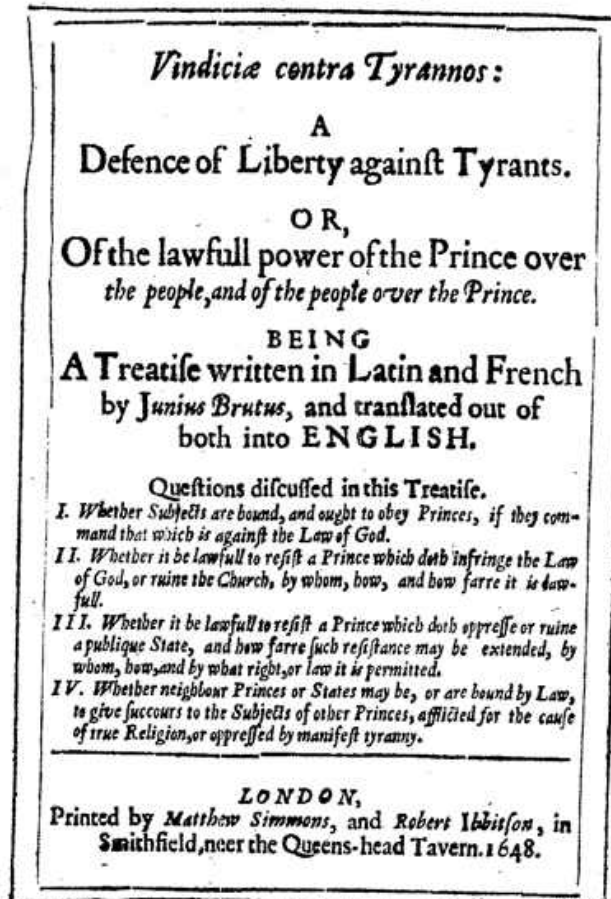


**HUBERT LANGUET (BRUTUS),**  
*Vindiciæ contra tyrannos:*  
***A Defence of Liberty against Tyrants (1648)***



[Created: 23 May, 2023]  
[Updated: May 23, 2023 ]



*This is an e-Book from*  
**THE DIGITAL LIBRARY OF LIBERTY & POWER**  
<[davidmhart.com/liberty/Books](http://davidmhart.com/liberty/Books)>

Junius Brutus (Hubert Languet), *Vindiciæ contra tyrannos: A Defence of Liberty against Tyrants. Or, of the lawfull power of the prince over the people, and of the people over the prince...* (London: Matthew Simmons and Robert Ibbitson, 1648). 5/23/2023. <[http://davidmhart.com/liberty/Books/1648-Languet\\_LibertyAgainstTyrants/Brutus\\_Vindiciae1648-ebook.html](http://davidmhart.com/liberty/Books/1648-Languet_LibertyAgainstTyrants/Brutus_Vindiciae1648-ebook.html)>

Junius Brutus (Hubert Languet), *Vindiciæ contra tyrannos: a defence of liberty against tyrants. Or, of the lawfull power of the prince over the people, and of the people over the prince. Being a treatise written in Latin and French by Junius Brutus, and translated out of both into English. Questions discussed in this treatise. I. Whether subjects are bound, and ought to obey princes, if they command that which is against the law of God. II. Whether it be lawfull to resist a prince which doth infringe the law of God, or ruine the Church, by whom, how, and how farre it is lawfull. III. Whether it be lawfull to resist a prince which doth oppresse or ruine a publique state, and how farre such resistance may be extended, by whome, how, and by what right, or law it is permitted. IV. Whether neighbour princes or states may be, or are bound by law, to give succours to the subjects of other princes, afflicted to the cause of true religion, or oppressed by manifest tyranny.* (London: Printed by Matthew Simmons and Robert Ibbitson, in Smithfield, near the Queens-head Tavern, 1648).

#### **Editor's Introduction**

Some margin notes were unreadable and missing letters or text are indicated thusly [...].

To make this edition useful to scholars and to make it more readable, I have done the following:

1. inserted and highlighted the page numbers of the original edition
  2. not split a word if it has been hyphenated across a new line or page (this will assist in making word searches)
  3. added unique paragraph IDs (which are used in the "citation tool" which is part of the "enhanced HTML" version of this text)
  4. retained the spaces which separate sections of the text
  5. created a "blocktext" for large quotations
  6. moved the Table of Contents to the beginning of the text
  7. placed the footnotes at the end of the book
  8. formatted margin notes to float within the confines of the 600px text width
  9. inserted Greek and Hebrew words as images
-

## Contents

- [An Epistle](#), p. i
  - [The First Question](#). Whether Subjects are bound, and ought to obey Princes, if they command that which is against the Law of God. p. 1
  - [The Second Question](#). Whether it be lawfull to resist a Prince which doth infringe the Law of God, or ruine the Church, by whom, how, and how farre it is lawfull. p. 19
    - [Whether private men may resist by Armes](#). p. 39
    - [Whether it be lawfull to take Armes for Religion](#). p. 42
  - [The Third Question](#). Whether it be lawfull to resist a Prince which doth oppresse or ruine a publique State, and how farre such resistance may be extended, by whom, how, and by what right, or law it is permitted. p. 46
    - [Kings are made by the People](#). p. 46
    - [The whole body of the people is above the King](#). p. 50
    - [The Assembly of the three Estates](#). p. 59
    - [Whether prescription of time can take away the right of the people](#). p. 63
    - [Wherefore Kings were created](#). p.66
    - [Whether the Kings be above the law](#). p. 69
    - [Kings receive Lawes from the people](#). p. 63
    - [If the Prince may make new lawes](#). p. 65
    - [Whether the Prince have power of life and death over his Subjects?](#) p. 66
    - [If the King may pardon those whom the Law condemnes?](#), p. 68
    - [Subjects are the Kings Brethren, and not his slaves](#). p. 78
    - [Whether the goods of the people belong to the King](#), p. 80
    - [Whether the King be the proper owner of the Kingdom](#). p. 82
    - [Whether the King be the usufructuor of the Kingdom](#). p. 91
  - [The Fourth Question](#). Whether neighbour Princes or States may be, or are bound by Law, to give succours to the Subjects of other Princes, afflicted for the cause of true Religion, or oppressed by manifest tyranny. p. 135
-

[i]

**THE Emperors, Theodosias *and* Valentinian TO VOLUSIANUS, Great  
Provost of the Empire.**

*IT is a thing well-becomming the Majesty of an Emperour, to acknowledge himself bound to obey the Laws. Our authority depending on the authority of the Laws, and in very deed to submit the principallity to Law, is a greater thing then to beare rule. We therefore make it known unto all men, by the Declaration of this our Edict, that Wee doe not allow Our selves, or repute it lawfull to doe any thing contrary to this.*

[ii]

**An Epistle.**

*Justine in the second Book, speaks thus of Lycargns, Law-giver to the Lacedemonians, He gave Laws to the Spartans which had not any: and was as much renowned for his diligent observing of them himself, as for his discreet Inventing of them: For he made no Laws for others, to the obedience whereof he did not first submit himself. Fashioning the people to obey willingly, and the Prince to Govern uprightly.*

---

## The first Question. ↩

*Whether Subjects are bound and ought to obey Printes, if they command that which is against the Law of God.* ↩

