the mount, unless 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, giving a sufficient pawn, and not above ten crownes; if the debtor pays not his ten crownes at the time prefixed, the pawn is sold to him that will gie more, and the surplusage delivered unto the debtor: this is done to prevent excesse vifturies, (wherewith the poore in those countreys are ruined) and the feazure and selling of movables at an under price.

Notwithstanding I find that the emperour Antonine surnamed the Pius or godly, intemted a better mount of pietie, which was to deliver out the money that
A that came cleere into the treafurie, all charges paid for fume in the hundred vpon
good and luficient caution. By whose example Seneca refored the treafurie
that was valled, and the merchants and poore men gained much by trafrike;
and the publicke in a great fumme did alfo gaine much: for if they lent a million,
at the yeares end they did get fifty thouſand crownes for the publicke, and pri-
uate men got twice as much by trafrike: and besides all this, the greateft bene-
fit that did arise, the publicke treafurie was aflurred out of the pawnes of theeues
and horse leeches of the court. And for this reafon onely as it feems; the emperou-
Aues long before, was acclufomed to lend the money which came cleere
into the Exchequer, without any intereft, giving good auffance of lands and vpon
a penaltie to forfeit the double, if it were not paied at the day: by this means the
publicke treafurie was not idle, nor vafed by the princes prodigalitie, nor ex-
haufted by theft, but a great benefite redounded to all in general, and to many in
particular. And here some one may objeft, that although Aues did not lend
the publicke money for intereft, yet hee imposéd a penaltie of the double, if it
were not paied at the prefixed day, the which is greater than any intereft, and there-
fore forbidden by the law. In my opinion, that penaltie is then difallowed by
the law when we flipulate any thing fraudulently, and above the lawfull in-
tereft: but he that hath taken the publicke money, and refiores it not at the ap-pointed
daie, he commits theft; it is therefore the penaltie of theft, and not of intereft.

Thole princes therefore did wisely in old time, which prooved for the
neceffitie of the Commonweale, and the profite of priuate men. But the
contrarie is vied in our daies: for princes in head of giving out vpon rea-
able intereft, borrow and pay vreafonable vriure: and not onely princes,
but also lords and Commonweales, fome more, fome leffe: thole which have
been held the moft frugal, as the Venetians, borrow alwaies at fume in the
hundred, without any hope to recover the principall, or at fourecene in
the hundred, fo long as the creditor shall live. The collelde of Saint George
at Genes takes money of all men at fume in the hundred, and delivers it
out againe at the higheft intereft to princes and merchants; whereby they
are fo enriched, as they have redeemed the ifle of Corfica, and the lands of
the Commonweale. Priuate men had rather take fume in the hundred of
the collelde, to bee aflurred of their principall, than much more of priuate
men, who ofteentimes become Bankerups: the Venetians have alwaies loft,
and fhalllofe, fo 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 Ve-
chio, cutting the creditors fo trott, as they dare not fo early put in their
money as they were wont.

This meanes was alfo brought into France by the cardinal of Tournon,
at fuch time as hee was in credit with king Francis the firth, whom he per-
suaded (by the infigation of certaine Italians) that there was no other meanes
to draw the money from all parts into France, and to frustrate the enemy here-
after, than to settle a banke at Lion, to take euerie mans money, and to pay
him eight in the hundred, fo as in fhort time hee should get into his hands all
the money of Italie and Germanie: but in effect the cardinal foughed to allure an
hundred thouſand crownes which he had in his cofferes, & to get all the intereft he
could. Letters patents being grants at the opening of the banke, euery man came
running from France, Germanie and Italie, fo as king Francis the firth, when he
died, was found indebted to the banke of Lion, fume hundred thouſand crowns,
the which he had in his coffers and sometimes more, and a peace concluded with F all the princes of the earth. But the raigne 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 sixtene in the hundred, of the Caponyes, Albics, and the Fouques of Germanie, and when he was not able to pay the intereft, he promis’d the creditors intereft upon intereft. The emperour Charles 5 did the like for his parts true it is, he pay’d 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; euerie one hoping to draw money and wealth vnto him by the desire of viturie. And whereas our king Henry the second thought to draw most money vnto him by paying of more intereft than the emperour or king of England, he began to loose his credit, for the wifefest husbands concluded that in the end he would not be able to pay neither principall nor intereft for the intereft of sixtene in the hundred, came at the leaft to eightene in the hundred, detaining the intereft which he could not pay: whereas the emperour made shew that he would free himselfe, guying cities and communalties for cautions, paying the old debts with new borrowing, and euerie man lent him feeing him pay fo willingly. But at this day many will free both principall and intereft, to haue 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 Signiories as had money in the banke at Lion, H were much altered, and not onely the Signiories of the Cantons, the princes of Germanie and others had their parts there, but also Baftias & marchants of Turkie were there in their Factors names for about five hundred thousand crowns; and nothing did more with hold the great Turke from succoring of the French in their last voyage of Naples, vnder the duke of Guife, than the not paying of foure thousand crowns for intereft to Ruffian Baftia, besides the ten thousand which lavigne the ambassador 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 haue the intereft pure and simple, and vpon condition that they should haue their principall againe: as many Italians doe with private men, to whom they lend their money simpily hauing them bound both bodie and goods, without making any mention of intereft, and yet by a verbal agreement, they promis’d sixtene or twenty in the hundred; if he faile to pay the intereft, they feaze vpon bodie and goods for the principall: and although the intereft be paid, if they haue need of their principall, they proceed by way of execution against the debtor, for he hath neuer any quittance nor witnesses for the intereft which he receiueth. Behold by what means they draw the money out of this realme.

There are other trickes which I forbear to touch, but for this caufe king Lewis the ninth in the yeare 1554, and Philip the faire in the yeare 1300 did banish all K Bankers and Italian marchants out of Fraunce, confiscating their goods: and to discover the debts that were owinge them, it was decreed that the debtors shoulde be freed from all arrerages and interefts, paying the principall to the treurers. And since, in the yeare of our Lord one thousand three hundred fortie and seuen, Philip of Valois for the like caufe did forfeit all their goods: for it was verified by the procelle that was made, that for foure and twentie thousand pounds flarling, they had in few yeares profited two millions and foure hundred and fortie thousand pounds flarling: and in hatred of such viurie.
Of a common weale.

A. Wherefore the Lombards letters have been always taxed in the Chancery at double; and although these people have been often banished the realme, yet there were never 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 realme have lent unto the king upon the reuenews, customes, imposts, and tenths for reasonable interest, and those which held themselves to be of best judgment in matters of late and treaure, aduised 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 have never seen more rebellions since the establishment of this realme. And as for the treaure, it hath been so well husbanded, as in leffe than twelve yeares that king Henrie the second raigned, he did owe more than his predecessors had leuied fortie yeares before, for all charges: for by an account made in the yeare 1560, king Francis the second, succesor to Henrie, did owe two millions three hundred twelue thousand six hundred and ten liures, eighteen soules six deniers, of money lent freely, for the which he paid no interest: and fiftieene millions nine hundred twentye six hundred fivetie and five liures, twelve soules and eight deniers, for the which he paid interest: and he ought more for arrerages feuen hundred threefcore and fiftie thousand, nine hundred threefcore and nineteenliures, lioure soules, and foure deniers: besides the debt of Ferrara, and other debts for marriages, which came to eight millions five hundred and fourteen thousand five hundred fourelcore and twelue liures, eighteen soules and eleuen deniers, and other remainders due, to the summe of fiftie ene hundred threefcore and foure thousand, feuen hundred fourelcore and fiftie liures, two soules, and six deniers: so as by the last article the king remained indebted one and forty millions, a hundred fourelcore three thousand, one hundred threefcore and fiftie liures, three soules, six deniers: comprehending fourtie ene millions nine hundred threefcore and one thousand feuen hundred fourcore and feuen liures, fiftieene soules and eight deniers, for the aides, reuenews, and customes engaged, to cities, corporations, and colleges, and to privie men: and at the which the city of Paris hath had yearly three millions one hundred & so many thousand liures, comprehending the tenths: moreover the clergie hath furnished above threefcore millions in the time of king Francis 2, and Charles 9. Although the emperor Charles 5, and his succesor have ruin'd the same fortune, for that they took vp at interest, being indebted above fifty millions, for the which all the lands, and reuenews of Naples and Milan were engaged to the, Genewa, and other private persones, 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 caus'd the catholike king to be cenfured by an aduertisement from the Pope, if he continued those excessive visites, who embracing this occasion, defrauded his creditors of ten yeres interest. We must not think that the Spaniards will suffer themselves to bee easily gulled by the bankers of Italie, as the French do, who suffer them to injoy the farmes & all the best reuenews of France, the taxes, imposts, customes and doanne of Lion, by means of which farmes they ransome the Leighbs, and transport the coynes, contrary to the laws of this realme, which forbid to suffer strangers to enrich themselves by the reuenews of the crown: nay, it hath been more insupportable to preferre them before natural Leighbs, which offer'd much more, & yet they had an abatement of twentie thousand crownes at one instant out of the custome of Lion, to the perpetual infamie of the French: and lest they should be molested and drawn in question of
The Sixt Booke

The original of all these miseries growes from Francis the first, who began to take vp money at interest, having 18,0000 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 he breake and loose his credite, which is the ruine of an estate: for hee must borrow, leavie taxes, impositions, and in the end by frauders, and tyrannies forfeit his subjects goods. Then is it most brand necessarie for a prince to borrow money vp on interest of his allies and subjects, if that hee bee in danger to lose his estate, by some generall revolt, or the conspiracie of some great men against him; for extreme remedys are to be fought in extreme dangers: as we read that Eumenes did, who borrowed a great sum of money at extreme interest, of those that had conspired his death. Agrippa king of Indea, recovered his realme by the meanes of his creditors, who troubled both heaven and earth for the assurance they had to bee payd: and this was also the chief meanes to restore Edward the fourth king of England, being expelled his kingdom. But if the princes creditors have assurance to bee payd by his succesors, or that they haue lands in pawne, then this course is vnprofitable. Thus 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 Commonwealth well and honourably, the which wee haue partly touched in the chapter of rewards and punishments. Let vs adde hereunto what remains.

In old time the first article set downe in the expencs 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 wise and antient princes of the Hebrews, haue left this discipline to posteritie, the which they receiued from the holy Prophets, who sayd, That the surest preseruation and defence of treasure, were Almes deeds, and liberalitie to the needie: the which they restraine to the tenth part of euerie mans goods, which should bee employed vpon the ministers of the church and the poore. And if we will looke aduisedly into it, we shall not find any prince, state, or family that hath flourished more in riches, honours, and all happinesse, than those which had most care of the poore and needie. In old time there were no princes vnder heaven more charitable than our kings of France, since Robert fonneto Hugh Cape, who gavе the first example to his subjects and successeors to be charitable to the poore, feeding a thousand daily, givin them horte to follow the court, to bleffe him and pray for him; and to speake truly, there was never king in this realme that raigned longer and in greater peace. We may truly say of our kings, that there is no race vnder heaven that hath so entertained the greatnes of their maestie in armes and laws, and out of the which there hath illued more princes, or that have raigned longer without offence to all other princes, Christians, Turks, Tartars, Periats, Indians, and Ethiopians. What prince enuer was more charitable to the poore, than Lewis the ninth, who hath founded twenty eight hopitalls 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 liued in great honor, being feared of his enemies, reuerenced of his friends, honored of his subjects: and after that he had raigned 44 yeres, he left sixe fonnes, and foure daughters, and a kingdome flourishing in armes and laws to his successtor, recommending
A mending vnto him aboue all things to be devoute to God, and charitable to the
poore. Neither may we forget James the fift king of Scotland, who was called
Rex egentum, The king of the needle, who as he exceeded all the princes of his
time in bountie, did he surmount all his predecessors in riches. And contra-
riwise we fee great families, flates, reames, and empires come to pouverie and
ruine, hauing contermined the poore, and abandoned the fubbie& to the spoile
of the foldiers, and the thefths of toll-gatherers: when as king Henrie the second
in the yeare 1549, did eadact that extraordinarie tribute which they called Tailon,
he promised not to employ that money to any other vfe, than to the entertain-
ment of his men at arms, and not to confound it with the ordinarie receipts, that
the fubbie& might be freed from the spoile of foldiers. The like was laid when
as the realme was charged with the payment of 50000 footmen in the time of
king Fraunces the fift, the which should be lettied vpon walled townes and their
fuburbs, which felt nothing of the oppofition of the foldiers: but notwithstanding
since they have made it equall to townes, village, and hamlet, in the vere
1555, whereby the poore countreyman hath ben doubly opprefled, for they pay,
and are spoiled of all sides. And yet withall these charges, they would hold them-
feules happy, if they might bee freed in providing corne and victuals for the
foldiers at an under-rate, what may then bee hoped for in those ci-
ties whereas the foldiers robbe and spoile the poore subiects with all impuni-
tie, and intilt more over the citizens than againft the enimie; but for an exuete,
they pretend they are not paid, neither would they be, to the end they might
have some colour for their thefts. There is no meaneous to redelle these calamiti-
ies, and to reftore in some fort militarie discipline, which is now quite decayed;
but in paying the foldiers: for as Cæcilius faid, Disciilium fenare non posse
ieunium exercitum, dum quad deèf semper presumis armatus, A falling armie can ne-
uet obfervere good discipline, for what they want, they will preuime to take by
force: the which cannot bee done vnlefe there bee a great care had of the
treasure. The kings house therefore entertained, the foldiers and the officers
payd, and due rewards fiven to them that deferue them, it is great reaon the
poore should be remembred. And if the treafurie bee well furnifhed, a part
would be employed to repairre townes, to fortifie vpon the frontiers, to furnish
places of strength, make the passages euen, build bridges, fortifie the ports, fend
ships to sea, build publicke houles, beautifie temples, erecte collidges for honor,
vertue, and learning: for besides necessitie of reparations, it brings great pro-
fite to the Commonweale. For by this means arts and artificers are entertained,
the poore people are eafed, the idle are fet to worke, cities are beautified and
difeases expelled: finally hatred againft princes (which doth often times firre up
the fubbie& to rebellion) is quite suppressed, when as the impofitions which he
hath lueied, redounds not only to the general, but alfo to every priuats man good.

And therefore the emperor Alexander Severus was accoutomed to leaue many
imposts and tolles to cities, to be employed in the necessarie reparations thereof:
This which I haue fayd is more expedient in an Aristocracie, or a Popular
flate, than in a Monarchie: for that the fubbie& being many, are with more di-
ficultie maintained in peace and union by few commannders: vnlefe the multi-
tude being employed in the publicke works, may make fome gaine, and not
50 to inure them to the distribution of corne and money, as they vifually did in
Popular states, and especially the Tarentins: the which is not only the ruine of the
treasure, but likewise of the citie. So Pericles was alfo blamed, hauing

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first
An infinite treasure in the citie of Athens.

Demosthenes in Olynthus.

Plut. in Pericles.

first accustomed the Athenien 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-

dicke treasure, not only to fortifie the citie, but also to beautifie it, and to fill it with
good artificers: yet durft he not attempt this before the citie was in peace and
their treasure full, having then a hundred thousand tallents; that is to lay, three-
score millions of crownes: if we may beleue Demosthenes: which cunning be-
came it is unreasonablen, it may be, we should read a hundred tallents, which make
three-score thousand pounds, for that was shewed before, that the Atheniens
(when as they had charged their allies with great tributes) did never leuy above
two thousand tallents yearely at the most, and in Pericles time they did scarce ex-
act a thousand tallents. And being accused by his enemies to have misemployed G
the publicke treasure, hee made this resolute answeare unto the people, that if
they were not well pleazed with the walles, fortresses, and temples which hee
built, hee would take the charge vpon himselfe, vpon condition, that his name
should be grauen theerone, and that it was his gift: but the people allowed the
charge, knowing well that all men in general, and esuerie man in particular,
reaped profit and honour thereby, for that the merchant did gaine in furnishing
of fufffe; sea men, and thofe that brought it, for their carriage; and artificers in
working, 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 benefite, and which doth most import H
the preperation of an estate is, That the two greatest plagues of a Common
weale, Idleness and Pouertie, are banished: a very necessarie thing in a popular
and aristocraticall state; and especially in those countries, where they have
great spirits, and but barren foyle, as at Athens: if idlenesse get footling in such
a countrey, it will never be without mutinies and thefts, which Solon foreseeing,
he did inflict great punishments vpon idle persons: and so did Amasis king of E-
gypt, 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 Pyramids built in
that countrey almoft three thousand yeares since, left the people should have I
languished with idlenesse: we have alfo presidents of the wilft emperours of
Rome, which have in like fort employed their treasure, & given the subiects ex-
ample to imitate them: as Augustus, who did inflly vant, That he had found Rome
built with bricke, but that he had left it built with marble: and in truth he em-
ployed foure millions and fute hundred thousand crownes in building of the Ca-
pitoll alone: he was followed by the emperour Vespasian, who made great and
excellent works throughout the whole empire, rather to entertaine the mean-
er fort, than for any other end: for when as an excellent workeman promised
him to set vp pillers in the Capitol, of an excesive greatnes, with small charge
and few labourers: he recommpenced him verie well, saying, Let me I pray you, K
nourish the poore: and yet he protestt in open Senate comming to the empire,
That there was need of a milliart of crownes to free and restore that Common
weale.

What shall I say of the emperour Claudius, who enjoying an assured peace, cau-
sed the chanell of Fucina to be made, to accommodate the citie with good wa-
ters, employing daily thirtie thousand men for eleuen yeares together. And
without search of antient histories, it is well knowne that the signiorie of Ve-
nice doth entertaine continuall in their Arsenall, three or foure thousand per-
fons
A prince should have a lifted mind of matter in state and of his chief men,

Mm m iiiij great
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 politick princes of his age, yet he ran willingly into the snare of Charles earle of Carolois, having forgotten that hee had sent his ambassadors into the country of Liege, to stirre them to warre against him: the earle aduertized hereof, detained him prisoner: the which had not hapned, if he had kept a regifter of his former actions. If any flatterers of the court will object, That the regifter would bee too great, that the prince should be too much troubled, and that hee could not live long: why then haue thofe 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, Pethasian, Trajan, Adrian, and the Antones, all Romaine emperours and politicke gouernours, who themselues made registers of their owne affaires, imitating the example of Augustus, who liued 74 yeares, leaving three Bookes written with his owne hand; the firft was his deeds and publicke actions; the second was his testament; the third was an estate of all the Romaine empire, wherein was contained a particular estate of every province, what troupes of souldiers, what treasure, 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 iustice ordinarily and to heare all commers, reading all the booke of politicke government, that he could get, as Sueronius faith, remembring that which Demetrius the Phalerien laid vnto Ptolome Philadelph king of Egypt, that he should find goodly secrets in bookes, which no man durft tell him. Pethasian in like sort, made an excellent abridgement of the empire, and yet he liued 70 yeares.

The empire of Persia was greater than that of the Romaines, stretching from the farthest bounds of India, vnto Hellepont, and the desert of Libia, having under it 127 Provinces, and yet the kings of Persia carried with them continually a regifter of their affaires of state and of their gifts: and when as Darins Longemanus had escaped the conspirators hands, by the aduertisement which Mardochenus had given him, the king a while after reading this regifter by night, and finding that Mardochenus had received no reward for so great a seruice done vnto the king, hee caueth him to bee sent for, giving him great honours and preferments. But without any further search, the king of Spaine doth visuallly looke vp on a regifter of his affaires, carrying an abridgement of letters which he writes to gouernors, captaines, and ambassadours, if the matter be not verie secret. For the same cause Charles surnamed the wife, king of France, made a Regifter of his priuie counsell, and the firft was Peter Barrier, who was not busied, (as at this day) with expeditions and acts of iustice, but onely to inroll the affaires of state. But above all it is necessarie for a prince to haue a regifter in his counsell, 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 entred. For the redrawing 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 reuoked, if the donatarie made not mention of the benefits granted to him and his predecessors: the other is of Charles the eight, whereby all gifts aboue ten pounds were of no force, if they were not verified in the chamber of accounts. The firft law was soone taken away by another, saying, That it was sufficient by
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 prati
tice, and the articles set downe in the chapter of expences, shall not be allowed without
an order, a commandment, and a discharge are now of little or no force in
that respect: for the treasurer is discharged, bringing the kings hand onely, with-
out 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,
whery it was decreed, There should be fourse keys to the place where the trea-
ture was kept, whereof the king should have one, and the rest should be in Com-
misisoners hands appointed by him: and the distribution of money should be made
by the kings commandment, in the presence of the treasurer and comp-
troller of the Exchequer: But king Henry the second by a speciall edict dischard
the treasurers and officers of the treasurie, that afterwards they might not
be called to any account. True it is, that one of these commisioners had given
him at one time a hundred thousand crownes, if the common report were true;
which was much at that time, but little in regard of prodigalities praticed
of late. For after that king Francis the first had ordered it by sparing, all the pub-
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 manag'd the publick trea-
imight be 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 lefse: as the
Emperour Galba did, who reuoked Nero's 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 eleuenth did limit by a law, what summe of money the king might
take yearely to dispone of at his pleasure: which summe being verie little, seem'd
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 giue, knowne
and examin'd by their officers: for that princes shall alwaies maintaine their fa-
favours, giving liberally, and the officers shall be subject to the hatred and dislike of
such as have their gifts reuoked or cut lefse: so as by means of recouere, the mon-
ey should returne into the treasurie againe, and few would beg, yet they would
scatter it when it should be offered them, if they knew their gifts should be re-
uoked or examin'd in the chamber of accounts. If bountie be commendable and
worthie of a great and rich Monarch, it is ill becoming a poore and needie
prince, for he must fle a his subiects, and racke them to the verie bones. King
Francis the first, leaung a goodly kingdome, flourishing in armes and laws, and
in all arts and sciences, to his successor, with fourteen hundred thousand crowns
in treasurie, and the quarter of March ready to be receuied: yet did he not give
away the hundred part in rewards in 32 yeares that he had reign'd, as his sonne
Henry did in two: for he had scarce cloe'd 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 hune leech in
court. And although that Francis the father gave pensions to Germans, Eng-
lish, Italians, Suisses, Alburnes, Spaniards, and Grifions; yet all his pensions,
besides the Cantons were but 13000 pounds staring a yere at the moat, as I have
seen 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,
four
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four shillings staring, which hee gave in pension to his subjects, princes of F
bloud, knights of the order, captains in great 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 bountie.

We have entreated of two points of this chapter: first how a Commonweale
should gather together, and then how they shall employ: the last point is, what
referre they shall make for any necessitie, that they be not forced to begin warre
by borrowing, or subsidies; whereof the Romans were verie careful: for al-
though they had continual warres vntill Auguflus time, after the defeat of
Marc Anthony, yet had they never touch the treasure which grew of the G
twentieth pence of slaves infranchiled, 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 meanes to saue
their estate.

The emperour of Turkie obserues this order carefully, for besides the trea-
ury of ordinarie receipts, which is in the princes Seraigle, there is another in the
castle of feuen towers at Constantinople, where the ancient treasuries are referued,
the which they meddle not with, if the necessitie bee not verie vrgent. Our
Ancetors were accustomed in time of necessitie, when the treasure was wa-
tled to have recourse to the kings forrests, where there was an infinit number of
tall timber-trees fit for all vses, of the which they made great summes of mo-
ney, but during the civile warres, they are loe downe, as hereafter they will
bee one ly fit to make faggots: whereby the commonweale is muchdamnified,
and will be more daily, vnlesse there bee some speedie remedie: for there is
such want of timber, as they shall bee forced to fetch it out of other countries
for their ships and buildings; they do also cut them downe to haftly, as the trees
cannot grow to beare any fruit to feed our swine; and in the end we shall be for-
csed to fetch wood from other parts for firing. And for that it hath been alwaies
held a matter of some difficulty to keepe treaure safely, being verie hard for
princes to shake off importune beggars: therefore the kings of Per sia and the I
Romaines, that they might preferre this holy treaure from theft, they reduced
a great part of their money into thicke brickes. It is also said, that Charles the
tift king of Fraunce, had caufed the great Hart in the palace at Paris to bemade
after the fame forme that they should castone all of gold, of the treaure which
he had gathered together. And the better to allure against theeues, the anti-
cents did lay their treaure in temples, as the Greeks in the temple of Apollo,
Delphique, and Deliaue: the Romaines in the temple of Saturne and Opis:
the antient Gaules in hallowed Lakes: the Hebrews sometimes in temples,
sometimes in sepulchres: for wee read that the high priest and king of the
Jewes, Hircanus, found great treasuries in David's sepulchre. But seeing there K
are no sepulchres to religious, no temples for holy, that the eues will not
force and enter: therefore the kings of Morocco hauing moulten a great
quantitie of gold in forme of a bowle, pierced through with a barre of
yon, they did hang it on the toppe of the pinnacle of the great Church
at Morocco. The antient 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
A in building of their Pyramids, beautifying of cities, bringing of ritters, and
repaying the bankes of Nile. The law of God forbids to heape togeth-
er much golde and siluer; lest that thereby the prince should bee allu-
red to oppresse his subiects, or the enemy to invade the citizens, invit-
ing 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 inflatible courtoufineffe of John 22
Pope of Rome, in whose coffers they found (hee being dead) twenty three
millions of gold, as many haue written; or of Sardanapale, who left fiftie mil-
ions of crowns; or of Cyrus, who left fiftie millions; or of Tiberius Caifer, who
had gathered together feventie feuen millions, the which his succesor walled in
one yere; or of Darius Ochus the laft king of the Perfians, in whose treasury Alex-
ander the great found fourcore millions of gold. We read in the holy scripture
that David left fiftie fcore millions, the which is the greatest treause that was euer
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 wonderfull: our interpreters
of the Bible doe fallyly thinke them Attike tallarks. I find Sicium in the scrip-
tures to be taken two waies, the which the Greeks call Statea, and the Latines
C 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 Sa-
muell the 24 chapter. If Davides treause 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 sil-
uer: but if it be valued by the Attike tallent, the wealth of the Romanes never
came nerer it; as we may fee by an extract out of the treause vnder the empire of
Traian, at which time it was at the greatest: for the whole fum of their treause
(the which was kept in Egypt) came but to 74 thousand tallents, the which a-
mounts to 44 millions, and foure hundred thousand crownes; vnlesse they had
another treause 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 prouinces entertained: three hundred Elephants for the warre, two
thousand chariots for warre, and munitio to arme ,0000 men, fifteen hun-
dred galleys of three and foure owers on a fide, besides two thousand veffels for
the sea, and furniture to arme and riggetwize as many, with fourecore great
ships flately 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 breake it: for they which say, that king Charles the fift left in his trea-
ure eighteene 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, refored Henrie king of Caflill being
expelled his realme, maintained and succored the kings of Scotland, against the
kings of England, and raigned but 17 yeares, and yet he did not leuie for all chargs
about 47576 pounds fartling yerely, comprehending the reuenews of the
crowne lands: although in his time the ays and cultume of 8 shillings vp-
on euerie fire were laid vpon the subiects: and his succesor fourtie years after
The revenue of France under Charles the 5, 6, 7, Lewis the 11, and Charles the 9.

Diminution of the charge at the coming of Charles 8.

The beneficte of Lewis the eleventh in his apparel.

The Sixt Booke

The revenue of France under Charles the 5, 6, 7, Lewis the 11, and Charles the 9.

Diminution of the charge at the coming of Charles 8.

The beneficte of Lewis the eleventh in his apparel.

Anne 1366. 10 May.

The Sixt Booke

did levie but 47000 pounds flarling: and Charles the seventh, the yeare that he died, receiued for all charges and revenue, but 17000 pounds flarling, as it appeares plainly in the chamber of accounts, & yet had he imposed the tax in former of an ordinarie impost, the which at that time came but to 1800 pounds: and twenty yeares after when as Lewis the eleventh died, the whole receiue came but to 47000 pounds, the which was reduced to 12000 pounds, at the request of the Parliament, held at Tours at the coming of Charles the 8 into the crown, besides the revenue of the crown, which amounted yearly by estimation to 100000 pounds: so as the whole revenue when as Charles the eight died, came not to above 250000 pounds. The like request was made unto king Charles the ninth, by a parliament held at Orleans, at his coming to the crown: but the necessity was found to be great, 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 plung'd in ciuile warre) confidering the good order was taken the first yeare: for the interest was moderated to five in the hundred, all officers wages for that yeare were diminished and half taken away, 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 230777 pounds flarling: so as in few yeares all had beene discharged, without any diminution of the kings households, which were six hundred, besides such as were entertained for hunting & hawkking, for they may well be skirled without diminution of the maiestie of a king or the dignity of his house, by cutting off his ordinary traine and households, & which of times doth cause strangers to confume him, and his subjects rebell 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 barber for an ambassador, and his Privy-chamber, (as Antichus king of Syria did his philistian Apolephanes, whom he made president of his couenil) & in mockery of other kings, he wore a greacie hat, and very courtie cloth in his apparell: and even in the chamber of accounts, there is set downe in a note of expences two shillings for a new pair of sleeves to an old dublet: and in another item three halfe pence for a box of greacie to blacke his boots withall; and yet he raised the charges more than his predecesser did by 300000 pounds flarling a yeare, and fold much of the revenue. As for the officers of the crown, it was wisely aduised at the estates of Orleans, to reduce them to the antient number, as they were in the time of king Lewis the twelue, by suppression without any disbursment. But there were some good husbands which gave them afterwards to understand, that the suppression of offices was a decrease of parties ciuall, where by the numbre was afterwards much augmented: And Bailey president of the accounts told the king boldly and plainly, being at S. Mauro des fosse, that the suppression of those officers which had beene created by the new law, was both pernicious to the publicke, and hurtfull to his treasur, seeing but for three augmentations in the chamber of accounts onely, they had payd above three score thousand pounds flarling: but he doth not lay 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 the officers after ten or twenty for the hundred, which was the principal cause of the suppression of subaltellan offices by a law made by Franciis the second. Moreover they set not downe the prerogatives which belong to
A to the officers of the chamber of accounts, that is to say, their ordinary wages, their rights of wood, their liuetrie at Easter, their rights at Hallmontide, their roles, their prerogative of herings, their rights at Twelfthide, their rights of the stable of vertue, and of white falt, besides paper, parchment, pens, counters, purles, waxe candles, red waxe, penknives, bodkins, scrapers 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 Treaforer of France President of the chamber, and foure masters of accounts that were Clarkes, by an erection that was made at Vulliers in Britaine the yeare 1319, afterwards they added foure lay men, which sufficed for all that were accountable: the kingdome of Nauarre, and all the Lowcountrie being then in the hands of the kings of France. And yet we have seen in our daies, that those which have stolen the kings treaure and the subiects wealth, have escaped, being indebted in great sommes of money; and infint others which have never accounted. And which is more, not long since an accountant had gotten into his possession a great and notable somme of money, wherewith he stood charged by his account, 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 accounts 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 accountants should make a good and loyal account, 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, vacations, riding voyages, and the conduct of money; as hath been well verified by the effates of the countie of Languedoc in the yeare 1556, where I was then present: who for that cause depuè Martin Durant, Syndic or Procurator of that countie, to present a request unto the king to be discharged of all officers of receit, making offer to bring all the money that was to be letted upon the subiect freely into the kings coers, without any charge either for officers wages, or for carriage: shewing 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 yearly 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 treafor are so increased, as Maximinus Eulier, President of marchants at Paris, and President of the chamber of accounts, said in open Parlament at Blois, That of the crowne there came not eighteene pense a eare into the kings coers: the which seems incredible, yet he was held a man most expert in accounts. We must then conclude, that the subiect was much opprest 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 receuirs but the Viconts, 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 accounts, so as it was rejected; for the fiulious difficulties they made which had interest therein, the which is not here needfull to rehearse, so as it was concluded that receuiers and treasurers were necessarie. Seeing then that accountants and masters of accounts is a necessarie euill (as Alexander Scetius said) The fewer there are, the better shall it be for the Commonweale: for the kings treaure will still decrease when it passeth through the hands of so many officers. There were the complaints and expostu-
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 customs and duties were let out to faire, and the farmers brought in their rents to the receiver. The first office that was given to gentlemen of good families, and that aspired 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 guilte of extortion, was declared incapable never to bear any honorable charge, besides infamous and the losse of his goods, the which was a wife course to affhire 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 Emperor of Turkie doth otherwise, for he never sells office, and for so great an Empire there are vetry few Treasurers: the Collectors (which they call Protogeres) give the money vnto the Subachis (which are as it were the Viscounts of Normandie, who in old times had the same charge) then they deliver it to the Sangiacs (who are as it were gouernors of the countrie) who convey it vnto the Bellerbeis, and they fend in safety vnto the Defenderers, which are two generals of the Treasurer, the one in Asia, and the other in Europe, who deliver it to the great Comptroller, and he gives it to Caesar Baschi, great master of the treasurer, who hath ten commanders or deputies under him for extraordinary payments, there is but one treasurer, and for all officers of accompts, there are but 25 Comptrollers which examine the accompts. One thing is worthie obfertation, that they have no treasurers nor receivers but Eunukes, after the Persian and old Grecian manner, and that wisely, for they that neither have children, nor can be seduced with the flatteries and inticements of women, it is not to be feared that they will steale the publike treasur with the hazard of their lyes and fame. As for Treasurers in France, it is more then necessarie that such offices be given to gentlemen of honor and of noble houses, as it was usual in old time, and is yet practised in England for the reason that I have said. By an Edict made by king Henry the second in September in the yeare 1554 it was declared, that the chief Treasurer should take their places before the Stewards of the kings house, of the counsellors of the court of Parliament, of the accompts 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 Treasurers 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 base fellow that had bought his office. Thus much concerning treasure, and for that it consists in coyne of gold, sluer, copper and buillon, it is necessarie to write something thereof.
Of Coines, and the means how to prevent that they be not altered, nor falsified.

Looking well into the best grounds, and strongest supports of a Commonweale; in my opinion, hee must exactly understand this point, that will wisely settle an estate, or reforme the abuses: for that there is nothing that doth more trouble and afflict the poore people, than to falsifie the Coines, and to alter the course thereof: for both rich, and poore, enemie one in particular, and all in generall, receyve an infinit losse and prejudice, the which cannot precisely in every point bee described, it breeds so many inconveniences. The Coine may not be corrupted, nor altered, without great prejudice to the Commonweale: for if money (which must rule the price of all things) be mutable and vncertaine, no man can make a true estate of what he hath, contracts and bargains shall be vncertaine, charges, taxes, wages, pensions, rents, interefts, and vacations shall be doubtfull, fines also and amemcements limited by the lawes and customs shall be changeable and vncertaine: to conclude, the estate of the Treasure and of many affaires both publicke and private shall be in suspense: whereas of 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 Victoriatus, upon a penaltie, whereby he purchased so great glorie to himselfe and his pofterity, as they did erect his statues in every streete, and offered frankincence and waxe vnto them. And Tully faith. Neminem unquam multitudinis ob id rem suffe cariorum. Neuer any man' (for that cause only) was dereter 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 subiects, and much lesse of strangers, which trate with him, and trafficke with his people, for that he is subiect to the lawes of nations, vnlss he will lose the name and maiestie of a king, and be reaerned a countrefetter 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 subiects, and a pertinacious presidient to forreat Princes: wherof he repented himselfe too late, restorung 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 confute the estate of the king of Maiorque and Minorque, whom he pretended to be his vassall, for that he had abated the coyne: and yet the kings of Arragon themselues did erre in that point, for as pope Innocent the 3 did forbid them as his vassalls not to vie it: whereupon the kings of Arragon comming to the crowne doth (weare not to change the weight and price of their money, which hath beene allowed. But it is not sufficient to make such protestations, vnslee the value and weight of money be ordred as it ought, to the end that neither prince nor subiect may falsifie it if they would, the which they will alwaies do, hauing the means, what punishment beuerbe inlicked. The ground of all these countrefet coynes, walkers, chippers, and boylers of money, growes by the mixtures which are made of mettals, for one mettall being pure and simple cannot be supposd for another, differing by nature in colour, weight, substance, and sound. To prevent all these inconveniences, you must ordaineth that in euery Commonweale the coynes be of one mettall without mixture, and publish the Edict of the Emperour Tacitus, who defended vpon losse of life and goods, to mingle gold with siluer, not siluer with copper, not copper with tine or lead.
lead. But we may except from this law the mixture of copper with tinne, which makes the founding mettall, whereof bells and ordinance are cast, not so much vied in old times as now: for it is not neccesarie 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 never 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 falseness and corruption is more artificiar than in coynes, for that the triall is not so easie, and oftentimes the workmanship is as decre as the substance it selfe: wherein Archimides is much deceived, seeking to find out what the goldsmith had tolne out of that great crowne of king Heron; and not to deface the fashion, (for as then they had no use of the touchstone) he tooke two lumps or masses one of gold, and another of filuer, putting either of them into a vessele full of water, and by the effusion of the water he judged the proportion of the gold and filuer, then filling it againe with water, he put the crowne into it, the which call forth leffe water then the maffe of filuer, and more then that of gold, whereby he coniectured that the goldsmith had tolne a fit part: but his judgement was vncertaine, for he supposed the mixture or allaie 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 leffe 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 maffe of an equall weight, and differs as much as thirteene do from eleuen: and if the allaie or mixture were of copper and filuer, it was impossible to make a true judgement, vnslee he could distinguish 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 maffe 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 allaie be not of one pure mettall. And although that goldsmiths and jewelers haue fallly complained that they cannot worke in gold vnder two and twentie Carrats without loss, or in fine gold above 23 Carrats and three quaters, according to the decrees of king Francis the first published in the yeare 1511: yet notwithstanding all good orders they make worke at twentie, yet oftentimes at nineenee 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 countervile. It is therefore necessarie to obserue 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 purte. And for that it is impossible (as refiners say) to refine gold to 24 Carrats, but there must be a little of other mettall with it; nor filuer at twelue deniers, but there must be some allaie, and even the purest refining according to the lawes is of 23 Carrats and three quaters, and hath a foure part of a Carrar of allaie, and of filuer eleuen deniers, two grains and three quaters, such are the royals of Spaine, or else eleuen deniers and eightenee grains, as is the filuer at Paris, the which is of all others the best, for that it hath but a fourtie sixt part of copper mixt with it. And in the best Spanish filuer there is a thirtie sixt part of copper, and without any great charge (besides the dificultie and length of time) they may worke gold in plate, or in coyne of 23 Carrats, and filuer of eleven deniers twelue grains pure, without any allaie: for in so doing, the proportion of gold to filuer shall be equall, for the allaie shall be alike in the one and the other, that is to say, that in 24 pounds of filuer at eleuen deniers and twelue 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,
Of A Commonweale.

A mettall, and such filuter is called in this realme, the kings filuter, in the which the 24 patt is copper, and by this meanes the coynes of gold and filuter shall be stronger, and more durable, whereby they get much in the working in the field, and in lodging, and they keepe it from waiting and britollnes.

And to the end the iuft proportion of gold to filuter, obserued in all Europe & neighbouer nations, (of twelve for one, or thereabouts) may bee also kept in the weight of money: it is needfull to coin money of gold and filuter of the same weight of sixteen, two and thrity, and three corner and fourte peece to the Marke, without any alteration either in raising or abating: to avoid on the one side the difficultie of stampinge it, and on the other side the britollenes: of fine gold and filuter, if the coine were lighter than one denier. Whereas on the other side also, if they make any coine weighing about halfe an ounce, it is easie countectled, by reason of the thickeene thereof: as we fee in the Portugueses of gold, and the Dollers of filuter, which weigh above an ounce: as also, that coine of three Markes and a halfe, which the emperour Hellogabulus caus'd to be made: and that which was coined with the flame of Constantinople, weighing a mark of gold, whereof the emperour Tiberius present'd sittie to our king Childeris. By which means neither changers, nor merchants, nor goldsmithes, shall ever be able to deceive the common people, which is ignorant of the bountie and weight: for they shall be always forced to give twelve pieces of filuter for one of gold: and every one of the pieces of filuter, shall weigh as much as the piece of gold of the same marke: as we see in the single Royals of Spayne, which weigh as much as the French Crowne, which are (according to the weight set down in the year 1540) two deniers sixtene graines: and that twelve single are but the value of a French Crowne. Why then may not all coynes of gold and filuter be equall in weight: and all of one weight of both mettals have one stamp, or cature: Why may there not be the same likeneffe & proportion of both mettals? If this might be effect'd (as I hope it will) all means to falsifie money would be taken away. And to the end the simpeter fort may not be abused in the chauenge of the said peece, as well of gold, as of fiilter; nor to take the fingle for the double (as they do oftentimes in Royals of Spayne, and in the new coyne of king Henry the secon: it is needfull that the stamps be dister, and not alike as those of Spayne. And yet as touching filuter, to the end they shall hold the certaine titles of Soulz, petitie Denier, and Liure, as it is specified in the edict of king Henry the secon: made in the yeare 1551: and by reason of the payment of rents, amettiments, and the lords rights, according to the customes and ordinances, the Soulz shall be of three Deniers weight of the kings filuter (as it is said) and of fixtie three to the Marke: so foure shall be worth a Liure, as it hath gone heretofore, the which is the iustest price that can be gien: and every piece may be divid'd into three, so as every one shall weigh a Denier, and shall goe for foure small Deniers or Peuce, and shall be called a common Denier, to the end the Soulz may always be worth twelue Deniers: & that the complaints of the lords for their rents and rights, being vitually paid in blanch, or copper money, may ceafe, being now converted into Soulz, such as they were in the time of Saint Lewis, that is, fixtie foure to a Marke of the kings filuter. And as for other growing out of annuities, purchas'd for money, the rent must be paid according to the value of the Soulz which is hold at that time, when as the rent was purchas'd: the which was but foure Deniers an hundred yeares since, and is now but the third part of the augmencnt Soulz: the which it will be needfull to put in vfe. Such was the Drachma, or Great of filuter, vfed throughout all Greece, which was the eight part of the oinne, which we call a Gros, and of the same weight with the Soulz, which Saint Lewis caus'd to be coined, the which were called Gros Toumois, or of Tours, and Soulz Tournois: By the

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which soulz, Tournois, or of Tous, all antient contracts are ordered, and many treaties not onely within the realm, but also among strangers: as in the contract made betwixt the Bernois, and the three small Cantons of the Swifesters, where it is said, That the Soulziots pay, should be a soulz Tournois. The like was in this realm, 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 Great, is of the same weight with the soulz Touinois. The Venetians have followed the antients, and have made the ounce of eight Greats, or Drachmaes, and the Drachma of 24 Deniers, and the Denier of two Halpepence, or twenty foure graine: as we vfe in France, from which order we may not stray, as being nof t auntient in all Greece, and the Orientall regions.

True it is, that the antient Romans having their ounce equall with the Grecians, that is to say, of 576 graines, they divided it into feuen Deniers of their money, and their Denier was of value an Attique Drachma, or great, & three feuen parts more. Wher- in Buda was deceived, saying, That there were eight Deniers in the ounce, and that the Romans Denier, or Peny, was equall with the Attique Drachma, and the Roman pound like vnto the Attique Myne; being moft certaine that the Roman pound had but twelve ounces, and the Grecian Myne fixteen ounces, according to the marches. pound weight within this realm; the which George Agricola hath well obtayned by the calcul of Plinie, Appian, Sextonius, and Celsus. But at this day it is strange to see the great diuerfitie of pounds and ounces in all nations, may in one and the same kingdom there are in a manner an infinit fort of pounds: whereas I will make mention of some few. An hundred weight at Paris, make 116 pound at Lion, at Rouan 96½, at Thou- louge 121 pound, at Marcellis 123, at Geneva 89, at Venice 165½, at Genoa 155, at Basil 98, at London 109½. That of Paris and Strausbourg agree, so do they of Basil, Nuremberg, and Francfot, and they of Thoulouge, Mompellier, and Auignon, agree in the same pound weight: but they of Tours have a lighter pound, for fifteen ounces at Paris makes trentene at Tours. The like difference of weight is to be obferved in the East, and in Affrike, for 100 rowles at Thessalonica, make 91 pounds at Paris: 100 rowles at Damaffe, make 120 pounds at Paris, 100 rowles in Siria, make at Paris 503 pounds and fourteen 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 tenentie foure at Paris. But all this diuerfitie of weight may easilie bee reconciled in coynes, if they coineth their peeces of gold and filuer of the fame weight, the fame name, and the fame bountie, that is to say, that there be no more abatement in the gold, than in the siluer, whereby they can neither raise nor abate the price; as they do other then there are monethes, either at the peoples pleasure, or of those that have authoritie and credit with princes, who borrow all the money they can, and then they raise the price of money: so as one hauing borrowed an hundred thousand crownes, raised it suddenly fix pence in the crowne, whereby he gained two thousand and fute hundred pounds shar- ing. Another abated the courte of money in March, and raised it againe in April, after he had receiv'd the quarters tent. By this means allo you shall cut off all falsifying and counterfeiting of coines, and the most ignorant shall know the bountie of the one and the other coin by the light, the sound, and weight, without either fire or touchstone. For seeing that all nations for these two thousand yeares and more, have alwaies kept, and still do keepe an equall proportion from gold to siluer, it will bee impossible either for the tubieft or the prince, to raise, pull downe, or to alter the prices of coines of gold or siluer, if base money bee banished the Commonwealth, and gold let at 23 carats. And yet for that the smallest coines are profitable to the poorest, it is needfull to coyne
A coyne a third kind of money of copper, without any other mixture, as they have begun, and as it is practised in Spaine and Italie: or else divide the marke of siluer in 5036 pieces, every piece weighing nine graines, that the poore may buy the smallest things therewith. For whereas the queene of England hath banished all base and copper money, and reduced all her coins to two kinds onely, the least piece of money, which is a peny, being in value about ten Deniers, shee takes from her subiects the means to buy any thing at a lesser price, and which is worst, they cannot glue lesser alms to a poore bodie, than of a peny, which holds many from giving, as I haue shewed in the Paradoxe against Malestron: the which the Chauncelour of England causd to be translated in the yere 1569, hoping to redresse it. But it were farre 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 pieces, which they called Andegaunes: for that Rene duke of Anjou and of Lorraine caus'd 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 would be more firme, and of the same hight that I haue spoken, and they may be cut and swung at one instant. For the price of copper being uncertaine 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 flamp and substance: and contrariwise neither gold nor siluer do euer rust. And as for the price, we read, that during the Punike wares, the pound of siluer was worth eight hundred and fortie pound weight of copper, after twelve oounces to the pound; & then the Denier of pure siluer, which was but the seventhe part of an ounce, was raited from ten pounds of copper to sixtene (as Plutarch saith) which was the rate of eight hundred ninetie six pounds of copper, for one pound weight of siluer, the pound weighing twelve oounces. Afterwaerds the leaft coine, which was a pound of copper, was halfe abated by the law Papiria, 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 thirteene shillings flatling: and in Germanie it is better cheape, although their monables are thereof; yea in some places the churches are covered with copper: but in Italy it is dearer, and in Spaine and Affrike much more, for it is very scant there.

Some one may object, That the abundance of siluer may also cause an abatement of the price, as we read in Titus Livius, that by the tractic 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 Constantine, 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 leuente two Soulz of gold in a pound; so as five Soulz is iust the fourteenth part of a pound, and two shillings flatling: and in Italie it is better cheape, although their monables are thereof; yea in some places the churches are covered with copper: but in Italy it is dearer, and in Spaine and Affrike much more, for it is very scant there.

True it is, that herefore the Marke of pure gold was esteem'd one hundred eightie fives Luaires; and the Marke of siluer fiftenee Luaires fiftenee Soulz Tournois: so as for one Marke of pure gold unwrought, they must haue euen Markes, fives oounces, twen-
tye three Deniers, and fives graines, of the kings siluer unwrought. Towards the North, where there are many mynes of siluer, and few of gold, gold is somewhat deare. The pope of Rome more greedie of gold than of siluer, did value the Marke of gold at 12 Markes and foure shillings siluer: the which is at this present the price of gold and siluer, and was almost two thousand fives hundred yeares since. For wee read in Herodotus,
that the pound of gold was valued at thirteen pounds of silver: and the Hebrews in their Pandects, set a Denier of gold for five and twenty of silver, the coins of gold being double to them of silver; which were twelve and a half for one. We read also, that in the time of the Persians, & when as the Commonwealths of Greece did flourish, that an ounce of gold was worth a pound of silver; for Stater Doricus of the weight of an ounce, was valued at a pound of silver, as Julius Pelleux faith. And in Augustus his time, the king of the Indians, had the same estimation of gold to silver, the which was then brought to Rome: and therefore hee commended the insitute of the Romans; as wee read in Plutarch. Whereby we may conceive, that the price of these two mettals holds in a manner throughout all Europe, after the auncient estimation. But the value of gold was raised under the last emperors, by reason of the spoyle thereof, which had bene made for the building of things: as Nero his great pallace all guilt, the which had galleries of one thousand paces long; and after him Vespasian, who imploied seven millions and two hundred thousand crowens, to build the Capitol. And Agrippa couered all the temple Pantheon with copper, and then guilt it, to keepe it from rusting. And oftentimes silver is guilt, although of it selfe it will never take tuf. Doubtlesse we may well allow the holy ornaments to be of gold, for that the law commands it: but to have vessells of gold, beds, bookes, yea and their bridles guilt, argues the madnesse of frantike men: the which if the prince doth not punish very severely, the price of gold must of necessitie rife: whereof our nation did vehemently complaine unto the prince; at the estates held at Blois. Moreover silver having no hold, is little employed to tiler withall: besides, the mynes of the North yield great store of silver, & gold: yet the alteration of price which is made, in proclasse of time is insensible, which can be no let but the valuation of coins made of these two mettals shall be equall in all states, banifhing away all base money. Moreover a general traffique dispersed more now ouer the face of the whole earth than euer, cannot allow of any great alteration of gold and silver, but by a common consent of all nations. But it is impossible to hold the price of things retaining this base money, which is altogether dierers and vn-equal; for even as the price of all things doth fall, as the value of money decreaseth, (as the law faith) so doth it rise in raising the price of mony. And it must rise & fall, for that there is no prince which holds the laws of mynting equall with other Commonwealths, nor yet in his owne: for that the Aloy of the Soulz differs from that of the Teflon, and of pettie Deniers Doubles, Lyards, & pieces of fix, and three blanktes, the which continue not long in one estate. The first beginning in this realme to abate the tiler coine, and to mixe the 24 part of copper therewith, was to give occasion to marchants to bring Colonies into this realme, where there is none growing: for euene Deniers and a halfe in Fraunce, was as much as twelve Deniers in another countrey. But this devise was needlesse, considering the great riches of Fraunce, the which they will alwaies fetch bringing gold and silver from all parts. This mischief was tooke deeper root in the time of Philip the Faire, who did impaire the blanced money the one halfe, in the yeare 1300, adding as much copper unto it, as there was tiler: a while after it was brought to a third, so as the new Soulz was worth but a third part of the auncient. And in the yeare 1322, the Aloi of Soulz was so weake, as the Markte of silver was worth 80 • Liures Tournois, and had 1600 pieces for a Markte of copper. True it is, that in the same yeare that Charles the feuenth recovered his crownes which had bene taken from him, he caufed a new coine to be made in the moneth of October, the which was strong and good: so as the Markte of silver was set at eight • Liures: but in the yeare 1453, he caufed Soulz to be coined of base Deniers of Aloi, and since they have still decreased: so as king Francis the first, in the yeare 1540, caufed some to bee coyned of three.
A three Deniers of sixtene graines, king Henry at three Deniers and twelue graines: so as the antient Soulz of the kings filuer was worth almoost foure: 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 almoost halfe in weight, and a fourth part in goodnesse, from those of Francis. But other princes have done no better; for the Cruzer of Germany, which in old time was filuer at eleuen Deniers & foure graines, is now at foure Deniers and sixtene graines: the Soulz of Witzburg, and the Reichts grosschen at fix Deniers, that is halfe filuer, and halfe copper. The Schefflind, the Rape, the Denier of Strausbourg, at foure Deniers and twelve graines: the Rapephening at foure Deniers three graines, and the

B Florines of filuer at eleuen Deniers foure graines: as also the peeces bee of fute and of ten Cruizers, the Soulz of Flandres or Patars, whereof twenty are worth twenty and foure of ours, are but three Deniers and eighteeene graines of Aloie, and more than two third parts is copper: the pece of foure 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 Groat of England, was at ten deniers twentie two graines: and never did all this base coinne continue above twenty or thirtie yeares at one rate or standard, or at the same weight; and from thence growes the difference of the great Liute Tournois, of the leaffe, and of the meane, the Liute or pound of Normancie, the Liute of Brittanie, and the Liute of Paris, the which are all different, as wee may yet see it in the taxes of the popes chamber. And in Spaine the Liute 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 Itallie, that hath not his Pound different from others: as in like case the Marke hath generally eight ounces: but the ounce of the Low countries is weaker by five graines than ours, and then that of Cologne by nine graines, that of Nutemberg six graines, and contrariwise that of Paris is stronger by an ounce. The Marke of Naples hath nine ounces, that of Salerne hath ten: and there is no towne almost in all Itallie, but differes in his Marke, which makes the value of their coinnes fo dierers, being fo different in their weight & standard, the which troubles the poore people much, who lose 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 affaires, That he understand the poier, as a matter of great conceit: For they have made the matter of coinne so obscure, by reason of their mixtures, as for the most part they understand nothing therein. For even as artifians, marchants, and euery one in his facultie, disquieteth oftentimes his worke: and as many Physitians speake Latine before women, ving Greeke caracters, and Arabike words, and Latine words abridged, yea some times they blot their paper, that it may not be read, feaing that if their secretes were discovered, they should be little esteemed: fo these Mynt-maiflers, in deed of speaking plainly, and to

C say, that the Marke of golde of twelve parts, hath two of copper, or of some other mettal, they say, It is golde of twentie carats: and instead of saying, that a pece of three blankes is halfe copper, they say it is filuer of fix deniers fine, two deniers of weight, and fifteen of deniers of course, giving to deniers and carats, the esence, quallity, and quantity, of golde and filuer against, nature. And in stead of saying, the Marke hath three score pecces, they say, it is of fixe Soulz curtant. Again they make some coinnes certaine or stable, some vnecertaine and variable, and the third imaginatie, when as nothing can bee called firmne in matters of coinne, having so diminishe the weight, and impaired the bountie of the golde and filuer. For the Ducat which goes curtant at Venice, Rome, Naples,
Naples, Palermo, and Messina, is an imaginarie coynie; it was in old time the same pece of gold weighing an Angell, or else a Medin of Barbarie, or an Imperiall of Flan-
ders, almost of the same weight and touch with the auintent Ducat, worth ten Carlina of 
filuer, and the Carlin ten Soulz of the countrey, at 26 peces to the Marke of golde, and 
fix to the ounce, the which they diuide into thirtie Tarijs, and the Tarij into twen-
ti graines, the which is one groffe upon the ounce, more than the common ounce, 
which hath but eight groffe. The lawe calleth this coine of golde Solidus, the which (as 
the Angell) hath turtie eight peces for the marke, and feuenteene two for the Roman 
pound at twelve ounces, the which hath long time bene currant; as it appeareth by the 
lawes among the Grecians, Germanes, English, French, and Burguignons, and it is no-
thing els but our French Crowne of the Sunne. But our Mynstirasters hauing not 
well understanded the word Solidus, haue within these fitte yeares, for the Sunne vpon 
it, they have eronoeusly Aureum Solarem: but the common people retaining their 
old speech, call it yet the Crowne Sold, of Solidus, the which in old time weyde foure 
deniers, as the Angell. But since princes by little and little, and by graine and graine, 
hauing brought it to three deniers, the which is the old Crowne. And in the time of king 
John the old Crowne being diminished by little and little, as by the auintent Crowne 
Sold of three graines, they did coyne Crownes of two deniers and twentie graines 
weight, of the same standard with the auintent, the which they called Francys, on foot, 
and on horsebacke (for then they called all French men Frenchmen, as yet in all the East 
all the nations of the West are called Franches) at which time the Crowne of Burg-
gongne, which they call Ride, was also coined of the same weight and goodinesse: the 
which have continued vntill the time of Charles the eighthe, that the Franc Crowne 
was diminished six graines in weight, and three quartets of a Carat in finenesse: for the old 
Crownes were of twentie three and three quartets of a Carat; and the Crownes with 
the Crowne at twentie three Carats. Afterwards king Francis the first correcting 
somewhat the Crowne with a Crowne, causeth the Crowne Sold to be coined at two 
deniers and sixtenee graines, and of the same goodnesse with the other, having an eight 
part of Aloic put to it: the which continued vntill the time of Charles the eighthe, who added foure graines of weight vnto it; and by Charles the ninth it was diminished five graines, in the yeare 
1561. But the old Crownes, or Ducats of Venice, Genes, Florence, Sienna, Catali, 
Portugall and Hungarie, haue kept twentie three Carats three quartets, and two den-
iets, and eightsene graines of weight, vntil the yeare 1540, that the emperour Charles 
the first impaired the fineresse of the Crownes of Spaine, of one Carat and three quar-
tets, and three graines in weight, causeth them to be coined at twentie two Carats, and 
two deniers fiveeene graines of weight. The Crownes of Catali, Valencia, and Arra-
gon, the which they call Piflolets, giviing 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 Carats & 
vnder, weighing two deniers and sixtenee graines, as the Crownes of Rome, Luques, 
Bologna, Salusses, Genes, Sienna, Sicile, 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 Carats and a halfe, and two deniers, 
and fourtenee graines of weight; and those of Auignon, which were made at the same 
time vnder the name of Alexander Farnesse legat and the Popes nephew, are bafer, and 
fine deniers lighter in weight; the which brings an infinit losse to the subiect, and bene-
fit to counterfeit coyners, mynstirasters, and merchants, which draw the good money out 
of the countrey, and coine bafer in another place. The which is more ordinarie in fil-
uer coine of high value, and aulte eleuen deniers pure, as the Royals of Catali, which 
hold all eleuen deniers three graines of pute filuer: out of the which other princes here-
tofores
A toefore haue gained vertie much: for being converted into French Teftons out of ten thousand pounds starling, they did gaine fix hundred and fixteene pounds, nothing impairing the goodneffe of the Tefton of France, which holds ten deniers 23 grains of fine. And by the same meanes the Swiflers which converted the teftons of France into teftons of Soleure, Lucerne, and Vnderhall, gained upon every marke one and fottie foulz and eleuen deniers tournois: and for those of Lucerne, Soleure, and Vnderhall, were but of nine deniers and eighteene grains, which is in the whole marke 23 grains of pufe fliuer leffe than those of France, the which were worth 25 foulz tournois. And as for the weighth, those of France are at the leaffe of 25 teftons, and five eight parts of a tefton to the marke, fo as the teftons of Soleure are lighter in weighth three eight parts of a tefton in the marke, the which was worth foure fliuz three deniers tournois. And for that the teftons of Soleure & Lucerne cannot be valued but for fliuer of base aloye, the which they call Billon, being vnder ten deniers of fine fliuer, after the estimation of foureteene liures feventeene foulz foute deniers tournois, the marke of pure fliuer, and the teftons of France for that they were aboue ten deniers of fine fliuer were valued for fliuer of high aloye, the which are worth after the same proportion foureteene liures thirtene foulz tournois, the marke of fine fliuer; and by reason of the difference of the bountie of the fliuer 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 Betne for that they were of nine deniers twenty grains of fine fliuer for the marke were worth one denier tournois in every peece more then those of Soleure, in gayning therefore but twelve pence upon a marke it is a great gaine. The Flemings do the like, converting the teftons of France in roylls of Flandres. Every Prince hath prouided well by his lawes that neither gold nor fliuer 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 always have good means to melt, alter and falsifie both gold and fliuer coyne, if there be diuerfitie of standards; which groves either by lencies graunted to some goldsmiths, or done against the lawes: for they putte vp that which wants in the fines of the fliuer 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 fliuer, 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, fliuer by fottie and fioe foulz, and gold at twelue or thirtene liures vpon the marke, fo as gold and fliuer is bought dearer from the goldsmith and marchant, then from the mint-mafter, who cannot exceed the kings lawes, neither in buying of flusses nor in coyning. And as soone as the gold or fliuer is coyned into money of better weight and goodnes then that of neighbor princes, presently it is melt by the refines and goldsmiths to put into plate, or to haue it coyned by strangers after their standard, wherein the changers fette as instruements, and vnder colour of furnishing the people with money, trafficke with the goldsmiths and marchants strangers: for it is certaine and hath been found true, that within these 25 yeares that the petty foulz was dectied, there hath been coyned in this realme aboute two millions fixe hundred thousand pounds starling, besides the pieces of three 6 fixe blanks which are no more to be found, for that the refines and goldsmiths found profit in them, fo as they which haue great store of gold and fliuer plate, can make more vfe of it; for having bought it dearer from the goldsmiths, they are loth to sell it with so great losse: and eu’n king Charles the 9 loft much, having exchanged his plate into coyne, whereas before the standard of money coyned was equall with that of the goldsmiths.
fo as they could lose nothing in plate but the fashion, the which continues yet as a pro-
secution. It is silver plate; there is nothing lost but the fashion. Therefore to prevent all
these inconveniences, the standard of coined money, and of works of gold and silver,
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 silver. They had found some means
to reforme these abuses, letting out to name the revenues of the mint, and the conficra-
tions and amerceements that should grow by forfeitures, the which was let out in the
year 1564 for five thousand pound flatting a yeare; yet it was abolished at Mouline in
the yeare 1566, and the mints were turned out to such as offred to coyne the greatest
quantitie of marks of gold and silver: 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, silver, and copper; which ceasing, neither
shall the subject nor the stranger be able to commit any fraud, but it shall be done dis-
covered. But even as copper and brassie money was not allowed in this realme, for that
there was none coined, so billion or mixture being forbidden, the strangers base money
shall be also banished the realme: but so long as the Prince or Commonweale shall
coyne base money, there is no hope that strangers subject will ever cease to counter-
feit in privat, or to receive all strange coynes. There is also another benefit both to the
general and particular, which grows (as I haue said) by the defence of the mixture of
mettals, whereby they shall avoide hereafter the losse of silver, the which is accounted
for nothing in gold of 14 Carats and upward, and is lost for the charges of the refining,
the which is done by strong water: for they must haue toke shillings flatting at the leaf,
yea eight to deuide a marke, yet the losse is very great in a great expansion, as all the
florins of Germanie are but fixteene Carats, or fixteene and a halfe at the most, fo as in
a hundred thousand marks there are thirtie three thousand marks losse, and of fourte-
ene Carats fortie 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 of 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 receiuers of the same places: which
decree although it were holy and good, yet was it afterwards disenlued by king
Charles the 9, for that the chamber of accomplies at Paris gave the king to vnderstand
that hee lost yearely about a thousand pounds flatting, whereas hee should receave
profit by his mints: for now the officers were payed, and did in a maner nothing. But
the true meanes to prevent all, is to suppress all the officers of mints, but only in one
towne, where they should coyne all foote of moneties, and to cause them to be payed
by the receiuers of the place, the lords right remaining: the which notwithstanding the
auntents did not know, and there was nothing deducted out of the money, no not
the right of Brassage, as it were vterie neccessarie, or rather that a taxe were laid upon
the subject 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 dure of the
price of the marke (which breedes a million of abuses) shall cease, and foraine
coynes shall not be receaved but only to melt, without reckening of any thing for the
lords rights, notwithstanding letters of permisson 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 received for coynes of gold & silver, it shall be needfull to have all the money
coyned in one citie only, whereas the judges of the mint shall remaine, and to suppress
all others (if the monarckie or Commonweale have not fo large limits, as of neceffitie
they
A. they must have more) in which place all the refiners shall worke, with a prohibition upon paine of death not to refine in any other place, for from them come the great abuses, and to give notice vnto the ordinaire judges by prevention to punishe all abuses that shall be committed; for it is well knowne what abuses there have been in this realtime in the coyning of money. It is therefore necessearie to imitate the Romans, who for all the subiects of Italye had the temple of Juno only where they did coyne three sorts of money pure and simple, gold, filuer, and copper, and there had three masters of the mint, who causeth it to be refined and stampt publickly in view of all the world. And to the end that no man should be abused in the price of the coynes, there was also a place appointed where to take the effay or triall of money, at the request of Marcus Gratidianus. We read also that in this realtime 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 greatest part of Spaine: but since that king Philip the faire, Charles his fonne, and king John had established many mints in this realtime, and many masters, proud and other officers in every mint, abuses have also multiplied. But here some one may object, 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 Demosthene oration against Timocrates. I answere, 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 Marc Anthonie did, who coined filuer that was very base, it will be foone reieected, besides the blame he shall receive of all men, and the hazard of the rebellion of his subiects, which was great at such a time as Philip the faire imbased the money. Whatsoever the reasons be, it is most certaine there were neuer fewer coyners of counterfeitt money than in the Roman time, when as they had no money either of gold or filuer but of a high standard; and therefore Lucius Drausius the Tribune was blamed, for that he had presented a request vnto the people to have an eight part of copper mingled with the filuer money, or as the mintmen say, they should coyne money of ten deniers and twelve grains fine: which shewes that even in those daies they would not adimt 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 medalles of gold, which are of 23 carats and three quarters; and we find some marked with the Emperor Vespasian, where there want but the 32 part of a Carat but it had been 24 Carats; which is the purest and finest gold that can be seene. But it sufficeth for the reasons that I have allledged, that the gold be of 23 Carats, and the filuer at eleven Deniers and twelve grains pure. And let them not excuse themselves that they cannot command the fire, and therefore they demand a fourth or an eighth part of aliaie: the which is the caufe of many abuses. Yet some may say that it is more expedient to coine dobles and deniers of base filuer, to avoid 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 foulzes. And although they did coyne nothing but Dobles and Deniers, yet should they always open a gap for coyners to deceave 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 Insatel written to king Henry the 2, in the which are these words: Sir, I though it good to aduertise you that within these seuerall months they have coyned in one of your mints, foulzes that are too base by foure shillings in weight vpon every marke, and foure foulsz in the goodnes of the mettall, when it shal pleade yours.
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 presume it not with all rigour. It was at that time that he coined the pieces of fixe blanks; or three pence by the kings commandement, of fourtie deniers of siluer, and two deniers of cupper, and fourtie deniers and fourtieene grains of waight; the which was the best mixture of base money that was then in France, so in like sort they were fôone molten, and few of them are now to be seen. Every man knowes that the losse which the king and the subiect receiued of two shillings five pence vpon the mark, came to aboute fixe and twenty in the hundred, and yet the same Pimetel (having gotten under hand a commision from the generals of the mint, in the yeare 1552) caueld Dobles and Deniers to be coined at Villeneufue of Auignon, and at Villefranche of Rouetgue, which were valued but at twelve soulz the marke; and that it was verified that by this meanes he had stollen little leffe than fortie thousand pounds flattering, and had purchafted his pardon for five thouand pouds, 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 conclude therefore that we must not by any meanes allow of any mixtures, no not in the smallest coynes, if we will purge the Commonweale of all counterfeit money. By this meanes also the damage shall cease which the poore receive by the decrying 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 treafor to vnderstand, and did also write vnto king Charles the 9. That he might make a great profitt of his mints for the eafe of his people: and in truth by his computation it was found that euery marke of pure gold wrought would yeeld vnto the king sixeene shillings flartling, whereas he received but two shillings fixe pence, and foure deniers: and for the marke of siluer wrought the king should get foure shillings, whereas now he gained but sixeene deniers being wrought in testoons. He advised to coine money of the kings siluer of twelue fouzlz tournois currant, and of thirhte pieces to the marke, of the waight of fixe deniers nine grains, the halfe and the quarters after the rate; and of gold coines of 24 Carat, and one Carat of alaie, of thirhte pieces to the marke, & of the same waight with the siluer of six liures tournois. He would also have them coine small base money of three deniers of goodness, and 320 to the marke, and of three deniers currant, and all other kind of billon or base money vnder ten deniers fine, rating the marke at fouretteene * liures tournois. This was his advice, but it was receiected 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 loofeth: and the losse by an inequitale 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 general consent should forbide the coining of base money, setting the value of gold and siluer as it hath been formerlie said, and vsing the marke at eight gros or drachmas, and of 570 graines to the ounce, which is the most common; and therefore should not be of any great difficultie, for that the Catholike King and Queene of England have alreadie banished all base money, and all the coines of gold in Spaine (except the Pistoletts, and the money of Portugal) are at the highest value, and their coines of siluer at eleuen deniers and three graines, which is the highest that is. And it should be good to have the money cast in forme of a medall, as the ancient Greeks, Latins, Hebrews, Persians and Egyptians did, for the charge should be much leffe, the facilitie greater, and the roundhelle more perfect, to prevent all clippers, it
A should not be subject to bow and breake, and the make would continue for ever, we
should not be troubled with hammering, neither should there be any need of a cutter,
of the cifiers, or of any helpe at the weight, which falls not out so in that which is
stamped; moreover, they shall make more in one day than they can do now in a yeares.
They should also take away all meanes from false counterfeters to mingle mettals to easily
as they do with the presse and the stamp, whereas the piece stretcheth out in breadth
which couers the thickness, whereas the mould would make all medalls of the same
metall equall in bignes, weight, 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 equall weight twice as big and an equal part more, than that of
gold, or twice and an eight part lighter than gold in an equal maffe, would make the
medall much greater, and discover the falseness. For it is most certaine, that if a maffe
of gold equall to a maffe of copper doth weight 1550 ferlins, that of copper shall weight
but 729 ferlins, which is as eighteeneeen to eight in a groffe weight; as I have learned
of Francia de Foix that great Archimedes of our age, who first discovered the true propor-
tion of mettals in weight and quantitie. We will hold the same opinion of filuer,
which hath a greater maffe than gold in an equall weight, and that gold is heauier
than filuer in an equall maffe, once more and fouere fife parts, which is 1551 in compa-
nison of 998, or of nine to five: and of copper to filuer, as of eleuen to thirteene, or
precisely, as 729 to 998, which approch nearer in weight and substance than the rest,
except lead, the which is heauier than filuer, and differas as fifteen to fourteene, or
more precisely, as 998 to 729; but they can make no vfe of it to counterfet, for that it
flies from all other mettals but from time: and much leffe can they vfe 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 precisely as 600 is to 929: and much leffe being disguiseed for
gold, the which is heauier than time in an equall maffe, or of a leffe volume in an
equall weight, as much as is between eighteene and leauen, or usually betwixt 1551 and
600, the which is twice and two leaven parts heauier. As for yron, those that do coun-
terfet can make no vfe of it by melting, for that it will not be mixt neither with gold
nor filuer; and the braffing of plates upon yron is not hard to discover. Plinie calleth it
Zenturaistio, and we, brazing or folding, the which the counterfeters of his time did
vse. The Seigneur of Villemor, Commissarie of the warres, did shew me an antient
medall of iron couered with filuer, yet the weight and the bignes doth easily discover
the falseness, if they looke narrowly into it, for that filuer is heauier than iron in an
equall maffe, or leffe in quantitie being of equall weight, as much as is from foure to
three, or precisely from 998 to 634. And as for gold, it is impossible that this ferrum-
nication and folding can any thing avaine coynets, seeing that gold is leffe of bodie than
iron in an equall weight, or more heauie in an equall maffe, as much as is from fixe to
nine, or of 1556 to 634. It is not to be feared that quickfiluer can falsifie these two met-
tals, although it approcheth as neere to gold in weight as three to foure, or 1558 to
1551, for they have not so great knowledge to fixe it, but it evaporates into
smoke. And thus much as touching the forme of coynets, and the profit that shall come
by casting, as it was in old time, and vnill their mines of gold and filuer were worne
and spent, and these two mettals worne, lof, hidden, and dispersed, then were they for-
ced to make their money fto thin, as they could not marke them but with the hammer,
the which hath since been the occasion of many abuses; but even as the first man ha-
ing little gold and filuer, stampt it with the hammer, and afterwards hauing greater
store began to cast it, in like for as we now return to casting. They began to come
with a mill, but by prooff it appeared that it did not make well, and that there was al-

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Wales
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 stamp't: and which is more, the pieces were found not to be alwaies of one weight, for that the plates were sometimes drawne thinner of one side then of another. As for that which I have said, that the marke of gold and fluer should be divided into pieces equall of weight, without fraction of piecees vpon the marke, nor of deniers vpon the piece, nor of graines vpon the denier, the profit is very apparent, as well for the changes of marks of piecees, as for the value, weight, and vnoubtede counte: so did the antients for the piece of gold or fluer waighing 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 fatter Atticus, to the old Philip, to the rose noble, and to the medalls of gold of the antient Romans, which the law called Aureus: and the piece of one groat, fold tournois or drachma of 64 to the marke, shall be equall to the Attique drachma, and to the Zuza of the Hebrews, the which in Greece, and throughout all the East was a hirelings daies worke. True it is that the fluer pennie of the Romans was more in weight than three feuen parts, then a fouldiers daies 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 fodenly be hurtfull and penitius, they may proceed by little and little, causing money to be coined as I have faied. Vpon these difficulties (being deputed for the Prouince of Vtmanois, at a Parliament held at Blois) I was called with the first President and three Generalts of the mint, and Marcel Superintendent of the Treasurie, to repair the abuies of mony, and in the end all that I have heere faied was held to be very necceffary, 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 sick should perifh in languifhing, than to caufe him to drinke a troublefome potion to cure him. I confesse that fluer mixt will come but to a moftie, being purifided to eleuen deniers, twelue graines; but it will continue for euer if the standard be once feted as I have faied, if it be not done the Commonweale must needs come to ruine.

C H A P. IIII.

A Comparison of the three lawfull Commonweales, that is, a popular estate, an Aristocraticall, and a royall, and that a royall Monarckie is the best.

Ee haue hitherto in my opinion discouerted at large of all the parts of a Commonweale, it remaines for a conlusion to know the commoditie and discommodities of euery kind of State, and then to make choife of the best, the which was neceliatie to refere unto the end, after that we had discouerted 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 commandes with absolute power, or elie the leaft 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 rooff vicious, but also chuse the best. The tyrannie of one absolute prince is pettitiones & of many much worfe: but there is no tyrannie fo dangerous as that of a multitude; for to doth Cicero call
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 flie those that be vicious, and make choice of the best of these three lawfull gouernments: and to the end that all may be made plaine, 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 acceptance of persons, and which reduceth their ciuill constitutions to the lawes of nature: for euery as nature hath not distributed riches, eftates and honors more to one than to another, so a popular estate tends to that end, to make all men equall, the which cannot be done, but vimpairing riches, honors & iustice equally to all men without privilege or prerogative whatsoever; as Licurgus did, haing changed the royall estate into a popular, he burnt all obligations, banished gold and filuer, and diuided the lands by equall lots; then tooke he great pleasure to see the shocks of corn equall in the field, thereby cutting off couetousnes and arrogancie, two of the most pestitious plagues of a Commonweale, and not only those, but he also banished rapine, theft, exaction, flanders, partialities and factions, which can have no place when all are equall, and that one can have no preheminence quater another. If then societie betwixt man and man cannot be maintained without friendship, and that the nurse of friendship is equalitie; seeing there is no equalitie but in a popular estate, of necessitie that forme of Commonweale must be the best: in the which a naturall libertie and iustice is equally distributed to all men without feare of tyranie, cruelty, or exaction; and the sweetness of a sociable life seemes to draw men to the felicitie which nature hath taught vs. There is one point that seems very considerable, to shew that a popular estate is the goodliest, the most excellent, and the most perfect, which is, That in a Democracye there have alwaies been greater commanders in armes, and worthier men in lawes, greater orators, philosophers and handicrafts men than in the other two estatcs: whereas the faction of few great men among themselves, and the jealousie of a Monarke keeps the subiects from all noble attempts. And it seemes that the true marke of a Commonweale consisteth in a popular estate only, in the which the whole people enjoyes the publick, diuiding the common treasure amongst them, with the spoiles, rewards, honors and conquestes, whereas few noblemen in Ariftocracie, and one in a Monarchie seeme to concert all the publicke good to their owne private commodities. To conclude, if there be nothing more to be desired than to have the magistrates obedient to the lawes, and the subiects to the magistrates, it seemes it is best obturated in a popular stage, whereas the law alone is ladie and mistres over all. These reasones are produced by popular men to maintaine a popular estate: they have a goody shew, but in effect they are like vnto spiders 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 obturated, as we have shewed before concerning goods: and as for honors, they shoulde therin contrarie to the law of nature, which hath made some more judicious and more ingenious than others, and by conseqwence hath ordained some to gouerne, and others to obey; somc the hath made wise and dircet, others foolish and mad; somc the hath given excellence of witt 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 estate whatsoever: elle 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 wofull gouerned than by the people, as we have

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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 Commonwealth, whereas the wicked are 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 manninging of affairs with arms and Philosophy) hath given such a cenure of his Commonwealth, which was the most popular, and amongst the popular the most esteemed, and best ordered; or to speake more properly, the least vicious (as Plutarch faith) what judgement would he have given of other Democracies, and Ochlocracies? Wherein Machiavel 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 onely means to restore Italy to her libertie, is to have one prince, labouring to frame the most Tyrannical 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 means. If we shall beleue Plato, wee shall find that he hath blamed a Popular estate, earming it, A Faire where every thing is to be sold. We have the like opinion of Arisotle, saying, That neither Popular nor Aristocraticall estate is good, yfing the authoritie of Homer, οἰον ἔχεις πολὺν ἄριστον. And the Orator Maximus Tiriit holds, That a Democracy is pernicious, blaming for this cause the estate of the Athenians, Saracians, Carthaginians and Ephesians: for it is impossible (faith Seneca) that he shall please the people, that honours vertue. And therefore Phocion (one of the wisest, and most vertuous men that ever was) was alwaies oppost 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, οὔ μάλα μην ἄκελαῖτ, ἐν πολεί ἂν μείναι κομηταρεῖν, What ill have 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 ingemel or reacon, give any good councel? To ask councell of a multitude (as they did in oldtimes in Popular Commonwealths) is to secke for wisdom of a mad man. The which Anarchers seeing, & that the magistrats and antients delivered their opinions in open assembly, and then the people concluded; he said, That in Athens wise men propounded, and foole disposed. And admit one might draw a good resolution from a multitude, who is he (so fencelefs, that would think it fit to publish a matter of state in an open assembly? Is it not to prophan holy things? and yet holy things being prophaned, may be purifed: but a secret concerning affairs of estate, being once published and spred abroad, there can nothing be expected but prejudice and dishonour to the Commonwealth. And for this cause especially the Commonwealths of Athens, of Sira-
cusa, and of Florence, haue bene ruined. I omit the difficultie to assemble the people in one place, the disorder that is in a multitude, the varietie and inconstancy of people gathered together of all sorts: and yet (if it please not the magistrat) neither shall Sanat nor people be assembled: as it happened in Cæsar's Consullship, who to preuaile in his attempts (having terrified Bibulus his companion, and drawne his sword vpon him) he would not suffer the Senat to be assembled so long as his office continued. And the Tribune were victed with the Consull, neither there the Senat nor the people could be assembled; so as the authority of the Senat, and the monarque majestie, was by this means subdued unto six or seven: whereby the state was brought into great danger, in not resoluing speedily in vrgent affairs. For by the lawes of Solon, and of the twelve tables, the people must bee assembled three times, before they should allow of any law that was published. Oftentimes it chaunced, that the flying of a bird on the right hand, or the crying of a rat, or the falling sicknesse (it may be of some drunken man) hindered the
A the assembly; or at the least protestation of some flattering soothsayer, 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 haue offices, and being enemies one to another, hindered the assembly of the people, or troubled it being assembled; and the magistrats which were in office supported them, to continue their power: so as sometimes a whole yeare was spent without the creation of a new magistrat; as it happened when as Pompey the Great was chosen. Conful alone. And therefore the Grifons, who mainaine a Popular estate, assemble the people but euer two yeares at Coire, for the creating of new magistrats, and the making of new lawes. For there is nothing more daungerous, nor more contrarie to a Popular estate, than to continue magistrats 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 inconsiderat violence, rather than with any tested judgement? What is more foolish, than in the greatest extremities of a Commonweale, to fecke councell from a mad multitude, for the magistrat can do nothing without command, and if they might they would not; neither dare they, being terrified with the peoples furie, who impute all mischances, and their owne errours, vnto the magistrats. So as Philip the first, king of Macedon, hauing invaded and spoile the confines of Attica, there was not any magistrat that durst assemble the estates, the people came to the place of assemblies vocalle, whereas they found no man that durst speake vnto them, as Demosthenes writeth. The like happened at Florence, when as the emperours armie approached to befeige them, at the intance of pope Clement the seuenthe, all the people were so amazed, as they knew not what to resolute: For by the lawes of Florence, all the citizens should assemble before the Towne house, to resolute vpon the articles propounded by the chiefe magistrat, and then they were quite daunted. It is the weaknesse of a multitude (saith Titus Livius) to waxe proud, and to infulf with all licentiousnes in prosperitie, and to be deceived and amazed with any adversitie. And how is it possible that the soueraine majestie of an estate shall be mainainted by a multitude, guided by a magistrat, who oftentimes must keepe them in awe by lettreitie, Et in qua regenda plus pulm quam obsequium valet (saith Titus Livius). In the government whereof punishment more than obedience preuailes. So Plutarch, seeing that the Athenians would not give him audience, he cried out, O frustrarum Corcorum, quoque talento pretio sius, 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 confists. But passing on, all men that haue written of estates, do hold, That the chiefe end of all Commonweales, is to flourish in piety, justice, valour, honour, and vertue; by which the humane society is preferred. But a Popular estate hath bene alwaies opposit, and an enemy to all good men. For the pretedation of a Popular estate (as if we shall beleue Xenophon) is to advance the most vicious and vnworthy men to offices, and dignities. And if the people should be so ill aduised, as to give offices of houuer vnto vertuous men, they lose their power: for that good men would favour none but the good, which are always fewest in number: and the wicked and vicious (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 feeze vpon the estate, and take that from the people. The Athenians therefore (saith Xenophon) gaue audience to the moft wicked, knowing well, that they would speake pleasing things, and profitable to the vicious, as most of the people be. I cannot (saith Xenophon) but blame the Athenians, to haue chosen the most vicious forme of a Commonweale: but hauing chosen it, I doe much esteeme them they doe so.
carefully maintain it, in reiecting, chasing away, and banishing the noble, wife, and virtuous; & advancing the impudent, wicked, & vicious: for the which vice thou so much blamest (faith he) is the preferuation of a Popular estate. And as for injustice, 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 moss, seeking by all means to ruin the rich, the noble, and the virtuous, whom they torment continually, for the capitall hatred they beare against all good men, being contrary to their natural dispositions. And therefore a Popular estate is the finke and refuge of all turbulent spirits, mutins, seditions, and banished men, which give counsell, comfort, and aid, unto the people to ruin 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 opinion, touching the Commonweale of Athens, who faith, it was the best ordered of all the Popular Commonweals in his time: neither would he have them to change any thing to maintain the people in their greatness. The like cenfure Marcellus the lawyer hath of a &itumper, saying, That thee hath not well done to have abandoned her honour; but having loft all modestie, it was not ill done, to get what she could by her trade. So Xenophon concludes, That a Popular estate 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 Popular estate thus governed.