THIS question happily may seeme at the first view to be altogether superfluous and unprofitable, for that it seems to make a doubt, of an axiome allways held infallible amongst Christians, confirmed by many testimonies in Holy Scripture, divers examples of the histories of all ages, and by the death of all the Holy Martyrs, for it may be well demanded wherefore Christians have endured so many afflictions, but that they were alwayes perswaded, that God must be obeyed simply, and absolutly, and Kings with this exception that they command not that which is repugnant to the law of God. Otherways wherefore should the Apostles have answered, that God must rather be obeyed than men, and also seeing that [Act. 4. 19.](#) the only wil of God is always just, and that of men may be, and is, oftentimes unjust, who can doubt but that we must always obey Gods commandements without any exception, and mens ever with limitation. But for so much as there are many Princes in these days, calling themselves Christians, which arrogantly assumes an unlimited power, over which God himselfe hath no command, and that they have no want of flatterers, which adore them as Gods upon earth, many others also, which for feare, or by constraint, either seem, or else do beleve, that Princes ought to be obeyed in all things, and by all men. And withall, seeing the unhappines of these times is such, that there is nothing so firme, certain, or pure, which is not shaken, disgraced, or polluted; I feare me that whosoever shall neerly, and throughly consider these things, will confesse this question to be not only most profitable, but also, the times considered, most necessary. For my owne part when I consider the cause of the many calamities, wherewith Christendome hath been afflicted, for these late yeares, I cannot but remember that of the Prophet *Hosea, The Princes of Judah were like them* [Hos. 5. 10. 11.](#) *that remove the bounds: wherefore I will power out my self like water. Ephraim is oppressed, and broken in judgement, because he willingly walked after the Commandement.* Here you see the sin of the Princes, and people dispersed in these two words. [...] The Princes exceed their bounds, not contenting themselves with that authority which the Almighty, and all good God hath given them, but seeke to usurpe that sovereignty, which he [2] hath reserved to himselfe over all men, being not content to command the bodyes, and goods of their Subjects at their pleasure, but assume licence to themselves to inforce the Consciences, which appertaines chiefly to Jesus Christ, holding the earth not great enough for their ambition, they will climbe and conquer heaven it selfe. The people on the other side walkes after the commandement, when they yeeld to the desire of Princes, who command them that which is against the law of God, and as it were burn incense to, and adore these earthy Gods; and instead of resisting them, if they have means and occasion; suffer them to usurp the place of God, making no conscience to give that to *Caesar*, which belongs properly and only to God. Now is there any man that sees not this, if a man disobey a Prince commanding that which is wicked and unlawfull, hee shall presently bee esteemed a Rebell, a Traytor, and guilty of High Treason, our Saviour Christ, the Apostles and all the Christians of the Primitive Church were charged with these Calumnies. If any after the example of *Ezra*, and *Nehemiah*, dispose himselfe to the building of the Temple of the Lord, It wil be said he aspires [Ezra. 4. Nehe. 5. 7.](#) to the Crowne, hatches innovations, and seeks the ruine of the State, then you shall presently see a million of these Minnious, and flatterers of Princes tickling their eares with an opinion, that if they once suffer this Temple to be re-built, they may bid their Kingdome farewell, and never look to raise impost or taxes on these men. But what a madnesse is this? There are no estates which ought to be esteemed firme and stable, but those, in whom the Temple of God is built, and which are indeed the Temple it selfe, and

these we may truly call Kings, which reigne with God, seeing that it is by him only that Kings reign: On the contrary what beastly foolishnesse is it to think, that the State and Kingdome cannot subsist if God Almighty be not excluded, and his Temple demolished. From hence proceeds so many Tyrannous enterprises, unhappy and tragick death of Kings, and ruines of people. If these Sicophants knew what difference there is between *God* and *Caesar*, between the King of Kings, and a simple King, between the Lord, and the Vassal, and what tributs this Lord requires of his Subjects, and what authority he gives to Kings over those his Subjects, certainly so many Princes would not strive to trouble the Kingdome of God, and we should not see some of them precipitated from their [3] Thrones by the just instigation of the Almighty, revenging himselfe of them, in the midst of their greatest strength, and the people should not be so sack't and pillag'd, and troden down.

It then belongs to Princes to know how farre they may extend their authority, and to subjects in what they may obey them, lest the one inroaching on that jurisdiction, which no way belongs to them, and the others obeying him which commandeth further then he ought, they be both chastised, when they shall give an account thereof before another Judge: Now the end and scope of the question propounded, whereof the Holy Scripture shall principally give the resolution, is that which followeth. The question is, if subjects be bound to obey Kings, in case they command that which is against the Law of God: that is to say, to which of the two (God or the King) must we rather obey, when the question shall be resolved concerning the King, to whom is attributed absolute power, that concerning other Magistrates shall be also determined.

First, the Holy Scripture doth teach, that God reignes by his owne proper authority, and Kings by derivation, God from himselfe, Kings from God, that God hath a jurisdiction proper, Kings are his delegates: It followes then, that the jurisdiction of [Prov. 8.](#) [Job 12.](#) [Wisd. 6. 3.](#) God hath no limits, that of Kings bounded, that the power of God is infinit, that of Kings confin'd, that the Kingdom of God extends it selfe to all places, that of Kings is restrain'd within the confines of certaine countries: In like manner God hath created of nothing both heaven, and earth; wherefore by good right he is Lord, and true Proprietorie, both of the one, and the other: All the Inhabitants of the earth hold of him that which they have, and are but his tenants, and farmers; all the Princes and Governors of the world are his stipendaries, and vassals, and are bound to take and acknowledge their investitures from him. Briefly, God alone is the owner and Lord, and all men of what degree, or quality soever they be, are his servants, farmers, officers, and vassals, and owe account, and acknowledgement to him, according to that which he hath committed to their dispensation, the higher their place is, the greater their account must be, and according to the ranks whereunto God hath rais'd them, must they make their reckoning before his divine Majesty, which the Holy Scripture teacheth in infinit places, and all the faithfull, yea, and the wisest amongst the Heathen have ever acknowledged: The earth is the Lords, and the fulnesse thereof, (so saith King *David*) And to the end that men should not sacrifice to their owne industry; the [Psal. 24.](#) earth yeelds [4] no increase without the dew of heaven: Wherefore God commanded that his people should offer unto him the first of their fruits, and the Heathens themselves have consecrated the same unto their gods; to the end, that God might be acknowledged Lord, and they his grangers and vine dressers; the heaven is the Throne of the Lord, [Isay 66. 1. 1](#) [Kings 1. 8](#) and the earth his foot-stoole. And therefore seeing all the Kings of the world are under his feet; it is no marvail, if God be called the King of kings, and Lord of lords; all Kings be termed his Ministers established to judge rightly, and govern justly the world in the quality of Livetenants. By me (so saith the divine Wisdom) [Prov. 8. 15](#) Kings reigne, and the Princes judge the earth: If they doe it not he looseth [Job 12-18.](#) the bonds of Kings, and girdeth their loyns with a girdle. As if he should say, it is in my power to establish Kings in their Thrones, or to thrust them out, and from [Dan. 2. 21.](#) that occasion the Throne of Kings is called the Throre of God. Blessed be the Lord thy God

(saith the Queen of *Sheba*) to King *Solomon*) which delighted in thee to set thee on his Throne to be King for the Lord thy God, to doe judgement and justice. In like manner we reade in another place, that *Solomon* sate on the Throne of the Lord, or on the Throne of the Lords Kingdome. By the same reason the people is alwayes called the Lords people, and the Lords inheritance, and the Kings Governor of this inheritance, and Conductor or Leader of his people of God, which is the title given to *David*, to *Solomon*, to *Ezechias*, and to other good Princes; when also the Covenant is passed betwixt God and the King, it is upon condition that the people be, and remaine alwayes the people of God, to shew that God will not in any case despoyle himselfe of his propriety, and possession, when he gives to Kings the government of the people, but establish them to take charge of, and well use them, no more nor lesse then he which makes choise of a Shepheard to looke to his flocks, remains notwithstanding himselfe still Master and owner of them. This was alwayes knowne to those good Kings, *David*, *Solomon*, *Jehosaphat*, and others which acknowledged God to bee the Lord of their Kingdomes and nations, and yet lost no priviledge that justly belongs to reall power; yea, they reigned much more happily in that they employed themselves cheerfully in the service of God, and in obedience to his Commandements. *Nebuchadnezer*, although hee were a Heathen, and a mighty Emperour, did yet at the end acknowledge this, for though *Daniel* called him the King of Kings, to whom thee King of Heaven had granted power and Royall Majesty above all others: Yet on the contrary, (said hee) [5] *Thy God O Daniel is truly the God of Gods, and Lord of Lords giving Kingdomes to whom he pleaseth*, yea, to the most wretched of the world. For which cause *Zenophon* said at the Coronation of *Cyrus*; let us sacrifice to God. And prophane Writers in many places doe magnifie God the most mighty and Sovereigne King. At this day at the Inaugurating of Kings, and Christian Princes, they are called the servants of God, destined to governe his people. Seeing then that Kings are only the Leiutenants of God, established in the Throne of God, by the Lord God himselfe, and the people are the people of God, and that the honour which is done to these Leiutenants proceeds from the reverence which is borne to those, that sent them to this service: it followes of necessity that Kings must bee obeyed for Gods cause, and not against God, and then, when they serve and obey God, and not otherwayes. It may be that the flatterers of the Court wil reply, that God hath resigned, his power unto Kings, reserving Heaven for himselfe, and allowing the Earth to them to reign, and govern there according to their owne phancies; briefly that the great ones of the World hold a devided Empire with God himselfe. Behold a discourse proper enough for that impudent Villaine *Cleon* the Sicophant of *Alexander*, or for the poet Martiall which was not ashamed to call the Edicts of *Domitian*, the Ordinances of the Lord God. This discourse I say is worthy of that execrable *Domitian* who (as *Suetonius* recites) would be called God and Lord: But altogether unworthy of the eares of a Christian-Prince, and of the mouth of good Subjects, that sentence of God almighty must always remaine irrevocably true, *I will not give my glory to any other*, that is, no man shall have such absolute authority, but I will alwayes remaine sovereigne. God doth not at any time divest himselfe of his power, he holds a Scepter in one hand to repress and quell the audacious boldnesse of those Princes which mutiny against him, and in the other a ballance to controle those that administer not justice with equity as they ought, then these, there cannot be expressed more certaine markes of sovereigne command. And if the Emperour in creating a King, reserves alwayes to himselfe the imperiall soveraignty, or a King as he of *France* in granting the government or possession of a Province to a stranger, or if it be to his Brother or Son reserves alwayes to himselfe appeales, and the [6] knowledg of such things as are the marks of royalty and soveraignty, the which also are always understood of themselves to be excepted, although they wer altogether omitted in the grant of investiture, and fealty promised, with much more reason should God have sovereign power and command over al

2 Chron. 9. 8.

2 Chron. 2 [...].  
[...]. 3: 1 Sam. 9.  
1 [...]. and 10.  
1.

2 Sam. 6. 21. 2  
Kings [...]. 0. 5.  
2 Chron. 1. 9. 2  
King. 11. 2  
Chron. 33. 16. 2  
Chron. 20. 6.

Dan 2. 3 [...].  
and 4. 14.

Divisum  
imperium cum  
Jove Caesar  
habet.

Isa. 48. 11.

psa. 2. 9. Wisd.  
6, 4.



Kings being his servants and Officers, seeing wee reade, in so many places of Scripture, that he will call them to an account, and punish them, if they doe not faithfully discharge their duties. Then therefore all Kings are the Vassals of the King of Kings, invested into their Office by the sword, which is the cognisance of their royall authority, to the end, that with the sword they maintaine the Law of God, defend the good, and punish the evill: Even as we commonly see, that he which is a sovereigne Lord, puts his Vassals into possession of their fee, by girding them with a sword, delivering them a buckler, and a standard, with condition that they shall fight for them with those armes if occasion shall serve. Now if we consider what is the duty of Vassalls, we shall find that what may be said of them, agrees properly to Kings. The Vassall receives his fee of his Lord with right of justice, and charge to serve him in his warres. The King is established by the Lord God, the King of Kings; [1 Sam. 8. and 9 20.](#) to the end he should administer justice to his people and defend them against all their enemies. The Vassall receives law and conditions from his Sovereigne: God commands the King to observe his laws and to have them always before his eyes, promising that he and his successors shall possesse long the Kingdom, if they be obedient, and on the contrary, rebellious to their Sovereigne King. The Vassall obligeth that their reigne shall be of small continuance, if they prove himselfe by Oath unto his Lord, and swears that he will be faithfull, and obedient: In like manner the King promiseth solemnly to command, according to the expresse Law of God. Briefly the Vassall looseth his fee, if he [Deu. 17. 19.](#) commit fellony, and by law forfeiteth all his priviledges: In the like case the King looseth his Right, and many times his Realme also, if he dispise God, if he complot with his enemies, and if he commit fellony against that Royall Majesty, this will appeare more clearly by the consideration of the Covenant which is contracted between God and the King, for God does that honour [7] to his servants to call them his confederats. Now we reade of two sorts of Covenants at the Inaugurating of Kings, the first betweene God, the King, and the People, that the people might be the people of God: The second between the King and the people, that the people shall obey faithfully, and the King command justly, we will treat hereafter of the second, and now speak of the first:

When King *Joas* was crowned we read that a Covenant was contracted between God, the King, and the People: or, as it is said in another place between *Jehojada* the High-Priest, all the People, and the King, *That God should bee their Lord.* [The Alliance between God and the Kings. 2 King. 11. 2 Chro. 23. 16. 2 king. 23.](#) In likemanner we read that *Josias* and all the people entred into Covenants with the Lord: we may gather from these testimonies, that in passing these Covenants the High-Priest did Covenant in the name of God in expresse termes, that the King and the people should take order that God might be served purely, and according to his will, throughout the whole Kingdome of *Juda*, that the King should so reigne that the people were suffered to serve God, and held in obedience to his law: That the people should so obey the King, as their obedience should have principall relation to God. It appeares by this that the King & the people are joyntly bound by promise and did obleige themselves by solemn Oath to serve God before al things. And indeed presently after they had sworn the Covenant, *Josias* and *Joas* did ruine the Idolatry of *Baal* and re-established the pure service of God. The principall poynts of the Covenants were cheifly these.

That the King himselfe, and all the people should be carefull to honour and serve God according to his will revealed in his word, which if they performed, God would assist and preserve their estates: as in doing the contrary, he would abandon, and exterminate them, which doth plainly appeare by the conferring of divers passages of holy writ. [Deut. 29. 30. 31. Deut. 31. 26.](#) *Moses* somewhat before his death propounds these conditions of Covenant to all the people, and at the same time commands that the Law, which be those precepts given by the Lord should be in *deposito* kept in the Arke of the Covenant. After the decease of *Moses*, *Joshua* was established Captaine, and Conductor of the [Josh. 1.](#) people of God, and according as the Lord himselfe admonished, if hee would have happy

successe in his affaires, [8] he should not in any sort estrange himselfe from the Law: *Joshua* also for his part, desiring to make the *Israelites* understand upon what condition God had given them the Country of *Canaan*, as soon as they were entred into it, after due sacrifices performed, he read the Law in the presence of all the people, promising unto them in the Lords name all good things if they persisted in obedience; and threatning of all evill if they wilfully connived in disobedience. Sommarily, he assures them all prosperity, if they observed the Law; as otherways, he expresly declared, that in doing the contrary they should bee utterly ruined: Also at all such times as they left the service of God, they were delivered into the hands of the *Canaanites*, and reduced in to slavery, under their Tyranny. Now this Covenant between God and the people in the times of the Judges, had vigor also in the times of the Kings, and was treated with them. After that *Saul* had been anoynted, chosen, and wholly established King, *Samuel* speakes unto the people in these termes; *Behold the King whom you have demanded and chosen, God hath established him King over you, obey you therefore and serve the Lord, as well you, as your King which is established over you, otherwise you and your King shall perish.* As if hee should say, you would have a King and God hath given you this here, notwithstanding thinke not that God will suffer any encroachment upon his right, but know that the King is as well bound to observe the Law as you, and if he faile therein, his delinquency shall be punished as severely as yours: Briefly, according to your desires *Saul* is given you for your King, to lead you in the wars, but with this condition annexed, that he himself follow the Law of God. After that *Saul* was rejected, because he kept not his promise, *David* was established King on the same condition, so also was his Son *Solomon*, for the Lord said, *If thou keep my Law, I will confirm with thee the Covenant which I contracted with David.* Now concerning this Covenant, it is inserted into the second book of the Chronicles, as followeth. *There shall not faile there a man in my sight, to sit upon the Throne of Israel: yet so that thy children take heed to their way to walk in my Law, as thou hast walked before me. But if they serve Idols, I will drive them from the Land whereof I have given them possession.* And therefore it was that the book of the Law was called the book of the Covenant of the Lord, (who commanded the Priests to give it the King) according to which *Samuel* put it [9] into the hands of *Saul*, and according to the tenure thereof *Josias* yeelds himself *soedetarie* and vassal of the Lord. Also the Law which is kept in the Ark, is called the Covenant of the Lord with the children of Israel. Finally, the people delivered from the captivity of *Babylon*, doe renew the Covenant with God, and do acknowledge throughout that Chapter, that they worthily deserved all those punishments for their falsifying their promise to God. It appears then that the Kings swear as vassals to observe the Law of God, whom they confesse to be Sovereign Lord over all, Now according to that which we have already touched, if they violate their Oath, and transgresse the law, we say that they have lost their kingdome, as vassalls loose their fee by committing fellony. We have said that there was the same covenant between God and the Kings of *Judah*, as before, between God and the people in the times of *Joshua* and the Judges. But we see in many places, that when the people hath despised the Law, or made covenants with *Baal*, God hath delivered them into the hands of *Eglon*, *Jabin*, and other Kings of the *Canaanites*: And as it is one and the same Covenant, so those which do break it, receive like punishment. *Saul* is so audacious to sacrifice, infringing thereby the Law of God, and presently after saves the life of *Agag*, King of the *Amalekites*, against the expresse Commandement of God, for this occasion he is called Rebell by *Samuel*, and finally is chastized for his Rebellion. *Thou hast sacrificed, saith he, but thou hadst done better to obey God, for, obedience is more worthy than sacrifice.* Thou hast neglected the Lord thy God, he also hath rejected thee, that thou Reign no more over *Israel*. This hath been so certainly observed by the Lord, that the very children of *Saul* were deprived of their paternall inheritance, for that he having committed high Treason, did