But there is yet one plague more capitall in Popular estates, the which is, Impunitie of wize in a Popular estate.

The most vertuous are banished, and the wicked vndergoe, in a Popular estate.

Lest the wicked, to as they be citizens, that is to say, pettie kings: and even in the Popular estate of Rome, it was forbidden to all magistrates upon paine of death, To condemn to death, or to banish any citizen, nor to deprive him of his libertie or privilege of a Citizen, nor to whip him with rods. For it is a settled law almost in all Popular estates, Ne quis quisquequantum sanguis, felix sine in deos, sine homines admirsit, capite feriatur, That no citizen should die the death, what ofence soever he had committed either against the gods, or men. Therefore Peres (omitting the left) being accused and condemned of theft, and of a hundred thousand concussions, extortion, and false judgements, was thought to be severely punisht, for that hee was enioyed to depart out of Rome: and why, for that Popular estates would have their libertie defended with the lenite of lawes, and not with the sharpnisse of punishments. And yet they banished Rutilius, Metellus, Coriolanus, the two Scipions, brethren, and Tully: as in Ephesus they banished the vertuous Hermadorus: in Athens they expelled Aristides the just, Themistocles died in exile, Miltiades in prison, Socrates by poylon. And although that Phocion the most just and vertuous man of his age, haue bene chosen Generall fottie and five times, without any reproach or blame, yet (without any accusation or information 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 putt to death: wherewith all in generall did arise vp, and holding vp their hands, condemned him, not excluding any flaine woman, nor stranger from this condemnation, for which many ware garnlands of flowers. Which Phocion hearing, said, Ob diem a nobis damnari facile patri, sed cur isti? For my part, I am contented to bee condemned by you: but why these men? To whom the people being mad, unsweard, Quantum ibi sunt amici. Neither was the furie of this mad people pacified, vntill they were all without sentence, accusation, or cause, put to death. Neither is there any hope, if a multitude begin once to inflite out 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 Demosthenes seeing, and that they had abolished Antipaphon, a most capitall offender, he proceeded, and caused him to be condemned,
ned, and afterwards put to death by a decree of the Areopagists, little regarding the people, for which he was not blamed. Whereby it appears, that there was neither justice nor majesty in a Popular estate. And as in a Popular Commonwealth thus governed, all offices are fold to them that will give most to the magistrates sold by retail, that which they have bought in grosse. And even Marius durst carie buffers of silver into the assemblies at Rome, to purchase the peoples voices: the like were read of Pompey. It is no marvel then if we read of infinute corruptions and confusions in Rome: but it was more foul and odious in Athens, whereas when Stratoctes and Damocides entred into their offices, they did openly brag, that they went to a golden harvest. If offices, lawes, justice, and honours, were so unworthily fold in these great Commonweales, being inriched with the spoyles of other people; what shall we judge of Popular estates opprest with want and need? Were we have the example of the Megarenses, who having expelled their prince Theseus, established a Popular estate so licentious, as it was lawfull for the poore to goe and spoyle the rich, as it is in Plato. Even so were read, that the Swiflers 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 presently 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 valiant men, than the cities forme: they should set before their eyes the seditions and civil wars, wherewith that citie had bene shaken, and represented the people of the one side of a mountain, 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 best citizens: Sometime Saturnine the Tribune, with a rabble of rascals, flaus, and artificers, armed with flaves and stones, to come into the open assembly of the people, and to expell the honest partie, and kill him that was chosen Conful by the peoples suffrages. The which the Tribunes alone did not, being enraged against the Confuls, but even the Confuls among themselues. How many murthers of citizens have bene scene in the middele of the citie, in the field of Mars, in the court, in the temples of their gods, yea in Jupiter's Capitol, Tiberius and Cnus Graecus, Drusus, Saturninus, and Sulpitius, were cruelly slaine: when as the Conful Caius made a proclamation, That all the Latines, and Heniques, which had no houses within Rome, should depart the citie. Virgins his companion made a decree to the contrarie, not so much to croffe his companions authority, but to set the citizens and strangers together by the ears in the middele of the citie. What was more vnworthy, of 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 oftentimes the contrarie factions fell to blowes. And Fully faith, Lapidationes in foro sante vidiunon fap. sed tamen nimirims sappe gladios. We have oftentimes scene stones cast in the assembly of the eftates, and swords drawn, not so often, but yet too often. And a little after, Meministi (inquit) corporibus ciuibus Tiberim complever: clocaci reascerti, e foro pognis effundi fanguinem. You remembre (said he) that the river of Tibet hath bene filleth with the bodies of citizens, that the common priuies have bene stuffed full, and the blood sunk vp in the market place with sponges. To conclude, if we shall rip vp all the Popular eftates that euer were we shall find, that either they have had warre alwaies with the enemy, or within the citie: or else that they have bene governed in shew 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 monarch. Whilft that the Commonweale of Athens did flourith, it was governed by the senat of the Areopagists: and when as their power and authoritie was restrained,
Pericles (altha Thucidides) was a very Monarch, although in shew it were Po-

ular. And Peter Soderin (in an Oration hee made vnto the people of Florence, to
change the eftate) said, That in the time of Laurence de Medici, the Commonweale
in shew was Popular, but in effect a mere Tyranny, for that Laurence governèd all a-
alone: but he doth not say, that it was never more flourishing, and that before they were
never yeares free from feditions, and the most bloody factiones that euer were. In
like fort the Popular eftate of the Romans, which had bene afflicted with fo many for-
ren and internile warrs, was it not maintained and flourished both in armes, and laws,
by the Senat, and was not the authority thereof supported, by Menenius Agrrippa, Curi-
us Camillis, Papirius Curfor, Fabius Maximus, Secpio, Cato, Scarrus, Pompey, and ditors
others? who maintained the beautie of the Senat, and restrained the people, keeping
them within the bounds of honour? We do also read, that Peloepis, and Epsammon-
dés, were as it were lords of the Popular eftate of the Thebans, after whose death the
people found presently, that they had left their chiefe pilots: 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 govern and
command, some to let faile, others to go to harthbough, a storne came (faith Pobybius)
and the ship perishèd. And although the Athenians, after they had lost the fouraign-
tie of Greece, governèd their citie & territorie popularly, yet Demofthenes spake plain-
ely, and openly before the people, That the eftate of Athens was under the power of
Oratores and Pleaders, of whom the captains depended, who had at the leaft three
hundred men bribèd, to paffe whatsoever they pleased for money. A common diñace
(faith Plutarch) in all Popular eftates. Linius writeth thus of the Popular eftates of the
dof the Tarentines, Io potesflate Juniorum plebem, in manu plebis rem Tarentinam effe.
The eftate 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 eftate of Rome, Cæsar, Cæsar,
and Pompey, whom they called a triple head, governèd and held all the Senat and peo-
lle in their power and subjection: but two of them being slaine, the third became an
abolute Lord. Whereby we may gather, that a Popular command cannot subsist
without a wise pilot and governour, and leauing it to the most sufficient, in the end they
make themselues masters, and the people serues but for a maske.

But some one will say, Doe we not see that the Cantons of the Switseres have setled a
goodly Popular eftate, & have continued their government above three hundred and
fifty yeares, and by this meanes have not onely preferred themselfes from tyrannynes,
but have also chased away tyrants their neighbours? The answer whereunto is dou-
ble: First, the situation of the countrey, and the disposition of the people agrees best
with a Popular eftate. Secondly, the most federious, & mutinos, go to the seruice of o-
ther 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
entred into an offensive and defensefull league, are strictly tied and united together; like
unto thosc that goe by night, or that are in a slippery or dangerous way, holding
K one another by the hand: and in this fort they maintaine themselfes against the pow-
er of Monarches, as in old time the Athenians and Thebans did. Besides, the foundation of
their Popular eftate was built and cimented with the blood of the nobilitie, ard of the
chiefe toll, especially at the battaile of Sampac; then afterwards at that at Basle when
as king Lewes the 11 (being then but Daulphin) had the victorie: then all the nobili-
ty of the countrey, which had followed him, were banished, and the rest retired them-
selues willingly, after the tractie of the ten Cantons, made in the yeare 1510, and at the
changement of religion in the yeare 1529: fo as there remains but a very few at Berne and
Zurich,
A Zurich, whereas the estate is Arislotiecall. And not only the Cantons, but also those at Strausbourg, Lyndaw, Siene, Genes, and Florence (to settle a popular libertie) flue or banished the nobilitie: as they have done in many townes 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 part entred into factions, and flue one another, the meaner thought to become maifters, who were so incensed one against another, as the whole citie was nothing but fire and blood, murthering one another, vntill that the fume of the people tooke uppon 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 foone, 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 whofoever did aspire to be Grand Bourgmaister, should proue that his grandfather was a day labourer, an artificer, a butcher, or of some fuelch like condition. And the auntients (to afferre Popular estates) did flrue to equall all citizens in goods, honours, power, and rewards: and if any one were more vertuous, more iust, 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 Plut 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 thofe words of Mecum, and Tuum (fai'd he) were the breeders of discorde, and the ruine of states. By the which there will grow many abfurdities: for in doing, a citie shall be ruined, and become a houfhold (as Arislotie fai'd) although that a houfhold 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 hous: And if they fay, That it is a goodly thing fo to vsnte citizens and a citie, 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 commandement, which they fecke to make in a Popular estate: for that it is incompatible in a familie. But the greatest inconuenience is, that in taking away these words of Mine, and Thine, they ruin the foundation of all Commonweales, the which were chiefly eftabllished, to yeeld vn- to every man that which is his owne, and to forbidd theft; as it is commadned by the word of God, who will have every man to enjoy the proprieitie of his owne goods: and we may not fay, that naturre hath made all things common, for the law of the mother is not contrarie to the commandement of the father (as Salomon fai'd)figuring by an Allogorie the commandements of God, and the law of naturre. But the true popular libertie confifteth in nothing else, but in the enjoying of our privat goods sincerely, without feare to be wronged, in honour, life, wife, or familie, the which eu'n theeeues & robbers labour to keepe. And as for the power of command, which popular men would make equall, there is leffe reason than in goods: for diettion and wisdome is not equally guen to all men, and in a Popular estate they muf't of necessitie chuse the moft fufficient magiftrats, to command, and to administer justice. Moreover, whereas there is no forme of soueraignty, nor of a Commonweale, yet are the people con- strained to chuse a magiftrat or capitaine to command them; and to doe justice: as in the countrey of Gufui 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 affure the course of traffe. And on the frontiers of the kingdome of Fez, the inhabitants of the mountain of Magnan (who in like fort haue no forme of a Commonweale) if they see any straunget to passe by, which seemes to exell the reft in wisdome, they

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Taking away the proprieitie of goods, we ouer- throw a Com-

Wildome is not equal in all men, to impri-
they flay by force, to administer justice vnto them. It is a maxim in Popular states, That when as the persons are equall 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 haue leffe judgement than brut beasts; and others have such eleere marks of divine light, as they seeme rather angels than men? and yet those which fecke equalitie, will haue the soueraigne power of life, honour, and goods, giuen vnto furrous, 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 euictic mans worth: and always the number offooles, wicked and ignorant men, doe 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 wife, one such as out of all mankind,
Though Apollo sought and searcht himselfe, yet could be scarceely find.

And yet there is a naturall reason, which doth teach vs, that the equalitie they fecke, doth ruine the grounds of all loue and amitie, the which can hardly subsist among equals, for that there are neuer more quarrelles & diffentions, than among them that are equall; either for that the one feckes to supplant the other, or for that the one may live without the other: And it seemes that God hath imparted his benefits and graces, to countries and nations, in such a meafure, as there is no man but hath need of another: the end that through mutuell courtezie and good offices, euictic nation in particular, and all in generall, should be constrained to contract alliances and friendships together: as it is feene in a mans bodie, the which is the figure of a well ordered Commonweale, there is no member but receives help and succour from the rest, and that which seems moft idle, disgefts the nourishment for all the rest: as Menenius Agrrippa a Roman Senator, did wisely shew vnto the common people, which were fallen from the nobilitie, & did fecke to equal them themselves vnto them in power and authoritie. Popular governments in the beginning seeme pleasing and goodly, contrary to Monarchies: the which are like vnto great tuers, which at their first springs haue small and weake currents, but increasing by their long course, their streams grow bigger, & more tough, and run with more furious chanel, the farther they are from their heads and springs. But Popular states are like vnto the wind, the which is moft vehement where it first, but at the length it is broken and weake. I have discoursed hereof the more at large, to shew the inconveniences which folow a Popular estate, to the end I might reduce them to reafon which feke to withdraw the subiect from the obedience of their naturall prince, through a false hope of libertie, in framing of Popular states: the which in effeft is nothing else, but the most pettuous tyrannyp that can be imagined, if it be not governed by wise and vettuous men. And therefore among the Cantons of the Swi((er, those which are best ordered) although they have eftablished a forme of Popular Commonweale, yet they governe themselves Aristocratically; having two or three counsels, to the end the people deal not in affaires of state as little as may be; assembbling feldom but by quarrters, or parishes, which they call Schaffes (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 estate consist in the strict obseruation of laws and ordinances, being of it selfe quite different and disagreeing from the laws and order of nature, which giues the commanad vnto the wilde: a thing verye incompatible with the people:
A 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 obserue their laws vioeleuerely, else their estate had not bene so durable: for euens as weake & crased bodies fall soone into deiles, if they leave the good diet and order prescribed them by the Physitian; so is it in a Popular state, if they do not obserue their laws and ordinances. And thus much to satisfie them which are not content, although the greatest men that ever were, haue disallowed of a Popular estate.

Let vs see now if an Aristocraticall government bee any thing better than the rest, as many hold opinion: for if a mediocritie be commendable in all things, and that we must flie all vicious extremest; it follows then, that thee two vicious extremest being rejected, we must hold the meanes, which is an Aristocratic, or a certaine number of the most apperant citizens: as if there were ten thousand citizens, let them make choyce of an hundred: the which were a suft proportional number betwixt one & a thousand: increasing or diminishing the number according to the multitude of the subiects, where in they shall hold that commendable & desired mediocritie betwixt a Monarchy and a Democratic. There is yet another argument of no lesse efficacie, to prove that an Aristocraticall estate is the best, which is, That the power of soueraigne command, by natural reason, is to be gien to the moft worthy: and dignite cannot confit but in vertue, in nobilitie, or in riches, or in all three together. If then wee define to choose one of the three, or to joyn them all together, the estate shall bee alwaies Aristocraticall: for the noble, rich, wise, and valiant men, make alwaies the least part of the citizens, in what place foueret; by natural reason then that government must bee Aristocraticall, 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 shoulde be gien onely to the most rich, as to them that have moft interest in the preservation of the whole state. Without doubt the most rich haue the greatest interest, and bee a greater charge than the poore, who hauing little to loose, abandon the Commonweale at need. And therefore Q. Flaminus did wil ply the government of the cities of Thesalina, to the moft rich, as to them that had moft interest in the preservation of the state. Moreover it seems that necessitie doth guide vs to an Aristocraticall estate: for although that in a Popular estate, and in a Monarchy, the monarch or the people in them haue the soueraine, yet in effect they are forced to commit the government to the Senat, or priuitie 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 advised as to gouern the other wise than by a wise councell, there can nothing bee expected but an ineuitive ruine of the state. I omit other reasones lesse necessarie, as every one may conjecture, to conclude, that an Aristocratic is the most commendable state. And yet I say, that all together are not sufficient to prove it: for as that commendable mediocritie, which we feeke, it is not reall, dividuing thinges in the middef, but consists in reason: as liberalite a mean between two vicious extremest, yet doth it approach neerer vnto prodigalitie than vnto courteousse. The meanes which they feeke 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 Aristocraticall estate shal be alwaies mutable and variable, for the uncertainty of the number: and it will often fall out, that a great Aristocraticall estate shal have more commaundets, than a Popular state in a small citie shal have citizens, as if there be foure hundred thousand citizens, to obeten a true Geometrical proportion, there must be foure thousand commaundets or commandets:
commanders: so as by a necessary consequence, the inconveniences which are incident to a popular estate, will also fall out in an aristocraticall, by reason of the multitude of lords: for the more governours there be, the more factions will grow, their confusions will be more hard to determine, and are sooner discovered. And therefore those aristocraticall estates are more durable and auffert, that have fewest lords: as the lacedemonians, who had but thirtie governours, and the Pharsalians twenty; they did long maintain their estates, whereas others decayed soone. It is not then the middle number betweene one and all, which makes that commendable meanes, feeling that there be as many kinds of vicious commonwealths, as of commendable and vertuous.

As for the other point, That they must give the foueraintie into the most worthy, It is true: but the argument makes more for a Monarchie, than for an aristocraticall: 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 foueraintie doth belong: For it is impossible to find them all equall in all respects. And as for the Senate, or Council, we have shewed before, that it is divided from maistrie, and hath no power to command, in what estate soever: else doth it loose the name and marque of a Senate, the which is ordained to no other end, but to give counsell to them that have the foueraintie, to whom belong the resolution & decision of the council. But Plato had another argument for an aristocraticall estate, saying, That it was vexte hard to find any one man of wise and vertuous, as was requisite for the government of an estate, and by that means a Monarchie were not sure. But this argument is captious, and may be vsed against himselfe: for if it be hard to find any one prince so wise and vertuous, how shall they find out so great a number as is needfull in a Seigneurie. And Peter Soderin Gonfalonier of Florence, speaking unto the people against an aristocraticall estate, he vsed the same argument which Mecenas did before Augustus against Marcus Agrippa, saying, That the government of few lords, is the estate of few tyrants: and that it was better at all events to haue 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 unprofitable: for as well in all aristocraticall and popular estates, as in all corporations and colledges, the greatest part doth still overrule the founder and the better: and the more men there be, the leafe effects are there of vertue and wisedome (even as a little salt cast into a great lake, doth a little).: 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 crosse the resolution of the leafe but the founder part: as it is alwaies seene in the diets and assemblies of the princes of Germanie, whereas the spiritual princes of the empire, being the greatest number, haue alwaies crosse the princes temporall: so as by their means the emperor Charls the first, caused the empire to declare it selfe an enemy to the house of France, the which had not bene so in many ages: to the end the temporall princes should have no hope of any succors from France in their necessities, whereunto they were after bell. And to make short, it hath bene alwaies seene, that the more heads there be in a Seigneurie, the more contoversies arise, and leafe resolution. And therefore the Seigneurie of Venice to avoid these inconveniences, commits all affaires offate to the manning of a dozen persons, and most commonly to feuen, especially to keepe their affaires secrer, wherein consists the health and preservation of an estate.

But let vs suppose, that a priuie Council in an aristocraticall estate, bee so secrer, as nothing is discouered: yet is it a difficult thing for few commanders to maintaine their estate against a multitude, which hath no part in honourable charges: for that most

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The image contains a portion of a printed page, possibly from a book on political philosophy or history. The text is in Latin and refers to arguments for and against aristocratical, monarchical, and popular forms of government. The text discusses the relative merits of having a single wise and virtuous ruler versus a council of many lesser leaders. It touches on the practical difficulties of maintaining such a system and the challenges of balancing power and authority. The language is archaic, typical of 17th-century English, and the page is from "The Sixt Books" by a known author, possibly Thomas Hobbes or another classical philosopher.
A commonly the lords score and contemne the popular, and the poore carrie alwayes a capital hatred against the great: so as upon the least disension among the nobles (the which is inevituable if they be men of faction, and given to armes) the most factious and ambitious flee thunto the multitude, and ruins the state: as I have noted before of the Seigneuries of Genes, Florence, Cologne, Zutich, Straubsourg, Lindaw, and the aundent Phocians, Samians, Thetenicians, Amphipolites, Corcyrians, Cnidians, Mytelianians, and Hostienes; in which the multitude hath expelled, banished, spoiled, and flaine the nobles. And what guard isuer they keep, ye do they lie in continual disafft, and sometimes in such feare, as they do not assemble together but in places of strength: as in the citie of Benizct; lying in the realme of Telefin in Barbarie, all the lords and commuirnders keepe themselves in forst, fearing the people should mutine against them, or that one of them should mutter the reit. So in old time the inhabitants of Miletum, after they had expelled their two tyrants, they fell cruellly to armes among themselves, the nobles against the people: but in the end the rich having vanquished the poore, they framed an Ariftocraticall estate, where they lived in such feare, and disafft, as they went into ships to hold their councills, fearing (faith Plutarch) to be surprized and flaine by the people: like unto the lords of the Samiens, who were all murthered by the multitude, at such time as they were in counsell. So as in an Ariftocratic the lords dare not traine the people vp to armes, nor put weapons into their hands: neither can they go to the warre, but they are in danger to loose the estate, if they bee once defeated: neither can they affuir themselves of strangers, fearing they should bee subiect by them. To which dangers a Populart estate is not subject, enemie one having a part in the state. An Ariftocraticall estate them, is not onely in danger of foraine 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 Ariftocratic to a Popular, were impossible: to keepe them in subjection by force, that were not safe, although it might be done; for that were to shew an open feare and disafft of them whom they must win by loute and courteisie: else upon any foraine war against the state, or among the governmentes themselves, the people will bee easily drawn to armes, and to shake off their yoke. And therefore the Venetians to maintaine their Ariftocraticall estate, impatri some small offices unto the people, contract alliances with them, borrow of them to bind them to the maintenance of the state; and disafft them quite: and to make them more mild and pliable, they give them full scope and libertie to all sorts of pleasures: and sometimes they make their richest citizenes bourgeffes. If they have any warte against the stranger, 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 drunke with delights, and the poore having means to traffique, and to exercise themselves in mecanike arts, with the commoditie of the place, lying upon the sea, being by nature strong, they have no great occasion, & leffe power to rebell. By these means the Venetians (next under God) have maintain- ed their estate, and not by the forme of an Ariftocraticall government, as many do hold. And although the nature of the situation of Venice, the honour of the people, the wifedom of the Seigneures, and the lawes, be fit for an Ariftocraticall estate, yet is it not aboue foure hundred yeares, that they have instituted this forme of Communoweale, neither could they avoid many seditions and civill warres; as of the Bochonianens, Falerienens, Tepolienens, Baiamontaine, and the cruell factions of the Iustinians, the Scouoles, Selienis, Basienis; the murther of eightene dukers, and of a great number of Senators, as we may read in their histoires. Wherein Paulus Joanus was deceived, who
who held, That the estate of Venice had continued eight hundred yeares: and Paulus Mantisius, and du Moulin, have certed more, saying, That it had beene of twelve hundred yeares standing: for it is very well verified by the antient registers of their Seigneurie, that before Sebastian Cian, duke of Venice, in the yeare 1175, it was a meere Monarchy: and yet there hath not bene any Aristocraticall elatt, to our knowledge, that hath so long continued, but haue bene for the molt part changed into cruel Tyrannies, or bloody Popular estates, as we haue shewed elsewhere. And to make it more apparant, I will produce for a new example the state of Genes, who having peace with the Venetians, by means of the protection of Fraunce, soone after the Adornes, and Fregoses, divided the state (the which at that time was Aristocraticall) into two factions, whence ensued many murthers of the chiefe men: so as the people fell to armes, freed themselves from subjection, and tooke the government of the state from the gentlemen: and in succession of time made a law, whereby none might bee duke of Genes, vnlesse hee were a Plebeian: and since they have publilshed another law, prohibiting the nobles to haue above a third part of all other offices. And soone after in a sedition they expelled all their gentlemen, chusing eight Tribunes, and after they had rejected the protection of Fraunce, they chose a Dyer of filke for their duke, whose king Lewes the twelth caused 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 pleasure, he made choyce of all such as had six houses within the citie, and of some others of name and marke, which were not so rich, and divided them all into eight and twenty tribes, the which they called Alberghi, making them gentlemen, and givin the government of the state, and debarring the rest of the common people, onely with this exception, To haue libertie euerie 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 twenty thousand citizens, there were not above twelve hundred, or thereabouts, that had any part in the state: and of this number it was declared, That euery yeare there should be a great Councell made of foure hundred, the which should chuse 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 importance, 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 Lanquenets, besides the generall of the armie, and the fortie centiniers. I omit other officers, as the Procurators of the Seigneurie, the Podetta, or Major, the Judges of the Rota, the feuex extraordinary Judges, the five Syndikis, the Censoris, and the officers of Saint George. The estate of Genes hath continued in this sort 43 yeares, vnder the protection of the house of Austria. From the yeare 1528, vnto the yeare 1549, that John Flajo being chosen duke of Genes after Benedic Gentil, would have made his power perpetual, and to effect it, he laboured to subiect the Seigneurie of Genes vnto the crown of France, hauing alreadie defeated Andrew Dories armie, & slaine his nephew, he fell into the sea leaping from one gally to another, the which overthrew all his defeints. Since the Seigneurie hath taken again the forme establisshed by Andrew Doria, the which was continued vnto the yere 1574, that it was divided into two factions; the one of the antient, the other of the new gentlemen, who are yet at ciuill war: and the antient seeing themselves expelled by the new, have eneized vpon 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 fetled the state (as I haue said) & excluded the Plebeians from being dukes of Genes, the gentlemen of the antient houses
houses (which were but foure, the Dorias, the Spinolas, the Grimoaldes, and the Fiesque) caus'd their genealogies to be drawn and registred in publique acts, dinding themselves by this means from the Plebeians that were newly ennobled; who dilating thereat, and finding themselves the greater number and the stronger, they have chaied away the antient houses, and it they be not soone reconciled, the people in the end will expell them all.

I haue shewed before, that the great Councell or Senat in an Aristocratical estate, ought to be perpetuall, to the end there may be some firme ground, or foundation whereon the annuall change of all officers may rely. And as for the Duke, it were strange if he should not ceaze upon the Soueraignitie, having fite hundred men for his guard, seeing that he hath two yeares to remaine in charge: considering the factions that are made to attaine vnto this dignitie of honour. We see then that the chiefe ground and support of an Aristocratie, consist in the mutuell love of the commanders: for if they agree and be of one mind, they will maintaine themselves, and gouerne much better than the people: But if there be any factions among them, then there is no State so difficult to maintaine, for the reasons before mentioned; especialy, if the Commanders be martiall men: for soldiours hate nothing more than peace. And we may not matteie if the Aristocratie of the Venetians, Rhatians and Luquois, have continued some ages: for they are not guen to armes, neither have they any thing in greater recommendation than their traffick and commoditie. And to conclude briefly, there is no forme of Aristocratie more perfect and goodly, nor more affured, than whereas they make choice of men of vertue and reputation to command; or at the leaft that they be not infamous: and if any one dies, to substitute another in his place by election, as they do at Geneva. If any one of the Councell of 25 dies, the most antient of the 60 succeeds him most commonly, although it be done by election: and the most antient of the great Councell of 200 comes into the Councell of 60, and the two hundred chuse one of the honestest Burgesse or citizens that is without reproch. Wherybe few command and gouerne the state, and yet euery man hopes to attaine vnto it, not by mony nor ambition, but by honour and vertue. This may properly be called an Aristocratie, the which is least subject vnto dangers, and to the rebellion of Lords or subiects.

Such a Seigneurie will obserue the lawses duly, and administer justice vptightly: if they be contented with their estate, and secke 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 oftentimes of allies and of neighbour States that are in his protection: Like vnto a great building which railed on high, blind the sight of others, and falling, ruines with her weight those that are neere it, with a fearfull noyse to them that heare it. Behold the commodities and discommodities of a popular and Aristocratical estate. Now we are to speake of a Monarchie, which all great men have preferred before all other Commonweales: yet we find it subject vnto many dangers, whether the change of the Monarke be from bad to good, or good to better: although there were no other thing but the change of him that hath the Soueraignitie: yet is it much to be feared in all states: for we commonly see in the change of Princes, new dessteines, 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 subiects 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 Predecessors end with him: whereupon alliances being ended, Princes fall to arms, and the stronger affects the weaker, or prescribes him a law. The which cannot chance in popular and Aristocratical states, when as they make perpetual leagues, for that the people dies not; so as other Princes and private men desire rather to contract with a Seigneurie than with a Prince, for the affurance of treaties and bonds, whereas the successions of Princes are not tied, unless they be their heirs, as manie maintaine and practife. The Inconveniences in a Monarchie is, the danger to fall into civil wars, by the divisions and actions of such as aspire unto the crowne, especially if it be elective, the which doth oftentimes follow, after it the ruin of the state: Yea, in a succession 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 subiects. We have too many examples before our eyes: and oftentimes the lawfull succeffour 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 division for the governement, 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 predecessor, or by the custome, yet is it to be feared, that he will make himselfe absolute Lord: as Triphon did, who cruelly flue his pupill the King of Siria, to make himselfe king. The which is more to be feared, if the tutor marrieth the pupils mother, as Lewis Storze 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 governement to the nearest of kinne, and the nourishment of the infant to the mother; yet have there beene murthering mothers since, who have not oneley told and betrayed the state, but even the lives of their children, as the mother of Charilas King of Lacedemon did. And sometimes the tutor continues his governement, 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, vntil he had slaine his tutor. And if the prince comes to the crown being young and out of governement, 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 young princes abound in follies, masks, and licentiousnesse, and the subiects follow the princes humor so as for one vice there multiplies ten, as I have said before. If the prince be warlike, he will hazzard his subiects, his estate, and his person, to make proofe of his valour. And although he come vnto the state being of a competent age and wife, the which is rare, and the greatest gift which a people can craue at Gods hands: yet meurraignitie hath his mischiefe, most commonly the wife become foolish, the valiant cowards, and the good grow wicked. It were time lost to repeat examples, which are too ordinarie. To conclude, if the prince be subtil and wicked, he will plant a tyrannie: if he be cruel, he will make a butcherie of the commonweale; or a brothell house; or be licentious, or both together: if he be courteous, he will pull both hair and skinne from his subiects: if he be predigall, he will abuse their blood and marrow, to glut some daifine of horfleeces that are about his person. And yet he will do worse than all this, if he be a fat and ignorant, as we have layd eell where. 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, the which in truth are great, but there is greater peril in an Aristocratical state,
flate, and much more in a Popular; for the dangers which we have yet downe for the most part ceale, 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 unto offices, in Aristocraticall and Popular com-

A monvale, 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 feldome. But the chief point of a commonweale, which is the right of foueraigne, cannot be, nor sub-
sift (to speake properly) but in a Monarchie: for none can be foueraigne in a common-
weale but one alone: if they be two, or three, or more, no one is foueraigne, for that no one of them can gue or take alaw from his companion. And although we ima-
gin a bodie 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 foueraigne power, to unite them together: the which a simple magiftrat without soueraigne au-
thoritie cannot doe. And if it chance that the lords, or the tribes of the people be di-

vided (as it often fals out) then must they fall to armes one against another. And al-
though the greatest part be of one opinion, yet may it happen, as the leffer part ha-
ing many legions, and making a head, may oppose it felle against the greater num-
ber, and get the victorie. Wherefore we fee the difficulties which are, and always have been in

Popular states and signenities, whereas they hold contrary parts, and for diuere 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 Spaine, corrupted or drawne some one way some another, making open warre: as it hath bene fene in our age among the Grifons. Moreover, sometimes it happens by the custome of the country, that a law, the

prince, or a magiftrat, is not admitt. if all that have voices giue not their content: as in Polonia whereas the leffer part must change their opinion, and ioyne with the greater number, either by lone or force, and for this cause they come armed to the field to chuse their king, and to force the leffer part to content: the which cannot happen where there is a soueraigne head, of whom depends the resolution of all things. More-

over, in a Popular and Aristocraticall state, always the greater number will bee be-

leeued, although the wiser and the most vertuous bee fewe in number; so as most commonly the foundere and the better part is forced to yeeld vnto the greater, at the

appetite of an impudent Tribune, or a brazen faced Otrator. But a soueraigne Mo-

narch may ioyne with the foundere and the better part, and make choice of wise men, and well practised in matters of state; whereas necessitie doth force them in other commonweales to admit wise men and fools and altogether to offices and counsell. It is also impossible for a Popular state, or an Aristocrate, to command with soueraigne power, or to do any act which cannot bee done but by one perion only: as to con-

duct an armie and such like things: but they must create magiftrats and commiffaries
to that end, who have neither the soueraigne power, authoritie, nor majestie of a Mo-
narch. And what power sooner they haue by vertue of their places, yet Popular and

Aristocraticall commonweales, finding themselves embarkd in any dangerous warre, either against the enemy, or among themeselves, or in difficulty to proceed criminall against some mightie eftate, or to gue order for the plague, or to create magiftrats, or
to do anie other thing of great consequence, did vufually create a Dicatator, as a sou-

eraigne Monarch knowing well that a Monarchie was the anchor whereunto of nec-

esitie they must haue recourse, Trepidae patres, faith Titus Livius, ad summum anusilum
decurrunt, Dictatorum disciplinae. The leasureful fathers flye vnto their laft refuge, they

thought it best to name a Dicatator. And when as Hannibal made all Italie tremble,
Ad Dictatum remedium iamdud desideratum Civitatem, The citie fled into the remedie so long, defired, which was to name a Dictator. And the reason was, for that they held the Dictator for a god, and his commandments for oracles, Dictatoris Edictum pro omnino jenmer observatum, 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 apud hostes, ut eum statim a metibus dixererint, So great was the feate of a Dictator with the enemies, as he was no sooner created, but they departed from the seas. For oftentimes even the Conuls and their commandments were neglected and troden vnder foote: such as had offended retired to their companions, that is to say, to the people, to whom they might appeale. The which Appius the Conful seeing, he sayd, Minas esse Consulfum non imperium, vbi ad eos qui una pecuniarum prohiberent licitum agendum, Dictator em qua pronovacio non ess cremas. They were but the threats, sayd he, of Conuls without any commanding power, seeing they might appeale vnto them who had offended in the like manner, Go to then, let vs create a Dictator from whom there is no appeale. The impunitie of vices, and the contempt of magistrats in a Populat eftate, doth sufficiently shew that Monarchs are necessarie for the preservation of the societie of mankind, seeing that the Romans who for the error of one Prince, had all kings in hatred, made a Dictator for the conduct of all their great affaires. So did the Lacedemonians in their extremeties create a magistrat with power like unto the Dictator, whom they called Hartmoft: and the Thesaliens, hith whom they called Archus: as in the like cafe the Mytleniens their great Ezzime, to whom the great Proudador of the Venetians may be in some fort compared: finding by experience that an absolute power united in one persion, is more eminent and of greater effect, and that the same power imparted to two, three, or many lords, or to a whole commonalty, declines and loocheth his force, like vnto a lagot vnbound and diuided into manie parts. And therefore Tacitus faith, that for the execution of great exploits the power of commanding must be refrained to one alone: the which is confirmed by Titus Livius, who sayd, that three Tribunes created with Consulitary power, gatie a sufficient testimonie that the force of command imparted to manie, is fruitlesse: and especially in militarie causes, the which Hanniball did finde, havinge against him an armie of 6000 men, commanded by two Conuls, Paulus Emilius, and Terentius Varro, whom he defeated: and Amurath against the Carthifian Princes at the battell of Nicopolis: and the emperour Charles the fist against the two commanorders of the protestants. And we may not maruel if the duke of Virbin with a few hieltings made head against so mightie an armie, led by the chiefe commanorders or generals, the which depended not one of another, that is to say, Ranier Vitelli, and Lawrence de Medicis: for even Leo writes in his historie, that the people of Affricke hold it for an infallible Maxime, that a prince which is but weake in forces, shall always defeat a stronger armie that hath two generals. For whileft that Cleomenes king of Lacedemon did gouerne absolutely alone, he obtained great and goodly victories, and was neuer vanquished: but after that hee had callehome the king, which was baniished to impart his soueraigne authority vnto him, soone after he was ouerthrown and put to flight. And for this caufe Arisides the laft, being chosen generally with Miltiades to commannde the armie either of them his daye, (as the Romey Conuls were wont to do) he resignde all his power and authoritie to his companion, who gat the Perians a great onerthrow. There are a thousand such like examples, which do shew vs the necessitie to have one head or commannder, not onely in warre (where there is greatest danger) but also to obey one soueraigne prince in a Commonweale: for even as an armie is ill led, and most commonly
A ly defeated that hath many Generals; even so is a Commonweale that hath manie lords, either by diviufion, or a duerfitie of opinions, or by the diminution of power giuen to manie, or by the difficultie there is to agree and resolute upon any thing, or for that the subjicets know not whom to obey, or by the discouerie of matters which should be kept secret, or through altogether. And therefore whereas we sayd before, that in a well ordered state, the foueraigne power must remaine in one only, 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 subjicets: And contrariwise, when as they shall limit and reftaine the foueraigne power of a Monarch, to subjicet him to the generall estates, or to the counsell, the foueraigne hath no firme foundation, but they frame a popular confufion, or a miserable Anarchie, which is the plague of all states, & Commonweales; the which must be duly confidered, not giuing credit to their goodly discoueries, which persuade subjicets, that it is necufarie to subjicet Monarchs, and to prefcribe their prince a law; for that it is not one ly the ruine of the Monarch, but also of the subjicets. It is yet more strange, that many hold an opinion that the prince is subjicet to his lawes, that is to fay, subjicet to his will, whereon the ciuill lawes (which he hath made) depend; a thing impossible by nature. And under this coloure and ill digested opinion, they make

B a mixture and confusion of ciuill lawes with the lawes of nature, and of both Jonny with the lawes of God: fo as they fuppofe, when as the prince forbids to kill, to fteale, or to commit adulerie, that it is the princes law. But for that we have layd open this poynct at large, I will now passe it oute. It shall suffice that we haue made apparant demonstration, that a pure abolute Monarchie is the fureft Commonweale, and without comparifon the bift of all. Wherein many are abused, which maintaine that an Optimacie is the bift kind of government: for that many commanders haue more judgement, wifedom, and counsell then one alone; But there is a great difference between counsell and commandement: The advice and counsell of many graue and wise men may be better than of one, as they fay commonly that many men fee more than one alone: but to resolute, to deter mine and to command, one will alwaies perfforme it better than many: and then he which hath aduifedly digested all their opinions, will doe resolute without contention, the which many cannot eafily perforne: Befides ambition is fo naturall among commanders that are equal in power, as some will ra ther fee the ruine of the Commonweale, than acknowledge any one to be wifer than themelves: Others know what is good, but shame keeps them from changing of their opinions, fearing to loofe the least point of their reputations: So as it is necufarie to haue a foueraigne prince, which may haue power to resolute and determine of the opinions of his counsell.