thereby incur the punishment of Tirants, which affect a Kingdom that no way appertains unto them. And not only the Kings, but also their children and successors have been deprived of the Kingdome by reason of such fellony. *Solomon* revolted from God to worship Idols. Incontinently the Prophet *Abijah* foretels that the Kingdome shall be divided under his Son *Rehoboam*. Finally, the word of the Lord is accomplished, and ten Tribes which made the greatest portion of the Kingdome, doe quit *Rehoboam*, and adhere to *Jeroboam* his servant. Wherefore is this? for so much (saith the Lord) that they have left me to goe after *Astoroche*, the God of the Sidoniens and *Chamos* the God of the *Moabites*, &c. I will also break in [10] peeces their Kingdome: as if he should say, they have violated the Covenant, and have not kept promise, I am no more then tied unto them, they will lessen my majesty, and I will lessen their Kingdome: Although they be my servants, yet notwithstanding they will expel me my Kingdome; but I will drive them out themselves by *Jeroboham* which is their servant. Furthermore, for so much as this servant, fearing that the ten tribes for the cause of Religion should returne to *Jerusalem*, set up Calves in *Bethel*, and made *Israel* to sin, withdrawing by this meanes the people far from God, what was the punishment of so ingrattull a Vassall and wicked Traytor towards his Lord? First, his son died, and in the end all his race, even unto the last of the males was taken from the face of the earth by the sword of *Baasa*, according to the judgement which was pronounced against him by the Prophet, because he revolted from the obedience of the Lord God: this then is cause sufficient, & often times also propounded, for the which God doth take from the King his fee, when he opposeth the Law of God, & withdraws himselfe from him to follow his enemies, to wit Idols, and as like crimes deserve like punishments, we read in the holy Histories that Kings of *Israel* and of *Juda* which have so far forgotten themselves, have in the end miserably perished. Now although the forme both of the Church, and the *Jewish* Kingdome be changed, for that that which was before inclosed within the narrow bounds of *Judea*, is now dilated throughout the whole World, notwithstanding the same things may be said of Christian Kings, the Gospell having succeeded the Law, and Christian Princes being in the place of those of *Jury*: There is the same Covenant, the same Conditions, the same Punishments, and if they faile in the accomplishing, the same God Almighty revenger of all perfidious disloyalty; and as the former were bound to keep the Law, so the other are obliged to adhere to the doctrine of the Gospel, for the advancement whereof these Kings at their anynting, and receiving, doe promise to imploy the utmost of their means.

*Herod* fearing Christ, whose reign he should rather have desired, sought to put him to death, as if he had affected a Kingdome in this World, did himselfe miserably perish, and lost his Kingdome. *Julian* the Apostate did cast off Christ Jesus to cleave unto the Impiety and Idolatry of the *Pagans*: but [11] within a small time after he fell to his confusion, the force of the arme of Christ, whom in mockery he called the *Gallilean*. Ancient histories are replete with such examples, neither is there any want in those of these times. Of late yeares divers Kings drunke with the liquor which the Whore of *Babilon* hath presented unto them, have taken armes, and for the love of the Wolfe, and of Antichrist, have made War against the Lambe of God, which is Christ Jesus, and yet at this day some amongst them doe continue in the same course, wee have seen some of them ruin'd in the deed, and in the midst of their wickednesse, others also carried from their triumphs to their graves, those which survive and follow them in their courses have little reason to expect a better issue of their wicked practices, this sentence remaines always most certaine, *That though all the Kings of the earth doe conjure and conspire against Christ and indeavour* psa. 2. 2. psa. 110 2. Apoc. 19: 16. *to cut in peeces our Lambe, yet in the end they shall yeeld the place, and maugre their hearts, confesse that this Lambe is the King of Kings, and Lord of Lords.* But what shall wee say of the Heathen Kings? Certainly although they be not anynted and sacred of God, yet be they his Vassalls and have received their power from him, whether they be chosen by lot or any other meanes whatsoever. If they have been chosen by the voyces of an Assembly, we say that God governs the heart of man, and addresses the minds and intentions of all persons

whether he pleaseth: If it be by lot, the lot is cast in the lap, saith the wise man, *but the whole disposing thereof is of the Lord*. It is God only that in all ages establisheth, and takes away, confirms, and overthrows Kings according to his good pleasure; In which [pro. 16, 33.](#)

regard *Isay* calls *Cyrus* the anoynted of the Lord, and *Daniel* saith that *Nebuchadnezer* and others have had their Kingdomes committed unto them by God; as also [Esa. 45. 1. Dan. 2. 21 & 4. 24. Rom. 13. 1 \[...\]](#).

Saint *Paul* maintains that all Magistrats have received their authority from him: For although that God hath not commanded *Pagans* in expresse termes to obey him as he hath don those that have knowledg of him: yet notwithstanding the *Pagans* must needs confesse that it is by the sovereigne God that they reign, wherefore if they will not yeeld the tribute that they owe to God in regard of themselves, at the least let them not attempt nor hinder the Sovereigne to gather that which is due from those people which are in subjection to them; nor that they doe not anticipate, nor appropriate [12] to themselves divine Jurisdiction over them, which is the crime of high treason and true tyrannie, for which occasion the Lord hath grievously punished even the Pagan Kings themselves. It then becomes those Princes that will free themselves from so enormous a mischiefe, carefully to distinguish their jurisdiction from that of Gods, yea, so much the more circumspectly for that God and the Prince have their right of authority over one and the same Land, over one and the same man, over one and the same thing; man is composed of body and soule, God hath formed the body and infused the soule into him, to him only then may be attributed, and appropriated the commands both over the body and soule of man. If out of his meer grace and favour he hath permitted Kings to employ both the bodies and goods of their subjects, yet still with this Proviso and charge, that they preserve and defend their subjects; certainly Kings ought to thinke that the use of this authority is in such manner permitted, that notwithstanding the abuse of it is absolutely forbidden: First, those which confesse that they hold their soules and lives of God, as they ought to acknowledge, they have then no right to impose any tribute upon soules. The King takes tribute and custome of the body, and of such things as are acquired or gained by the industry and travaile of the body, God doth principally exact his right from the soule, which also in part executes her functions by the body. In the tribute of the King are comprehended the fruits of the earth, the contributions of money and other charges, both reall and personall; the tribute of God is in Prayers, Sacraments, Predications of the pure word of God; briefly, all that which is called divine service, as well private as publick; these two tributes are in such manner divers and distinguished, that the one hurts nothing the other, the Exchequer of God takes nothing from that of *Caesar*, but each of them have their right manifestly apart. But to speak in a word, whosoever confounds these things, doth heaven and earth together, and endeavours to reduce them into their first chaos, or later confusion. *David* hath excellently well distinguished these affaires, ordaining officers to look to the right of God, and others for that of the King. *Josephat* [1 Chron. 26. 29. 2 Chron. 19. 11.](#)

hath followed the same course, establishing certaine persons to judge the causes that belonged to the Almighty, and others to looke to the justice of the King; the one to maintain the pure service of God, the other to preserve the rights of the King. But if a Prince usurpe the right of God, and put himselfe [13] forward after the manner of the Giants to scale the Heavens, he is no lesse guilty of high treason to his Sovereigne, and commits fellonie in the same manner, as if one of his vassals should seize on the rights of his Crown, and puts himselfe into evident danger to be dispoyled of his estates, and that so much the more justly, there being no proportion between God and an earthly King, between the Almighty and a mortall man; whereas yet between the Lord and the vassell there is some relation of proportion. So often therefore as any Prince shall so much forget himselfe, as insolently to say in his heart I will ascend into heaven, I will exalt my throne above the stars of God: I will sit also upon the mount of the congregation in the sides of the North; I will ascend above the heights of the clouds, I will be like the most high. But on the contrary, will the Almighty say I will rise up more high, I will set my selfe against thee; I [Essay 14. 13. 14.](#)

will raze out thy name and all thy posterity, thy counsels shall vanish into smoak, but that

which I have once determined shall remaine firme, and never be [Exo. 5. & 8. &c.](#)  
 annihilated. The Lord said unto *Pharaoh*, *let my people goe, that they may serve me, and*  
*offer sacrifice unto me*, and for that this proud man answered, that hee knew not the God of  
 the Hebrews, presently after he was miserably destroyed. *Nebuchadnezar* [Dan. 3. 5. & 4.](#)  
[25. &c.](#) commanded that his statue should be adored, and would be honoured as  
 God, but within a short time the true God did deservedly chastise his unruly boldnesse, and  
 desiring to be accounted God, he became a brut beast, wandring through desert places like a  
 wild asse, untill (saith the Prophet) that he acknowledged the God of *Israel* to be the  
 Sovereigne Lord over all, his sonne *Belshazer* abused the holy vessels of [Dan. 5. 2.](#)  
 the Temple in *Jerusalem*, and put them to serve his excesse and drunkennesse, for that  
 therefore he gave not glory to him, that held in his hands both his soule and his counsels, he  
 lost his Kingdome, and was slaine in that very night of his feasting *Alexander* the great took  
 pleasure in the lies of his Flatterers, who termed him the sonne of *Jupiter*, and not only  
 approv'd, but pro-cur'd his adoration, but a sudden death gave a sad period to those tryumphs,  
 being blinded through his excesse of conquests, began with too much affection, to delight in  
*Antiochus*, under colour of pacifying and uniting his subjects, commanded all men to forsake  
 the Lawes of God, and to apply themselves in obedience to his: hee [1 Macha. 1. 43.](#)  
 prophaned the Temple of the Jewes, and polluted their Altars, but after divers ruins, defeats,  
 and losse of battels, dispoyled, and disgraced, he dies with grieffe, confessing [14] that he  
 deservedly suffered those miseries, because he would have constrained the [Mac. 6. 12. 13.](#)  
 Jewes to leave their Religion. If we take into our consideration the death of *Nero*, that  
 inhumane Butcherer of Christians, whom he unjustly slandered with the fiering of *Rome*,  
 being the abhorred act of his detested selfe. The end of *Caligula*, which made himselfe to be  
 adored, of *Domitian* which would be called Lord and God, of *Commodus*, and divers others  
 which would appropriate to themselves the honours due to God alone, we shall find that they  
 have all and alwayes according to their deceits miserably perished; when on the contrary,  
*Trajan*, *Adrian*, *Antonius* the courteous and others, have finished their dayes in peace, for  
 although they knew not the true God, yet have they permitted the Christians the exercise of  
*their Religion*. Briefly, even as those rebellious vassals which endeavour to possesse  
 themselves of the Kingdome, doe commit fellonie by the testimony of all Lawes, and deserve  
 to be extirpated; in like manner those are as really guilty which will not observe the Divine  
 Law, whereunto all men without exception owe their obedience, or which persecute those  
 that desire to conforme themselves thereunto, without hearing them in their *just defences*;  
 now for that we see that God invests Kings into their Kingdomes, almost in the same manner  
 that vassals are invested into their fees by their Sovereigne, we must needs conclude, that  
 Kings are the vassals of God, and deserve to be deprived of the benefit they receive from  
 their Lord if they commit felony, in the same fashion as rebellious vassals are of their estates.  
 These promises being allowed, this question may be easily resolved; for if God hold the place  
 of Sovereign Lord, and the King as vassall: who dare deny but that we must rather obey the  
 Sovereign, then the vassall? If God commands one thing, and the King commands the  
 contrary, what is that proud man that would terme him a rebell which refuseth to obey the  
 King, when else he must disobey God. But on the contrary he should rather be condemned,  
 and held for truly rebellious, which omits to obey God, or which will obey the King when  
 hee forbids him to yeeld obedience to God. Briefly, if God call us on the one side to enrole us  
 in his service, and the King on the other, is any man so void of reason as he will not say we  
 must leave the King, and apply our selves to Gods service, so farre be it from us to beleieve,  
 that we are bound to obey a King, commanding any thing contrary to the Law of God, that  
 centrally in obeying him we become Rebels to God; no more, no more, nor lesse [15] then  
 we would esteem a countrey man a Rebell, which for the love he beares to some rich and  
 ancient inferiour Lord, would bear Arms against the Sovereigne Prince, or which had rather  
 obey the writs of an inferiour Judge then of a superiour, the commandements of a Lieutenant  
 of a Province, then of the Prince; to be briefe, the directions of an officer rather then the

expresse Ordinances of the King himselfe. In doing this we justly incurre the malediction of the Prophet *Micha*, which doth detest and curse in the name of God all [Mich. 6. 16.](#) those which obey the wicked and perverse Ordinances of Kings. By the Law of God we understand the two Tables given to *Moses*, in the which, as in unremoveable bounds the authority of all Princes ought to be fixed. The first comprehends that which we owe to God, the second that which we must doe to our Neighbours; briefly, they containe piety and justice conjoynd with charity, from which the preaching of the Gospel doth not derogate, but rather authorise and confirme: The first Table is esteemed the principall, as well in order as in dignity. If the Prince commands to cut the throat of an innocent, to pillage and commit extortion, there is no man (provided he have some feeling of conscience) that would execute such a commandement. If the Prince have committed some crime, as Adultery, Parricide, or some other wickednesse, behold amongst the Heathen *the learned Lawyer Papinian which will reprove Caracalla to his face*, and had rather die then obey, when his cruell Prince commands him to lie and palliate his offence; nay, although hee threaten him with a terrible death, yet would he not beare false witness; what shall we then doe, if the Prince commands us to be Idolaters, if he would have us againe crucifie Christ Jesus, if he enjoyns to blaspheme and despise God, and to drive him (if it were possible) out of Heaven, is there not yet more reason to disobey him, then to yeeld obedience to such extravagants commands: Yet a little further, seeing it is not sufficient to abstaine from evill, but that we must do good, instead of worshipping of Idols, wee must adore and serve the true God, according as he hath commanded us, and instead of bending our knees before *Baal*, we must render to the Lord the honor and service which he requires of us; for wee are bound to serve God for his owne sake only: but we honour our Prince, and love our Neighbour, because and for the love of God. Now if it be ill done to offend our neighbour, and if it be a capitall crime to rise against our Prince, how shall we intitle those that rise in rebellion against the Majesty of the Sovereigne Lord of all Mankind; briefly, [16] as it is a thing much more grievous to offend the Creator, then the creature, man, then the Image he represents; and as in terms of Law, he that hath wounded the proper person of a King, is much more culpable, then another that hath only broken the statue erected in his memory: so there is no question, but a much more terrible punishment is prepared for them, which infringe the first Table of the Law, then for those which only sinne against the second; although the one depend of the other; whereupon it followes (to speake by comparison) that we, must take more carefull regard to the observation of the first, then of the second. Furthermore, our Progenitors examples may teach us the rule we must follow in this case. King *Ahab* at the instigation of his wife *Jesabel*, killed all the Prophets, and servants of God that could be taken, notwithstanding *Abdias* Steward of *Ahabs* house did both hide and feed in a Cave a hundred [1 King. 18. 4.](#) Prophets, the excuse for this is soon ready; in obligations, oblige they never so neerly, the divine Majesty must alwayes be excepted. The same *Ahab* enjoyned all men to sacrifice to *Baal*: *Elias* instead of couling or relenting did reprove more freely the King, and all the people, convinced the Priests of *Baal* of their impiety, and caused them to be executed. Then in despite of that wicked and furious *Jesabel*, and manger that uxorious King, he doth redresse and reform with a divine and a powerfull endeavour the service of the true God. When *Ahab* reproached him (as the Princes of our times doe) that he [1 King. 18. 17.](#) troubled *Israel*, that he was rebellious, seditious, titles wherewith they are ordinarily charged, which are no way culpable thereof; nay, but it is thou thy selfe, answered *Elias*, which by thy Apostasie hath troubled *Israel*, which hath left the Lord the true God, to acquaint thy selfe with strange gods his enemies, in the same manner and by the leading and [Dan. 3. 18 & 6. lo. 13](#) direction of the same spirit did *Sidrac*, *Misack*, and *Abednego* refuse to obey *Nebuchadnezar*, *Daniel Darius*, *Eleazar Antiochus*, and infinit others. After the comming of Jesus Christ, it being forbidden the Apostles to preach the [Act. 4. 19.](#)

There is a certain Politician of our time so detestable, that he hath dared to condemne *Papinian*, and to write in his books full of errors in matter of state, that *Papinian* because he would not excuse the paracide of *Caracalla* did bring irreparable damages to the affairs of the Empire.