If then a commonweale be but one body, how is it possible it should haue manie heads, but that it must proue a monster, as the emperour Tiberius fayd vnto the Senate, else it were no bodie, but a hideous monster with many heads. But some one will fay that new princes make new lawes, new institutions, new ordinances: we will confede that it happens in fome, who to shew their power make lawes sometimes without any reafon, but this is more frequent and usuall without comparifon in Popular and Aristocraticall estates: For new magiftrats fo often created, and which play the pettie kings in their Commonweales, would bee loth the yea re should passe away without giuing fome caufe to speake of them, either for good, or euil: for prooue whereof we find more lawes publifhed at Rome and at Athens, then throughout all the world: For
For always through jealousie one yvid what another had made: and all, as they said, was to make themselvese famous, and to rob the honour of their companions, with the prejudice of the Commonweale. But to avoid these inconueneiences, and inflaibale ambitions in an Optimacie, or Populat state, you must not in any fort suffer the law or ordinance to carrie the name of the magistrat, as they yvided in Rome and Athens, which was the cause of so many laws. And to say that treaties and leagues die with the Prince, that happens not always, for most commonly they are continued and prorogued by an express clause, some years after the death of the prince, as it hath bene always obserued betwixt the house of France and the Cantons of the Swis, the which have beene for the kings life, and five years after. Moreover, we have formerly shewed, that it is expedient alliances and leagues should not be perpetuelle; 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 accustomed for their better assurance to have them confirmed by the eftates, or published in soueraigne courts, and oftentimes they bind in particular the greatest noblemen: although there bee faire greater assurance in matter of obligation and promises made by a prince than by a multitude: and the rather for that the lawes of honour are in much more recommendation to a soueraigne prince, than to a multitude of artifans or marchants, who are kings in a name collective, 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 years onely, the Commonweale is euer in combustion. There is no reason to balance the cruelties and extorsions of a tyrant, with the actions of good princes; we know well that a peaceable Optimacie and wisely governed, ift may be, is better than an euil tyrannie. But the question is, whether it be better to have a just and upright king, or manie good lords: and whether a tyrannie of fiftie tyrants be not more dangerous, than of one tyrant alone: And if there be not much more danger in Popular and Aristocra
tical eftates, than in a Monarchie. Yea it is most certaine that a tyrannicall Monarchie is sometimes more to be feared than a Democracie or Optimacie, how good soeuer: For if many wife and skilfull pilots hinder one another in striving to gouerne the hele; even so will many lords do, every one seeking to gouerne the Commonweale, be they never so wise and vertuous. Although it be not needful to insist much upon this proofo, that a Monarchie is the moyst secure, seeing that a familie which is the true image of a Commonweale can haue but one head, and that all the lawes of nature 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, movi
ing 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 admitt many kings, nor many lords, how good soeuer.

Soliman emperour of the Turkes yvid this example, hearing the great cries and accla
mations of joy which the whole armie made vnto Sultan Musaphis his fon returning out of Persia, he put him to death through jealoucie, causing him to be stangede in his withdrawing chamber, and his dead body to be cast out before the whole armie: then he made a proclamation, that there was but one God in heauen, and one Sultan vpon earth: Two ydes after he put Sultan Gobe to death, for that he had wept for his bro
ther; and Sultan Mehemet the third brother, for that he fled for fear: leaving but one sonne living, to avoid the danger of many lords. We also see that all nations of the earth from all antiquite, even when they were guided by a natuall instinct, had no ther forme of gouernement than a Monarchie, that is to say, the Asiaitians, Medes, Persians.
Petrians, Egyptians, Indians, Parthians, Macedonians, Cetes, Gauls, Scythians, Arabians, Turks, Moçouts, Tartars, Polonians, Danes, Spaniards, English, Africans, and Peruvians, where is no mention of any Optimacie, or Popular estate. Yea all the auieti people of Greece and Italie, before they were corrupted with ambition, had none but kings and monarcbes, as the Athenians, Lacedemonians, Corinthians, Acheans, Sicilians, Candiots, Sicilians, Ethiopians, Latines, and Heretiques, the which have floverished in arms & laws, four, five, six, & seven hundred yeares; yea some have continued eight or nine hundred yeares, others twelve or thirteen hundred yeares. And yet some wonder that the Popular estate of the Romans, or the Seigneuries of Lacedemon, and Venice, had continued four hundred yeares, or thereabouts, after they had expelled their kings: doubtlesse they have reason to matuer, to see two or three Commonweales amongst a hundred, able to continue any time, beeing instituted against the order of nature: but no man is amazed to see many great & mighty Monarcbes continue a thousand, or twelve hundred yeares, for that it is according to the right lawes of nature. And although the name of a king were hateful unto the Romans, yet many of them in particular affeect to be soueraigne: for not many moneths before Augustus his birth, it was found out by oracles, that nature should free one being forth a great Monarch of the Romans. For this cause the Senat decreed, That all infants should bee slaine that were to be borne that yeare: but every one in particular did hinder the carrying of this decree into Saturnes temple, for that every one (faith the historie) did hope his son should bee a Monarch. In like sort the princes of Perfia being assembled together to consult which forme of gouernment were the better, they concluded, a Monarchye. The same argument was called in question by Augustus among his friends, being defcrions to live at rest, and to leave the state, after that hee had put the name of Marcus Antonie to flight: but it was resoluted, That a Monarchye was the most safe without all comparison, and the effects did verifie it: for in former times the Romans could not live ten yeares together without civil wars, or some sedition: and Augustus maintained them quietly in peace almost fifty yeares, the which continued long after his death. Experience is the mistresse of all things, and as the touchstone, refolves all doubts. Therefore the Capadocians hauing lost their king, they were persuaded by the Romans, to take a Popular estate: but they refused it, and demanded a king: so as the Romans gave them power to chuse one, and they advanced AriobarZanes, finding the calamities of Popular estates. To conclude, if we seek authority, we shall find that the greatest schollers that euer were, have held a Monarchye to be the best: as Homer, Herodotus, Plato, Aristotele, Xenophon, Plutarch, Philon, Apolomius, Saint Jeromme, Cyprian, Maximus Tirius, and many others. And euen in the law of God, it is said, When as the people shall chuse a king, like unto other nations, hee shall not take a stranger: Whereby he not only sheweth, that God approveth a Monarchye, teaching a king how hee should gouerne, but also that other nations in those dayes had nothing but Monarchies, as Samuel faith. Healso made Moses king ouer his people, for so hee is called in the law of God. And although that God governed his people for a time without a king, lending them alwaies by an especiall favor certaine captains, as princes & judges to free them from the subjection of their neighbors, whom the holy Scripture calls Meflies, and Sautours: yet was there neuer any Optimacie, or Popular estate among them, but contrariwise they were a long time without either prince or magistrat, being guided onely by the grace of God, who for this cause is called their king. And after their returne out of Babilon, they were full subiect to the kings of Persia, or of Aegypt, or of Syria: vntill that lades Machabeus of the familie of the Azmonians, descended from Aaron (hauling rebelled against Antiochus the Noble, king of Syria) brought the office...
fice of high priest, and the foueraigne vnto his house, who were afterwards subdued by the Romans. For as for their Senat, which consisted of feuentie one, the king making the seuentie two, and the most part of the line of Dauid they bidde not themselues in anything 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 Greeke word they called Sanedrim. The Caldeen interpretor faith, That although they had power to make lawes, euem vnder kings, yet was it no foueraigne authoritie. True it is, that Rabin Magmon calling them Doctors or Inquirers, faith, That they had also power to create twenty three criminal Judges, whom they called Judges of soules; and seven Judges for ciiill causes, whom they termed Judges of goods in euerie citie; and ten Judges for gouernment, among the which there was one priest, or as Ioseph faith, two Leuites assistant to euery magistrat: 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 downe, to confute their opinion, which maintaine with Ioseph the Historian, That the Hebrewes have vfed a kind of Aristocraticall gouernment, taking the Senat of seuentie one for soueraigne lords: all whom Herod, the eldeft fonne of captain Antipater put to death, for that they had condemned him, and had executed him, but for the faavour of Hircamus king and high priest, who gave him his pardon, or at the leaft staied the decree of the Senat; and afterwards he murthered his Saviour. Which sheweth plainly, that the Senat had no soueraigne power, and that it was no Optimacie: although that Iosephus brings in the Jewes complanyng, Quod Hircanus & Aritobulus formam Reipub. in regnum mutarent, That Hircamus, and Arisobulus, had changed the forme of the Commonwealth 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 Democraie the most vicious. A lawfull Monarchy (as a strong and able bodie) may easily be maintained: but Popular states, and Aristocraies, as feeble and weake, and subject to many infirmities, must be prefentryed by diet and good gouernment. And for that it is not always in the power of wife and politike states-men, to chuse the best kind of government, nor to alter and change the worfe, they must in this case doe like vnto skilfull shipmaisters, which yeeld vnto the tempst; they strike their failes, and caft forth even their most prouious marchandife, to attaine vnto a safe port. Euen so a wife man that feeketh to change a state from bad to good, or from good to better, he must first insinuat with the greatest, and by obeisance obuasion draw them to his will. But if he be not afflued to effect it, let him not attempt it: as Dion did, who turnd the Tyrannie of Siracusa, suddeuly to erect an Optimacie, by the counsell and advice of Plato: and not able to effect it, he was flaine: so as it became an estate of a turbulent multitude, much more miserable without all comparision than any tyrany. As also the Pithagorians did, who laboured suddeuly to change all the Popular estate of Italie, into meere Optimacies, hauing not force sufficient to effect it, but they were all flaine, or banished. But if this Popular infirmity cannot be curd by any physick, it must bee borne withall, beeing better to have a bad Commonwealth then none at all; and attend the time untill the tyrannie of one, of few, or of many, be mounted to the highest precipice or downfall, from whence at the first forrne they may be cast downe, or fall of themselues. Elie if the tyrant be but shaken, and not quite overthrown, he will commit horrible murthers of the best citizens, to fortifie and settle his tyrannye. For a tyrant that hath once escaped the hands of such as had conspirred against him, he becomes mad and furious, like vnto a wild beast that sees his owne blood.
A blood. We have too many examples, and without any further search, we have seene Cofmo d' Medicis (whome the banished men of Florence called Tyrant, although hee were esteemed of many others to be a good and a wise prince) build forts, & increas'd his Monarchy with the ruines of such as had conspir'd against his life and race, and yet neuer any one conspiracie 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 opprefteth and devours his subiects continually; & if he be cruel, he tooone attaines to his deifi: whereas a rich and mighty Monarch hath wherewithall to glut his appetite, and if he be cruel 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 spatke of justice before his eyes: so a small estate is best befitting an Aритotcratical government, who will maintaine their subiects more happily than a poore tyrant shold do. We see eighteen Cantons of the Swiouchers, besides the Grifons, whose governments are Popular, and Aristocratical, having in length from Genova unto Conftance but two hundred and fiftie thousand paces, and a hundred and threcfoure in breadth from the Alpes unto mount Iura, most of which country is full of rockes, and very barren; yet haue they maintained their subiects a long time in great happiness: but if they should enuie and defire their neighbors estate, they should tooone 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 assured peace. But if it chance to be diuided into Democracies, or Optimacies, or into many tyrannies, the people are either tyrannifi'd, or in sedition among themselves, or in continuall warr against their neighbours. Seeing then a Monarchy is the most fure of all Commonweales, and amongst all Monarchies a Royall is the goodliest: let vs say, whether it bee better to haue it by a successiue right, or by election.

C H A P. V.

That a well ordered Commonweale dependeth not either of lot, either of choyce, and much leffe of women; but by difcendent to be derived from a most honoureable stocke: and that it ought to be given but to one alone, without partition.

Tis not enouough to say, that a Royall and lawfull Monarchy is better than either a Democracie, or an Ariftocracie, except a man say alfo, such a Monarchy as is by successiue 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 neuertheless so it is, that amongst Monarchies that which commeth by a successiue right vnto the heires males, of name, nearest in blood, and without partition, is much more commendable and fure, than are the other which come by lot, or by choyce, or will, to the heirs male, but not to the nearest; or vnto the neerest, but yet by the mothers side; or that is the nearest 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 necessity reasons, and examples, to declare; to take away the opinion that many imprin into another princes subiects, and by that means entertaine rebellions, for to chaunge well ordered Monarchies, and to move as it were both heaven and earth. All which they doe vnder the vaile of vertue, of piety, and of justice. Yea some there are to be
be found, which have bene so bold, as to publish books, and to main taine against their natural prince, come vnto the crowne by lawfull suc ce sion, 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 dispolution of the schollers of Oxford: the questi on being, That it were better to haue kings chosen by elec tion, than by suc ce ssion. Which new doctrine not a little troubled, not the queene onely, but even the nobilitie alfo of that kingdome, then there present. For why, from such beginnings were the su bjects to proceed vnto mutinies, vnto rebellions, and at length even vnto open wars. And who is he that would not be moued to heare the inuictue 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 justice, in regard: who driveth away the good men, and ioyneth himselfe vnto the euil: and in the end ioyneth thereunto this exclamation, O how happie is that Monarchy, wherein the estates of the people may choyce of a just and vright king, who aboue all things feareth God, and honoureth vertue; who regardeth the good, and chastifeth the euil: who vnto the honest appointeth due rewards, and vnto the wicked condigne punishments: who abhorreth utterers, who keepeth his faith and promisses; who banifheth the blood suckers and defiuors of new exactions out of the court, who spareth his su bjects blood as his owne, who re uengeth the wrong done to others, and pardoneth the injurie done vnto himselfe; and who in briefe more effemeth of religion and vertue, than of all other things in the world. And so haung let these prai res, with the counterpoise of a tyranny releat with all vices, the vulgar fort forthwith conciuen an opinion, that there is nothing more happy, than the Monarchy which falleth 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 alfo which are accounted of all others the most sufficient; are oftentimes deceived, and much mistaken, in regarding nothing but the apparant good on the one side, without respect vnto the innumerable absurdities and inconveniences which are to be found on the other. For eu en Aристотle himselfe is of opinion, That Monarchies should be etreate by election, calling the people barbarous, which have their kings by right of suc ce ssion. And for which cause he deemed the Carthaginen s more happy than the Lacedemonians, for that there had their kings by suc ce ssion from the fathers to the soune in the stocke and line of Hercules, whereas the others still had them by election and choyce. But so he might call the Affyrians barbarous, the Medes, the Perfi ans, the Egyp tians, the people of Asia, the Parthians, the Armenians, the Indians, the Affic ans, the Turkes, the Tartars, the Arabians, the Mo couites, the Celtes, the Englifhmen, the Scots, the Frenchmen, the Spaniards, the Perufines, the Nym dian, the Ethio pi ans, and an infinu number of other people, who now haue, and al ways before had, their kings by right of suc ce ssion. Yea and wee find in Greece (the country of Aristote himselfe) that the Athenians, the Lacedemonians, Sic yonians, the Corinthi ans, the Thebans, the Epitots, the Macedonians, had more than by the space of five hundred yeares, had their kings by right of lawfull suc ce ssion, before that ambition had blinded them to change their Monarchies into Democracies and Aristocracies. Which had likewise taken place in Italie also, whereas the Hettitians and Latines for many worlds of yeares, had their kings still depending from the fathers to the soune. Now if to many people and nations were all barbarous, where then should humanity and civilitie have place? It should be onely in Polonie, in Denmark, 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 alfo royally descenced. Cicer is faith, humanity and civilitie have taken beginning in the leffter Asia, and from thence to have
A haue bene dunded vnto 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 antient kings of Greece, we finde none but Timondas, who was chosen king of Corinth, and Pittacus of Nigropont. And at such time as the royall name and line failed, oftentimes the strongest or the mightieest carried it away; as it chanceth after the death of Alexander the Great, who was in right line descended from Hercules, and the kings of Macedon, who had continued almost five hundred yeares: whose lieutenants afterwards made themselves kings. Antipater of Macedon, Antigonus of Asia the eldest, Nicanor of the upper Asia, Lysimachus of Thracia: so that there is not one to be found among them, which was made king by election. So that even Greece itself, the nurse of learning & knowledge, yieldeth by this reason, in the judgement of Aristotle, be deemed barbarous. Howbeit that the word Barbary, was in antient time no word of disgrace, but attributed vnto them which spake a strange language, and not the natural language of the countrey. For so the Hebrews called also the antient Egyptians, then of all nations, the most courteous and learned, Barbrours, that is to say, wrong, for that they vled the Egyptian tongue, and not the Hebrew.

But in all Monarchies which go by election, there is one danger theetunto alwaies incident, which is, that after the death of the king, the estate remaineth a meete Anarchy, without king, without lord, without government, still in danger of ruine; as a ship without a master, which oweth the wracke of it selfe vnto the first storme or wind that ariseth: theeue and murderers in the mean time at their pleasures committing their murders, and such other their most hainous outrages, with hope of impunitie; 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 haue bene such as haue committed fittie slanstring murders, and yet haue alwaies had the popes pardon therefor: the popes at their first entrance into the papacie, still pardoning all men their offences whatsoever: and so murderers and reuenges commonly referred vnto the popes death, remaine then unpunished. So that in the yeare 1522, there were two executed at Rome, whereof the one termed himselfe Pater nox, and the other Aue Maria, who at divers times had stabbed and murdered an hundred and sixeene men, as was then proved. And the first thing that they commonly doe, is the Papall grant being vacant, is to break open the prifons, to kill the gailors, to enlarge the offenders, to revenge injuries by all meanes; which continueth vntill that the colledge of cardinals haue agreed of a succeffor, wherein sometime they have bene at such discord and variance among themselves, as that the seat hath bene vacant two yeares and foure moneths together: as it chanceth after the death of Clement the 5: yea & sometime to yeares, as after the election of the duke of Sauno farnamed Felix. We read also oftentimes two or three popes, and as many emperors, to have bene chosen at once; and the empire to have stood vacant a yeare or two together, yea whole eighteene yeares, after that William countie of Holland the emperour, was slaine. And albeit that the princes electors made offer of the empire vnto the king of Spayne, Alphonso the tenth, yet to it was that he would not accept thereof, for the manifest daunger that he was to put himselfe into by taking vpon him such an estate, exposed vnto the will and pleasure of the subiects, vnto the enius of princes, and the violence of murtherers: all which time of vacancy the wicked neweth the selfe 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 ambaclaire in France. So we read also that during the elections of the Sultans of Egypt (before it was by the Turks subdued, and
by them vnto their empire vntied) the poore subiects, and the best towne and cities in the whole kingdome, were facked and rifled by the Mammalukes: vntill that some one of them by the consent of all the rest was chosen Sultan.

Now if some to remedy the matter shall say, That in the mean time there might a gournot be establisht: he is therein deceived, it being a no lesse hard matter, to make choyce of a lieutenant or gournot, than of a king. But admit he might so bee made without any contradiction, by the consent of all the estates to whom it belongeth, to name their gournot, yet who should be the suicic and warrant for his faith? Who should let him (hauing the power in his hand) to invade the estate: who should dismate him being not willing thereunto? We see how Godfrey father of John king of Sweden behaued himselfe, who of a gournot made himselfe a king, without expecting of any other election at all, and to left the regall power by strong garrisons confirmed vnto his posttertie. And to lease the gounnot vnto the Senat, as they do in Polonia, and did of aughtent time in Rome, is no lesse daungerous, least in the mean time some of the stronger and boldet should poellifie themselves of the forteles and stronger places: as did Pompey Columna, and Anthonie Sanclie, who ceized upon the Capitoll at Rome, proclaiming vnto the people libertie. And in the time of such vacanct civill waifes and disfentions are impossible to be avoided, not only amongst the most warlike nations, but euen amongst the church men also: so that it was never possible to provide so well, but that two and twentye popes had their heads shot off, and many more of them by strong factions druen out of their seats; not to speake in the mean time of them (in number almost infinit) who haue by pouyon (the common death of the bishops of Rome) perished. Yea we read that euin in the primitive church, 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 Eusebium, whether of them should bee pope. Neither was that onely done at Rome, but almoast in euerie towne and citie, which had in them any bishops, all places were so filled with so many of Laodictia, that from thence forward it shoude not be lawfull for the people, to meddle with the choice of the bishops and Prelates, or the bestowing of the ecclesiastical preferments. Wherefore Athanasius, and Augustine both bishops, appointed whom they would have to succeed them in their bishopricks, the one at Alexandria, and the other at Hippona. What should I speake of the Roman civill waifes, and after them of the Germans, about the choice of their emperours? their booke, their histories, and all their monuments, are full thereof. Wherein we cannot without indignation and horror remember the miserable wasting countries, the mutuall slaughter of citizens, and lacking of most noble cities, ifchiefs fell done either by the one side or the other.

And yet there is another inconuenience 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 euin the publike demaines, and such as before were common, and wherein euerie man had a common interest: we see them in a little time corrupted euin 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 leage vnto their children any thing of the estate, more than what they thinke they can by deceit and fraud purloine and hold, care not to give any thing vnto the magistrats their friends: or by open sales and donations, to make their owne profit of the publike revenues and possessiones. So Redolph the emperour for money exempted all the towns and cities of Tuscanie from the sealtic and obedience which they ought vnto the German empire: Robert also the emperour, gave three of the imperiall townes vnto his sonne.
A sonne: Henry the first ecafe upon Saxonic: Frederike the second enfranchifed Nu-
remberg: Otho the third enfranchifed lime: Liews of Bautiere did the like for the towne
of Egge: Henry the fift fold all he could; and Charles the fourth being not able to pay
the hundred thousand crowns which he had promised to eyery one of the princes ele-
ctors, fold vnto them all the tributes of the empire, to have them to chufe his sonne
Charles emperour, as he indeed was: but afterwards againe thutf out even by the fame
princes who had before made choice of him. So that the practicall and ftronger
finewes of that Commonweale being cut in funder, the whole body of theempire be-
come fo weake and feebly, that Charles duke of Burgundie doubted not to wake warre
upon the Germaine princes.

Another point there is also well worth the consideration, which is, That a man of
base degree suddenly mounted vnto the higheft degree of honour, thinketh himfelfe to
be a god vpon earth. For as the wife Hebrew faith, There is nothing more intol-
erable than the flauce become a lord. And on the other fide fuch is the fervent loue of
the father toward his fonnes, that he will rather confound heaven and earth together
(if he have power to do) than not to leave vnto them the crowne, but to let it reft
in the voyses and choice of the ignorant people,

But let vs yet go further, for why there are not the greteft inconveniences. For
where the people is to chufe their king, they mutt either make choice of a stranger, or
of a naturall subiect: Now if choice bee to bee made out of the naturall subiects, then
every the moft impudent and audatious fellow will by all right and wrong feke
to aspire vnto the foueraignty: and if there bee many of them of equall power and
grace, it is impollible but that there should be great factions, wherein the people fhould
become partakers: or in cafe they were not equall, neither in vertue nor wealth, yet fo
it is that they would presume themfelves to be equall, and never agree one of them to
obey another, but withifhing rather to endure the command euen of strange and wic-
ked princes, than of another subiect their equall. As it happened in Armenia (as Ta-
ecitus reporteth) where the nobilitie could endure none to bee their king but a meece
stranger. And of late in Polonia Sigismundus Augustas the king beeing dead, and a
contoueufie arifing amongst the nobilitie, eyery one of them longing after the king-
dome; a decree was made whereby all the naturall subiects were embattled from ob-
taining of the kingdome: as I learned of the Polonian embassador, whom I was com-
manded to attend after they were entred into the confines of this kingdome, to con-
duct 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 flaine duefte of their Sultans; they at laft to
flint the strife, by their common content sent their embassadors vnto Campfon king of
Caramania to become their Sultan, and to take vpon him the kingdome of Egypt
being by them offred him. With the fame calamities the Germaine princes also troul-
bled, after duefte mutthers of the emperours of their owne country, oftimes made
choyce of strangers, yea and thofe eight small princes: as of one William earle of Hol-
lund, and of Henrie earle of Lutzeombou one while making choice of the king
of England, and another while of the king of Spaine; yea, oftimes such ftrange prince
refufing that fame empire fo offered them: For so Alphonfus the tenth king of
Spaine refufed the imperiall crowne by the princes electors offered him, which after-
wards flood empiric above eigheteene yeares, as we have before fayd. Sigismund also
the firth king of Polonia, refufed the kingdome of Hungarie, of Bohemia and Den-
marke, being thereunto intited by the Estates. So also Liews the twelfth refufed the

The imperiall
crowne of nine
strange princes
refufed.

Nothing more
intollerable than
a man of base
degree suddenly
mounted vnto
great honor.
Seignorie of Pisa: and the antient Romans (as faith Appian) refused diverse people which would have submitted themselves under their obedience. But admit that the strange prince do not refuse a kingdom so offered him: which if it bee farre off from the bounds of his owne kingdom, hee must not 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? so to have him 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 Castimire king of Polonia, taking him the kingdom of Polonia conferred vnto him by the voice of the people: into which kingdom he was invected, and received with the greatest acclamations, and applause 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 aire: or that he was allured with the pleasures and delights of Hungarie: or that he was by the vowes and requests of his owne people called: returned home, leaving his wife vnto the Polonians (her countermens) with a traine of the Hungarians to attend vpon her: where it was that the Polonians mindfull of the Great Castimire her father, for a space endured the womans fouteraigne: but could in no wise endure her traine of Hungarians. And so also not long ago Henry, Charles the French kings brother called vnto the kingdome of Polonia, his brother being dead, wthall speed returned vnto his owne natural kingdom: howbeit the Polonians would by no meanes endure the gouernement of his deputies or lieutenants, but by voyce choe vnto themselues 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 soueraine rights, whereunto they had not annexed any clause or condition (when as question was of the kingdome of France to fall vnto him): that hee should not in his abstinence by his deputies or lieutenants gouerne that kingdome 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 new conditions. But admit both the kingdome confine together, as both Polonia and Hungarie: what doubt is there but that he will, if he can, make one kingdome of two: or change an Aristocraticke estate into a right Monarchie: yea, and that by force of arms, 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 Aristocracie of the Germaines into a kingdome, and had called his sonne Philip to be sent for out of Spaine into Germainie, to haue made him king of the Germaines, had not Henry the second the French king most mightily withstood him, and so broken his defignes. The occasion of Julius Pflugius the Bishop is yet extant: wherein hee laboureth to persuade that one thing especially, viz. that the molifie foundations of the Germaine empire might be laid. And in case that the prince cannot ioyn the kingdome which he hath got by election confinage 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 whomsoever pleaseth him to succeed him: as the kings of Denmarke, of Thunes, yea and the Germaine emperours also themselves by a cultowe of long received from their ancestors have vfed to do: in such fort as that the rights of electiones 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 voice of the people chosen king of Hungarie by a certaine bond of fealtie, left that

Charles the first about to have made his sonne Philip king of Germainie.

Kingdome ele- & these sometimes & these changed into her edict.
A that kingdom into his nearest kinmen all most hereditarie. And albeit that Matthias Corvinus theonne of the noble Hunnades (Ladislaus being dead without issue) by the voyces of the people obtained that kingdom (they alwayes pretending that the right of the choice of the king belonged to them; and that the succeffion 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 have inunded that kingdom, and had vndoubtedly so done, had not Matthias by his promise put him in hope of the kingdom for himselfe and his posteritie: if he should himselfe die without issue, as by chance he did. Howbeit, yet neuerthelesse 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 euell 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 decreed that it shoulde from thenceforth be hereditarie: and that after the death of Ladislaus Maximilian the one of Fredericke should succeed in that kingdom, as indeed he did. But his nephew being left vnder age, and the estates of the kingdom pretending them to have the right to make their choice of his goutenouts; against Fredericke who sought to step into the government of Hungarie, and to take vpon him the guard and protection of the yong king his nephew: the people of Hungarie, yea, and the sister of Ferdinand (the yong kings mother) chose rather to cast themselves into Solyman the great Turkes lappe, and fo to betray both king and kingdom, rather than to endure the government of the emperour Ferdinand in such fort, that they for the maintenance of the right of their election, are now fallen into the perpetuall turitude of the Turke: having not onely loft the right of their election, which they sought for; but in hazarded 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 enuire 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 over them.

B And yet in matter of election the way being open to manie competittours, if the matter be to be tried by force, alwayes the most wicked and deceitfull: or else the most hardie and aduenterous, put all upon hazard to attaine thereunto: And if it hap the most vertuous to be chozen, his life is still in danger of the competittours being of greater power: as in Germanie it hath bene seene: where within this 360 yeares, since that Monarchie fell into election, there have bene eight or nine emperours flaine or poysioned, and among other, William of Holland, Rodolph, Albert, Henry the seuenth, Fredericke the second, Lewis of Bauaria, Charles the nephew of Henry, and Gunther: besides all who were most shamefully thrust out of the imperiall feast. And of 15 Sultans which were chozen kings of Egypt, there were seuen of them slaine: namely, Turqueman, Melachell, Cotbus, Bandocader, Mebecret, Cercafe, and Giapalt. And of the Romane emperours after the death of Auguftus there were seuen one after another maffacred, poysoned, or strangld: and that three of them in one yeare, oppressed only by the conspiracie of citizens. Yea, the pretorian fouldiers sometimes flew the emperours to haue a new, onely upon hope of gifts and large fees. But still hee of whom the Senators made choice, displeased the legions and men of waftre; yea oftimes euery armie made an emperour, in such fort as that at one time there were thirtie Ro- mane emperours chosen in diuerte places, and among them one woman, viz. Zenobia: all the empire being in euill waftres and combustion who should carry away the state.

C The Hungarians
for the mainte- nance of their election right
new fallen into
the perpetuall
ruine of their
sister with the Turk.
no end thereof being to be found until that the rest were by the power of one all-overflowed. Whether there was any assurance in the estate, if the sons either lawfull or adoptive succeed not their fathers without election, so as did Titus, Titus, Trajan, Adrian, Antoninus Pius, Marcus Aurelius, and Commodus. But if any of the emperours gave no order for the adopting of his successor, in case he had himselle no children, the commonweale always fell againe into ciuill wars. And for this cause the emperour, Adrian, fearing lest the estate should fall into election, he himselle having no children, thought it not enough to adopt Antoninus Pius, but also caufed him to adopt Marcus Aurelius, and Eliaus Vetus; following therein the wisdome of Augustus, who to prevent the warrs oftentimes arising about election, adopted his two little nephews, Caius and Lucius; who both dying without issue, he adopted also his third nephew Agrippa, and with him Tiberius his sonne in law; yet with condition that he should first adopt Germanicus. And they which were so adopted and appointed heires of the empire, were called principes inuentuius, 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 certaine successor. For so Henry the third the emperour whilest he yet lived caufed his sonne to be chosen king of the Romans, and his grand child to be also by him adopted. And Charles the fourth after that caufed his sonne, Wenceslans, by the electors to bee designed to the em-}
to the estate of Milan in the yeare 1448, after the death of Philip Maris the last of the
heires male of the house of Angierie, which in successiue right had helden Milan
four hundred yeares: when as the people seeing themselves in full libertie without
any lord or soueraigne, resolved to maintaine a popular estate: stazed the calf Ioue,
burnt the last dukes testament, chose twelve Senators; and after that having made
choice of Charles Gonzagge for their generall, most cruelly butchered all them which
took part with Frances Sforza, who being a man but badly bornepired to the soue-
raignete, as having married the base daughter of Philip the last duke, as also by the adop-
tion which the duke had made of him. At which false same time the emperour Freder-
icke the third claimed that dutchie, as a fee devoled 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 sister of the last duke.
During which quarrels the Venetians (as their usuall manner is) to fill in troubled
water, without any right at all, possessed themselves of Cremona, Laude, & Placence,
all members of the dutchie of Milan. The duke of Saxoye tooke also Nothurse and
Verzel: Sforza, Panie, and Derthone: and the people of Milan unable now to manage
their estatte at home, or to defend their territorie abroad; and yet abhoring the go-
vernment 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 ears for the estatte: and for all that the last
duke provided not for his succession as he ought to haue done, in following which that
was resolved and agreed upon at the trauie of the marriage made betwixt Lewes duke
of Orleans and Valentine his sister: neither in taking vnto him Charles of Orleans his
nephew, and right heire of his dukedom so to have adopted him, and brought him
vnto neere vnto his person, but adopted Sforza who had married his base daugher, being
but the first gentleman of his house.

But the royall flocke being extinct, the last thereof may by right adopt vnto him-
self his successor, except the nobilitie or people claime the right of the choice of their
prince to belong vnto themselues. For if the last prince of the bloud shall appoint no
man to succeed him, the soueraigne 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 successor. For so the line of Charles the great beeing vterly 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: wherein for all that the Germaine writers are at variance among them-
selues: one of them thinking Arnolphus; and another Charles the fonne of Lewes king
of the Germaines to have bene chosen emperour, and that not by the voyces of the
people, but of the fitte princes onely: and that elective right to haue bene at length
conferred vnto feuen of them who were thereof called the princes electors: and that
to have happened about the yeare 1250. But let vs now come vnto our owne histo-
ries. Many thence be which have reported the kings of France in antient time to have
bene created by choyce, and so that kingdom to have fallen into election: but all that
vtruly. For why that must needs haue bene done in the raigne of the Merouignes, or
the Catlingues, or of the Capets.

Now concerning the first line which is of the Merouignes; Agathius a Greeke au-
thor of great authentique and antiquitie (for he flourished about the yeare 500) writeth
the French nation hauing chosen the best forme of a Commonweale that was possi-
ble (that is to say the royall Monarchie) to haue therein surpassed all their neigh-
bours.

The dutchie of Milan dillimem-
bred the line of the victories
of the house of
Angierie falling.
The ancient manner of the coronation of the kings of France.
The archbishops of Rheims pretend to have the choice of the French kings.

This Lewis is rather to be called Clod_Handle, otherwise in ancient time called Hildewich.
sadours of the Marquess, the ambassadors of the Earl of Angiers, after them the Earls of Vandoyn, Vermandois, Soissons, and Auterne: after that the soldiers, 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 were have word for word written, he which were never yet put in print. They therefore which think the kings of France to have beene in ancient time created by the voyces of the people, vnderstand not the bishops of Rheims to have affirmed, that to have bene given 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 give vnto the kings of France. 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 neerenece of blood, and not in the right of any election by voyces. Whereby Otho so chosen, pretended himselfe to be king: and vnto whom complaininge of the injurie done him by the archbishop in crowning of Charles: Fulke answered, That he had made choyse of Charles, according to the manner and custome of his auncestors, who had not vied to chuse kings, but of the royall flocke & race of kings. Whose letters written vnto that effect to Otho are yet extant. Whereby it appeareth, that if ever any man had the right of election, it belonged vnto the archbishop of Rheims, or that at leastwise he was in the possession thereof: and yet for all that, that he could not make choyse of any other king, but of the princes of the blood. But to shew that the right of the crowne of France still descended vnto the heire male next of blood and name, it appeareth not only by the authoritie of them whom wee have before noted, but yet more also by the cruell and bloodie warre, that was betwixt Lothaire, Lewes, and Charles the Bauld, grounded upon this, That their father had gien the better part, and the regall feate of France, to Charles the Bauld his youngest sonne: howbeit that all the three brethren were kings, governing their diuided kingdoms with royall soueraignty. And for that Henry the first, king of France, the younger sonne of Robert, had bene chosen by his father, and his elder brother the duke of Burgundie rejected: he fearing leaft the children of his elder brother, should in their fathers right lay claim to the crowne, and so put all France into ciuill warres, as it had before bene in the wars betwixt him and his brother; to prevent the same hee caused his son Philip, so sonne as he was but seuen yeares old, to be crowned king of France. Which yet was done without any forme of election at all: except perhaps, that some would absurdly say, the election of the kings to belong vnto the archbishops of Rheims, as given them by the pope, mistaking the consecration, for the creation of them. Howbeit that the verie consecrating of them, properly belonged not vnto the archbishops of Rheims alone: king Lewes the Groffe being consecrated by the archbishop of Sens, in the citie of Orleans. Besides, that the archbishops of Rheims foolishly pretend them to have that from the pope: wherein the popes themselfes have no right, more than they have vnto the empire, which they have made subie& vnto their elections; and by thruffing the fickle into another mans harvest (as faith Albericus the lawyer) have against all right made laws concerning the estate of princes, binding the empereur to giue vnto him the oath of fidelity: challenging vnto himselfe the power to depose him; as all other kings also. Howbeit that the bishops of Rome dothemselves by their decrees consecre 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 auncient proterb they weth well, that the kingdom never went by election, & the kings thereof held 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 ferue the cause he had in hand, said in his pleading, That the people of Francse had given the power vnto the king: alleging therefore the words of the great lawyer Vitian, where he speaking of the Roman emperour faith, Lege Regia de eius imperio latet, popularis ei & in omnemiam suam potestatem Contulit, By a royall law made concerning his power, the people conferred vnto him and vpon him all his power: whereat the kings people suddenly atile, requesting the court in full audience, That those words might be rased out of the plea; shewing that the kings of Francse had never receiued their power from the people. Yea the court therefore sharply reproved the said lawyer-causing the words, at the requent of the Attourney generall, to be rased out of the plea, forbidding him any more to vse such speeches: who never after, as every man knew,thethed cause in that court. But yet this is made more plaine by the solemn nite commonly vfed at the kings burials, where the kings garments, weapons, scepter, and armes, are to beone as the king is buried cait away; an herauld at armes with a loud voice proclaiming thrice, Rex est mortuus, or, The king is dead. And even he the same man, presently after advancing a banner with the Lilyes in it, the proper armes of this nation, crieth likewise, Vitat Rex N. eique vitam diuturnam as felicem DeuL largiatur, God laue king N. and graunt him long and happy life. The like manners and cuftomes 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 vfed alfo amongst the Bohemians, the Danes, and Polonians, but yet not before that another king be by voyces created.

But now those daungeres which we have said to follow the election of a prince, belonging not more vnto 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 be euery one of sedition, faction, and murders. But if the nobilitie, or some other estate only, shall chalenge vnto them selues alone the right of chusing of the prince, the rest of the estates will grudge and repine therat, that is of right due to all, to be giuen to some few, yet could nothing be devised more commodious or expedient for the avoideing of the factions of the seditious, and of ciuill warres, than to take from the multitude of princes and magistrats, the election of the foure signe prince or king, & to communicat it with some few. For so the German princes (who in amittent time were fotive 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 fewe 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 Banaria, who for the space of eight yeares made most cruel warres, which of them shoulde as emperour rule and raigne one of them ouer the other, all that while one of them fill spoiling and ruinating the townes, castles, and villages, of the others fanitues and part-takers. So in like manner the cardinals (who were but twelve) after the death of pope Clement the 4. for the great diffentions and factions of the mightie, difsented 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 strait laws in the choyce of the pope, and yet could he not provoke, but that after his death, they at once made choyce of three popes, and ofentimes of two; insomuch that at the last it was needfull to flay them vp, and to statute them with hunger, if within a certaine appointed time, they did not denounce him pope, who had at the moat two parts of the voyces: which yet is more straitly kept in the chusing of the Grand Mailter 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 seene also such factions, suits, and murders, to have happened in this realme, about the election even of the inferiour bishops, as have oftentimes troubled the state even of the most famous cities, and wherein he was the most vittious and ignorant most commonly carried away the matter: than which no greater cause seemeth to have bene, wherefore the voices for the chusing of bishops have bene taken from the colleges of priests and monks, and given to princes: as the Chauncelour Prat declared, 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 Mostouie, are drawne out by lot.

And yet notwithstanding the one colour that men have to maintaine election, is to say, That the more worthy men are so chosen to be emperors, popes, bishops, and prelates. Wherein I referre them unto the histories of all ages, which will say the contrary: and that there have seldom bene more vices and wicked men, than were the most part of them who were by choyce and election preferred; which we need not now by examples to verify: but thus much only I say, that if the right of succession had taken place, Nero, Heligabalus, Otho, Vitellius, and such others, the 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 been excluded. But were it so that the better princes were still to be chosen by the suffages and voices of the nobilitie, or of the people, or of other the wiser sort; yet so many and so great inconveniences are on every 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 subjectes created and chosen, especially so long as the right of succession may take place. But the line of the monarchs sayling, and the right devolvd vnto the electors: in this case it is much fatter 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, to the end that one of them may be drawn by lot, rather than to enter into tearmes of election: prouided that the name of God be first called vpon, in following the forme of the anient Hebrewes, who still saide, Lord God direct thy lot, to the end that all forterie and witchcraft may be from hence abfent. So the great Prophet Samuel, when question was for the making of a new king, caufed all the people to be assembled, and the lot to be drawne for all the twelve tribes, which falling vpon the tribe of Benjamin, and lot cast also vpon the families of that tribe, in the family of Cis the lot fell vpon Saul, whom Samuel by the commandement of God had before appointed, to the end that the people should not thinke that the kingdom was vnto him by chance onely fallen. But after that the Monarchy is once establisht, then have commonly had regard vnto the prerogative of sucessive right, without vslne either of election, or lot. So the euene great princes of Persia, Cambyses being dead without issue, vled lot, or rather the neying of an horfe for the chusing of their king. Yet wee see Darius having once by lot got the kingdom, the soueraignitie of the state to have bene afterward by sucessive right derived vnto his posteritie.