Gospel. Judge ye, (said they) whether it be reasonable as in the sight of God to obey men, rather than God; according to this the Apostles, not regarding neither the intendments nor designs of the greatnesse of the world, addressed themselves readily to doe that which their Master Jesus Christ had commanded them. The Jewes themselves would not permit that there should be set up in the Temple at *Jerusalem* the Eagle of silver, nor the statue of *Caligula*: what did *Ambrose* when the Emperour *Valentinian* commanded him to give the Temple [17] at *Millan* to the *Arrians*? *Thy Counsellors and Captains are come unto me*, said he, *to make me speedily deliver the Temple, saying it was done by the Authority and command of the Emperour, and that all things are in his power.* I answered to it, *That if he demanded that which is mine, to wit, mine inheritance, my money, I would not in any sort refuse it him, although all my goods belong properly to the poore, but the things divine are not in subjection to the power of the Emperour.* What doe we think that this holy man would have answered, if he had been demanded whether the living Temple of the Lord should be enthralled to the slavery of Idols. These Examples, and the constancy of a million of Martyrs, which were glorious in their deaths, for not yeilding obedience in this kinde, according as the Ecclesiasticall Histories, which are full of them, do demonstrate, may sufficiently serve for an expresse Law in this case. But for all this we have no want of a Law formerly written: For as often, and ever as the Apostles admonish Christians to obey Kings and Magistrates, they doe first exhort, and as it were by way of advice, admonish every one to subject himself in like manner to God, and to obey him before and against any whatsoever, and there is no where to be found, in any of their writings, the least passage for this unlimited obedience, which the flaterers of *Princes* do exact from men of smal understandings. *Let every soule*, saith Saint *Paul*, *be subject to the higher powers, for there is no power but of God*: he makes mention of every soul, to the end it may not be thought, that he would exempt any from this subjection; we may easily gather by divers such speeches, that we must obey God rather than the King: For if we obey the King, because, and for the love of God certainly this obedience may not be a conspiracy against God, But the Apostle wil stop the gap to all ambiguity in adding that the Prince is the servant of God for our good, to wit, to doe justice; from this necessarily follows that which we come from touching, that we must rather obey God then him who is his servant: This doth not yet content Saint *Paul* for he adds in the end, *Give tribute, honour, and feare to whom they appertaine*, as if hee should say, that which was alledged by Christ, *Give to Caesar that which is Caesars, and to God that which is Gods*: To Caesar tribute, and honour; to God feare. Saint *Peter* saith the same, *feare God, honour the King; Servants obey your Masters not only the good and kinde, but also the rigorous*, we must practice these precepts according to the order they are set downe in: to wit, that as [18] servants are not bound to obey their Masters if they command any thing which is against the lawes and ordinances of Kings: Subjects in like manner owe no obedience to Kings which wil make them to violate the Law of God.

*Philo Judeus in his discourse of his embassage to Cyrus. S. Ambrose in the Epist. 33.*

*Rom. 13. 1.*

*Math. 22. 21. 1 pet. 2. 17. 18.*

*Object. 1*

Certaine leud companions object, *that even in the things themselves that concern the Conscience wee must obey Kings, and are so shamelesse as to produce for witnesse of so wicked an opinion the Apostle Saint Peter and Saint Paul, concluding from hence, that we must yeeld obedience to all that the King shall ordaine, though it be to imbrace, without reply, any Superstition he shall please to establish.* But there is no man so grosly voyde of sense, that sees not the impiety of these men. We reply: that Saint *Paul* saith in expresse termes, we must be subject to Princes, not only for wrath, but also for conscience sake. In opposing conscience to wrath, it is as much as if the Apostle had said, that the obedience of which he speaks ought not to proceed for feare of punishment, but from the love of God, and from the reverence which we are bound to beare unto the word, in the same sence Saint *Paul* enjoyneth servants in such manner to obey their Masters, that it be not with eye service for feare of stripes, but in singleness of heart, fearing

*Rom 1. 35.*

*Col. 3. 22.*

God, not simply, to acquire the favour of men, whom they may delude, but to bear the burden laid on their shoulders, by him whom no man can deceive.

In briefe there is manifest difference between these two manners of speech, to obey for conscience sake, and to obey in those thing which concerne the conscience: otherwayes those which had much rather loose their lives with infinite torments then obey Princes which command them things contrary to the will of God, would have taught us that which these seek to perswade us to. Neither doe they expresse themselves lesse [Object. 2](#) impudent in that which they are accustomed to object to those which are not so well able to answer them. That obedience is better than sacrifice, for there is no Text in holy writ that doth more evidently confound them then this, which is contained in *Samuels* reprehension of King *Saul*, for his disobedience to the Commandement of God, in [1 Sam. 15. 22.](#) sacrificing unfittingly. If then *Saul* although he were a King ought to obey God, it follows in all good consequence that subjects are not bound to obey their King by offending of God. Briefly, those (which after the barbarous manner of the men of *Calcut*) seek to intrhall the service of God with a necessary dependance [19] on the will of a mutable man, and Religion of the good pleasure of the King, as if he were some God on earth, they doubles little value the testimony of holy Writ. But let them (at the least) yet learn of a Heathen Orator. *That in every publique state, there is certain degrees of duty, for those that* [Cicero in the first book of offic.](#) *converse and live in it, by which may appear wherein the one are obliged to the other. Insomuch that the first part of this duty belongs to the immortall God, the second concerns the Country, which is their common Mother, the third, those which are of our blood, the other parts leading us step by step to our other Neighbours. Now although the crime of High Treason be very heinous, yet according to the Civilians, it alwaies* [l. 2. ad leg. Jul. majest. Digest.](#) *follows after sacrilege, an offence which properly pertaines to the Lord God and his service, insomuch that they do confidently affirm, that the robbing of a Church, is by their rules esteemed, a greater crime, than to conspire against the life of a Prince.* Thus much for this first Question, wherein we perswade our selves, that any man may receive satisfaction, if he be not utterly voyd of the fear of God.

---



## The second Question, ↩

*Whether it be lawfull to resist a Prince which doth infringe the Law of God, or ruine his Church, by whom, how, and how far it is lawfull.* ↩

THIS Question seems at the first view to be of a high and difficult nature, for so much as there being small occasion to speak to Princes that fear God: On the contrary, there will be much danger to trouble the ears of those which acknowledge no other Sovereign but themselves, for which reason few or none have medled with it, and if any have at all touched it, it hath been but as it were in passing by. The Question is, *If it be lawfull to resist a Prince violating the Law of God, or ruining the Church, or hindring the restoring of it?* If we hold our selves to the tenure of the holy Scripture, it will resolve us. For, if in this case it have been lawfull to the Jewish people (the which may be easily gathered from the books of the Old Testament) yea, if it have been enjoined them, I beleieve it will not be denied, that the same must be allowed to the whole people of any Christian Kingdom or Country whatsoever. In the first place it must be considered, that God having chosen *Israel* from amongst all the Nations of the Earth, to be a peculiar people to him, and covenanted with them, that they should be the people of God. This is written in divers places of *Deuteronomy*: the substance and tenor of this alliance was, *That all should be carefull in their severall* [Deut. 7. 6. & 14. 2.](#) *lines, tribes, and families in the land of Canaan, to serve God purely, who would have a [20] Church established amongst them for ever,* which may be drawn from the testimony of divers places, namely that which is contained in the 27 Chap. of *Deuteronomy*, there *Moses* and the Levites covenanting as in the name of God, assembled all the people, and said unto them: *This day Oh Israel art thou become the people of God, obey you therefore his voyce, &c. And Moses said, when thou hast passed the River of Jordan, thou shalt set six Tribes on the mountain of Gerizzim on the one side, and the six other on the Mountain of Eball, and then the Levites shall read the Law of God, promising the observers all felicity, and threatning woe and destruction to the breakers thereof, and all the people shall answer, Amen.* The which was afterwards performed by *Joshua*, at his entring into the Land of *Canaan*, and some few days before his death. We see by this that all the people is bound to maintain the law of God to perfect his Church: and on the contrary to [Jos. 5. 24. & 24. 20. &c.](#) exterminate the Idols of the land of *Canaan*, a Covenant which can no wayes appertain to particulars, but only to the whole body of the people. To which also it seems the incamping of all the Tribes round about the Ark of the Lord, to have reference, to the end that all should look to preservation of that which was committed to the custody of all. Now for the use and practise of this Covenant wee may produce examples, the Inhabitants of *Gabaa* of the Tribe of *Benjamin* ravished the wife of a *Levite*, which died through their violence. The *Levite* divided his wife into twelve peeces and sent them to [Judg. 19, 20.](#) the twelve Tribes, to the end that all the people together might wipe away this so horrible a crime committed in *Israel*. All the people met together at *Mizpah* and required the *Benjamites* to deliver to be punished those that were culpable of this enormous crime, which they refused to performe, wherefore with the allowance of God himselfe, the states of the people with an universall consent renounce and make war against the *Benjamites*, and by this means the authority of the second Table of the Law was maintained by the detriment and ruine of one entire Tribe which had broken it in one of the precepts. For the first we have an example sufficiently manifest in *Joshua*. After that the *Rubenites*, *Gadites*, & *Manassites* were returned into their dwellings beyond *Jordan*, they incontinently built a goodly Alter neer unto the river, this seems to contrary the commandement of the Lord, [Jos. 22](#) who expressly forbids to sacrifice any where but in the land of *Canaan* only, wherefore it was to be feared least these men intended to serve Idols. This businesse being communicated to the people, inhabiting on this side *Jordan*: the place assigned for the meetings of the States