Now it is not enough that sucessive right take place in the descending of a kingdom, but that the neereft of kin vnto the soueraigne monarch succeed him also: my meaning is, among the males, and those of his name, which is (to speake properly) the eldern, as the first descended of him. For so the order of nature willeth that the elder should
should go foremost 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 always almost to all people common. For so said Perseus, that by the right of nature common vnto all nations, and by the custome invariable obtayned in the kingdom of Macedon, the elder was still to succeed into that kingdom. And for that reason (as faith Diodorus) Alexander the Great carrieth away the crowne of that kingdom, from the rest of his brethren. As the manner was also in the kingdom 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 auncient custome of the Parthies. In like manner amongst the Hebrewes, the kingdom of Iuda was giuen to Ioram, for that (as faith the Scripture) he was the eldest. And so Herodotus himselfe (the most auncient of all the Grecke historiographers) saith, That generally in all kingdoms the custome was, that the eldest should by right of succession have and enjoy the scepter and diadem: yea and more than four hundred yeres before Herodotus (as faith Corninus Messala, in his booke dedicated to Augustus the emperor, Julius Caesar, the eldest brother, was preferred vnto the kingdom of the Latines, before Afractus the younger brother. We read them also of the West Indies (although men of all others most deuid of humanitie) to have also vied this same natural law, for the eldest to succeed before the younger. And that when Francis Pizzara Generall of the Spaniards, conquering the kingdom of Peru, caused Attabalipa the king to be put to death, all the people thereat rejoiced, to see him die that had caused his eldest brother to be slaine, so to become king himselfe, contrarie to the custome of the countrey, and his fathers will conformable thereunto: who having two hundred children, yet by his will appointed that Gazar his eldest sonne should alone succeed him in his kingdom, without diuiding of the same. And albeit that the children were twins, yet so it is, that the prerogatiue of the kingdom is to be kept vnto him that is first borne, & so to be left, witnessed by most manifest proof: leaft such like quarrell should ariue for the prerogatiue of birthright, as did betwixt James king of Scots, and the duke of Albane, being twins: which kingdom the duke complained to bee wrongfully taken from him: King James maintaining the contrarie, for that he was the first borne. And so always when men would force and violat this natural successiue right, great troubles and ciuill warres have thereof ensued: as it happened for the kingdom of Alba, invaded by Emulus, being of right due vnto Numitor the elder brother, & to Aristobulus king of Iuda, thrust out of the kingdom by the sentence and doome of Pompey the Great, to make an end of the ciuill warres and seditions: the kingdom being restored vnto his eldest brother Hieranus, without respect to that which Aristobulus allaged, his said brother not to have bene fitt to beare armes, neither yet to gouerne a kingdom. A reason and colour for which the fathers and fauourites haue oft time troubled the right of their children, to set the crowne due vnto the elder, upon the head of the younger. As did Ptolomey the first of that name king of Aegypt, who contrarie vnto the law of nations (as faith Justin) preferred the younger brother vnto the kingdom before the elder, which was the cause that one of them flue the other. In which errour Ptolomey fornamed 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 expulsed the younger, and restored the scepter vnto the elder. Anaxandrides also king of Lacedemonia, preferred Dorius before Cleomenes his eldest brother, for that he was the more ciuill: and yet the historic faith, that the people thereof grievedly complained, as of a thing done contrarie to the law of nations. And albeit that king Pyrrhus saide, That his will was, that he of his children should succeed him, which

Great troubles to have still arisen, where the natural successiue right of the eldest hath beene violated, and the younger brother preferred.
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 value, couetousness, beahue, or widsome 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 form and feature of the bodie hath deceived many. Foolishly therefore do those patents, which otherwise with the flatterie of their yonger frones, and disinheriting the elder of their kindomes, have incensed their children most cruelly to murther one another: so as did the father of Alphonfus, and Thysfes, who willing to preferre the younger before the elder, as the fitter for the managing of the affaires of state, so filled and foyled his house with most cruel and horrible tragedies. But more foolishly do they, which search into the natures of thier children, so to beflow the kingdom upon him whom the flares feeme to fauent most: as did Alphonfus the ro king of Castile, who by this means would have preferred the yonger brother before the elder: who for the disgrace so offered him, flie his yonger brother, and causeth his said father for griefe to die in prifon. In like case almost Ga- briel the yonger fonne of the Marqucffe of Salufle, by the content of his mother cast his elde brother into prifon, pretending that he was out of his wits: who yet breaking out of prifon, recuperated his principallie, & hauing chafed out his brother, coupt vp his mother in the fame prifon, wherein he himselfe had but a little before beene shut vp. And not to seene further from home, wee have seene all this realme on fire with cruel warres, for that Lewes the Debout, at the intreatie of his second wife, had preferred Charles the Bauld, before Lothaire his elder brother. Wherefore pope Pius the second did wisely, in reieeting the request of Charles the feuenthe French king, defirous to have preferred Charles his yonger fonne before Lewes the 11 his elder brother: howbeit that the king had reafon so to do, considering that Lewes had without any just occasion, 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 faffre from that the first begotten, or eldest fonne, shoulde for cowardifhe or want of courage, be imbarred to succeed vnto the crowne, as that if he be mifshapen and deformed affo, yet 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 haue kings that be not deformed. Whereunto Lycurgus and Plato would great regard to be had; and especially Lycurgus, who willed the deformed children to be faine. But the *law of God hath decided this doubt, commanding the yonger not to be preferred before the elder, for what loue or fauent foever. Which is not onely to take place when question is of the right of the elder, but also when the next heire male of the fathers side is to succeed vnto the crowne, albeit that he bee deformed. For one ought not for one inconvenience to break so good a law, or to open a gap so dangerous vnto Monarchies: which is to be the estates & people of Hungarie shewed by a most notable example: contrarie vnto the will & disposition of Ladislaus their king, who having no issue, adopted Alme his brothers yonger fone, so to make him king after him. Reieeting Colomus his elder brother, whom he in a fort banihed, sending him a great way off, to studie in Paris: causing him also afterwards to enter into the orders of prieffehood, & withall bestowing upon him a bishishopsrike, so to take from him all the hope for him to succeed vnto the crowne. For he was a man altogether deformed, goggle eyed, euill spoken, lame, & crooked backed; & yet for all that Ladislaus being dead, the estates of that kingdom drave out the yonger, refusing to haue any other king but the elder brother, whome they called home, and by their ambafadors afterward obtained of the pope, to haue him dispencd with, and discharged of his orders; and married also.

*Notable example.  

**Deut. 21.** The elde brother, that euerm by the law of God to be preferred before the yonger.
OF A COMMONWEAL.

A In like case Aegeslaus, a lame dwarfe, hauing by the meanes of Lyfander a prince of the fame bloud excluded Leotichides as Atalibades his baftard, succeede into the kingdom, not as the kings ons, but as next of the fathers side, and of the bloud of Hermes: his aduersaries in vaine complaing the kingdom to haut. And howbeit that Lyfander who had preferred Aegeslaus to the kingdome afterwaards did what he might to haue abrogated the antient royall lawe, and to haue publisht an edict whereby the nearest of bloud should not have succeede into the kingdome, but that the most sufficient of the bloud royall should still be chosen; yet was there none found of his opinion.

Some there bee which would adiudge kingdomes vnto the yonger being borne kings ons, their elder 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 vpon equity: For that the kingdome was but lately fallen, not by any successe right, but euin by lot or rather as it were by chance vnto Darius. But where the kingdome is descended by a lawfull succession from former ancestors, the eldest or neerest of the fathers stocke is to succeed, although he be borne before his father was poiffesed of the kingdome. Whereby is underftood what is to be judged of the question, which Bartholomew writeth to haue happened in his time; as whether Philip cattle of Valois his son borne before his father was king of France, shoulde as king succed him in the kingdome; or else his yonger sonne which he had after that he was king? Howbeit that I read in our histories him to have 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 kingdome, although he had his brother Charles borne whilst his father was king. For now question was of an antient kingdome detolued vnto the next of name: whereas otherwise the yong sonne of a king conquering a new kingdome 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 kingdome by right of succesion, cannot pretend any right to the crowne, although he be the eldest or neerest of kin: but if he be enabled to attaine thereunto by lawfull succession, the kingdome of right belongeth vnto him, howe it be that hee were not the sonne of a king. As was obseru'd in the kingdome of Persia whereinto Artaxerxes succeeded, although he was borne before his father was king: as claiming the kingdome from his great grandfather. And albeit that his mother Parnath thrust all Asia into civill warre to turne the estate vnto her best beloved sonne the yong Cyrus, yet is it that by the judgement of God he was in battell by his eldebrother ouerthowne and fo slaine. In like fort and vpon the same doubt which happened about the succesion of the kingdome of Hungarie, Geiza the eldebrother borne before his father had obtained the kingdome, was by the confent of all the estates proclaimed king: which neuer after was called in doubt, in what kindome soever. Whereas otherwise there would ensue many intellereable absurdities: for if the king should leve but one sonne borne before that he was king, he could not succeed him. But yet whereas we haue saide, The souveraignty to be due to euery one that is next of kinne; extendeth farre, not onely vnto them who the eldest being dead come in stead of the eldest, but vnto their infinit poftfertitie also. For fo Demetrius reasoned in the Senat at Rome, his brother Antiochus king of Syria being dead: for as (sayde he) the right of nations hath before giuen the kingdome vnto mine elder brother, even by the selfe same right ought I now to succeed.
succeed him in the name.

But it may be doubted if the grandfather yet reigning, the eldest sonne shall die leaving a sonne, the grandfathers nephew; Whether the kingdome be due vnto the next brother or to the nephew, who is one degree farther off. Upon which question many have resolved it to be due vnto the next brother. And indeed _Scipio Africanus_ willing as an Lines, as if to have appeale the like controversy betwixt Corbis and Orsuf the uncle and the nephew, for the kingdome of Numidia, and not knowing what in this point to resolve upon, appointed the kingdome to be tried by combat betwixt them two: which both of them in factus 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 _Liuic_ writeth. Which like kind of combats betwixt the uncle and the nephew have oftent in antiquit time beene vndertaken among the Getmaine princes: which was the onely caufe that shitted vp _Bernard_ king of Italie to take vp armes against the emperor _Leues_ the Deuout; alledgeing that the empire of right belonged vnto him as the onely sonne of _Pepin_ the eldest sonne of _Charlemaigne_, and not to _Leues_ the Deuout the youngbrother of _Pepin_: howbeit that _Leues_ yet caried it away, though not so much by right as by force of armes, and so preuailing against _Bernard_ he kept him shut vp in perpetuall prison. And even yet at this present the kingdome of Moscouie is always guen vnto the young 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 kingdome vnto the elder brother, although the elder brother being king leane behind him a sonne yet under age: For so _Basilius_ the Great, king of Moscouie succeeded in the kingdome after his elder brother who had children. For which reason also _Henry_ of Lancaster the sonne of _John_ of Gant deposed _Richard_ the eldest sonne of _Edward_ the Blacke prince: alleging that his father bying by death prevented, he could not succeed _Edward_ his grandfather in the kingdome:which yet was but an vnjust quarrell pickt. So in like case _Robert_ of Naples the yonger brother, by the fentence of the Pope and of the college of cardinals, obtained the kingdome of Naples: the sonne of the eldest brother of _Hungarie_ being so excluded. An vniust matter amongst the Vandals, as _Procopius_ writeth: for so _Honorius_ got the kingdome of _Gen- serius_ 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 antient law of a moft all the Nomades and Northen nations.

And which I see to have beng common euen vnto our ancestors also: for so _Con- tran_ preuailing against _Childebert_ the eldest sonne of _Sigisbert_ in the obtaining of the kingdom of France. _Saul_ ouercame _Robert_ her nephew, the son of _Robert_ her elder brother, for the contiue 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 sute ouercome his eldest brothers sonne. But when _John_ _Montfort_ in like sute for the dukedome of Britaine was ouerthrown, by his aunnt the daughter of _Vide_ of Britaine; what by right he could not, he by force obtained, not without a most cruell and bloudie warre. And _fo_ (as we sayd) _Robert_ the sonne of _Charles_ the second, by the judgement of the Pope obtained the kingdome of Naples, _Charles_ his nephew the eldest brothers sonne, king of Hungarie, in vaine reclaimeing. _Sanxins_ also the sonne of _Alphonfsus_ the tenth king of Castile, his father fauouring of him thrust his elder brothers sonnes out of the hope of the kingdome. _John_ also having _Alaine_ _Arthur_, Godfrey his eldest brothers sonne, tooke upon him the kingdome of England. Vnlke was the quarrell of _Silvius_, who after the death of _Ascanius_, in the right of his mother tooke from _Iulus_, _Ascanius_ his sonne, the kingdome of the Latins: For that _Lautima_ had _Silvius_.

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*The Sixt Books*
A

Thus by *Aescius* but not *Ascanius*. But not fewer, ye and I know not whether more nephews to have obtained their grandfathers' kingdoms, their uncles yet living, according to the ancient law of the Lacedemonians. As for *Lycurgus*, he gave unto *Charidas* his eldest brother's son, his kingdom, which he might easily have taken unto himself, the child's mother consenting thereto. *Arcus* also the elder brothers' son, after the death of his grandfather obtained the same kingdom, his uncle *Acratus* yet living. So also John the sonne of *Ferdinand* succeeded to *Alphonso* his grandfather, king of Portugal, Henry his uncle being yet alive. And not long after *Sebastian* the son of John the eldest brother tooke upon him the kingdom of *Emanuel* his grandfather, and not *Henry* his uncle; *Lewes* of Niues also after the death of his grandfather got the counties of the Low countries his uncle yet living and looking on. But Robert the second, king of Naples (whole father by the sentence of the Pope had overcome his eldest brothers' son) when question was betwixt the uncle and the nephew for the county of S. Querine, 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 heirs of John Vassile the sonne of the earle of Foix, and the heir of Francis Phebe, who being the sonne of the elder brother had got his grandfathers inheritance, his uncle yet living. So also was it judged for the dukedom of Britaine against John Montfort. Others have left it as a thing doubtfull to be tried by combat. For as *Scipio Africanus* permitted the combat betwixt Orsini 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 uncle to have bene overcome by their brothers' sonnes. But the nephew of *Agathocles* king of Syracusa slew his uncle, going about to have taken upon him his grandfathers kingdom.

Neither want there probable reasons on both sides. For the nephew it availeth that his father being dead he falleth into the power of his grandfather, &c so is made his heir by the law of the twelve tables: and together with his vncles is admitted into his portion of his grandfathers' inheritance, he dying intestate. And if the father substitute an heir unto his sonne, that substiutution availeth if the sonne beget children, only upon the conieute of the fathers kind affection towards his sonne, as *Papinius* the lawyer hath answered. Yea, by the Roman lawes, brothers' sonnes are admitted unto their vncles' inheritance: but then how much more true and just it is for them to bee admitted vnto the inheritance of their grandfathers? That is also moreover, that by the ancient customes of Fees the nephew may by right receiue the whole benefit, his vncles being quite excluded. But no reason is more effectual, 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 uncertaine hope of a matter in truthe being so but vnder a condition conceiued.

Neither yet for all this is the vncles cause on the other side altogether without reason, if a man will but more neatly looke into these matters, and without guise interpret the law of the twelve tables. For why this law full 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 supposal and fiction is deemed to be the same person with his dead father. But admitting that a supposal is in some cases to bee true withall: yet feemeth it not reason that such a false fiction should prevalue against the truth, especially vnto another mans harme or prejudice of his right. Neither doth the kindnesse of nature suffer the sonnes to bee spoyled of their fathers wealth and goods, that all might be giuen vnto the nephew, who is farthest off from the grandfather: which mutt needs be not onely in the obtaininge of a kingdome, but also of a dukedom, or of an earle-

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B

Of A Commonweale.
dome, or of an indivisibill fee, by reason of that imaginatice fiction whereof wee haue spaken, the nephew to be suppos'd to reprezent the pettion of his dead father. And so farre it was from that the Roman lawes should suffer the fonnes to be disturbed by the nephewes, as that things committed even but upon trust come not vnto the nephewes before that all the fonnes one of them substitutted 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 way may be made for the nephew (which we fee in indivisibill succession to be still done) yet is it an unreasonable, and vnjust thing, an infant, a child, or one vnder age, of no experience in matters of warre, or in the other ciuill and weightie affaires of the Commonweale, to be called vnto the soueraignetie of a kingdom; and another neeter than he, that excelleth both in yeares and wisedome, to be in the mean time debarted of his fathers kingdom. For which reason the lawyers haue giuen the tuition of the fathers entrancheid flane vnto the vnkle; the nephew being excluded: but by how much more then is the tuition of the kingdom to be committed vnto the vnkle, rather than vnto the nephew? And laft of all so it is, that vncles vnto whom the tuition of their young royall nephewes is almost still committed, commonly thinke 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 together, I shoulde become tedious. Besides that, it is in facted writ set downe, * That Commonweale to be miserable and unfortunat, where children bear rule.

Howbeit that the old receiv'd outwome of our auncetfours, and judgemenst in this case often giuen, haue called me backe from this opinion. For those inconveniences which we haue spoken of, happen but seldom: which being such, the lawmakcers are not greatly to respect. For if we would reheaste all the kings of Fraunce even from the time of Charles the Great, we shall scarcely, or els not at all, in the space of twelve hundred yeares, finde the vnkle and the nephew, after the death of the grandfather, to haue met together as competittors in the succession of this kingdom. Wee read it in the space of about fowe or six hundred yeares to haue happened once in England, once in Castile, twice in Portugall, and once in Sicilia. Wherefore let the sentence as well of the auncet, as of the later lawyters preuaile for the nephew against the vnkle: not only in direct, but even in oblique, and collaterall succession also. Which we haue some what the more curiously reasoned of, for that succession of the kingdom of Fraunce, which seemeth to be even neeter at hand. But if cosins Germans, or the vnkle and the nephew, shal in the right of themselves without any faine 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 hiselxe the younger, shall carrie it away from the elder: as it may and hath oftentimes enow happened in this realme. And yet neuertheless in particular successions in collaterall lines, they shal equally divide the indivisibill inheritance into parts: but if the inheritance be indivisibill, the elder of the two in like degree is to bee preferred before the younger, and to enjoy the right of his eldership, albeit that the younger bee descended from the more auncet auncetfors: as was adjudicte in the court of Paris, betwixt Villiers, and Bayncourt, cozens germans, for the inheritance of Francis Bloqui, without any regard vnto the race of the elder auncetfors, considering that they came vnto the succession of their chiefe or head, and not by fals supposall, or by the way of representation.

And yet is it not sufficient, that the next heires male of name succeed, but it is needfull also, that the kingdom, how great soever it be, with all the soueraigne rights thereof, bee wholly giuen to one without partition: as Germanicus king of the Vandales was lyuely.
wisely appointed. For otherwise if a Monarchy be diuided, it is no more to be accounted a Monarchy, but rather a Polarchy, or Monarchy diuided into many Monarchies. Wherein was not by the law Salique with vs (as some suppose) provided for, or fooreleene. For we find that Aribert, brother to Dagobert the eldest sonne of Clotaire the second, was also king with his brother, one of them holding nothing of the other. Clodoinus also the eldest sonne of Dagobert, was king of Paris, and Sigebert his brother king of Metz. And after the death of Clodoinus his foure sonnes diuided the realm into foure kingdomes: for Childerict was king of Paris, Clodoinus king of Orleans, Clotaire of Soiflons, and Theodoric of Metz. But the rest being dead, all in fine came to Clotaire, whose eldest sonne Cherebert was king of Paris, Chilperic of Soiflons, Guntram of Orleans, and Sigebert of Metz, all kings: which multitude of kings were scarce quiet from ciuill wares. For which it was wisely provided by the successors of Hugh Capet, who ordained three kings of great consequence for the maintaining of this Monarchy in the greatnesse thereof. First they excluded the bastards of the house of France, from all entrance vnto the kingdome, not allowing them so much as to be accounted in the number of their natural children: that fo from thenceforth they might think of the begettting of lawfull children, their base borne children being now quite excluded from the crowne. Howbeit that it was permitted vnto the bastards of other princes of the blood, and of other noble houses, to be by their fathers auouched, and to bear the name, the arms, the title and titles of their natural fathers: providing also better, by taking away of the masters of the palace, whose power was now become dreadfull vnto the people, and dangerous vnto the kings. Secondly they ordained all the foueraigne toyall 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 yeeld vnto their elder brother all obedience and fealtie. And lastly, that such lands as by the kings appointment were asigned vnto the kings sonnes, to be helden in fealtie, they dying without heiris male, should againe freely returne vnto the crowne. And the kings sisteres to have their dowrie in money onely: that to not onely the rights of soueraigne, but even the crowne lands also, might so much as possibile was to 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 kingdome together with the kings other lawfull sonnes: as the bastard brother of Charles the Simple, had part in the kingdome, and so after the manner of our auncefors was called a king. True it is, that Theodoric the kings bastard was excluded, for that he was begot of a bondwoman, who yet nevertheless demanded his part of the kingdome, vnto whom for all that aunfwere was giuen, That he must first be made a free man.

And as for diuiding of a Monarchy, I have said, that being diuided, it is no more a Monarchy, no more than a crowne or robe diuided into parts, is any more to bee accounted a robe or a crowne: the inniolat nature of vitie being such, as that it can abide no partition. Neither find we the ancient kings of Persia, Egypt, Parthia, or Syria, at any time to have diuided their most great and spaitious kingdomes: neither yet any other kings to have vfed any such partition of their realmes. Jofaphat king of the Iewes having fix sonnes, left his kingdom whole and entire vnto his eldest sonne forasmuch asigning vnto the rest certaine yarely annuities, or pensions. The first that opened this dangerous gap, was Aristodemus king of Lacedemonia, who yet diuided not his kingdome vnto his two sonnes, Protulus and Euriathedon, but left the kingdome undiuided vnto them both: and so thinking to have made them both kings, tooke from them both all soueraigne authoritie and power. After whose example the kingdome of the Messenians, neere vnto the Lacedemonians, was by the father giuen undiuided vnto

Lucippus.
Lecippus and Ampharces, being brethren: the chief cause why those two kingdoms
were changed into Aristocracies. And yet two inconveniences propounded, it is bet-
ter two kingdoms to be given unto two kings, than one kingdom to be given to ma-
ny: as it hath sometimes happened, the father to have divided unto his sones divers
kingdoms, before they were into one united: so James king of Aragon appointed
Peter his eldest sone to be king of Aragon, and James his younger sone to be king
of Majorque: howbeit that afterward the elder brother took the younger prisoner, and
in prison starved him, whereof much leefe he would have endured to have bene partner
with him in the kingdom, and so united both the kingdoms into one. So it befell alfo
the children of Boleflaus the second, king of Polonia, who having divided the kingdom
unto his foure sones; and leaving nothing unto the fit, kindled such a fire of le-
dition, as could not afterward be quenched, but with much blood of the subiects. Yet
this disposition of kingdoms is well to be borne withall, when it is made by him which
hath conquered them, who may give his conquests got by his owne prowess and val-
our, vnto his younger sones, as he feeth good, according to their age or deferts: leaving
yet still vnto the eldeste, the auintest kingdom or territodie: as did William the Con-
querour, who left the dukedome of Normandie, and the other countries which he had
from his father, vnto his eldest sone Robert Curteyshe, who succeeded him not in the
kingdome of England, for that he was not the sone of a king (as faith the Norman his-
torie) but left that kingdom which he had conquered vnto William Rufus, which hee
had not as yet vnitied vnto his other countries: leaving vnto Henrie his third sone noth-
ing but a yertele pension: and yet for all that Robert the eldeste brother, destitute also
to have had the kindome 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 priio, and so deprived of his right there miserably died. And albe-
it that this disposition of the Conquerours was right iust, as grounded both upon rea-
son and authoritie, yet had it bene much more iust, to have left the whole kindome,
and all the fouereigne rights thereof vnto one alone: as was done amongst the chil-
dren of Charles Countie of Provence, and of Philip Valois king of France, where the
eldeste had all: which is by farre the safest for the state, without respect vnto the other
legitimat children, which are not to have place, where question is of souereaigne, or of
demaines vnitied to a Monarchy. For if honoureble fees be not to be diuided, by how
much lesse can kindomes themselves, and souereaigne rights be? 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 diuision nor esti-
mation to take place. But well of long time the vce hath bene, to give certaine lands
and fees for the mainstaine of the younger brethren of the house of France: which
haue bene againe adiudged vnto the crowne, they which had them being dead without
issue: as was decided for the inheritance of Robert Earle of Clermont brother to saint
Lewes, vnto whom that inheritance was adiudged: his other brethren Charles and Al-
phonse earle of Poitiers both excluded. The like judgement being also giuen against
Charles, concerning the succesion into the inheritance of Alphonse, dying also without
issue: Charles his brother enjoying no part thereof, the inheritance by a decree of
the Senate being adiudged from him, and giuen vnto the crowne. 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 pensi-
ons giuen vnto their younger brethren, it should expressly be comprized, that they dying
without
without heires male, those lands vnto them so giuen should againe returne vnto the crown, as was done in the grant 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 sufferance, than for any right he had to doe as heire male. For otherwise the earle of Niuers after the death of Charles duke of Bourgundie (his nie kinsman dead without any heires male) might justly have claimed the dutchie, confederating 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 kinsmen, dying without heires male. So Philip of Valois obtaining the kingdome, resigned the earledom of Valois vnto his younger brother Charles. And Charles the sixt the French king being dead, Charles of Angoulême succeeded vnto the dutchic of Orleans, and yet his founes sonne John of Angouleme succeeded not vnto the faid dutchy of Orleans, Lewes the twelfth having got the kingdome, annexing the same dukedom vnto the crown. For they are deceived which write Peter of Burbon, lord of Beaieu, so haue succeeded his brother John into the lands which he had received from the kings his auncefouts, by lawfull right rather than by the grant and favour of king Lewes the eleventh, whose sister Anne the faid Peter had married, whom he most entirely loued. And so Lewes the twelfth 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 crown: but the faid Susan being dead without issue, those lands were forthwith ceized vpon, and againe annexed vnto the crown, namely the counties of Aubergne, and Clemon, and the dukedom of Burbon, howbeit that it was not in the letters patents comprized: which thing is thought especially to have moved Charles of Burbon to have enterd into rebellion against the king. So also we find, that after the death of John the third, duke of Alenfon, the dutchy of Alenfon was at the motion of the kings Attourney generall ceized vpon for the king; howbeit that the duke had left two daughters his heires, vnto whom were referrued onely the lands by their father purchased. All which was done to the intent so much as was possible, 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 foresene, and prouided for, in the dutches of Saouy, Milan, Loraine, Mantua, and Cleue, which induibly belong vnto the next of kin. And albeit that the German princes do equally diuide all the fees of the empire, excepting the princes electors, yet is that contrary vnto the custome and manner of their auncefouts (who as Tacitus writeth) gave all their lands and inheritances vnto the eldest, and their mouables & money onely vnto the rest. And so we read Abraham the Patriarch to have done, giving his whole inheritance vnto his eldest sonne, and money vnto the rest, whom hee sent from him while 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 have many children, or that there be many competitors, that then the safest way is to divide 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 vnto me good, if that princes after that they had bounded out their frontiers, could bound out also their desires. But there are no mountaines
mountaines fo high, no rivers fo broad, no seas fo deepe, 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 ifland of Sicilia (although it were but a most strait prouince) but even the ayre which we breath, together with life it selfe, being taken from Sextus Pompeius, the bonds of confederacie being in short time broken amongst the confederaits. Neither could Antonius endure the government of Augustus, nor Augustus the government of Antonius, 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 emperours of the East, and of the West, in so great an empire to hauue lived in peace, it was not long, but almost a miracle, neither such as to be drawn into examples for vs to imitate: whereas to the contrarie for one example of them, which hauue in vnitie and concord governed together, there are to be found an hundred which hauue massacred one another. Whereof there is no more notable example, than the mighty Ottoman famillie, wherein many most horribell 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 Gerbe, six kings haue in lefe time than fumeene yeares beene slaine one of them by another, being not able to endure a companion or partake one of them with another in the foueraignty. And albeit that Galeace the second, and Barnabas, two most louing brethren, brought vp even from their cradles together, hauing oftentimes endured like dangers; being both banishe, and both at one and the selfe same time called home againe, and both now established lieutenants of the empire, and always companions in armes together; had equally divided the principality of Milan betwixt them, which they too held and defended, as that it seemed a thing impossible to seperat them a funder: yet at length Galeace onely for the ambitious desife of foueraignty, most cruellly slue his faid brother, together with all his children. So Abimelech the baffard slue threebrothe and nine of his brethren, that he might all alone raigne. And Berdeboe king of Tartarie with like faughter, and for like cause, slue his twelve brethren. Sephadin also caufed the ten fonnes of his brother Saladin to be all murthered, that he might himselfe alone raigne in Egypt. The succesflors of Alexander also most part of them slue one another, not sparing either their parents, or their children. For as for one brother to kill another, it was so common a matter (as Plutarch writeth) as that it seemed almost a miracle vnto the ambafladour of Ptolomey, that Demetrius standing on the right hand of Antigonus his father, with a boare speare in his hand, could abstaine from killing of his father. But yet greater was the cruelty of king Deiotarbus, who at one time slue twelve of his fonnes, for no other cause, but to the better to afflue his kingdom vnto the thirteneighth, whom he best loved. For always amongst equals, the ambitious desires they haue to be one of them greater than another, still armeth them one against another: Wheras in a Monarchy, where there is but one soueraigne, and vnto whom the princes of the blood are all subject, being provided of yearly pensions, or lands giuen them for their maintenance; it is, certaine, that to haue alwaies some farther fauour from their soueraigne, they will still yeeld them more obedience. And therefore our kings which haue bene better aduised, haue not giuen vnto their brethren, or the princes of the blood, the places of lieutenants generall of their armies, either of the high confable, but rather vnto some other of the meaner nobilitie, such as were Bertrand, Guesbllin, Oliver Clifford, Simon earle of Montfort, with others of like qualitie, men of great service, and vnder whom the princes of the blood might match; and yet neuerthelesse without
A without all hope of aspiring to the fourtainie. So as did the auntient Romans, and namely Augustus who amongst other the secrets of his gouernment, had this for one, Not to give the place of a Geneall, or of a Gouernour of the frontiers, and especially of Egypt, vnto any the noble Senators of auntient houles, but onely vnto men of meaner estate. And albeit that the kings of the Northerne parts hauie as it were alwaies called the princes of their blood vnto their councell; yet so it is, that other Monarches keepe them backe so much as they can: whether it be for the diuulf their hauie in them, or to keepe their councell 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 jealouie which is inevitable amongst princes of the same blood, if the king shall chance to favor one of them more than another. And although there be many princes neere vnto the Othoman blood, as namely the Michtalogies, the Ebranes, the Turcanes; yet are they neuer of the pruie council, either yet admitted to any great place of honor, or command. And in the Monarchy of the Ethiopians (which is one of the greatest, and most auntient in the world) there is no prince of the blood, which commeth neere 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 kingdome. Which (as they say) was first ordained by one Abraham king of Ethiopia, by divine revelation, to avoid the factions and civil wares of princes among themselues; as also the massacres which oftentimes happen in other kingdomes, about the fourtainie; as also to haue alwaies princes of the blood roiall, whom they call The Children of Israel (sufficiently supposing them to be of the blood of the Hebrewes: before that, the Ethiopian language taketh much of the Hebrew) to the intent the estate should not fall into combustion, the kings line falling: or els for that the princes of the blood shou'd not at libertie seek to advance themselues by force: or being advanced, should not seek to invade the estate. For a man may hold it for a maxim, That in every Commonweale, it too much power be gien vnto a prince or great lord of the blood, it is always to be feared: least he shou'd at one time or other ceize vpon the estate; seeing that even the best companions mounted vnto his degree, are not without caufte to be feared. So Sultan Solman made Abraham Balsa of a flame 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 kingdome or estate, than in a great: for that the subjects coupt vp as it were all in one place, are the more easily kept under by the power of the stronger. So when James Appian prince of Sienna, too much fauouing Peter Gambeacourt, 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 setteu Dion; Bratus, Caesar; Marcus, Caracalla; Maximinus, the emperor Alexander; Philip, the yong Gordianus: and an infinite number of others, who exalted from most base degree, haue druen out their masters by whom they grew, and so made themselues lords. Who would haue thought that Agathoeler a Porters sone, of a commonesdior chosen a General, durft haue flaine all the nobilitie and richer sort of the citizens of Syracusas, & made himselfe a king? Now if such a base companion as he durft doe so much, how much more warily is it then to be foresene, that too great a command or power bee not gien vnto princes or great men, either at home, or in service abroad? And this is it for which many haue holden, that by law the points refered vnto the maieftie of a fourtainie prince, are neuer to bee communicated vnto a subject, no not so much as.
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 said also, that a Monarchy ought to descend vnto the heires male, considering that the rule and government of women, is directly against the law of nature, which hath given vnto men wisedome, strength, courage, and power, to command; and taken the same from women. Ye the *law of God hath expressly ordained, That the woman should be subject vnto the man, and that not only in the government of kingdoms and empires, but also in every particular mans house & famelike the threatening of his enemies, To give them women to be mistresses over them; as of all miseries and calamities the worst. Ye a and the law is fellie, forbidden, women all charges and officers proper vnto men; as to judge, to see, and other such like things; and that not only for lacke of wisedome (as faith Martian, when as amongst all the goddesses one ly Pallas had no mother, but was borne of Jupiters braine, to shew that widdom proceeded not from women) but also for that men's 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 sees 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 ancetors, that Maud, grandmother to Philip the Long, should be assilant vnto Robert Contie of Artois, and Margret Contie of Flanders, at the judgement of the Courte of Claintmo. Now if it be an absurd and ridcularious thing, for women to busie themselves in mens publike actions and affaires, belonging properly vnto men: much more vnseemly is it, those things which belong vnto foueraigne, to lie open vnto womens pleurure. For first the woman vnto whom the foueraigne is devouled of these two things must doe one; either shee must marrie, or else continue vnmarrid, and fo her felde rule. If shee shall marrie, yeit is it ill a Gynecocratic, or womans government; for that the marriage is made with that condition, That the foueraigne is still with the woman, and not with the husband: as was expressly at such time as Isabelles queene of Castile marde Ferdinand king of Aragon: and in our time, betwixt Mary queene of England, and Philip prince of Spanie, whom they called the queenes husband. And in like case in the matrimoniall contracts betwixt Sigismund archduke of Aufftria (who was afterward emperour) and Mary queene of Hungarie, whom the queueses femen called King Marie. In which case the husband is chief of his familie, and master of his domesticall housethould; and yet for all that in publike affaires remaineth subject vnto his wife. For why, the publike power (as faith the law) is neuer bound vnto the domesticall power. And for this cause the Confull Fabius caufed his father (the great Fabius) to alight from his horse to doe him honour, as to the Confull in publike: who yet for all that by vertue of his fatherly power, might without giving caufe or reason why, have put him to death at home in his owne house. But if the queene shall remaine vnmarrid (which is the moit true womans foueraigne) the Commonweale must needs to be in great daunger: For that the people being of a great and couragious spirit, will deeme a womans government but ignominious, and not long to be endured; some both by their speaking & writing, scoffing and detiding their sexe, otherwise their womanly wantonnesse, and others their womanes intollerablesnesse: whereas nothing is more dangerous vnto an estate, than to have them which beare the foueraigne contenmed and derided of their subiects, of the maintenance of whose maistrie, dependeth the preservation both of the laws, and of the estate, which should bee troden vnder foot for the womans sake, against whom there shall never want mockings, reproaches, faunorous libels, and so in fine rebellions & ciuill war; especially if the (impatient of such vnworthy reproach) shal
A. shall secke to bee thereof revenged, which can hardly without ciuil tumult bee done. But if the shall chance to beare, but the least extraordinary fault to any one of her subjectes, beside the enuie which he is to endure, to whom such favour is shown, men will still on her part misconstrue the same. For if the wife, and most chief haue euin in that respect, had much ado to keepem the principles from fallie reports; much lesse can a foutraigne princees couer her faults into more than can a light firebrand set upon an high watch tower: which may sete soe cause enough to kindle the fire of zealoues among the subjectes; and to arrise them one of them against another. Besides that, it is almost naturall vnto women, to take pleasaunce \\n
and delight in the number and quartes of their sisters. But if the subjectes be so minded, as by force or otherwise to suffer in the foutraigne estate a womans government, then is it not to be doubted, that subjectes one of the subjectes shall be constrained to endure the like in her own private houses also. For it is a rule in policie, that whatsoever thing is found good and sufferable in publicke, the same is to be drawne into consequence and example in particular. Which was the cause the Persian princes preferred a request vnto Darius Memon: (whome the holy Scripture calleth Darius) That the disobedience of the queen Vashite his wife, should not remaine unpunished, lest her pride should giue occasion vnto the other subjectes wives to be disobedient vnto their husbands. For as the familie is out of order, where the woman commandeth over the husband, considering that the head of the familie hath loft his dignitie to become a slave: even so a Commonwealth (to speake properly) looeth the name where a woman holdeth the foutraigne right, how wise founder thee be; but so much the more if she be victorious; and not able to rule her owne immoderate lusts and desires: I suppose there is none which knoweth not what tragedies lone queen of Naples (who of her vnaesitie was called Lupa, or a shee wolfe:) stript vp of her selle, who most cruelly murthered three kings her husbands, and was therefore her selle also strangled, as the well deferru. I speake not of the horrible and brutish lusts of Semyramis, the first that by a strange meanes set foot into the Assyrian Monarchy. For having obtained the king, to have the foutraigne command but for one day, she the same king commanded the king himselfe to be a slave. What should I say of Athalia queen of Iuda, who seeing her husband slaine, put to death all the princes of the blood (excepting one which escaped) and so by force held the foutraigne, vntil that she was at last by the people her selle also murthered. With like wickedneffe also Cleopatra slue her brother, that so she might alone enjoy the kingdom of Egypt. There was also one Zenobia, who filde her selle an emprresse (together with the thrite, yforing tyrants) and was by the emperour Aurelian overcome. And in like case did Hirene emprresse of Constantineople, coupt vp at last into a monaetrie her selle. In briefe I find no people to have liked of the foutraigne of womans government: howbeit that many have endured the same: as did the Neapolitans the government of Constance, lust of the race of the Norman kings, that reigned in Naples. And after that of Ioland the daughter of John Brenne, married to the emperour Frederike the second, who gave that kingdome to Manfred his base fone, whose daughter Constance marrying into the house of Aragon, kindled the fire of the warrs which continued two hundred yeares, between 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 having giuen an entrance vnto a daughter into the succession of the kingdome of Naples. But when the college of cardinals saw the Christian Commonwealth, and especially Italie, to have endured so many and so great slaughters, (in so long and such mortall warrs, and all for dittafe foutraigni) it was by them decreed, That from that time forward, the kingdome of Naples should no more descendi vnto women.
men; as in the inquest made to Alphonso king of Aragon, in the year 1455, and afterwaryd to Ferdinand king of Aragon, in the yeare 1458, it is expressly set downe, That the daughters should not succeed vnto the kingdome of Naples, so long as there were any heires male, either in the direct or collateral line; even vnto the 3d degree. But that gap for the successiow of daughters being opened in Itacie, was afterwards also put in practice in the kingdomes of Hungarie, and of Poland, which fell to Marie and Hedwige, the daughters and heires of Leues king of Hungarie, and of Polonia; which had notuer before beene free. At which felie same time almost, Mary Poland (contrary vnto the lawes and auncient customes of the countries) succeeded into the kingdomes of Norway, Sweden, and Denmark. The like example was after also followed in the kingdome of Castile, whereunto Isabel of Castile succeeded her father, having gained the favours of the nobilitie; who albeit that she was one of the wisest princeftes that ever were, yet did the states of the countrey thereof complain, and the people thereat grudge, complaining themselves, Neuer before to have endured a womans government. And whereas the alledged Socina the daughter of Alphonso, to have before in like manner brought the kingdome of Castile vnto Silion her husband: aughtwere was thereunto made by the subiectes, That to haue bene done rather by force than by any right; and that from that time the estate of Castile had protested, That it was contrary vnto the lawes of the countrey, Which hafted the marriage betwixt Ferdinand and the said Isabella, to to keepe the people vnder: And albeite that Henry king of Castile, had by his last will and testament at the time of his death declared, That the kingdome of Castile after him belonged vnto Leues the ninth the French king; in the right of his mother Blanche of Castile; and that the barons of Castile had wt't vnto the said French king, that he should come to take possession of the kingdome: yet so it was, that he never durft undertaking to lay claim vnto the same, howbeit that he had the content of the nobility of the kingdome by letters vnder their hands and seals, which are yet to bee seene in the records of France. Now by the same craft that Isabel had wretel vnto her selfe the kingdome of Castile, did Ferdinand the sonne of Beohure also gaine the kingdome of Aragon: as did also after him the earle of Barcelona, hauing married Petronella the daughter of the king of Aragon. Which happened also in the kingdome of Navarre, whereunto Henry the Large, earle of Champaigne succeeded in the right of his wife, the king of Navarres daughter; whose daughter and heire Ioane, married vnto Philip the Faire the French king, brought vnto him the earldome of Champaigne, with the kingdome of Navare: but the heires male of Philip the Faire failing, that kingdome of Navare in the right of three women fell vnto the houses of Evreux, of Foix, of Albret, and of Vendome: so that this kingdome in like manner than four hundred yeares, was transplant into six strange houses, and vnto feuen strange princes, the queenes husbands. But yet by the way it is worth the noting, for women all of one name to have opened the way vnto womenes souerainetie, in the kingdomes of Hungarie, of Norway, of Sweden, of Denmark, of England, and Scotland. True it is, that Maud daughter to Henry the first, king of England, before brought the kingdome of England vnto the house of Aniou in France: but that was after the death of *Stephen earle of Bolloine nephew to Henry, in the right of his sister Adela; in such lot, 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 bane. For which reaon Edward the third, king of England, vpon the difference which he had for the crowne of France, alledged the kingdome of France 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 descended of
A of the daughter (as was he from Isabel sister to Charles the Faire) was preferred before him, who was descended of the heirs male farther off. Which exposition for all that was re

jected by the counsell of France, as newer to take place, but when heirs male of the same name and Stoeke, in what line and degree sooner it were utterly failed: & that the kingdom were in daunget to fall into election. And so albeit that the emperour Charles the fit marrying of his sister vnto Christian king of Denmarke, and caused this clause to be inserted into the matrimoniall crotacts: That the males stayling, the eldest daughter issuing of that marriage, should succeed vnto the kingdom: yet so it was newethelles, that the estates of that countrey had thereof no regard, for that the kingdom went by election: ye a to farre off was it, that such the kings privet agreement could take from the nobilitie of France, the power to chuse their kings: or yet newer any one of the same kings three daughters to tainge outet them: as that the said king himselfe was by the estates thrust out of his kingdom banished, and so afterwards also miserably died in prison. The Polonians also after the death of Sigismundus Augystus, excluded not only the kings sister, but even his nephew the king of Sweden his sonne also, who gave a million of gold vnto the Commonweale, to haue his sonne afterward choosen: howbeit that their predecessors had before received Hedwig the daughter of Lewes: and that when as there was no heire male, neither in the direct nor collateral line of the hous of Tagenlon, they newethelselfe made choyce of Henrie of France.

B Now if the princesse the inheritiux shall marrie (which is necessitie, to to have an affulet succesflour) her husband must either be a straunger, or a subiect: if a straunger hee will instruct the people in straunge lavers, in straunge religion, in straunge maners and fashions: yea and give the honourable places and commands vnto strangers also. But as for a subiect, the princesse would think shee felse much dishonourd, to marrie the servant, seeing that ouraigne princes shill make great difficultie to marrie a subject. Yet hereunto also the jealouse that is to be feared, if shee shall marry him whose the best loute, reiecting the more noble and greater lords, who alwaies contemne them which are of base degree.

And not to speake of many difficulties which fell out about these matters, even the vere fame, yea and greater too, presented themselfes at the tratie of the marriage agreed upon betwixt Philip prince of Castile, and Mary quene of England: wherein the first article contained, That no straunger being not a naturall 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 Castile should not carrie the quene his wife against her will out of the realme of England, neither the children begot betwixt them two: which the articles were confirmed by the estates of the land, the second of April, in the yeare one thousand five hundred fiftie three, where being that which I have said, it was also more solemnly prorided, That the quene alone and of her selfe should enjoy all the royalties and foueraigne rights of the said realmes, lands, countries, and subiects, absolutely; without that her husband should by the courteyes of England pretend any thing vnto the crowne and foueraignity 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 quene, whatsoever signe or confent they had of her husband: and yet without which the confent of the quene should suffice. I haue also learned by the letters of Nouaille ambassadour of France, who then was in England, that it was also decreed, That no Spaniard should haue the keeping of any forteresse or strong holds belonging vnto the Crown 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 flourishing 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 whome for all that they had neuer before had any hostilitie, but had allways bene great friends. Yea the emperour Charles the fift on the other side wisely foreseeing all things, and fearing lest some treason might be wrought against the prince his only fonne, whom alone he had begot unto the hope of so great an empire, requir’d to have fittie young noble English gentlemen delivered vnto him to be kept as hofftages, so long as his fonne Philip was in England: howbeit that as such distrust drew after it the hatred of the English nation, so was also that article taken away, and nothing thereof obtained. But the marriage made, shortly after about 18 hundred English men, for religions sake went out of their country, into voluntarie exile and banishment. And yet beside all this, the fame was, how that the English men had conspir’d at one and the very selfe 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 fouveraigne of England. Neither was it to have bene doubted, but that the conspiracie of the English men had sorted to effect, or els that the Spaniards had effect’d their desaignes, and so taken vnto themselues the fouverainetie, had not the death of the queene (very profitable for the kingdome) gien an end vnto the desaignes both of the one and of the others.

For neuer strange prince can be affer’d of his life, commaund’in in a strange countrie, if he have not strong guards, for the asurantie of his person, and sure garrisons for the keeping of his caſtles and strong holds. For being maifter of the forts, hee must needs be alfo maifter of the eftate: for the more asurantie whereof hee must alwayes advance strangers; a thing intollerable to every nation in the world. Whereof wee haue a million of examples, out of which we will remember but one of our own: what time king William taigned in Sicilie, in the yeare 1168, the people of the kingdome of Naples were fo incendi’d to see a French man promov’d to the honour of the Chauncellorship amongst them, as that they conspir’d at once to kill all the Frenchmen that then were in the kingdome of Naples and Sicilie, as indeed they did. But if the domesticall servat of a strange prince, shall chancie to kill a naturall subiect in a strange countrie, or paffe himselfe in any insolence, dangerous by and by hang’t over all the strangers heads, the least quarrell that may be setting to cut the strangers throats, if they be not all the stronger. As it happened in Polonia during the taigne of the daughter of Casimire the Great, king of Polonia, and wife to Lewis 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 Cacouie ranne vpon the Hungarians, and in that huite flue them all; except such as by chance chance’d themelues in the caſtle, who yet were there besieged together with the queene: neither was there any means to appease the peoples rage, but that the queene the inheritrice and mistrefse of Polonia, must with all the Hungarians her followers void the realme. But yet greater butcheries was there made of them of Austria, in Hungarie, when Mary the eldest daughter of Lewis king of Hungarie, had married Sigismond archduke of Austria, who going about to take vpon him the government, 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 shunt him quite out, was about by her ambassadours to have calld in Charles the French king, and so to have put the kingdome into the power of the French. Which the Hungarians perceiving, sent for

Charles
Charles the king of Naples, and uncle to Mary, Sigismund his wife, to take uppon him the government of the kingdom of Hungarie: who was no sooner come, but that he was by the prattile and command of the cruel queen Mother (whose he was feared) slain: which murder was with like cruelty also revenged, the her (she being by like treason by the governour of Croatai slain, and her bodie throwne into the river. After whose death Sigismund returnning with a strong armie, put himselfe in full possession of the kingdom, where 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 domestical examples, and unto those wounds which but lately receiued, bleed with the leaf touching, neither can but withmost bitter grievance feel. Frances duke of Alainon being sent for, came to take uppon him the government of the Low countries, where he was with great joy and triumph received: but having no strong garrisons, no strong castles, no cities to trust unto, neither could by my intreatie (who foresaw what would afterwards happen) be persuadde so to haue receiued such a slaughter and disgrace, as I cannot without much grievance remember the fame. And to go farther, we have examples of the Scots yet seene in memorie, who for the space of feuen hundred yeares, had with the straitest alliance that might be, beene allied unto the House of France, and from thence receiued all the favours that it was possible for them to hope for: yet when Mary queene of Scots had married Frances the Dalphin of France, and that the Frenchmen went about to dominion ouer 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 sealed they vntill that by the helpe and power of the English, they had driven the Frenchmen againe quite out of Scotland. Neither are strange princes to hope, by reason to rule the desires of their queenes, wherefrom, if they shall secke to be disguised, they must also banish themselves. For what prince euer bare himselfe more modestly, than did the wife emperour Marcus Aurelius? And yet when he with too much patience bare with the wantonnesse of his wife Faustine (as some of his friends thought) who for her too disolute life would have persuadde him to have bene disuaded from her; then must we (said he) againe unto her restore her dowrie: which was euem 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 daunger also, if the princesse heire vnto a foueraigne estate be dispoed to marry a stranger, which is, that the neighbour princes and people also, as woorers, enter into duiers jealoues conceits on one of them against another: & so striving for another bodies kingsdom, oftentimes turne the queene from marrying at all: Yea sometimes also seeking euery by force of amours to haue her; as did the wooers of Vend a queene of Russia, who having long sought who should haue her, the victor thought at last by force to haue obtained, that which he by long fate and entreatie could not gaine: howbeit that the seeing no other remedie, but to fall into his hand, for despight drowned her selfe, chusing rather to loose her life, than by force to loose her chastitie. Neither are queenes marriages so easily made as are kings: for why, kings are oftentimes deceived with painted tables, and counterfeit marriages, marrying them by their deputys whom they never saw: whereas queenes will most commonly see the men themselves alive, talke with them, and make good prooe of them: yea and oftentimes refuse them also after that they have seen them. For neither would Isabel queene of Castile, marrie Ferdinand before she had seene him; neither could Elisabeth queene of England be by any man persuadde to promise marriage vnto any man, but vnto himselfe present. And

Women commonly more curious in choice of their husbands, than are men in choice of their wives.
so it was aunswered vnto Henry king of Sweden, seeking the long ambassage of John his brother, who now raigneth, to have married her: aunswer (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 have had her for his wife, whilest she was yet a prisoner, and so out of prison to have brought her vnto a kigdome: neuetherlesse to have to refolved and set downe with her selfe, neuer to marry any man whom shee had not before seene. Which aunswers 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 denial; and especially he left he should be enforced with shame to returne home. As afterwards it happened vnto Francis Duke of Alanfon, seeking to have aspired vnto the same marriage, who although hee had twice passed out of England, and thought the queene by long and honourable ambaussages, 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 naturate be violated in the foueraigne governement 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 she have neither fire, nor dwelling place. Wherein all the lawyets and dainers in one agree; and that she ought to reuerence her husband: as also that the fruits of the wiuers dowrie, yea even of all the wiuers goods, belong vnto her husband; not onely such as arise of the lands themeselves, but euen such as fall vnto her by escheat, or confiscation of the goods of the condemned; howbeit that such goods be a thousand times better, or more worthy, than the wiuers fee brought in dowrie vnto her husband: yet neuetherlesse do all such things in propriete belong vnto the husband, which lordship sequet that it be, which is so fallen by escheat or confiscation: as also all fruits of dowrie, and the rights of patronage depending of the wiuers dowrie: which wee to have bene vied not of priuat men onely, but euen of kinges also: as if a strange marrie a queene, the profits of the kigdome shall belong vnto the husband, although the fouveraigne, and kigdome it selfe belongeth still vnto the wife. For so the interpreter of the law decide it, and that by the example of Isabella and Socina. Moreover it is holden in law, That the wiuers vaffall 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 strange are enforced to receive from their wiuers, being princesse inheritors. Besides that, honor, dignite, & nobilitie, dependeth wholly of men, and fo of the husband, and not of the wife: which is so true by the received customes and lawes of all people, as that noble women which marrie base husbands in fo doing lose their former nobilitie: neither can their children challenge vnto themselves any nobilitie by the mothers side: which Ancarayn the lawyer faith to take place euens in queenes which marrie base men, no princes: of which opinion the rest of the lawyets are also.

All these absurdities and inconueniences follow womens foueraigne in governement, which theerof tooke 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 & colaterall 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 vnderstood, and extended also vnto Honours, Dignities, Counties, Marquifats, Dutchies, Principalities, yea and at last 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 vithet in the direct or collaterall line, except it were to expressly set downe in the institution of the fee. But the law Salique cuteth the matter short, and expressly forbiddeth, That the woman shoulth by any meanes succeed into any fee, of what nature or condition soever it were: which is no late, new, or fained law, as many suppose, but written and entailed in the most anterior laws of the Salians, the words of which law are these, De terra vero Salica nullo portio hereditatis multiuejentia: sed ex hereditatibus tota terrae hereditas perueniet: 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 sexe. And so also in the edict or decree of Childebe: king of France, is seen the very same comprehended which is in the laws Salique, where the nephews being in direct line, by way of representation together called vnto the succession of their grandfather, the women are still excluded. And yet if there had bene no law Salique, at such time as contention was for the kindome of France, betwixt Philip earle of Valois, and king Edward of England: Philip allegning for himselfe the law Salique, according to the law Voconia; and Edward defending his cause and right by the anterior Roman laws, concerning inheritance: a decree was made by the generall consent of all the Senators and princes of France, Ne quis in ea disceptatione peregrinum legem autoritate vteretur: sed legem quem Salicam profuere interpretari studet, utique. That no man in that controversie should vse the authentique of foreigne laws; but that every man according to his right should interpret the law Salique. And why so? if there had bene no Salique law at all. And howbeit that after the death of Lewis Huitin the king of France, the duke of Burgundy called Iane the daughter of Hutin vnto the succession of her fathers crowne and kindgome: yet was it by the general consent of all the estates assembled in parliament at Paris, refolued to the contrarie, As that daughters should not succeed vnto the crowne; & fo the opinion of the duke was reieccted. About which time, or a little before, Baldus called the law Salique or the custome for the males onely to succeed vnto the crowne, Ius 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 antiquit letters, wherein the testator diuided vnto his fonne his Salique land; which the judges interpreted to be his prediall fees, or reuenues in land. Which was always in Germanie obserued also, vntill that the emperor Frederike the second gaue this privilige as a singular benefit vnto the house of Austria, That the line of the males failing, the daughters or females might succeed. Wch thing the emperor could not doe, without the expresse will and consent of the estates of the empire. For which cause Othocars king of Bohemia, being also of the house of Austria, without regard of Frederikes graunt, by right of kindred claimed the dukedom of Austria, and leant a strong army against Rodolph, who by vertue of Frederikes graunt, claimed the dukedom as belonging vnto himselfe. Which privilige for women so to succeed, was afterwards extended vnto the princes of the house of Baviere 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 madness other princes and people have bene aphonied, which have endured womenes soueraigne, yet haue the Frenchmen (God be thanked) by the benefite of the law Salique, always hitherto preferred themselves from this disgrace. For why, this Salique law which M. Cirier, Counsellour of the parliamint, faid to have bene made with a great quantitie of the salt of wildome, was not onely alleaged and put in practise, in the raigne of Philip Valois, and of Charles the
the Faite, against whom the daughters pretended no claim into the kingdom: but also in the time of Clothare, Sigebert, and Childerich, who were all preferred before the kings their predecessors daughters, who never had claim into the crown. And that is it for which Balduir 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 into the crown and kingdom of France, than any woman much neeter. Which is not only to take place in kingdoms, but even in dukedoms and other principalities also, which have the marks and right of soueraignty belonging unto them. Which lawes also we see all people, excepting some few, to have alwayes before embraced. And so the princes of Sauoy, by the authoritie of this Salique law, have alwayes excluded the women from the government: for so wee read Constance the daughter of the duke of Sauoy, to have by Peter of Sauoy her vncline bene excluded from the government: and that even by the sentence and doome of the judges and arbitretors, 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 soueraignitie, who yet indeed doubt not to shew themselues most obedient into womens lufts: But it is no matter (as old Cato was wont to say) whether that the soueraignitie it selfe be given to women; or that the emperours and kings: bee themselues obedient into 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 and flocke of kings: and in brieue, that in the royall race the neereft of the blood is still to be preferred before the rest that were farther off: and that the soueraignitie (the female sexe excluded) ought to bee still vndivided. Let vs now also at last fee 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 booke of Commonweals, Bookes of Law, or of Justice, howbeit that he speakest in them rather like a Philosopher, than a Lawyer, or Lawyer.

(*x*)

Chap.
**CHAP. VI.**

Of the three kinds of Justice, Distributive, Commutative, and Harmonical: and what proportion they have unto an estate Royal, Aristocratic, and Popular.

Et vs then say in continuing of our purpose, that it is not enough to maintain, that a Monarchy is the best estate of a Commonwealth, & which in it hath the least inconstancy; except wee also (as we said) add thereunto, a Monarchy Royal. Neither yet sufficeeth it to say, that the Royall Monarchy is most excellent, if we should not also shew that vnto the absolute perfection thereof it ought to be fast knit together by an Aristocraticke and Popular kind of government: that is to say, by an Harmonicall mixture of Justice, composed of Justice Distributive, or Geometrical; and Commutative, or Arithmeticall: which are proper vnto the eftates Aristocraticke, 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 have before shewed, that there is great difference betwixt the mingling, or rather confounding of the three eftates of Commonweales in one (a thing altogether impossible) and the making of the government of a Monarchy, to bee Aristocraticke and Popular.

For as amongst Monarchies, the Royall Monarchy so governed (as I have said) is the most commendable: even so amongst kingdoms, that which holdeth most, or commeth nearest vnto this Harmonicall 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 endeavor my selfe that they may by manifest and plaine demonstration 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 Hebrewes by a strange word call Credata: for the difference betwixt this and the other Justice, given vnto men by God, whereby we are justified, which they call Tsedec. For that by these, as by most certaine guides, wee must enter into this most religious and stately temple of Justice. But this equal division which we seek for, can in no wise be accomplished, or performed, but by a moderate mixture, and confusion of equalitie, and familiaritie together, which is the true proportion Harmonicall, and whereof no man hath as yet spoken.

Plato hauing presupposed the best forme of a Commonwealth, to be that which was composed of a Tyrannicall and Popular estate: in training the same, is contrarie vnto himselfe, hauing established a Commonwealth not onely Popular, but altogether alfo Popularly governed; giving vnto the whole assembly of his citizens, the power to make, and to abrogat lawes, 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 foreigntigke: which is indeed the true Popular estate, and Popularly also governed. And albeit that he had so (as we say) formed his Commonwealth, yet nevertheless hee said, That the Commonwealth could never be happie, if it were not by Geometrical proportion governed; saying that God (whose everie wise lawmaker ought to imitate) in the government of the world alwayes vseth Geometrical proportion. The same Plato hauing also (as some say) oftentimes in his mouth these three words, εις
Now certaine it is, that Distributive, or Geometrical Justice, is most contrarie vnto the Popular estate and government by Plato let downe: the people still seeking after nothing more, than for equalitie in all things; a thing proper vnto Commutative, or Arithmetical Justice. 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 Arithmetical proportion and equalitie, bringeth in Cyrus yet a boy, corrected and chastified, for that he being chosen king, had changed but the sordains garments, appointing better apparel vnto them of the better sort, and meaner vnto them of the meaner sort: as having therein regard vnto decencie, and the proportion Geometrical. After which chastisement, Cyrus is by his master taught, to give vnto every man that which vnto him belongeth, and to remember that he was a Periian borne, and was therefore to vfe the Periian lawes and customes, which gave 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 giuen, which was decent and convenient for him. Which writings of Xenophon, Plato having read, and knowing right well that it was himselfe, and not Cyrus, which had bene corrected; forthwith reproved the Cyropedia, without naming of any partie. This duetfifie of opinions, between Xenophon and Plato (famous among the Greeks) was the cause of two great factions; the one of the Nobilitie and richier sort, who held for Geometrical Justice, and the Aristocratiie estate; the other of the bafer and poore sort, who maintained Commutative or Arithmetical Justice, and therefore willing to haue had all estates and Commonweales Populare. Now of these two factions arife a third, which was of opinion, That in euerie Commonweale Arithmetical Justice was to be kept in iust equalitie, when question was of the goods of any one in particular; or for the recompensinge of offences and forfeitures: but if question were of common rewards to be bestowed out of the common treasure, or for the division of countries conquered, or for the infliction of common punishments, that then Distributive, or Geometrical Justice, was to be observed and kept, having regard vnto the good or euill deserts, and the qualitie or calling of every man: informuch as these men vfed two proportions, and yet for all that duetfifie, 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 Harmonical Justice, not one of the antiquitie writers either Greeks or Latines, neither yet any other, euer made mention, whether it were for the distribution of Justice, or for the government of the Commonweale: which for all that is of the rest the most divine, and most excellent and best fitting a Royall estate; gauened in part Aristocratically, and in part Popularity. But forasmuch as this point we heare speake of, euill understood, draweth after it a number of errors, whethet 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, and 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 reolutions: For why, it seemeth that the Lawyers for not regarding the Mathematicians, and Philosophers, as not havinge judiciall experience, have not declared or manifested this point, which is of right great consequence (as I haue said) and that as well for the administration of Justice, as for the maintaining of the affaires of state, as also of the whole Commonweale in generall.
Now the Geometricall proportion is that which is made of an unequall excexe of like magnitudes among themselfes: but the Arithmetical proportion is euery way both in progression, and excexe equall: and the Harmonicall proportion is of them both, by a wonderfull cunning confused and combined together made, and yet is vn-to them both vnlike: 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 feene by the examples in the marget 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 beginning of 3 also, but the differences are not always alike, neither altogether equall also, but therein is both the one and the other sweety mixt and combin togethe, as may well by Mathematicall demontrations be understood, whereinto it is no needfull for vs further at this time to enter: howbeit that certaine marke of them manifest enough, are in the aunntient 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 selfe same reason, and the differences equall: whereas in the Geometricall proportion they are always semmable, but not the selfe same, neither yet equall: except a man would lay, that things semmable are also equall: which were nothing else, but improperly to peake 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 sort of the people thought him to have meant the Geometricall equality, and the common people, the Arithmetical; and to haue bene all equall: Which was the cause that both the one and the other by common consent made choyce of him for their lawmaker. Wherefore the Geometricall government of an effate is, when like are ioyned with like: as for example, by the laws of the twelve Tables, the Patricii, or Nobilitie, was forbidden to marie with the comminallie, and order taken, that noble men should marrie none but noble women: and they of the bafer 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 innuojably kept among the Rhagufians. 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 if were by law proudied, 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 oftentimes fall vnto the poore and bafer sort of men; the slauie might marrie the prince, the bafe artificer might haue 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 proprortion: but the wealth and dignitie of the nobilitie and richer sort be quite outherowne. And that is it for, which Euripides faith, A lawfull equalitie to be most agreeable vnto mans natur, γη γαρ εισον γενεσεωσ μετεπιθετος εσο. But both these forms of government according to either Arithmetical, or Geometricall proportion, draw after them divers inconveinences: For in the one the poorer and vulgar sort are cast downe, and in the other the nobilitie and richer sort are esteemed and disgraced. Whereas the Harmonicall manner of government, with a most sweet content, preferrueth 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 gouveiment, should not re-

**Three kinds of proportion.**
Arithmetical, 3, 9, 27; 81.
Propotion Geometricall, 

**The difference betwixt Geome-**
tricall and Arithmetical propor-

**The difference betwixt Geome-
tricall and Arithmetical propor-

**The Geometricall government of**

**The government of an effate by**

**The government according**

**The government according**

**The government according**
quire in the marriages of the nobilitie, the noble descent too farre for both on the one side and the other: as many of the Germans most daungerously doe, who most curiously search out their great great grandfathers fathers, or like nobilitie on both sides, to joyne together their nobilitie in marriage: which is too farre to remove and leperat the nobilitie, not from the bafer fort onely, but even from it selfe also; considering that they content not themselves, that the gentle man be noble by the father onely, as it sufficeth in the kingdome 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 de crees of the knights of Sauoy: but they will that the right gentleman shew that hee is defended of two hundred and threescore noble persons, if the interpretation that many have 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 Decemvirs is said to have put into the Twelve Tables, was at the motion of Canuleius the Tribune as dangerous; repealed: for that thereby the subjectts loue was tent in funder, and the citie by seditions ouerthrowne: which tumults and seditions the law being once abrogated, and alliances made betwixt the nobilitie and the communalie, upon the sudden ceased: howbeit that noble women have fel dormed 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 agree with Harmonical proportion, if a rich base woman mate with a poore gentleman; or a poore gentlewoman with a rich common person: and that in beauty and feature excelleth, vnto 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 merchants there is no partnership of societie better, or more asured, than when the rich lazie merchant 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 haue in them some good thing: and similitude, in that they both two haue in them some defect or want. And this is it for which the aunent Greekes aptly famed, Loue to haue bene begotten of Porrus and Penis, that is to say, of Plentie and Povertye, loue growing betwixt them two: so as in long the Meane betwixt the Base and the Treble, maketh a sweet and melodious conet and harmonie: For why, it is by nature to all men engraven, for them still to loue most, the thing themselves 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 mate with the noble and rich, they should one of them make leste account and reckoning of the other, for that one of them little wanted the others help. For as the master of a feast ought not without discretion to place his guests hand over head, 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 Geometrical proportion, which seeketh after nothing else but the semblableness of things: a thing of it selfe foolish and unpleasant. But the wise Master of a feast will place and entertaine quiet men betwixt quarrellers, wise men amongst fools; so they may by their tale in some sort as with a medicine be cured: so betwixt caullers shall he see a quiet man, and vnto an old babet joyne a still and silent man: so to give him occasion to speake, and reach the other to speake leste: by a poore man he shall place a rich, that to hee may extend his bountie.
bountie vnto him, and he againe for the fame of the other receive thanks: so amongst seuerall and tertill men, he shall mingle others of a more ciuill and courteous disposition; in which doing he shall not onely avoid the enui and heart-burning of such as might complaine 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 beautifull harmonical, and orderly placing, shall arise a most sweet content, as well of every one of the guests with other, as also of them altogether. Which beautifullnefe of Harmonicall order, he which will with Geometricall semblablenefe, or Arithmeticall confusion, insert or trouble, he shall to take from out of the feast all the profit, all the sweetneffe, and loue, which should still be amongst guests. And for this cause men say, Scipio Africanus to have bene blamed by the wifer sort of men, and such as lawe farthest 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 in the beholding of the players separating them from the people; when as by the space of 558 yeares before, even from the foundation of the citie, the Senators had indifferently together with the poore stood to behold the players: which separation made, much alienated the one of them from the other, and was the cause of many great and daungerous tumults and broyles afterwards in that Commonweale. Neither is it enough that the lawes and magistrates confine the subiects for feare 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 vntie among themselves, and one of them still love another. For that the foundation of marriages, as all other humane societies, which are almost innumerable, resteth in love and friendship, which cannot long continue without that Harmonical & mutual concord which I have alreadie spoke of; and which cannot possibly either by Geometricall or Arithmetical Iustice & governmenet be done, for that the proportion both of the one & of the other, is for most part disioyned and separet: whereas the nature of the Harmonicall proportion alwayes 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 equall government and by proportion Arithmetical, is natural 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 gien of life and death, their desire is, that all the people should thereunto be called, and that the voice of the greatest foole and bedlem should be of as great weight and force, as the voice of the wisest man: in briefe, the more popular sort thinkes it beft, that all should be cast into lot and weight: as the ancient Greekes, who in three words let forth the true popular estates, πάντα ρεγοις καὶ καλροις, which is to say, All by lot and baltung: or else to measure all things by a most right rule, and every way with Arithmetical proportion equal. Which for that it is most faire and inflexible, is after our phrase called Right, and to do iustice, is said, To do Right: which maner of speech Sceneth to have bene taken from the Hebrews, who call their bookes of Law and Iustice, דרש נון, that is to say, The Booke of Right, or as the Chaldean interpreter translacteth it, The Booke of Rightnefe: either for that the way of verty and iustice hath no windings or turnings, not suffrecth vs this way or that way to turne out of the right way; or else for that it is the sels fame vnto all men, without respect of any mans person, not to bee moud with loue or hatred towards any man. Such an one as many have though Poleletus his rule to have bene, so straungt and hard, as that it might more easily be broken than bowed either vnto the one side or the other: vnto the pattene & straightnefe whereof all artificers directed their rules. Such
is also the forme of a Popular government, when all goeth by lot, and by strait and immutable laws, without any iuft and indifferent interpretation, without any privilege or acception of person: in such fort, as that the nobles are subject even unto the felfe fame punishments that the bafen fort are; the fines and penalties being alike upon the rich and upon the poore, and the like reward appointed for the strong, and for the weake, for the captain, and for the soldiour.

But now to the contrarie, the Aristocratike government according to Geometrical proportion, is like vnto the Lesbian rule, which being made of lead, was eruerie way fompliant and flexible, as that it might be vnto every stone so aptly fittet and applied, as that no part (so much as possible was) might thereof be loft: whereas others, who were wont to apply the fone vnto the straight rule, often times loft much thereof. So fay fome, that judges ought in judgement to apply the lawes vnto the causes in queftion before them, and according to the varietie of the persons, times, & places, fo to decline from that inflexible stratightneffe. Howbeit in mine opinion, as it is impossible for a rule to fplant euery way, as was the Libian Rule, to kepe the name of a rule: fo muft also the strength and name of the law perifh, which the judge may at his pleasure euery 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 vpright minister.

W herefore a little to decline from that inflexible straightneffe of Polyeletus his rule, as also from the vnccertaine pliantneffe of the Lesbian rule, that is to fay, from the Arithmetical, and Geometrical proportion of government of eftates; a certaine third kind of rule is by vs to be defined, not fo stiffe, but that it may bee eaily bowed when need shall be, and yet forthwith become also straight againe: that is to fay, Harmonical Justice: which I think may well bee done, if wee fhall conclude and shut vp the government of eftate within thofe fourte termes which wee haue before combined, viz. the Law, Equitie, the Execution of the law, and the Office or Dutie of the Magiftrat or Judge: whether it be in the administration of justice, or the government of the eftate: which haue amongst themfelves the fame proportion which thofe four numbers haue, viz. 4, 6, 8, 12. For what the proportion is of 4 to 6, the fame the proportion is of 8 to 12: and againe the fame reafon is of 4 to 8; that there is of 6 to 12. So the Law alfo hath respect vnto Equitie; as hath the Execution of the Law, vnto the Dutie of the Magiftrat: or els contrariwise, For Execution fetteth vnto the Law, as doth the Dutie of the Magiftrat vnto Equitie. But if you fhall tranfpoze thofe numbers before fet in Harmonical proportion, and fo make the Magiftrat fuperior vnto Equitie; and the Execution of the Law, to be above the Law it felle; both the Harmonie of the Commonweale, and musicall content thereof, fhall perifh. As for Geometrical proportion, the termes thereof being tranfposed, is yet alwaies like vnto it felle, whether it be in continual proportion, as in thofe four numbers, 2, 4, 8, 16; or in proportion disjouyned, as 2, 4, 3, 6: controuer the order of the numbers, and say, 6, 3, 4, 2, or 3, 4, 6, 2: or in what order foever you fhall place them, there alwaies be the fame proportion of the fift vnto the fcond, which is of the third vnto the fourth; and againe of the fift vnto the third, which is of the second vnto the fourth. And albeit that a continuat proportion is more pleasing than that which arifeth of diuided numbers, yet maketh it of it felle no content; as for example, 2, 4, 8, 16: and much leffe if it confift of Arithmetical proportions, whether that they be diuided in this fort, 2, 4, 5, 7, or els joyned as 2, 4, 6, 8: both which proportions as farre differ from Harmonical proportion, as doth warme water from that which is moft cold, or elfe fcaulding boate. And fo in like cafe may we fay, that if the prince, or the nobilitie, or the people, all together hauing the soueraignty, whether it be in a Monarchy, in an Aristocratike, or Popular eftate, gouerne
A goureth themselves without any law, leaving all vnto the discretion of the magistrats, or else of themselves distribute the rewards and punishments, according to the greates, quality, or defect, of every man: howbeit that this manner of government might seem in apparence faite and good, as not hauing therein either fraud or favour (a thing for all that impossible;) yet for all that could not this manner of government bee by any continuance, or assistance, for that it hath not in it any bond whereby to bind the greater vnto the leffer, nor by consequence any accord at all: and much lesse shall it haue of sertie, if all be governed by equalitie and immutable lawes, without appyling of the equitie thereof according vnto the particulare varietie of the places, of the times, and of the perfons: if all honours and rewards shall be gonne to all men indifferently, by Arithmetical proportion alike, without respect of honour, perfon, 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 moff, unlike one of them vnto the other, are of themselves apart vnto men deadly & dangerous: and yet being compound & tempered one with the other, make oftimes 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, doe ruinat and destroy citaties and Commonweale: but being by Harmonicall proportion compounded and combined together, faue well to preteruse and maintaine the same.

Wherefore Aristotle is deceited, in deeming the Commonweale then to be happy, when it shall chance to have a prince of so great vertue and widomne, as that hee both can and will with greatest equitie, goureth his subjectts without lawes. For why the lawes are not made for the prince, but for the subjectts in generall, and especially for the magistrats, who haue their eyes oft times so blinded with favour, hatred, or corruption, as that they cannot so much as see any small glimpse of the beautie of equitie, law and justice.

And albeit that the magistrats were angels, or that they could not in any fort bee miffled or deceived, yet nevertheless they were in needfull to haue lawes, wherewith as with a certaine candle, the ignorant might be directed in the thickest darkenesse of mens actions; and the wicked for seare of punishment also terrifyed. For albeit that the eternall law of thinges honest and dishonest be in the hearts of euery one of vs, by the immortall God written, yet were no penalties so in mens minds by God registred, whereby the wicked might bee from their innocent and wicked life exlaimed. Wherefore the same immortal and most mighty God, who hath euery naturally engraven in vs the knowledge of right and wrong, with his owne mouth published his lawes, and thereunto annexed also penalties: before which lawes no penalties were appointed, neither any law maker so much as once before remembred or spoken of. For proofe whereof let it be, that neither Orpheus, nor Homer, nor Aeschylus, the most austent Greke writers; neither any other which were before Moses (who was more austent than all the Paynym gods) in all their workes so much as once vse the word Law: kings by their hand, their word, and soueraigne power, communding all things.

The first occasion of making of lawes, was the chaunging of Monarchies into Popular 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 kinges the soueraigne right: where examples the other cities of Greece and Italie let before themselves to behold and imitate, viz. the Doriens, the Ionians, the Cretensians, the Locrenians, they of Elis, Crotona, Tarentum, and Rome, with divers other towne in Italie: 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 rejected, seeking by all means to be therefrom free & privileged: as they who with their wealth & power defended the Commonweale; and therefore thought it reason in honours and preferments, to bee above them of the inferior fort: who indeed having to get the great estates and principal charges in the Commonweale, always favoured the richer fort, and them that were like vnto themselves, still concerning and oppressing the poore. Wherof 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 Afsa 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; calling, That for one lord now there were two, with an immoderat and infinit power, who themselves loosed and discharged from all feare of lawes, turned all the penalties thereof vpon the poore people. Which their inoffencie that it might not still endure, he said, He would publishe a law for the creating of Five men for to appoint lawes concerning the power of the Consuls, which from thenceforth should not vse further power, than that which the people should giue them out of them selves, and not to have their luft and inoffencie any more for law. Six yeres was this law with great contention and strife betwixt the nobilitie and people debated, and at length in the behalf of the people esstablished. But here it shall not bee a miffe out of Lieutie to fet downe the very speeches and complaints of the nobilitie, ac counting it better to live vnder the soueraigne power of a king without law, than to live in subjection vnto the law, Regem hominem esse a quo impetrres obi ius, obi iniurias opus sit, esse gratie locum, esse beneficia, & trai& ignoblevs possi sunt amicum & infinitum differens nofse, leges rem furdam & inexorabilem esse, salutis rem meliorumque impo quam potentis, nihil laxamenti nec veniae habere simul atque asciss: uti humanae erroribus sola innocentia vincre: The king (they said) to be a man of whom thou mayest obtaine something where need is, in right or wrong: to use to bee able to doe something with him, as delect 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, whihlosomer and better for the better than the gentleman; to haue no releafe nor mercie, if thou shalt once tranfgreffe the same: it to be a very dangerous thing in so many mens frailties, vnto live vpon a mans innocencie: Thus much Lieutie. 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, Privilegienis committis centuriatis ne frango to: qui fecus faxit, Capital effe. 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 strict 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 giuen according vnto equitie and consciencie without law. As it also happened, after that king, Francellis the first had subdued Sauoy, the new Gouernours and Magistrats oftentimes gave judgement contrarie vnto the custome of the country, and written law, having more regard vnto the equitie of caufes, than vnto the law. For which cause the estates of the country by their ambassadours request of the king. That from thenceforth it should not bee lawfull for the Gouernours or Judges, to giue 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 contrary vnto the minds and proceedings of favourable or corrupt judges. And therefore Charondas the Carthaginian lawgiver
A guier (a man very popular) forbids the magistrats in any thing to depart from the words of the law, how viuall foever they seemed for to be. Francis Conyn Maister of the Reu-
quests, being communded to haer the asfoyed ambassadour of the Sauoyans, wri-
teth himselfe to have greatly matedelled, that they should request so unreasonable a thing: as viz. That it should not be lawfull for their magistrats to judge according to the equitie of the cause, but the strictnesse of the law: and reprehendeth also D. Feber, for saying, That in this realme there are none but the foueraigne courts, which can judge according to the equitie of the cause: saying moreover, That he himselfe doubted not to do, when as yet he was the leaft judge in Fraunce. Howbeit that the ambassadors thought their judges by the strict obseruance of the lawes, to bee better kept within the compaas of their duties, if the colour of equitie being taken away, they should still judge according to the very law. Accurius not so elegantly as aptly vnto that he meant it, willed the vnlearned judges, strictly to stand vpon the very words of the law: like vnskilful riders, who doubting to be able to sit the horse they are mounted vpon, for fear of falling hold faft by the sade.

But for the better understanding and explaining of this matter, it is to be considered, that the word Equitie is quietly taken. For Equitie referred vnto a foueraigne prince, is as much as for him to declare or expound, or correct the law: but referred vnto a mag-
istrat or judge, is nothing else, but for him to afflige and mitigat the rigor of the law: or as occasion shall require aggrauat the too much lenicie thereof: or eile to supply the defect thereof when as it hath not sufficiently prouided for the present case offered, that so the purport and meaning of the law faied, the health and welfare both of the lawes and Commonweale may be respected and prouided for. In which sense not the fou-
eraigne courts onely, but even the leaft judges of all have power to judge & pronounce sentence according vnto the equitie 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 commiision, or other letters of justice for such their proceeding, which they may either accept or reiect; following therin the lawes of our kings, and the claue of the letters carrying these words, So farre forth as hall seeme right and just: or that the prince by his express reascript or edict commieth any thing into their conscience by these words, Wherewith wee charge their conscience: as oft times wee fee those things which for the infinit variety of caufes, cannot by lawes be prouided for, to bee by the prince communded vnto the religion and conscience of the magistrats, without any exception of such judges or magistrats: in which case the leaft judges have as much power as the greatest: and yet neuetherleffe they cannot (as may the soueraigne courts) adjudge appeals, rather quite and cleane absolute and discharge the accused, but onely vntill they be commaunded 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 crime: neither can they also releue, or hold for well releueed, a man, appea-
lng from a judge royall: nor other such like thing. Neither is it any noueltie, many things to be in judgement lawfull for the greater magistrats or judges, which are not lawfull for the letter: when as in the Pandects of the Hebrewes we read it to have bene lawfull only for the court of the wife and graue Senators (which they properly call Hacanim, and corruptly Sanadrim) to judge of caufes according vnto equitie: but not for the other letter judges alfo.

But now whereas by the orders and customes of all the cities of Italie, it is prouided, That the Judges may not swarue from the very words of the law, excluseth 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, unanswered: who in

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The good coun-
zel of Accurius
unto vnlearned
judges.

Many things in
judgments law-
full for the grea-
ter magistrats or
judges, which
are not lawfull
for the letter.

The judgebound
unto the verie
words of the
law, is not yet
therby embossed
to use the equitie
of the law or yet
the refulable
exposition therof
that respect put no difference betwixt the great magistrat and the little. For that to say truly, the law without equity, is as a bodie without a soule, for that it concerning but things in generall, leaueth the particular circumstances, which are infinite, to be by equa-
litie fought out according to the exigence of the places, times, and petitiones: whereunto it behoveth the magistrat or judge to apply the laws, whether it be in teatmes of ju-
stice, or in matter of estate, as that there of enuie neither any inconveniency nor aburdici-
whatsoeuer. Howbeit yet that the magistrat must not so farre bend the law, as to breake the same, although it seeme to be right hard: whereas it is of it selfe cleere enough. For to faith \textit{Vpian}, \textit{Dura lex est: tec tanen 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 inuiuice. But yet it is another thing, if the law cannot without inuiuie be applied vnto the particular matter that is in question for that in this case (as the lawyer fayth) the law is by the decree of the magistrat to be qualified and moderated. But when he faith the Magistrat, he sufficiently sheweth that it belongeth not vnto the other particular judges to do, but onely vnto the Pretor, as graunted vnto him by the Pretorian law, at the institution of his office: whereby power was giuen him tosupply, expound, and correct the lawes.