was at [21] *Silo* where the Arke of the Lord was. They all accordingly met, and *Phineas* the High-Priest the son of *Eleazer* was sent to the other to treat with them concerning this offence committed against the Law: And to the end they might know all the people had a hand in this businesse, they sent also the principall men of every Tribe to complain that the service of God is corrupted, by this devise, that God would be provoked by this rebellion, and become an enemy, not only to the guilty, but also to all *Israel*, as heretofore in *Beelphegor*. Briefly that they should denounce open warre against them if they desisted not from this their manner of doing: There must of necessity have followed much mischeife, if those Tribes beyond *Jordan* had not protested, that they erected that Alter only for a memoriall that the *Israelites* both on the one and the other side of *Jordan*, both did and do professe one and the same Religion: and at all times whensoever, they have shewed themselves negligent in the maintenance of the service of God, wee have seene that they have ever been punished: This is the true cause wherefore they lost two battels against the *Benjamites* according as it appears in the end of the booke of *Judges*, for in so carefully undertaking to punish the rape and outrage don to a particular person, they clearly convinced themselves of much negligent prophanesse in the maintenance of Gods right, by their continually negligence, omission to punish both corporall and spirituall whoredomes, there was then in these first times such a Covenant between God and the People.

Now after that Kings were given unto the people, there was so little purpose of disannulling or disbanding the former contract, that it was renewed and confirmed for ever. Wee have formerly said at the Inaugurating of Kings, there was a double Covenant treated of, to wit, *between God, and the King; and betweene God, and the People*. The agreement was first passed between *God, the King, and the People*: Or between *the High-Priest the People*, (which is named in the first place in the 23 Chapter in the 2 booke of the *Chronicles*) *and the King*. The intention of this was, that the *people should be the people of God*, (which is as much as to say) *that the people should be the church of God*, we have shewed before to what end God contracted Covenants with the King: Let us now consider wherefore also he allies himselfe with the people. It is a thing most certaine, that God hath not [22] done this in vain, and if the people had not *authority to promise, and to keep promise*, it were vainly lost time to contract or Covenant with them. It may seem then that God hath done like those creditors, which having to deale with not very sufficient borrowers, take divers joyntly bound for one and the same sum, insomuch as two or more being bound one for another and each of them apart, for the intire payment of the totall sum, he may demand his whole debt of which of them he pleaseth. There was much danger to commit the custody of the Church to one man *alone*, and therefore God did recommend, and put it in trust *to all the people*: The King being raised to so slippery a place might easily be corrupted, for feare least the Church should stumble with him, God would have the people also to be respondents for it. In the Covenant of which we speak, *God*, or (in his place) the *High-Priest*, are stipulators, the King and all the people, to wit, *Israel*, doe joyntly and voluntarily assume, promise, and oblige themselves for one and the same thing. The High-Priest demands if they promise that the people shall bee the people of God, that God shall always have his Temple, his Church amongst them, where he shall be purely served, The King is respondent, so also are the people (the whole body of the people representing as it were the office and place of one man) not severally, but joyntly, as the words themselves make cleare, being incontinent, and not by intermission or distance of time the one after the other. We see here then two undertakers, the *King* and *Israel*, which by consequent are bound one for another and each for the whole. For as when *Cajus* and *Titius* have promised joyntly to pay to their Creditor *Seius* a certaine sum, each of them are bound for himselfe and his companion, and the Creditor may demand the sum of which of them he pleaseth. In the like manner the *King* for himselfe, and *Israel* for it selfe are bound with all circumspection to see that the Church be not damnified, if either of them be negligent of their Covenant, God may

A covenant  
between God the  
king & the  
people. 2 king.  
11. 17. & 23. 3.

2 chron. 23 16.

L. Mortuo 22.  
D. de fidei com.  
L. si non singuli  
C. si cert. Pet. I.  
penult. D. de  
duo reis 2 & 3.  
sect. 1. D.  
eodem.

justly demand the whole of which of the two he pleaseth, and the more probably of the people then of the King, and for that many cannot so easily slip away as one, and have better meanes to discharge the debts then one alone. *In like manner, as when two men that are indebted, especially to the publike Exchequer, the one is in such manner bound for the other, that he can [23] take no benefit of the division granted; by the new Constitutions of Justinian: So likewise the King and Israel promising to pay tribute to God, which is the King of Kings, for accomplishment whereof, the one is obliged for the other. And as two Covenanters by promise, especially in contracts, the obligation whereof exposeth the Obligees to forfeitures and hazards, such as this is here, the failings of the one indammageth the other: so that if Israel forsake their God, and the King makes no account of it, he is justly guilty of Israels delinquency. In like manner, if the King follow after strange gods, and not content to be seduced himself, seeks also to attract his Subjects, endeavouring by all means to ruine the Church, if Israel seek not to withdraw him from his rebellion, and contain him within the limits of obedience, they make the fault of their King, their own transgression.* Briefly, as when there is danger that one of the debtors by consuming his goods may be disabled to give satisfaction, the other must satisfie the creditors who ought not to be endamaged, though one of his debtors have ill husbanded his estate, this ought not to be doubted in regard of *Israel* toward their King, and of the King towards *Israel* in case one of them apply himselfe to the service of Idols, or breake their Covenant in any other sort, the one of them must pay the forfeiture and be punished for the other. Now that the Covenants of which we at this time treat, is of this nature, it appeares also by other testimonies of Holy Scripture. *Saul* being established King of *Israel*, *Samuel* Priest and Prophet of the Lord, speakes L. cum pos. D. de censib. & ibi doct [...] res. L. cum apparebit, D. locati. L. si divisa. C. eodem. 1 Sam. 12. 14. 25. in this manner to the people. *Both you and your King which is over you serve the Lord your God, but if you persevere in malice* (he taxeth them of malice for that they preferred the government of a man before that of God) *you and your King shall perish*, He adds after the reason, *For it hath pleased God to chuse you for his people*. You see here both the parties evidently conjoynd in the condition and the punishment: In like manner *Asa* King of *Judah*, by the counsel of the Prophet *Azarie*, assembleth all the people at *Jerusalem*, to wit, *Juda* and *Benjamin*, to enter into Covenant with God. Thither came also divers of the Tribe of *Ephraim*, *Manasses*, and *Simeon*, which were come thither to serve the Lord according to his own ordinance After the sacrifices were performed according to the Law, the Covenant was contracted in these termes, *Whosoever shall not call upon the Lord God of Israel, be he the least or the greatest, let him dye the death*. In making mention of the greatest, you see that the King himselfe is not excepted from the designed punishment.

[24]

But who may punish the King (for here is question of corporall and 2 king. 23. 2. temporall punishment?) If it be not the whole body of the people to whom the King sweareth and obligeth himselfe, no more nor lesse, than the people doe to the King, we read also that King *Josias* being of the age of twenty and five yeares, together with the 2 Chron. 4. 29. whole people, doth make a Covenant with the Lord, the King and the People promising to keepe the Lawes, and Ordinances of God, and even then for the better accomplishing of the tenour of this agreement, the Idolatry of *Baall* was presently destroyed. If any will more exactly turne over the holy Bible, he may well finde other testimonies to this purpose.

But to what purpose should the consent of the people be required, wherefore should *Israel* or *Juda* be expresly bound to observe the Law of God? for what reason should they promise so solemnly to be for ever the people of God? If it be denied, by the same reason that they had any authority from God, or power to free themselves from perjury, or to hinder the ruine of the Church. For to what end should it serve to cause the people to promise to be the people of God, if they must, and are bound to endure and suffer the King to draw them after