But forasmuch as that greatly concerned the rights of soueraignty, princes after-
dards (the Popular estate being taken away) refuered vnto themselues the expound-
ing of the laws especially in cases doubtful, arising betwixt the Law and Equities; about the true understanding and exposicion of the law. And therefore the judges and gouernours of provinces, in autentique time doubting of the law, still dema-
ded the emperours aduise and opinion, when as the case presented, exceeded the tearmes of equitie arising of the law: or that which seemed vnto them iust, was contra-
ric vnto the positive law: in which case if the prince were fo farre off, as that his exposicion was not in time convenient to be had: and that to delay the cause, seeming vnto the estate daungersome, the magistrats were then to follow the very words of the law. For that it belongeth not vnto the magistrat to judge of the law (as faith a certaine autentique Doctor) but onely to judge according vnto the law: and for that in doing otherwise, he shall incurre the note of common infaucie. And to this purpose I remember that Bar-
tholemeow, one of the Presidents of the enquiuries in the parliament of Thoulouze, in that the councellors of his chamber, his fellow judges, would have giuen judgemen cont-
trarie vnto the law: he hauing caused all the rest of the judges of the other courts to bee 
affembled, by an edict then made at the request of the kings subiects, compelled the jud-
ges his fellowes, in their judgements to follow the law: Which law when it should seeme vnto the count vniust, they should then for the amending thereof, have recourse vnto the king, as in such case had bene accustomed: it being not lawfull for the judges tosworne vnto the lawes, of their owne authoritie to depart therefrom, seemed they vnto 
them neuer so iust or iustious. Whereby it appeareth the magistrat to stand as it were in the middle betwixt the law and the equitie thereof: but yetto be himselfe in the power of the law, so as is equitie in the power of the magistrat: yet so as nothing be by him deceitfully done, or in preuidice of the law. For why it befecmeth the judge always to performe the dutie of a good and innocent vpright man. For where I say 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 magistrat, it is yet still to bee referred vnto equitie, and that the judge ought still to be (as we faied) an vpright and iust man, not in any thing ving fraud, deceit, or extortion. Wherein Alexander the most famous lawyer feecmeth vnto me to have bene decieved, in saying, That the judge which hath the arbitrarie power to judge according to his owne mind, may if hee so please.
A. please judge venially: 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 haung arbitrary power to judge according to his owne good liking, is not to be fined, howbeit that he haue venially judged: prouided that he haue therein done nothing by fraud or deceit. And by the law of Luciprand king of the Lombards, it is set 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 shal venially judge in that belongeth vnto his place and office without law; he is not therefore to be fined: prouided yet that he haue therein done nothing fraudulently or deceitfully: as is yet also obserued and kept in all the courts and benches of this realme. Howbeit that the auncient Romans thus held not themselves content, but cauident the judges to sweare, Not to judge contrarie vnto their owne conscience: and still before that they pronounced sentence, the Cryer with a lowd voyce cried out vnto them, & se paterentur sui distinctes esse, That they would not suffer themselves to be vnlike themselves; as faith Caifiodore. And in like case the judges of Greece were fowtome to judge according vnto the lawes: and in case there were neither lawe nor decree, concerning the matter in question before them, that then they should judge according vnto equity, vsing these words, Non habebis quidem praes; Whereunto that sayng of Seneca alludeth, Melior videtur condition bone caufa si ad iudicem quam ad arbitrium quis situtor: quia illum formula includit, & certai terminos ponit: habi libera, & nihil astricta vel valvis religion, & detrabe aliquid potest & adjicere, & sententiam sitam non prosum lex aut in tta sjudic : sed prout humanae act mi- feri cordes impulit regere, The estate of a good cause (faith he) leemeth better, if it be re- ferred vnto a judge, rather than to an attirbutor: for that the precept: forme of law en- closeth him in, and prefiribeth vnto him certaine limits and bounds: whereas the others free conscience, and bound to no bonds, may both detract and add something, and moderat at his sentence, not as law and injustice shall require, but even as courteous and pitie shall lead him. Which so great a power the wise lawmakers would neuer haue left vnto the judges, had it bene possible to haue comprehended all things in lawes: as some haue bene bold to say, That there is no case which is not contained in the Roman law, a thing as impossible, as to number the sand of the sea, or to comprehend that which is in greatnesse infinit, in that which is it selfe contained within a most little compass, or as it were within most ftrait bounds finit vp. And therefore the court of parliam- ent at Paris, fearing least men should draw into the confegence of lawes, the decrees that it should make: caused it to be registred, That if there were any notable doubt, or that the matter so deterred, their decree or sentence shoule not bee drawne into confegence, or be in any wise prejudicial, but that it might bee lawfull in like case to judge otherwise; & that for the infinit varietie of things doubtfull: wherby sometimes it com- meth to passe euene contrarie, or moit unlike judgements to bee giuen euene of the selfe fame or verie like cases, and yet both most iust. as sometimes it chaunceth two travellers comming from divers countries, to arrive at the same place, by waies altogether contrarie. Neither ought the judges or lawmakers to ioyne their realsons vnto their judgements or lawes, a thing both daungtious and foolish, as giuing thereby occasion vnto the fubiects, to forge thereof new farts and delacies, or exceptions of error, or other- wise to deceiue the lawes. And that is it for which the auncient lawes and decrees were most briefly set downe, and as it were in three words, which so cut off all the decrees that could against the same lawes be imaguised or denied: Wherefore it is a most perniuous thing, to gather together the decrees or judgements of any court, to publish the same, without haung red them in the records themselues, or knowing the reasons that induced the court to make the decrees, which the judges oftentimes caufs to bee recor-
Few laws made by the ancient lawmakers.

Few laws, more suits, and more fees.

The Frenchmen much given to suits in law.

The cause of the multitude of suits in France.

No reason annexed unto the untient laws.

ded apart from the sentence or judgement, least any should be thereby deceived. Howbeit that it is a thing of itself also very dangerous to judge by example and not by laws, such judgments being still to be changed even by the least and lightest varietie and change of the circumstances, of the persons, or of the places, or of the times: which infinit varieties can in no laws, 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 laws, yet Lycurgus neverthelesse made fewer, yea so few as that he forbade them to be at all written, so to have them the better remembered; leaving most part of caules vnto the discretion of the magistrats. As did also Sir Thomas Moore, Chauncellour of England, leaving in his Politie all penalties, excepting the punishment for adulterie, vnto the discretion of the magistrats: than which nothing can (as many thinke) be better or more profitably devised, so that the magistrats and judges be still chosen not for their wealth and substance but for their vertue and knowledge. For it is most appant inuer to euerie mans ey, that the moe laws there bee, the more fuites there are about the interpretation thereof.

Wherefore Plato in his books of Laws, forbidde th 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 France to be scene, which hath in it moe laws and customes than all the neighbor nations; and so also moe fuites than all the rest of Europe beside: which began then especially to encreafe, when as first king Charles the feuenth (as I suppose) and other kings after him, to the imitation of Justinian, commanded heapes of lawes to be written, with a whole traine of reafons for the making of the lawe: contrarie vnto the auntient manner of the lawes and wise law-makers: as if his purposse 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 banished for his infamous and bad life) seeing a new edict or law (whereafter he still gaped) brought to be confirmed, commonly laid, Behold ten thousand crownes in fees, or as some others say, Behold moe fuites and heapes of gold. For why, the Frenchmen are so sharpe wittted in raisyn of suits, as that there is no point of the lawe, no fillable, no letter, out of which they cannot wret either true or at least wise properable arguments and reasons, for the furtheering of fuites, and troubling euén of the best judges of the world. Howbeit the iust and vpright judge, which shall not bee constrained to fell by retale what others have bought in groffe, may with a right few and good lawes gouerne a whole Commonweale: as was in Lacedemonia, and other flourishing Commonweales to bee scene, who but with a few lawes right well mainained themselues; others in the meantime with their Codes and Pandects being in few yeares destroyed, troubled with seditions, or with immortal suites and delayes. For we oftentimes see fuites of an hundred yeares old, as that of the Countie de Rais, which hath bene so well mainained, as that the original parties and the beginers thereof are dead, and the suite yet aliuie: Not unlke that old woman Ptolomas, of whomme Suidas speketh, who so long, and with such obstinacie of mind and delayes mainainted her suite, 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 seuenth, is come the heape of suites; not so many being to be found in a thousand yeares before, as haue bene within this hundred or sixscore yeares, and yet all foufth full of reasons: howbeit that there is not one reason set downe in all the lawes of Solon, Draco, Lycurgus, Numa, nor in the Twelue 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
realm, may help to encrease 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 first booke of his Commentaries. And Jo-
sephus in the Oration of Agrippa, saith, That there were about three hundred na-
ton in Gaule: And yet neuertheless Cicerio writing vnto Trebatius the lawyer (then
one of Cæsars lieutenants) meerele faith, him to have gained but a few in France to his
occupation. Wherefor 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 hauing cut of one of Hydraulies heads, see feuen others forthwith to
arise thereof. For enen so one doubt or fuit being by law cut off, wee see feuen others
of new sprung vp, of that heap of words and reasons without reaon heaped together in
perturbing of the law: it being indeed a thing imposible in all the booke of the
world to comprehend all the causas which may happen, and ten thousand suits arising
upon euery reason of the law giuen. So that Seneca thereof saith well, Nikilmihi vide-
tur frigidus quum lex cump prologo: idteat lex non suadeat, Nothing (faith he) leumeth
vynto me more cold, than a law with a prologue; let the law command, and not per-
move: except the reason of the law be from it inseparable. And howbeit that the De-
cemntr, or Ten Commissioners, appointed by the Romans to reforme the lawes, and
to establishe, had twelve tables comprehended whatsoeuer could by mans wit bee
forefeene: faying and thinking alfo them to haue therein comprized all occurrances that
might happen: yet shortly after they found themselues faire from their account, and so
many things to be wanting in those their lawes, as that they were enforced to giue pow-
er to the Proofoft of the citie, to amend the lawes, to heape lawes vpon lawes, to abro-
gar the greater part of the lawes of the twelve tables: and in briefe to leave vnto the
magiftrats discretion the greater part of the judgements concerning mens particular
causes or interest. And howbeit alfo, that in respect of publike causes, they did what
they might to haue that vpon the judges within the barres and bonds of the lawes, yet fo
it was, that in fine they seeing the inconueniences which continually fell out in all mat-
ters, in seeking to doe equall justice to all men, according to the Arithmetical propor-
tion, were constrained (after that the Popular estate was changed into a Monarchy) to
make a great Proofoft in the citie of Rome, to whom they gave power accordingly to
judge of all the crimes committed in Rome, and within the two leagues round about the
citie: which power was also giuen vnto the Proconsuls, and other governours of prov-
inces every one of them within the compass of his owne jurisdiction. Now he which
extraordinarily judged of offences, is not in his judgements bound or subject vnto the
lawes, but may giue such judgement as shall seeme vnto himselfe good: promised yet
that he therein exceed not meafure, as faith the law: which meafure confiuedt in the
Harmonical proportion which we haue before spoken of.

Yet such extraordinarie power by the prince giuen vnto the magiftrats, whether it
be for judgement, or for managing of wars, or for the governing of a citie, or for any
thing else doing, hath many degrees: for either his power is giuen him next vnto the
prince, greater than which none can be, or else his power is giuen him by vertue of his of-
cice, so that he may judge as he seeth cause, or else may judge in suoch fott 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 commissio it be contained; That the appointed magiftrat
shall judge of the cause in question according as reason, equity, religion, or wise-
dome, shall lead him, or some other such meanes of speeche, in all these cases it is certain, that his
power
power is still limited and referred unto the judgement of an honest man, and the tears of equity: whereunto the prince himselfe ought to referre all his owne judgements also. Wherein many are deceived, which think it lawfull 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 lawfull for no man in judgement to swerve from equity and conscience, and that iniquity like an Ape is always like vnto it self, 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 himselfe, or magistrat alone; neither the one nor the other can therein be judge, but witneses one ly: as Apollo (the great lawyer) answered vnto the Gouvernour of Bolonia Lagrasse, who without any other witnesse had seene a murder done, telling him, That hee could not in that case be judge. Which felle same auiwette was also guen vnto king Henry the second of Francia, by the judges which were extraordinarily appointed to judge of divers causes at Melun, where the king having himselfe taken an Italian (one with whom he was familiarily acquainted) in a fact defearing death, committed him to prison; who some time after of his imprisonment, preferred a request vnto the judges, That forasmuch as he was not conuict 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 Cotelluc 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 imprisonment of the man, or what he had to lay vnto his charge? Whom the king commanded to bee forthwith condemned, for that he himselfe had taken him in such a fact as well defearing death, which yet hee would not discover. Whereunto the chief judge auiwetered, Nos iurati summus, nisi<eris constiutum, & ex animi nostris sententia damnum esse neminem, We are sworn (said he) to condemne no man except he be of some capital crime conuict, and according to our conscience. With which answer the king (otherwise a most cutteous and gentle prince) much moved, for that the judges seemed to doubt of his fidelity and credit, deeply ofiworre, That hee himselfe had taken the villain in a fact defearing death. Wherefore Anne Montemourant, Great Constable of Francia, 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 seeme manquellers and murderers, than vpright judges: taking the king a little aside, persuaded him to deferre the execution of the man untill night, lest the people might hap to be troubled with the novelty of the matter. And so the guiliitie partie the night following was by the commandement of the king thruf into a sace, and in the river drowned. Yea the same king also in a cuill case, letted but as a witnesse in the great suit about the inheritance of George of Amboise, where he was before the judges auiwite as a privet man, and his testimonie accounted 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 lecter murder by him done: which thing yet the same gentleman afterward contantly denied him to have either said or done. Howbeit it were much better and more indifferent, the prince or the magistrat to judge according vnto their consciences in cuill, than in criminal cause: 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 proosles ought to bee more cleerer than
that the day it selfe.  

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 laws loose & free: for that in the one, question is onely of fact; but in the other, of law, equity, and reason, and especially when question is of matter of great importance or conquence, and wherein the law is to be expounded: which in antiquitie was giuen in Rome vnto the Great Prouoic, as we have before saide; but by the law of God was reuered vnto the High Priest; or vnto him that was by God chosen to bee soueraine judge of the people: or in their absence vnto the Levites. Which power in the latter times of the Jewses Commonweale (and about two hundred yeares before Christ, vsed the latter princes of the house of the Asmonens) was by custome, but not by law, giuen vnto the Senat of the wife Sages. As amongst the Celts our ancients, the Priests and Druides, for that they were the keepers of the factifices, and keepers of the holy rites, were made alse the keepers and guarders of Iustice, as of all other things the most sacred. The president or chiefe of which Druides (as Ammianus 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 Affrike alfo, viz. that the Priests should haue Iustice in their hand, and the Great Bishop the expousition of the Lawes, and the deciding of the most high and difficult cases. So the Great Bishops, whom the Turkes call their Muphti, hath himselfe also the expounding or declaring of the doubts arising of the obscure lawes, especially when question is between the written Law and Equity it selfe. Which expousition of such doubtfull lawes, the Roman emperors referued vnto themselves, as proper vnto the soueraignitie of their imperall maieftie. So the Persian kings had also their Muphti, as the judicious arbitre both of their publike and privat lawes, who was still resiante in the great citie of Tauris. So had the Tartars theirs in the famous citie of Samarcand: and the kings of Affrike euery one of them their Great Bishops also: who at Athens were called Nemophylacese, and in other places Theomothete. Whereby it is to be understonde, that such matters and interpreters of equitie when law faileth, ought still to be most wise and vertuous, and most vertuous men, as alfo in most high authoritie and power placed.

And now verily if the lawes of Arithmetical J ustice might take place but euin 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 consist in fact only: to that no place should be left for the opinion of the judges, neither yet for equitie, things being rul'd and sturred vp within most strict and strait lawes: which wee saide could not be done, and if it could, yet will we forthwith shew the same to bee most vifit and absurd. But yet first let vs shew, that publicke judgements neither can not ought to be handled or made according to the Geometrical lawes or proportion of Iustice.

Which neuer 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 lawes of Draco, Solon, or of the Twelve, Tables: as alfo by the lawes and customs of the antient Saliens, Ripuaries, Saxons, English, and Fryench men, where almost all the penalties are pecuniarie, and the same fines moost often indifferently fet downe as well for the rich as for the poore, according vnto equall Arithmetical Iustice. All which lawes were to be repeale by peculiar amerceements and fines were according to the opinion of Platæ, after the Geometrical proportion of Iustice, to be of the offendours exacted. These words alfo, Ne magistratus multam panem vniue lenire licet, That it should not bee lawfull for the magistrate to mitigare the fine or penaltie: a clause moost commonly annexed vnto all pe-
nall edicts and laws; were to no purpofe, but to be quite omitted, & the matter left vn- 
to the discretion of the magiftrat, at his pleafure to aggra·uate or eafe the fine or penalitie. 
Yet that law common vnto al nations, whereby it is provided, That the partie conden-
med not hauing wherewith to pay the fine due for the fault by him committed, should satisfe 
the fame with corporall punishment to be inflicted upon him, were alfo to bee abrogated 
and taken away.

But here perhaps some man will objeft & lay, It to bee great iniuftice to condemne 
a poore man in a fine of 65 crownes, for a foolish rafh appeale by him made vnto any 
the higher courts (as the maner with vs is) and yet to exact no greater fine for the fame 
offence of the richift of all. For why, Geometricall proportion of Iuftice, which exa-
teth fixtie crownes for a fine, of him which is in all but worth an hundred crownes, re-
quireth threefcore thousand crownes of him which is worth an hundred thousand 
crownes. For that the like Geometricall proportion is of threefcore to an hundred, that 
is of threefcore thoufand to an hundred thoufand. Thus we fee the rich man by Geo-
metricall proportion of Iuftice, to be much more grievously fined than the poore: and 
so contrariwife, the Arithmetical proportion of Iuftice, in the imposig of penalties 
and fines, to be the meanes for the rich to vnde the poore, and all vnder the colour of 
Iuftice. W hich inconueniences our anceftors forfeeling, by laws gate leuale vnto the 
judges, bifeide the ordinarie fines, to impose extraordinarie fines alfo vpon offendours, if 
the weightineffe of the caufe so requireth which maner of proceeding the antient Greeks 
alfo vied, calling this extraordinarie manner of amencement or fine, xGxviv byoQarx, 
as Demofthenes wrieth, 
and which is yet vied by the Roman lawes: which draweth 
demo fthenes. 
very neere vnto the true Harmonical Iuftice, if by the fame lawes it were permitted vnto 
the judges, or at leaftwise vnto the soveraine courts to diminish alfo the fine, ha-
ing regard vnto the equalitie and condition of the poore and simple, as they alwayes 
do in the parliment at Roan. And whereas the receivers of the fines requeste of the 
the king, That it might bee lawfull for the judges to encrease, but not to diminish 
the fines impoide vpon such as should rafhly appeale. Lefors the President, and D. Amours 
the kings Attourney, were deputed & fent from the parliment at Roan vnto the king, 
to make him acquainted with divers things concerning the demaine, & generall refor-
mentation of Normandie (wherin I then was a partie for the king) and amongst other 
thinges, to requite him, That it might pleafe his maifte, not to contragaine them to con-
demne all such as should rafhly appeale vnto the superiour courts, in the felle fame 
line of threefcore pound Paris: which vnto me seemed a thing unreasonabe, haung also in 
aintent time before bin done, by an edict of the emporor Claudius. In which doing the 
true Harmonical Iuftice should be obferued and kept, which in part equall, in part fe-
mbiabla, are alike; there should be an equalitie betwixt men of the middle for of wealth, 
according to the Arithmetical proportion of Iuftice: and a Geometricall proportion 
also betwixt the great lords and the poore for; Whereof the former should in this 
cafe be left vnto the disposing of the law, and the other vnto the confcience and discri-
tion of the judges. For there is nothing more vnitef, than the perpetuall equalitie of 
fines and punishments. For prooe whereof let the law but lately made by king charlies 
the ninth concerning apparell, fure for an example: whereby a fine of 1000 crownes 
was impoide vpon all such as should either much or little tranfgres the fame, without 
respect of any the offendours abilitie, age, or condition: with prohibition for the judges 
in any fort to mitigat or leften the fame. W hich law concerning all men in generall, 
and yet made by Arithmetical proportion of Iuftice, was shortly after by the inquie 
of the felle tent in funder, and by the magiftrats themefelves, as well as by other priuat 
men neglected. Whereas the law of Philip the faire concerning apparell was much 
more
Of a Commonweale.

more just and indifferent, as near approaching vnto Harmonical Justice: and apppointing 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 Baraer ftitle pound, the Knight and pettie Landlord ffortie, Deanes, Archdeacons, Abbats, & other clarke, having dignities or ecclesiasitical preferments, 25 pound: vnto the other lay men offending, of what estate fcorer they were, if they were worth a thousand pound, was appointed a fine of twente fife pound: and if they were worth leffe, they were to pay an hundred thillings: the other clearke, without dignity or promotion, were they secular or religious that offended against the law, paid the fine of an hundred thillings, as did the others. Wherein we see vnequall punishments appointed for persons vnequall, following therein Geometricall Justice: and yet for all that we see also equal punishments for persons vnequall, following therein Arithmeticall Justice: and both the one and the other fo mixt together, as that thereof aritheth also that Harmonical Justice which we so much seek after. The same proportion is obturced in the law, allowing of euery mans apparel and attire also: as where it is said, That no woman citizen should wear a chaine: also that no borgere or common peron of either sexe, should wear any gold or pretious stones, neither girdles of gold, nor any crowne of gold or filuer, 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 Commis, the Baron, which hath fix thousand pound, may make themselves foure new lutes of apparel in a yeare, but no more: and theirs wines as many: and gownpnes, and clearke, which have no dignities nor preferments, should not make them gownes of cloath above fixe eng thillings, the one Paris: & for their followers not above twelve thillings. Many other fuch like atticles there were, and yet was there no mention neither more nor leffe either of silke or veluet, or other fuch like thing. So that hee which would in penall lawes particularly keepe Geometricall Justice, in letting downe the penalties according to the equalitie of the offences, and abilitie of the offenders, shall neuer make penall law: For that the variety of personas, of fex, of time, and place, is infinit and incomprehensible; and such as should alwaies prevent 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 vniuit and vneraonable, as if a Physicke should prehribe the fame medicine to all daifes: as is to bee seene by the lawes of the Romans concerning the charges to be bestowed at fealls & banquetts: whereby the mortels were equally cut vnto all euem alike, and the penalty also equall without respect of rich or poore, of noble or base amongif whom so yet it had bene no hard matter to have kept the Geometricall proportion, as neerest vnto true justice, every mans wealth beint with them enrolled in the Cenfors booke: 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 eflate of the Roman Commonweale still fought after the Arithmeticall equalitie of lawes and penalties. Which equalitie the eflate being channed into a Monarchie, the princes by little and litle changed, and to moderated the penalties before vpon the nobilitie imposed; as is by the refcript of Antoninus Pius vnto the govenour of one of the provinces to be seen: who had in hold a noble gentleman conuict before him, for murdering of his wife by him taken in adulterie: wherin he wilied him to moderate the penalty of the law Cornelia; and if the murtherer were of base condition, to banne him for euer, but if hee were of any dignitie or reputation, that then it should suffice to banne him for a time.

Now it is a notable difference in termes of justice, that the qualitie and condition of the person should in judgment deliuer him from death, who should other wise have bene
bene condemned: for the mutterer saith the law, ought to be put to death, it he be not a man of some dignitie and honour. And the Law Vfecelia willeth that the stealers of beasts, if they bee slaves, should be cast into 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 case also, that the burners of villages or houses should be given into 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 slaves were ever more severely punished, than were men by state and condition free: for these were never beaten with rods, or with small cudgels, whereas the slaves were still beaten with clubs, or els whipps with whips made of small cords. Howbeit that Plato saith, That the free Citizen ought to bee with greater seueritie punished, than the slave; for that as (sayth he) the slave is not so well taught as is hee: which his opinion fanoreth indeed of a Philosopher, rather than of a Judge or of a Lawyer; yea the law of God deliueteth from death the matter, who in too seuerely correcting of his slaves, shall by chance kill him. And therefore it ought not to seeme strange, if the father were by the people of Rome openly floned, for whipping his son with whipps as a slave, as Valerius writeth. And indeed amongst free borne men, the Citizen is leefe to be punished than the stranger, the noble leefe than the base, the magistrate than the privet man, the grate and modelt leffe than the vicious and disdolute, and the fouldier leffe than the countryman. Wee must not (sayeth Labes) the Lawyer: ferue a base fellow to enter an action of fraud against a man of honour and dignitie: neither an obscure and loose prodigal man against a modest man of good government; yet the auintent Romans never condemned any Decurion, or Captain of ten men (for what fault (oeuer hee had committed) into the mynes, or to the gallowes. The night thesee 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 only for a time banished, and souldiers with disgrace cashiered. Neither must wee thinke this Geometricall manner of punishing to haue bene proper vnto the Romans, or to any other people in particular onely, but to haue beene common almost vnto all other people also, as namely vnto the French, the Salien, the English, and the Ripuaries: and yet must wee doe as doe the barbarous Indians, which for the same offences set 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 basest sort they cut off their noses and ears, and for the same offence cut off the noble mens haires, or the fleues 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, plucke 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 dividning of spoyleys: but Arithmetical justice equally to bee executed in the inflicting of punishments, which is not only to ouerthrow the principles of Philosophy, which will that things contrarie, 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 Canonists, the Orators, the Historiographers, and Poets in opinion agree, and haue alwaies more easely punished the noble than the basest sort: (howbeit that the most easie punishment of all may vnto a noble man feeme most great) so others may bee the more enflamed vnto vertue, and the love of true nobilitie, when as they shall understand the remembrance of the infinite rewards of the vertue of most famous men, and such
A such as haue well deferved of the Commonweale being also dead, yet still to redound vnto their posteritie: But here I maketh nobilitie by vertue, & not by mony, the flower of youth, the princes fauour, or cuill means whatsoever obtained. The ancient nobilitie of M. Rufius Scarsus (as faith Valerius) faued his life euien in flourishing time of the Popular estate: which respect of nobilitie was yet much better kept after the change of the estate; for then they began by little and little to behead the nobilitie with a sword, after the manner of the Northern people, in feald that the Romans before vfed the hatchet in the execution of all sorts of men. And for that the Centurion sent to execute Papinius (the most famous laverit, Trajan the emperours were kinde man, 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 lestie paine, and also lestie infamous. Wherin Gouan the lawyer was deceived, who wretteth more griefe to have bene in the execution with the sword, than with the hatchet. Men die (faith Seneca) more easiliy with no kind of death, than being beheaded with the sword. And by the same reason and proportion of Justice, hee that wrongeth a noble man is more grievously to be punisht, than hee which wrongeth a common peffon; & he which doth injurie vnto a citizen, than he which doth injurie vnto a stranger. For in the lawes of the Saliens, if a Saxon or Frielander had any way wronged a free-borne Salian, he was almoft fourte times more grievously fined, than if a Salian had wronged a Saxon or a Frielander. So also by the lawes of Alphonfus 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 person 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 four hundred shillings, if a priest at five hundred, if a bishop at nine hundred: which penalties (the authority of the bishops being encreased) were doubled. I hete speake not of the equitie or iniquitie of thefe lawes, but vfe them onely as examples, to shew that Arithmetical Justice by the lawes of many nations, neither hath had, neither yet ought to have place, when question is of fines and punishments; and that men of honour, and of marks, ought more easiliy to be punisht, and their injuries more seuerely revenged, than those done to the common sort: whereat they yet oftentimes grudge & mutmure, and thinke themselves to be therein greatly wronged. Yea Andrew Ricque a Polonian writeth it to be a great injustice, That the nobilitie offending are not punisht with the same punishment that the common people are; the rich as the poore, the citizen as the stranger, without any respect of degree or peffions: than which nothing could bee more absurdly written, of him which would take vpon him to reforme the lawes and customes of his owne countrie and Commonweale. The like complaint was against N. Memmis Maitier of the Requests in court, for that he being by the king appointed judge in the triall of Vlneye, the president, had suffered the man consounded of most capital crimes to escape the punishment thenunto due, and yet had condemned his clerk to be hanged, who had but done his maitiers commandement: Which king Francis understanding, merily sayd, Theeles 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 releue enen by the equitie of his sentence, whereby he deprived the said president of all his honours and goods, and afterward having causeth him to bee most shamefully set vpon the pillorie naked, and marked in the face with an hoate yron; to bee banished. But for that his clereke and domesticall-servant, and minifter of such his villianies, was but a bafe 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 defeted the fame. Whereas had he bene his flabe, he had bene more to have bene fauourad, for then he mutt of necessitie haue obeyed his maifeter. Nei-
however bene so grievously punished, had he not being a judge, vnto his most baue and corrupt dealings ioyned also most shamefull forgerie and extortion, and that in the administation of iudicife, which he had as then in keeping. For this prerotagies hath alwayse by our ancesfours bene refected 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 infamous of the punishment: wherein all writers agree. Howbeit that concerning other punishments they are not all of one opinion, Seneca (as we faid) accounting heading for the easief: and the Hebrewes in their Pandects, 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 accufed, which is hanged on the tree.

and in this Bartholomus (the famous lawyer) is decifed, saying, That the manner and cuffle 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 raigne of Philip the Long, about the yeare of our Lord 1318) the nobility of France was as famous and as honourable, as the nobility of any place of the world.

Yet true it is, that the noble man which is a trauetor vnto his prince, defuereth to be hanged; so to be more grievously punished than the baue companion, who offendeth not so much as he, as not to strictly bound to preferue the life and estate of his prince. For the more a man is oblied and bound in fidelity vnto his prince, the more grievously he is to be punished about the common petition: Viri fortis Ciceri speaking of Ca-
tilia the rebel, aequioribus Superijs Cium pernitosum quam aequorbisimum hostem coer-
cendum patat, Vowthy men (faith he) judge the daungerous eftate to bee with greate-ter punishment chaffed, than the cruelleft enemy that is. And therefore Linie faith, the fugitive traytors during the Carthaginian warre, to haue bee more severely punished, than the fugitive flanes: and the Roman traytors more sharply than the Latines, who were then still beheaded, but the Roman traytors hanged. Howbeit that in all other offences the Romans were more easily punished than others. For Scipio Afri-
canus (faith Florius) caufed the Roman fouldier not keeping his ranke, to bee beaten with a vine, but other fouldiers with a trunchion or cudgel of other fudder wood: the vine (as faith, Linie) being the difhonest of the punishment.

Yet whereas we faid, That the punishment of noble men ought to bee more easie than the punishment of the baue and obscuer fort, that so others might bee the more flitered vp vnto vertue; it is a common opinion, and almost of euery man receiued: but not yet altogether true. For that in right Geometricall proportion, the noble man for his offence having loft his honour and reputation, is as grievously indeed punished, as is the baue companion that is whipt, who cannot indeed of the honour and reputation which he hath not, lose any thing; as children and women are no leffe hurt with a fof femla, than are the frong with cudgels or whips. And therefore Scipio commanding the Roman fouldiers to bee beaten with the vine, even for the fame caufe for which he commanded the Latine fouldiers to be beaten with cudgels, followed therein the equality, or rather the Geometricall proportion of punishment. For which caufe Gal-
ba the emperor caufed the Gibbet to be painted white, and set higher than the rest, to leffen the paine of a citizen of Rome, complaunting that hee shoude bee hanged as other theues were: howbeit that he had poifoned his pupil. So if a Phyfitian or an Apo-
theatricall fall poyfon a man, he is more grievously to bee punished than if another man had
Of 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 notarie or registrar which committeth forgerie, the goldsmith which counterfeiteth false money, the guardian which raileth his pupill, the prince which breaketh his faith and league; and generally whatsoever offended in his own vocation, and in such things as whereof he is himself a keeper, ought to be therefore 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 Tullius Hostilius, with foure horses drawne in pieces, for having broken his faith with the Romans. And Solon having caused his lawes to be publish'd, and sworn by all the Athenians, appointed the Areopagists to be the keepers and interpreters thereof; and if they should breake the same, to pay therefore a summe of gold of the weight of themselves. Now had Aristotle himselfe neuer 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 inflicting 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 unto the Harmonical Justice which we seek after, being partaker of both. Neither by this Harmonical proportion is more favour shewed unto the noble than unto the base, howbeit that unto many it seeme contrarie. For whereas, let 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 heavily fined than the other, but both of them indifferently according to their wealth and abilitie. There is with ys a most antiquitie law extant, whereby the poore common persons which make resistence against the magistrate commandning them to be apprehended, are fined at three 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 the same age in an antiquitie, wise lawmakers have bene constrained to change their pecuniarie punishments or fines, according to the variety of times & places. In the flourishing time of the Roman Commonwealth, & namely vnder Trajan the emperor (who is reported to have extended the bounds of that great empire farther) he was by the law account a poore man, which was not worth fiftie crownes, that is to say a crowne of gold. Which decision of the Romans, the Hebrews in their Pandects following, have forbidden all them that are so much worth to begge. The customes of Fraunce in many places, call him a poore man, who with two or three witnesses of his owne parth, hath sworn him selfe to be poore.

But when the lawes of the Twelve Tables were made, the poueritie 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 Ases, or small pieces of braffe, for him which should with his fist give any man a blow vpon the face: which was an heauie penaltie (as the world then went) for that it was by Arithmetical proportion indifferently exacted of all men alike. But after that men wealth encreased, one Neratius a rich fellow (as the time then was) and most insolent withal, tooke a pleasure to give such as he thought good, as he met them in the streets, a good and found buffet or box; on the care and so by and by commanded a slawe which carried a bagge full of such small coinne after him, to pay vnto him whom he had to stricken twenty five of those small brazen pieces, the fine set downe in the xii Tables: which was the caufe that the lawe was abrogated, and order taken, that from thenceforth every man should esteeme the injurie vnto him selfe done: yet with power still returnd vnto the magistrat, to do therein as should seeme vnto him reasonable.

Vuu iii

He which offende in his owne vocation, or in such things as whereof he is in trust, is put in trueth, to be therefore more freely punished than other offending in the same.

B

Harmonical Justice to be more suitabill vnto all men. As different, howbeit that at the first shew is some more favourabill vnto some then vnto others.

C

* A crowne was then as much worth as the Roman noble is now.

D

* Crownes, that is to say a crowne of gold. Which decision of the Romans, the Hebrews in their Pandects following, have forbidden all them that are so much worth to begge. The customes of France in many places, call him a poore man, who with two or three witnesses of his owne parth, hath sworn him selfe to be poore.

E

The infolicy of Neratius becaueth why the lawes of injuries were changed ill Rome.
Whereby it was then plainly perceived and knowne Arithmetical proportion not to be good in the imposing of penalties and fines. So also by the ancient customs of the Normans, he that strucke a common person with his fist, was fined at a shilling; but he that strucke him with his open hand, was to pay the fine of five shillings: but were he a gentleman that had received such injurie, he was not to redresse the fame by law, but by force of armes and combat: whereby it oftentimes came to passe, that hee which had before received the injurie, was also in the quartel slaine, without any punishment therefore, and that by the suffrstance of the law. The like we may lay 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 playe which hee gave vnto the people more gratious, amongst the muftians brought in alfo vpon the stage a dauncing trull there to daunces yet before the entred, paying the aforesaid fine of an hundred crownes by the law set downe, which was indeed nothing else but a moekerie of the law, and a cause for others also to tread both it and the rest vnder foot. Wherein inconveniences the Polonians to avoid (for that almost all the penalties of their lawes are fines in money) alwaies joyn vnto their lawes these or like words, Lex hee quia penalitie est annua efto, This law for that it is penall let it be but for a yeare in force.

But beside these changings of penalties and fines, some others have beene constrained to change such pecuniarie penalties or fines into corporall, yea even into capital punishments also: and that especially when the countrey greweth rich, so that men begin to esteem 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 increased, and punishment with rigour executed. And therefore the law of the Britons appoineth thees to be hanged, yelding therefore this reaone, Non corum augeratur multitudine, Leat the multitude of them should be increased. An vnjust law indeed, and the reaone thereof foolish; and such a law as by the antiquitie of it selfe is almoast growne out of ye, for that it hath no distinction either of place, or of the equality of the persons offending, or of the age of, or of the sex, or of the time, or of the felonie committed; but punisht in all felonies alike. When as in all executions of punishments, the lighter offences are the more lightly to be punished, yea and oftentimes also pardoned: as only in respect of age, the indifferent and equal law would that men should in all judgements pardon youth; or at leastwise more easily punisht it. So ought the judges also more favourably to chaffifie 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 govern their affections: or for that they be more tender and dainty, and therefore have the sharper feeling of punishment than men. Which being so, a man may define the law of the Venetians vnjust, which for the first felonie committed, condemneth the woman to be whipt, and marked with an hoate iron; and after that her hand cut off: and for the second offence, to have her nose and lips cut off: whereas the man by the same law, and for like fault, is to lose but one of his eyes, and his hand. By which law women, contrarie vnto equitie, are more feuerely punished than men; and the means whereby to get their living being taken from them, they both have more occasion to steale than before whilst they had their limbs. Wherefore better it were according to Arithmetical Justice (howbeit that in matters of penalties it be vnjust) to punisht them both alike: or else according to Geometrical Justice, which commiteth much necer vnto the true Harmonical Justice, which hath regard in particular to all the circumstances concurring. But that law and judge is verie vnjust, which more seuerely punisheth the tender and feeble: young folkes or women; the field or old, than the
strong and just: And in briefe all lawes carrying with them penalties certain, and such as it is not lawfull for the magistrate according to the exigence of the cause, to moderate or aggravate, are vniust. Wherein even the wiseft and beft 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 wisedome, so great justice, such a number of learned lawyers, as in the court of parliament at Paris? who yet without any restitution or limitation at all, published a law against falsifiers and forgers, made by king Francis the first, whereby capitol punishment was appointed for forgeries, whether they were in cinill or criminall caufes, without distinction of forgers, judges, clerks, notaries, fools, doutours, or plaine country men. Which law for all that by the wise conuenience of that court is since grown out of vfe: howbeit that the penalty thereunto annexed yet remaineth to terrifie forgers withall: whom for all that the court punifieth with arbitrarie punishment, according to difterent, and not according to the rigour of the law, in such fort as that scarcely one of fiftie is condemned to his death. For why, the same court shortly after perceived the intolerable inconueniences and absurdities, which that law drew after it, punifhing with death him that had falsified but the leaft fecdule of an hundred shillings, as well as him that had falsified the decrees of the court, or the kings feale, or borne false witneffe to condemn the innocent; as also for a meere cinill caufe, where the question were but of five shillings: and all without regard or difference of persons, Neither is the law of Venice any better or vpright, which appointeth no leffe punishment for falsifying and forrgete, than the cutting out of the tongue: without any distinction of the manner of the forgerie, or respect of the degree, fexe, or age of the offender, or other circumstances whatfoweuer. But the law of Milan sauoueth more of equitie and Harmonicall Justice: for it willeth, That he which forgeth or falsifieth an act, or beareth false witneffe in a matter which exceedeth not twenty crownes, hall for the first time be condemned in foure times the value, and three dayes shamefully to be cut with a paper myter upon his head: and for the second time to have his hand cut off: and for the third time to be burnt. But if the caufe exceeded twenty crownes, and so vnto the fumme of fife hundred, that then he shoulde for the first time have his hand cut off: and for the second time be burnt. But if fo be that the matter exceeded fife hundred crownes, that then the judge for the first time might deal with him according to his difterent, but that for the second offence the forger should be burnt. W wherein both the Geometricall & Arithmeticall proportion of justice are in some fort mixt, as in the measure and proportioning of the fine: but without any regard of fexe, age, or condition, which it befeemed a lawmaker especially to have marked. The law of God (of all other lawes the beft) commandeth the man consuett of false witneffe bearing, to endure fo much loffe himelfe, as he would have done hurt vnto the other: as if he would by his false witneffe take from another man an hundred crownes, hee should bee forced himelfe to pay the false fame fumme: or if hee went about by his false testimonie 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 enouhou for this equalitie of punishment to aunfwered as did Draco the Athenian lawgiver, who being asked, Why he appointed death as well for theing of an apple, as for killing of ones father: aunfwered, That he would have 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 euery man else as well in publike as in priuate judgementes, vnto the discretion of the magiftrats: whom he doubted not to excell in all fidelitie and integritie, so long as they should keepe his lawes and customs: but yet haply fearing that in restraining of the magiftrats 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.

Arithmetical law not to be cited in the punishing of offences.

The unreasonable law of the Venetians for the putting of thieves.

strict bonds of laws and penalties, should so fall into such absurdities and difficulties of judgments, as we have before spoke of: and wherewith they are in Popular eftates, but especially in Itacie, much troubled. By the law of the Venetians hee that shall fo strike any man, as that he shall draw blood of him, is therefore to pay twentie 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 Keratius, who vppon such a price would soundly buffet and bastinado such as they liked not of, as they met them. But how much more widely did the emperor Adrian in like case take order, appointing him that went about to kill a man, though indeed he killed him not, to bee therefore worthy of death: and yet that he, which had indeed flaine a man, without any purpose so to have done, should be therefore acquited. For that offences are to be weighed according to the will and purpose of the offender, and not according to the event of the fact: howbeit that the purpose and endeavour is more easilly to be punished, than the effect and deed itself; and the conceit of a villanie lefse than the villanie itself done; wherein all the diuines with the lawes agree. Howbeit that in truth hee more grievingly offendeth against almightie God, which perfiuated another man to do a villanie, than he which doth it: for that beside the wickednesse first by himself conceived, he leaueth also the lively impression thereof engraven as it were in another mans heart; whereas he which of himselfe doth amity, carrie headlong with the force of lust or anger, seemeth least easily to have bene willing to have done it: and hee which hath against her will enforced an honest woman, whom hee could not otherwise persuade, yet leaueth her soule and spirit pure and cleane. But judges doe one way punish and confine of offences, and Philosophers another: they punish such offences and transgressions onely as are sensibly to be scene, 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 Chauncellor of England, is also deceived, who maketh the intent equal to the effect: and the will unto the deed done.

But if an offence be onely intended, but effected also, and to the effect ionced unto the intent; we must not in the punishing thereof vs. 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 unto the discretion of the judges: and yet for all that in this realm he is punished with death as a thief which hath by the high way robbed any man, whether hee had money or none: as I have indeed scene one hanged for taking but eighteen pence from a traueller by the high way. The Roman lawes command notable theuces and robbers to be hanged, and (of leste hanging upon the gibbet: which then was accounted the most grievous punishment: but they then by the word Latro, understood him whom we call an Aulfan, or Murtherer, which killeth men vpon the high way: but as for him which but robbeth passengers, the law calleth him Graffatorem, and willeth him also to bee condemned to death, but yet not hanged as the murtherer. Which wee haue here the more precisely set downe, to note the errour of Acutius and some other the learned lawyers, who calleth him also Latronem, or a robber, whom the Latines calle Furem, or a thief; making them as it were all one: and having in part therein gien occasion for men to punishe theues with more grievous punishment than halpe 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 willent to put out one of his eyes which shall steale anything worth above five pound, vnto ten; and from ten vnto twentye, to put out one of his eyes, and
A to cut off one of his hands; and from twenty into thirtie to put out both his eyes, and from thirtie to fortie to loose his eies & an hand: but if he shall steale aboute the summe of fortie pounds, then to be punished with death. An unreasonable law truly, not onely for the rigour and hardneffe thereof; and the confused manner of the persons so to be equally punished, but even in this respect also, that he which hauing the meanes out of a great maffe of gold, to steale a thousand pounds, and yet contenteth him selfe with fiftie, shall therefore be punished with death: and hee that breaketh an empie chest, with an intent to haue 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 often times seemed vnto me a thing right straunge; why some which vse to feuer punishment against theyes, 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 doing he hath, more saietie to commit the murder, as also more hope to concleve the same. So that where the punishment for theft and murder is alike, there it is more saietie to kill a man, than simply to rob or steale. And yet more straunge and absurd are the lawes of the Polonians, the Danes, the Swedens, and Mofcouits; and especielly the law of Cajimir the Great, king of Polonia, which for the fine of thirtie crownes, acquiteth one gentleman that hath slaine another: and if he haue maind him of an arme or of a legge, then to bee acquittt for fittene 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 theroff ensued. Howbeit that afterwards the king dome encreaSing in wealth, the penaltie of the law was doubled in the raigne of Sigismund the first, and order taken, that the murderer being apprehended, should before the fine be also kept prisoner in the common gaile for a yere and fix weeke. But that which was in that law worst of all, and the head of all mischiefe, 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 vassall farmer (whome they call Kosettom) be therefore either civilly or criminally called into question or sudd: For alike edict or law made at Milan (at such time as the Torrefans held that Seigneurie) whereby it was decreed, That a gentleman might for a certaine fine be acquitted for the killing of a base or common person: the common people therewith enraged, rile vp all in a mutiny, & having driven out the nobilitie posseffed themselves of the Seigneurie. As for the author of the law Napus Tarresfan, he by them cait in prison, there miserably died eaten vp with lice, and that worthyly, for hauing therein so much condemned the law of God, which forbiddeth to haue pitie vpon the wilfull murderer, commanding him to be drawne even from his sacred alter and put to death: yet leaung vnto the discretion of the magistrat the manner of his execution, according to the hardneffe of the murder committed; to the end that the equallitie of capitall punishment common to all murderers by Arithmetical proportion of justice should so by Geometrical proportion be moderated, hauing respect vnto the circumstances of the place,of the time, and of the persons, which are infinit. For men 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 choler; and hee which killeth by night, more than he which killeth by day; and hee which poysnoteth a man, more than he which killeth him with the frownde: and the murderer by the high way worse then thof: as also he that shall kill a man in a facted place, more than in a prophane:
prophane: 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 ariseth an incredible variety of capital punishments to bee vpon the offenders inflicted. The same we may lay also of such petitions as are fill 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 sike patient of his phystian; the guest of his host, betwixt all whom his faith is much more required: in which 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, desire to be more severely punished, than such as shall steal in, the doores 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 thief was still alive vpon a sharpe stake impaled, for whatsoever theft it was. For why, all their gardens and bowers are bounded about but with a thred, beyond which to passe was accounted a great crime: and yet greater than that it was to break the thred; and that in secret also than openly and in euery mans sight. Howbeit that in other crimes, as whooredome, adulterie, incest, and such other like, the offences publike committed, are more severely to be punished, than such as are in secret done: for that the cuill example and scandal thereof, is worse than the offence it selfe. Wherein both the diuines and lawyeers 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 Arithmetical Justice: neither can they in speciall lawes and articles bee all comprehended, were the volume of the law neuer so great: fo as is in Geometrical Justice requisite, which leaueth all vnto the magistrats discretion, without any law at all. And yet for all that is this Geometrical Justice lefse nought then 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 beanes, as at Athens: or, of tables of divers colours, with letters of absolution 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 appointeth the same punishment for all: of which equalitie of justice the greatest inequallitie, some such being condemned, as defended much lefse then the penalty of the law being equal vnto all: and some others againe acquitted, which defended ten times more: besides that, sometimes also divers moost unlike crimes, some great, some lefse, and some almost none at all, are under one law passed, 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 line of two hundred fyllings. Which law altogether overthreweth the foundation of justice, grounded especiallie vpon that, That the punishment should still bee equal vnto the offence done. Which the auintencs declated by this word, æquum videlicet, that is to say, The law of Retribution, or of equal punishment: which first written in the law of God, set downe in the lawes of Solon, transcript into the lawes of the Twelve Tables, commanded by the Pythagorians, practised by the Greece and Latin cities, and for the antiquitie thereof reuencent; is yet by Plutarchus, Aristoteles and many others, without iuft caufe impugned; they too grossely taking these words of the law, A tooth for a tooth.
A 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, requisite 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 enemy threatened to put out, upon the penalty therefore to lose another of his own. 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 else, 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's law, haue understood it, expounded it, and also practised it: as is in their Pandects to be seene, in the Title of Penalties. Yea Rabi Kanan denieth the law of like punishment to have any where in the cities of the Hebrews taken place, in such sort, as that he should have an eye put out, which had put out another man's eye: but the estimation of the eye put out, was viously by the discretion of the judges in money valued. For proofs 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 unto death, he which had done the hurt, should pay the Phyfitian, for the healing thereof. But to what end should he so pay the Phyfitian, if he which did the hurt were in like sort to be himselfe wounded? It should also thereof follow more abundantly, that many delicat and tender persons, in receiving of such wounds as he had given to others, should thereof themselves die and perish. Besides that also, he which had the harte done him, having lost his hand wherewith he should get his living, if the other's hand were also to be for the same cut off, he so wanting his hand wherewith to get his living, might haply so starue. Wherefore such a literal exposition of the law of like punishment, by Aristotle and Fauorin deuised, is but vaine 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 faith, That in punishing of him which hath deceived his companion, or committed adultery, we are not to respect whether he were an honnest man, or an euill lier before or not; but to punish the offence with Arithmetical equality, or Commutative Injuice, as hee termeth it. But what indifferent equality shall that be of the same punishment, if it shall by Arithmetical proportion be inflicted vpon perons of qualitie and condition so farre unlike? Or what Shoemaker is to ignorant or foolish, as to shape one fashioned sho, or of the same lafte, to euer mans foot? Creditors also in time equall, but in the summe of their debt unequall, are of the goods of their broken debtor to be paid by proportion Geometrical: as if thirtie crownes bee 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 cuill particular cuile 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 false, but even in all other also, wherein question is of that which vnto euer man properly belongeth, as we shall forthwith declare. Yet where Aristotle faith in punishing of offences no regard ought to be had, whether the offender were before good or bad: it sufficiently sheweth him to have had no knowledge of the order and manner of judge.
judgements, or of judiciall proceedings. For why, nothing is more diligently enquired after by the judges, than what the former life of the partie accused hath bene. Neither is it any new matter, when as the Persians, 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 deferts were greater than their offences, they fully acquired them also: as Xenophon writeth. And for the same cause the theefe 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 also which hath the more often offended, is more feently to be punished than he which hath more seldom gone astray. Whereas Aristotle is againe doeit, in that he decemeth a stolne thing ought by Arithmetical proportion to bee made even 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 emperors by their lawes, condemne that which hath stolne any thing, to restorc the double or the treble, yea and sometime foure fold: the worth of the thing stolne, beside the perpetuall infamie thereof ensuing. Yea the law of God willeth, That for ane stolne restitution should bee made first told vnto him from whom he was so stolne: both for that a more profitable beast is not by God gien vnto man, as also for the necessitie there is to leave such beasts ote times in the field, where they roaming vp and downe, have for their more affurance the greater penalty fet vpon them being stolne: and hereunto some other people have joyned corporall punishment, yea even vnto the paine of death.

And not to speake of criminall causes only, but of meece civill causes also, one in the falsie name faute gaineth the cause, &c in another place loosteth the same: one hath interest for his debt, and another hath nothing: and amongst them which shall in the same case have interest, some shall pay ten times so much as another: which for that they bee matters common vnto all such as have any experience in judicall cases, 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 enchased in a ring: he is bound to pay the price of the stone be it never so great, yea although he therein haue vised no fraud or deceit, but evene for that onely that he 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 have paid the price of the precious stone to broken, except hee had before taken the daunger thereof vpon him, or by fraud or deceit broken the stone.

Now all the lawes both antiquitie and new, with the common course and experience of judgements, teach vs that Harmonicall proportion of justice ought as well to take place when question is but of priuate 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 publisheth the law concerning vniust, ordained, That the nobilitie should not take aboue five in the hundred, the merchants eight in the hundred, corporations and colegges ten, and the rest six in the hundred: and particularly that none should exaet of the husbandman above five in the hundred. Which law let it seeme in Arisotle his judgement vniust, yet doth it carrie a good shew of that Harmonicall Justice which wee seeke after, tempered of Arithmericall and Geometricall proportion: Arithmetical equalitie being therein obseru'd amongst the noble men, who are all under one article construed, the great, the meaner, and the least: the merchants in another both rich and poore: and the countrie men in another article, howbeit that they much differ one of them from another: and the rest of the subiects all in another article beeing of divers qualities and conditions also: And then the Geometricall proportion shewing it felle betwixt the nobilitie and the merchants, betwixt the merchants and the colegges, and
A againe a certaine of the other subiects compared among themselues, 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 detaine
is bound to pay after eight in the hundred interret unto marchants, and unto other
lesse; but unto husbandmen, persons hired, and all sorts of labourers, the double of the
money due: both the chief points of which law is now growne out of vfe, howbeit
that it was with the greatest content of the courts published. For why, that which con-
cerneth every priuatie man right and interest, confineth in matter of fact, & not in matter
of law; as Paulus the lawyer most wisely aunswered, which his one reason hath even
by the root overthrowne all the long discourses of all the interpreters, so divers and so
unlike themselves, concerning every priuatie mans right and interest: all which Infiniom
the emperour had thought himselfe to have beene able to have comprehended vnder
one law. And therefore that which roughth every priuatie mans right and interest how
farre it concerneth him, is by our lawes wisely left vnto the discretion of the judges, for
that it can no more certainly be positifie law be defined or set downe, than can the great
Ocean sea into a small channell 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 fixe in the hundred: which although it be a thing tolerable, and is
called of the Latines Praecedita, or, Ceuil interest: yet is that law not so long agoe
made, now againe growne out of vfe, and not either publikey or priuately kept: for that
it in every respect containing Arithmetical equalitie, regardeth not the most unlike
condition and qualitie of persons.

And howbeit that in the particular contracts and conveentions, and exchange of
things, that Arithmetical proportion of equalitie be best to be liked; yet is it now even
therein always obfuscated and kept, the very countrey men and labourers, by a certaine
natural reason well deeming, that they ought oftentimes to taketh for their hire of the
poore 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 foute hundred crownes to cut him
of the stone, haply taketh of the poore porter no more but five: and yet for all that in
effect taketh ten times more of the poore man than of the rich: For the rich man being
worth fiftie thouand crownes, so payeth but the hundred part of his goods, whereas
the poore man being but worth fiftie crownes, paie eth five, the tenth part of his sub-
fiance. Whereas if we should exactly keepe the Geometricall or Arithmetical pro-
portion alone, the patient should die of the stone, and the Surgeon for lacke of worke
fature: whereas now by keeping the Harmonicall medioctie, it goeth well with them
both, the poore man cured with the rich, and the Surgeon to gaining wealth, and the
other their health. After which proportion euery the judges themselves have viled
to esteeme 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

E I remember it to have happened vnto a certaine Pronost of Paris, whose name I will
easily passe over, who for adjudging the lawfull possession of a litigious benefice, having
for his owne fees fette downe thirtie crownes, whereas his ductie was but three, and ap-
pealed therefore by the partie grieued made vnto the higher court, was thither sent for;
where he being by Raniecot President of the court hardly charged for the wrong by
hym done: aunswered, That it was a good fat benefice that he had giuen 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 reason that the richer when they came should make him an
amends therefore in paying of his deeper fees. Whereunto the President pleasantly

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said, Him in so doing to serue them as his Taylor did him, who rooke 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 hundred part of the value of the suit, so that hee exceed not two hundred crownes, would serue vnto Ransomet vniuft: every 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 flight mater but often crownes, as that therein oftentimes more paines is to be taken by the judge than in a suit often thousand crownes: the marchant so still gaining by the rich, what he looeth 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, obserue and keepe that Harmonicall proportion, if we will at all maintaine equitie & iustice: whereas otherwife it will be right hard for vs in the administration of iustice, not to doe great wrong. As doth the law of inheritance, which adjuudgeth all vnto the eldest, whether he be noble or base: of auintent time vfed by Lycurgus in the inheritances of the Lacemonians, and with vs in the countrey of Caux. Leffe vniuft, and yet vniuft 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 haue during their, lives as they doe at Amboise and Aniou; and yet dealing therein more fauourably with the women, who hold that vnto themselues in proprie, which the younger brethren haue but for testament of life. Neither is the custome of the Germans much leffe vniuft; who hauing abrogated the old law, whereof Tacitus maketh mention, diuide the inheritance equally amongst their sonnes, making the eldest and the youngest both equal in the succession of their inheritance, according vnto Arithmetical proportion, without any difference of persones at all. But how much more vprightly and justly hath the law of God dealt herein? which following the Harmonicall proportion of iustice, giueth only vnto the sonnes the land, and vnto the daughters part of the moubles, or money to marry them with; to the end the houses should not by them be dismembered: and amongst the males alloteth two parts vnto the eldest, and to the rest euery one of them a part: and the father dying without heires male, the fame law commandeth 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 flocks and kindred. Whereas Geometrical proportion is to be seen between the eldest and the rest, as also between the males and the females: and Harmonicall equalitie between the younger brethren, as amongst the daughters also. So when it is said by the law of God, That he which hath defeuled to bee chastised 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 equalitie of the persons and of the offences committed: Whereas the Arithmetical equalitie is also seen, in that it is forbidden the magistrate to exceed fortie stripes, the certain number by the law appointed. Wherein he that hath the more offended, and yet hath not destitute death, is no more punished in this respect of fortie stripes, than he which hath leffe offended. Whereof the law yeldeth this reason, leaft 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 stay within a measure, than through too much severity to do
any thing uniuely, which unto us is a certaine argument drawne from the law of God, That the true justice, and the fairest government, is that which is by Harmonical proportion maintained.

And albeit that the Popular estat most willingly embraceth the equall lawes and Arithmetical justice: and the Aristocratike estate contrariwise loueth better the Geometrical proportion of justice: yet so it is, that both the one and the other are for the perpetuation of themselues constrained to intermingle with themselves the Harmonical proportion. Whereas otherwise the Aristocratike Seignorie excluding the common people farre from all estates, offices, and dignities, nor making them in any fort partakers of the spoyle of their enemies, nor of the countries conquered from them; it cannot be that the estate can so long stand, but that the common people being never so little moued, nor nouer so small occasion presented, shall revolt, and so change the estate, as I haue by many examples here before declared. And therefore the Venetian Seignorie, which is the most true Aristocratike (if euer there were any) government it selue Aristocratically, bestowing the great honour, 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 verie honourable. Yea moreover an injurie done by a Venetian gentleman vnto the leaft inhabitant of the citie, is right feuerely corrected and punished: and fo a great sweete se and libertie of life giuen vnto all, which favoureth more of popular libertie than of Aristocratike government. And that more is, the creation of their magistrats is made part by chooyce, and part by lot: the one proper vnto the the Aristocratique government, and the other vnto the Popular estate: so that a man may well say, that the estate of that Seignorie is pure and simply Aristocratique, and yet somewhat governed by Proportion Harmonical, which hath made this Commonweale so faire and flourishing.

Now we haue oftentimes said, and must yet againe 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 Aristocratical: as in Rome after the kings were druen out (wee saie) the estate of that Commonweale to haue bene Popular, for that then all the foueraigne 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 ways and entrancs thereof to being by the nobilitie helden fast stopp'd against the commonalty, yea and that so strictly, as that it was not lawfull or permitted for any of the common fort to marry with any of the nobilitie: either for any noble woman to marry but with some one of the nobilitie, but the noble Hill 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 Aristocratikall, according to Geometrical proportion, the people oftentimes exuoluted from the nobilitie: neither was the estate ever quiet from euill tumults and seditions, vntill that the common people had by little and little...
got to be partakers also in the greatest benefits, honours, offices, and places of command, that were in the Commonweal: and that it was permitted them also to allie 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 Aristocratic and Popular estate) continued, the Senate yet heaving the greater sway, so long that Commonweale flourished both in trimmes 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 other wise than as when the sweet harmonie of musicke being dissolved, and the harmonical numbers altered into numbers of proportion altogether equal and like, therof followeth a most great unpleasant and soule discord: the like whereof there raied amongst the citizens never ceased, vntill that the estate was quite thereby chaunged, and indeed vterly ouerthrown. So may wee also judge of all other Commonweales; neither have wee thereof any better example than of the popular estates of the Swisser, which the more that they are popularly governed, the harder they are tobe maintained, as the mountayne Cantons, and the Grisons: whereas the Cantons of Berne, Basil, and Zuricke, which are governed more Aristocratike, and yet hold the Harmonical meane betwixt the Aristocratike & Popular government, are a great deal the more pleasing, and more tractable, and more aflured in greatnes, power, arms, and lawes.

Now as the Aristocratike estate founded vpon Geometrical proportion, and governed also aristocratike, giveth vnto the nobilitie and richer for the estates and honours: and the Popular estate contrariwise grounded vpon Arithmetical proportion, and governed popularly, equally deuideth the monies, poyles, conquests, offices, honours, and preferments vnto all alike, without any difference or respect of the greater or of the little, 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 governed, that is to say, Harmonically; there is no doubt but that of all other estates it is the fairest, the happiest, and most perfect. But here I speake not of a lordly monarchie, where the Monarch, though a natural prince borne, holdeth all his subiects under foot as slaves, dispersing of their goods as of his owne: and yet much lesse of a tyrannical monarchie, where the Monarch being no naturall Lord, abuseth neverthelesse the subiects and their goods at his pleasure, as if they were his vere 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 chosen, so as was Numa; or by duine lot, as was Saul; or that he have by strong hand and force of armes, as a conqueror got his kingdome, as have many; or that hee have it by a lawfull and orderly succession, as have all (except some few) who with no lesse loue and care sauoureth and defendeth his subiects, than if they were his owne children. And yet such a King may neverthelss he 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 choyce of their deserts or sufficiencie, whether it be that they be chosen 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 Aristocratike, befoeing the honorable estates and charges therein with the distibution of punishments and rewards by Geometrical proportion, making still choice of the nobilitie of some, and of the riches of others, still reiecting the base poorer sort, and yet without any regard had vnto the deserts or vertues of them whom hee
OF A COMMONWEALE.

A. he so preferred; but only unto him that is best monied or most noble. Both which manner of governments, howbeit that they bee euill and blameworthy, yet is this Aristocraticke and Geometrical proportion of governments much more tolerable and more sure, than is that popular and turbulent governement, feecely any where to bee found, as seeter approching unto the sweet Harmonicall governement. For it may be, that the king to aullure his estate against the insurrection of the base common people, may have need to strengthe himself with the nobilitie, which come neeter unto his qualitie and condition, than doth the base artificers and common sort of people, unto whom he cannot descend, neither with them we have any societie at all; if he will in any good sort maintaine the maietie of his royal estate and soueraignty, as it seemeth he muilt of necessity do, if he shal make them partakers of the most honoutrable charges of his estate and kingdom. But such an Aristocraticke kind of governement is also euill and dangerous, not unto the common people only, but even unto the nobilitie & prince also; who may so still stand in feare of the discontented vulgar sort, which is always farre in number more than is the nobilitie or the rich; and having got some feditious leader, and so taking vp of armes, becometh the stronger part, and so sometime revolting from their prince, diueth out the nobilitie, and fortissi themselues against their princes power: as it happened among the Swiflers, and in other auncient 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 fit: but the third maketh a discord, the most irksome and unpleasant that may bee, marreth wholly the sweet content of the two first, for that it hath not any Harmonicall proportion either unto the first or unto the second, neither unto both together.

But it may be, and commonly so is, that the prince giueth all the greatest honours and preferments unto the nobilitie and great lords, and unto the meaner and bafer sort of the people the lefser and meaner offices onely: as to be clearkes, sergeants, notaries, petty recuyuers, and such other meane officers of townes, or of some small jurisdictions. Wherein he shal so keepe the Geometrical proportion, and Aristocraticke governement. Which manner of governement for all that is yet faultie, howbeit that it be more tolerable than the former Popular Arithmeticall governement, as having in it some equal and semblable proportion: For as the office of the Constable is propert unto a great Lord, so is also the office of a Sergeant unto a poore base fellow. But forasmuch as there is no sociable bond betwixt the prince and the porter; so also is there not any similitude betwixt the office of the Great Constable and of a Sergeant: no more than there is amongst these foure numbers dipos'd by proportion Geometrical disjunct, 3, 6, 5, 10: where the two first haue the same reason that the two laft haue, and the reason of the first unto third, is that of the second unto the fourth: yet the reason of the second unto the third is discordant and different from the others, and so disjouyneth the extremes, which so maketh an abufd and foolish discord. And so also are the orders of citizens and subjectes, disjouyned one of them from another, so that no fit or sure 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 commonalty: and the common people againe take it in euill part themselues 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 Patrici, to sue for the Tribuneship, but that first he must renounce his nobilitie, & become a commone: for as then the Consulship belonged

E
The reasons why the Consuls and Tribunes were always at discord in Rome.

The Royal estate governed Harmonically, the fairest and most perfect.

The Sixt Booke

onely vnto the nobilitie, and the Tribune vnto the commnallitie. Which power once granted vnto the people, they forthwith let their weapones fail, and all the sedition & tumults before common betwixt them and the nobilitie ceased: For why, the common forth thought themselvese now equall with the beest, wherein the welfare of that citeie confisted: whereas otherwise the force of the furious multitude could by no violence have bin withstand. For what the proportion was of the Consulship vnto the Tribune ship, the fame the proportion was of one of the nobilitie vnto a commoner: & againe, the fame respect was of a noble man vnto the Consulship, that was of a commoner vnto the Tribune ship, in Geometricall similitude. But for asmuch as it was not lawfull neither for a noble man to obtaine the Tribune ship, neither for a commoner to enjoy the Consulship, the people was disioyned from the nobilitie, and a perpetuall discord betwixt the Consuls and the Tribunes still troubled the citeie: in such sort, as in these numbers thus placed is to be seene, 2, 4, 9, 18: wherein are found two eights by Geometricall proportion disposed, 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 Praetorship, and the chiefe Benefices, excepting some few, were communicated vnto the people also: Whereas might it with the same moderation have beene lawfull for the nobilitie to have obtained the Tribune ship also, yet so as that the number of the commoners in that societie of the Tribunes might yet still have bene the greater, and the nobles not enforced to renounce their nobilitie: no doubt but that the estate so Harmonically governed had bene much the more assured, better ordered, and of much longer continuance than it was, by reason of the sweet agreement of the citizens among themselves, and that Harmonicall mixture of the offices and places of autocratice and command in the estate and Commonweale: as in these four numbers by Harmonicall proportion conioyned, 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 fift: 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 Diattifaron, or a fourthe: which with a continuall proportion joynynge the first with the laft, 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 auctent houses were in Rome received into the Tribune ship (if they first renounced not their nobilitie, and causd 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 Marcius; 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 boaste 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 Consell: and that the people under his conduct had cut in sunder and for euer 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 seeme strange if the Commonweale were then troubled with the seditions of the people, when as in such a multitude of the common sort, so few of them euin in Cicero his time aspired vnto those so great honours, the nobilitie of great and auctent houses commonly still enjoying of them.

Wherefore it becommeth a good governor in a Popular or Aristocratique estate, and especially a wise king in his kingdome, to use Harmonicall proportion in the government
Aueriment thereof, sweetye intermingling the nobilitie with the comminalltie, the rich with the poore; & yet neverthelesse with such discretion, as that the nobilitie still have a certaine preheminence above the base comminalltie. 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 administration 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 estates as have more honour than profit: and the poore man contrariwise to enjoy those offices and roomes which have more profit than honour; both of them deeming reasonably contented, he which is rich enough seeking but after honour, and the poore man after his profit. For which cause and consideration, the wife Roman Proconsull Titus Planiu. taking order for the Thessalian Commonweale, left the government and soueraignty of the towne and cities by him conquered, vnto them of the richer fort and of best ability: wisely deeming, that they would be more carefull for the prefentation and keeping of them, than would the poore, who hauing not much to looie, had no great interrest therein. Now if two or three magistrats were to bee choyen, it were better to joynse 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 quarells betwixt themselues, and so hinder one another in their charges: as commonly it happeneth betwixt equals. Besides that, of such a conuination of magistrats of diuers state and condition (as wee now speake of) should arise this great profit, that euery one of such magistrats would secke to maintaine the prerogatiue & right of them of their owne estate and such as themelues were: As in our soueraigne courts, and in other corporations and societies also, by our customes composed of men of all forts, we see iustice and right to bee commonly better, and more vpriightly vnto euery man administered, than if they wholly consisted of noble men, or of commoners, or of clergie men, or of any one estate alone.

But now in euill societie, there is no meane better to bind and combine the little ones with the great, 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 defectes, as wee haue before declared. Which defectes both now are & euer were of most diuers fort & condition: so that he which would still give the honorable charges and preferments of the estate vnto vertuous and religious men onely, should vitally overthrow the whole Commonweale: for that such vertuous and deuout men are always in number much fewer than the euill and wicked, by whom they might easily be overcome and thrust out of their government. Whereas in coupling the poore vertuous men (as I have saied) sometime with the noble, and sometime with the rich, howbeit that they were deuoid of vertue; yet so neverthelesse they should seele themselues honoured, in being so joined with the vertuous, mounted vnto honourable place. In which doing all the nobilitie shal on the one side reioyce to see even base nobilitie respected, and a place for it left in the Commonweale, together with men excelling in vertue and knowledge; and all the bafer fort of the common people on the other side rauished with an incredible pleasure to seele themselves all honoured, as indeed they are, when they shal see a poore Physician fonne Chauncellour of a great kingdom; or a poore souldier to become at length Great Constable: as was seene in the person of Michael D' l Hospitall, and Bertrand Guescheling: who both of them, with many others, for their noble vertues were worthily exalted euyn vnto the highest degrees of honours. But all the subiects grieue and take it in euill part, when as men neither for the honour of their house, nor for any
The verities noble, but rather for their loose and lewd lives infamous, shall be placed in the highest degree of honour and command: not for that I think it necessarie the vnworthy citizens or subjectts to be altogether kept from all offices & places of command (a thing which can in no wise be) but that even they such vnworthy persons may bee sometimes capable also of certaine offices; provided always that they bee in number but few, that their ignominious or wickedneesse may not take any great effect in the estate wherein they are. For we must not onely give the pursu vnto the trustieft, arms vnto the most valiant, judgement vnto the most upright, censure vnto the most honest, labor vnto the strongest, government vnto wisest, priesthood vnto the devoutest, as Geometrical Justic requireth (howbeit that it were impossible so to doe,) for (as it appeareth to good and vertuous men:) but we must also, to make an harmonie of one of them with another, mingle them which have wherewith in some sort to supply that which wanteth in the other. For otherwise there shall be no more harmonic then if one should separat the concords of musique which are in themselves good, but yet would make no good content 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 subjectts in a most sweet quiet, bound together with an indissolvle bond one of them vnto another, together with himselfe, and the Commonwealth. As is in the foure first numbers to bee seene: which Good hath in Harmonical proportion disposed to show vnto vs, that the Royal estate is Harmonical, and also to be Harmonically governed. For two to three make a fit; three to foure, a fourth; two to foure, an eighth; and againe afterwards, one to two, maketh an eighth; one to three, a twelfth, holding the fit and the eighth; & one to foure, a double eighth, or Disparagon: which containeth the whole ground and compass of all tunes and concords of musique, beyond which he which will passe vnto finall shall in so doing parte the harmonie, and make an intollerable discord. So may one ray of a point to a line, as also of the plane superficies, and of the solid body also of any thing. Now the Sovereigne prince is exalt above all his subjectts, and exempt out of the ranke of them; whose majestie suffereth no more diminution than doth the verticite of it selfe, which is not as yet 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 always haue yet beeene in euery well ordered Commonwealth, viz. the Ecclesiastical order first for the dignitie which beareth: & the prerogatiue of the ministrerie and function thereunto of God, being yet composeth both of noble and of base. Then after them follow the Martall men, in whose protection all the rest of the subjectts in some sort rest: which order and estate is also composeth both of noble and of base. And in the third and lastt, are set the common people of all sorts and vocations, as scholeers, merchants, artificers, and labourers: every one of which estates haueing 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 quality of the persons, there may there of be formed a pleasant harmonie of all the subjectts among themselves; as also of them altogether with their soueraine prince. Which is also declared, and in some sort figured even in the nature of man himselfe, being the very 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 thereunto; but even in his mind also, wherein Understanding holdeth the chief place, Reason the next, the Angrie Power desirous of revenge, the...
third, and brutifh luft and desire the last. Whereof the mind or understanding like unto the vertue in numbers indivisibil, pure, and simple, is of it selfe free from all concretion, and from all the other faculties of the soule apart separated and divided: the angry power with desire of revengs resting in the heart, representeth the fouldiers and other martiall men: and fentiment luft and desire resting in the liver under the midriff, beke[neth] the common people. And as from the liver (the fountaine of blood) the other members are all nourifh'd, fo husbandmen, marchants, and artificers doe give unto the rest of the subjects nourishment. And as many men for lacke of understanding liue like beasts, smouldered with that only which is present and before them, without mounting any higher unto the contemplation of things intelle[ual] and divine, whom the sacred scripturcs call also beasts: even so also the Aristocratishe and popular Commonweales without understanding, that is to fay, without a prince, are in some fort able to maintain and defend themselves, though not long: being indeed about to become much more happy if they had a fouveraigne prince, which with his authoritie and power might (as doth the understanding) reconcile all the parts, and so unite and bind them fast in Happinesse together: for why no government is more happy or bleffed, than where the reafonable soule of man is governed by wifedome, anger and deffe of revenge by true valour, luft by temperance; and that understanding bearing the rule, and at it were holding the reines, guideth the chariot, whereafter all the reft follow whether founct he will lead them: fo for all honestie, all the luftre of vertue and dutie shall euer there where flourifh. But when the power and command of understanding beaten downe and quite ouerthrown, anger as a mutinous and vntruly fouldier, and in temperat luft as a turbulent and feditious people, shall take upon them the government, and so invading the state, shake wifedome and understanding, and thuffe it out of place: euer Commonweale must needs even like the powers of the soule and mind needs so fall into all manner of teproc and filthinesse of vices. So that nothing is more like unto a well govern'd Commonweale, than that moft faire and fit companions of the soule and powers thereof; there being therein so established a moft Harmonical proportion of vertue, which giveth unto euerie part of the soule that which vnto it of right belongeth. The like whereof we may fay also of the three eftates of aCommonweale, guided by Wifedome, Fortitude, & Temperance: which three moral vertues united together, and with their king, that is to fay, the intelle[ual] and contemplative vertue, there is thereby established a moft faire and Harmonical forme of a Commonweale. For that as of vertue dependeth the unio[n] of all numbers, which have no power but from it: so also is one fouveraigne prince in euerie Commonweale necessarie, from the power of whom all others orderly depend. But as there cannot be any justifie wherein there is not some discord, which muft of necessitie be intemingly to the better grace unto the Harmonie (which the good Musitian doth, to make the confluent of the fourth, the fift, and the eigh, the more pleasing and tunable, some discord running before which may make the content much more sweet vnto the eare; as do also cunning cooke[s], who to give the better taffe vnto their goode meates, fette in theryewith certaine ditches of harpe and vnfauteous sauces; and as the cunning painter, to grace his picture, and to give a better show vnto his brighter coloures, still shadoweth the fame with blacke, or some other darke colour (for that the nature of all things in the world is fuch, as to loose their grace, if they tafft not sometime of diu-grace; and that pleafure alwayes continuing committeth vnfauteorie, daungerous and vnpleafant): So also is it necessarie that there should be some fooles amongst wife men, some vnworthy of their charge amongst men of great experiences, and some euill and vitiuous 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 sight of the eye) betwixt vertue and vice, knowledge and ignorance. For when fools, vicious, and wicked men, are contemned & defpised, then the wise, vertuous, and good men, receive the true reward and guerdon for their vertue, which is honour. And as feemeth the ancient Grecians in their fables, so have aptly shadowed forth vnto vs that which wee have spoken of these three kinds of Iustice, giving vnto Themis three daughters, viz. Harmonicall, Geometricall, and Arithmetical: whereof this peace which shadoweth forth Harmonicall Iustice, is the onely scope and summarie of all the lawes and judgements, as also of the true Royall government: so as is Harmonicall Iustice the end both of Arithmetical and Geometricall government also.

But these things thus declared, it remaineth for vs to know (as the chiefe point of this our present discourse) Whether it be true that Plato faith, God to gouerne 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 gouerned by Geometricall Iustice: Which I haue shewed to be contrarie, by the nature of the vertue, Harmonically referred vnto the three first numbers: as also by the intellectuall 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 further for if Plato had looked neere into the wonderful Fabrike of the world, hee should have marked that which hee forgot in his Timoe, viz. The Great God of nature to haue Harmonically compoied 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 no vfe without the Forme, and that the forme could haue no being without the matter, neither in the whole universe, 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 compoied of the Arithmetical and Geometricall proportions equall to the one, and semblable to the other, being one of them separet from another vupereft.

And as the Pythagorians facrificed the great facrifice Hecatombe, not for the suffendure of the right angle, which dependeth of the two sides (as many thinke) but for having in the selfe same 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 owne the immortall everlasting facrifice of praiue and thanksgiving vnto almightie God, for that he hath by an admirable bond of Harmonie, bound together this world of matter and forme, equall to the one, and like to the other: equall indeed to the matter, so that there is nothing thereof wanting, or yet superfluous: but yet like vnto that everlasting forme, which hee 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 moving of the celestiall Spheres, wee see that God hath made one motion equall, which is the swift motion of the superiour Sphere: and another vnequall, 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 uniteth the extremnes by indissoluble means, taking yet part both of the one and of the other. Which coherence is neither agreeable unto Arithmeticall nor Geometricall, but even propet unto the Harmonicall proportion only: wherein the sweetenesse of the consent confifteth in tunes aptly mixt together: and the harsh discord, when as the tunes are such as cannot fitly be mingled together. So we see the earth and stones to be as it were joined together by clay and chalk, as in means betwixt both: and so betwixt the stones and metals, the Marcaffites, the Calamites, and other diuers kinds of minerall stones to grow: So stones and plants also to be joined together by diuers kinds of Corall, which are as it were stonie plants, yet having in them life, and growing upon roots: Betwixt plants and living creatures, the Zoophytes, or Plantbeasts, which have 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 doth the Beuer, the Otter, the Torrtoise, 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 scene Apes and Munkies; except we shall with Plato agree, who placed a woman in the middle betwixt a man and a beast. And so betwixt beasts and angels God hath placed man, who is in part mortall, and in part immortal: binding also this elementary world, with the heavens or the celestiall world, by the atheriall region. And as a discord sometimes (as we said) giueth grace unto the sweetest Harmonie: fo God also hath here in this world mingled the bad with the good, and placed vettues in the middeft of vices, bringing forth also certaine monsters in nature, and suffering the eclipses and defeets of the celestiall lights: as also the Surt reasons in Geometricall demonstrations: to the end that thereof might arise the greater good, and that by such meanes the power and beautie of Gods worke might be the better knowne, which might otherwise have beene hid and folded vp in mift thicke and obscure darkenesse. And therefore it is, that God having hardened Pharaohs harte, which the wife Hebrewes expound to be the enemie of God and Natures, faith thus vnto him, Excitauiegote et demonstravem in te ipso potes-
tie mee, vincit toto terrarum orbe gesta, & mens omnium una commemoratione prae-decensor, I have fired thee vp (faith he) that I might in thee declare the force & glo-
rice of my power, that so all my acts might with one report of all men bee praised throughout the whole world. And thele things truely belong vnto the most trueth report of the things then done in Egypt: but there lieth hidden therein a more diuine meaning than that, concerning the great Pharaoh, the worker and father of all michtie, whom the sacred Scriptures declare by the name of Leviathan: 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 michtiees and euils by him and his wroght (which we so much both fre and manuell at, and without which the power of the good should neither bee, neither yet be at all perceived) to be shut vp within the bounds of this elementary world: and a-
boute the same but that which is holy and cleane from all filth and wickednesse; in such sort, as that that little flaine of euils here shall much more profit than hurt. Whereof Augustine speaking, faith well, Qui Deum immortalem vllam mali decem perficarum negas, quod maius bonum confugis certo signis. Who denieth that the immortal God would ever 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 Base voyces is made most sweet and melodious Harmonie, so also of vices and vettues, of the different qualities of the elements, of the contrarie motions of the cele-
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The celestial 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 wifemen and of fools, of the strong and of the weake, allied by them which are in the meane betwixt both: which so by a wonderfull disagreeing concord, joyns the highest with the lowest, and to all to all, yet so as that the good are still stronger than the bad; so as hee the most wifte 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 foule over the the bodie, the man over the woman, reafon over affection: and so every good thing commandung over that which is worse, with a certaine combining of powers keepeth all things under most right and lawful commands.

Wherefore what the unity is in numbers, the understanding in the powers of the foule, and the center in a circle: so likewise in this world that most mightie king, in unity simple, in nature indivisible, in puritie most holy, exalted farre aboue the Fabrike of the celestiall Spheres, joyning this elementarie world with the celestiall and intelligible heauens; with a certaine secure care preferueth from diffraction this triple world, bound together with a most sweet and Harmonicall consent: vnto the imitation of whome,uerie good prince which wifheth his Kingdome and Commonweale not in faetie onely, but even good and blessed alfo, is to frame and conforme himselfe.

Laus Deo uniu trino in secuals seculorum. Amen.

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