strange Gods. If the people be absolutly in bondage wherefore is it commanded then, to take order that God be purely served? if it be so that they cannot properly oblige themselves to God, and if it be not lawfull for them by all to indeavour the accomplishment of their promise, shall we say that God hath made an agreement with them, which had no right neither to promise, nor to keep promise? But on the contrary, in this [I. quod att \[...\]](#) [net. 32. 1. D. de](#) [reg. jur.](#) businesse of making a Covenant with the people, God would openly and plainly show, that the people hath right to make, hold, and accomplish their promises and contracts. For, if he be not worthy to be heard in publique Court that will bargaine or contract with a slave, or one that is under tutillage, shall it not be much more shamefull to lay this imputation upon the Almighty, that he should contract with those which had no power to performe the conditions covenanted? But for this occasion it was, that when the Kings had broken their Covenants, the Prophets always addressed themselves to the house of *Juda* and *Jacob*, and to *Samaria*, to advertise them of their duties. Furthermore, they required the people that they not only [25] with-draw themselves from sacrificing to *Baal*, but also that they cast down his Idoll, and destroy his Priests and service; yea, even *maugre the King* himselfe. For example, *Ahab* having killed the Prophets of God, the Prophet *Elias* assembleth the people, and as it were convented the Estates, and doth there taxe, reprehend, and reprove every one of them; the people at his exhortation doe take and put to death the Priests of *Baal*. And for so much as the King neglected his duty, it behoved *Israel* more carefully to discharge theirs without tumult, not rashly, but by *publicke authority*, the Estates being assembled, and the equity of the cause orderly debated, and sufficiently cleared before they came to the execution of justice. On the contrary, so often, and always when *Israel* hath fayled to oppose their King, which would overthrow the service of God, that which hath been formerly said of the two Debtors, the inability and ill husbandry of the one doth ever prejudice the other, the same hapned to them; for as the King hath been punished for his Idolatry and Disloyaltie, the people have also beene chastised for their negligence, connivencie, and stupidity, and it hath commonly hapned, that the Kings have bin much more often swarved, and drawn others with them then the people, for so much as ordinarily the great ones mould themselves into the fashion of the King, and the people conforme themselves in humours to those that governe them: to be briefe, all more usually offend after the example of one, then that one will reform himselfe as he seeth all the rest. This which we say will perhaps appeare more plainly by examples; what doe we suppose to have been the cause of the defeat and overthrow of the Army of *Israel* with their King *Saul*. Doth God correct the people for the sinnes of the Prince? Is the child beaten instead of the Father? It is a discourse not easily [1 Sam. 31.](#) to be digested, say the Civilians, to maintain that the children should bear the punishments due for the offences of their Fathers; the Laws doe not permit that any one shall suffer for the wickednesse of another. Now God forbid that the Judge of all the world (saith *Abraham*) should destroy the innocent with the guilty: On the contrary (saith the Lord) [Gen. 18. 25.](#) [Deut. 24. 16. 2](#) [King. 14. 6.](#) [Ezech. 18. 20.](#) as the life of the Father, so the life of the sonne is in my hands; the fathers shall not be put to death for the children, neither shall the children be put to death for the fathers; every man shall be put to death for his own sinne, That overthrow then, did it not proceed for that the people opposed not [26] *Saul*, when he violated the Law of God; but applauded that miserable Prince when he wickedly persecuted the best men, as *David* and the Priests of the Lord. Amongst many other examples let us onely produce some few. The same *Saul* to enlarge the possessions of the tribe of *Juda* broke the publick faith granted to the *Gibeonites*, at the first entry of the people into the land of *Canaan*, and put to death as many of the *Gibeonites* as hee could come by. By this execution [Sam. 21. 1.](#) *Saul* did break the third Commandement, for God had been called to wnesse this agreement, and the sixt also, in so much as he murdered the innocent, he ought to have maintained the authority of the two Tables of the Law; and thereupon it is said, that *Saul* and his house have committed this wickednesse. In the mean time, after the death of *Saul*, and *David* being established King, the Lord being demanded, made answer, that it was already the third yeare

that the whole countrey of *Israel* was afflicted with famine, because of this cruelty, and the hand of the Lord ceased not to strike, untill that seven men of the house of *Saul* were given to the *Gibeonites*, who put them to death; seeing that every one ought to bear L. crimen. 26.  
D. de poenis his own burden, and that no man is esteemed the inheritor of anothers crime; wherefore they say, that all the whole people of *Israel* deserves to be punished for *Saul*, who was already dead, and had (as it might seem) that controversie buried in the same grave with him, but only in regard that the people neglected to oppose a mischief so publick and apparent, although they ought and might have done it: Think you it reason, not any be punished unlesse they deserve it? And in what hath the people here fayled, L. Sancimus c.  
de poenis. but in suffering the offence of their King. In like manner when *David* commanded *Ioab*, and the Governors of *Israel* to number the people, he is 1 Sam. 24. 2. 2  
Chron. 21. 2. taxed to have committed a great fault; for even as *Israel* provoked the anger of God in demanding a King, one in whose wisdom they seemed to repose their safety: even so *David* did much forget himselfe, in hoping for victory through the multitude of his subjects; for so much as that is properly (according to the saying of the Abacuc. 1. 16. Prophet) to sacrifice unto their net, and burn incense unto their drag, a kind of abominable Idolatry; for the Governors, they seeing that it would draw evill on the people, a little drew back at the first; afterwards, as it were, to be rid of the importunity they made the enrolment: in the mean season all the people are punished, and not *David* alone, but [27] also the ancients of *Israel*, which represented the whole body of the people, put on sack-cloth and ashes, the which notwithstanding was not done nor practised when *David* committed those horrible sinnes of murther and adultery. Who sees not in this last act, that all had sinned, and that all should repent; and finally that all were chastised, to wit *David* that had provoked God by so wicked a commandment, the Governors (as Peers and Assessors of the Kingdome, ought in the name of all *Israel* to have opposed the King) by their connivencie, and over weak resistance; and all the people also which made their appearance to be enroled. God in this respect did like a chiefe Commander, or Generall of an army, he chastised the offence of the whole camp, by a sudden alarum given to all, and by the exemplary punishments of some particulars to keep all the rest in better awe and order. But tell me wherefore after that the King *Manasses* had polluted the Temple at *Ierusalem*, doe we read that God 2 King 24. 4. 2  
Chron. 33. 10.  
Ier. 15. 4. not only taxed *Manasses*, but all the people also? was it not to advertise *Israel* one of the sureties, that if they keep not the King within the limits of his duty, they should all smart for it; for what meant the Prophet *Ieremy* to say, the house of *Iuda* is in subjection to the *Assirians*, because of the impiety and cruelty of *Manasses*? but that they were guilty of all his offences, because they made no resistance: wherefore *S. Austin* and *S. Ambrose* said, *Herod* and *Pilat* condemned Jesus Christ, the Priests S. August. upon  
Psal. 82. Ambro.  
in offic. delivered him to be crucified, the people seem to have some compassion, notwithstanding all are punished; and wherefore so? for so much as they are all guilty of his death, in that they did not deliver him out of the hands of those wicked Judges, and Governors, there must also be added to this, many other proofes drawne from divers Authors for the further explication of this point, were it not that the testimonies of holy Scripture ought to suffice Christians. Furthermore, in so much as it is the duty of a good Magistrate, rather to endeavour to hinder and prevent a mischief, then to chastise the delinquents after the offence is committed, as good Physicians that prescribe a diet to allay and prevent diseases, as wel as medicines to cure them: In like manner a people truly affected to true religion, will not simply consent themselves to reprove and repress a Prince that would abolish the Law of God, but also will have speciall regard, that through malice and wickednesse he innovate nothing that may hurt the same, or that in tract of time may [28] corrupt the pure service of God; and instead of supporting publick offences committed against the divine Majesty, thay will take away all occasions wherewith the offenders might cover their faults; wee read that to have been practised by all *Israel* by a decree of Parliament in the assembly of the whole people, to remonstrate to those beyond *Iordan*, touching the

Altar they had builded, and by the King *Ezechias*, which caused the brasen Serpent to be broken. It is then lawfull for *Israel* to resist the King, which would overthrow the Law of God, and abolish his Church, and not only so, but also they ought to know that in neglecting to performe this duty, they make themselves culpable of the same crime, and shall beare the like punishment with their King.

If their assaults be verball, their defence must be likewise verball, if the sword be drawn against them, they may also take armes, and fight either with tongue or hand, as occasion is: yea, if they be assailed by surprisalls, they may make use both of [August. in Josh. 23. q. 2.](#) ambuscadces, and countermines, there being no rule in lawfull war, that directs them for the manner, whether it be by open assailing their enemy, or by close surprising, provided alwayes, that they carefully distinguish between advantagious stratagemes, and perfidious Treason, which is alwayes unlawfull.

But I see well, here will be an objection made, what will you say? That a whole people, that beast of many heads, must they run in a mutinous disorder, to order the businesses of the Commonwealth? What addresse or direction is there in an unruly and unbridled multitude? what counsell or wisdom, to manage the affaires of State? [Dominus 1. 1. D. de dolo malo](#)

When we speak of all the people, we understand by that, only those [What is to be understood by this word people.](#) which hold their authority from the people, to wit, the Magistrates, which are inferiour to the King, and whom the people hath substituted, or established, as it were Consorts in the Empire, and with a kind of Tribunitiial authority, to restrain the encroachments of Sovereignty, and to represent the whole body of the people. We understand also, the Assembly of the Estates, which is nothing else but an Epitomy, or briefe collection of the Kingdome, to whom all publique affaires have speciall and absolute reference, such were the Seventy Ancients in the Kingdome of *Israel*, amongst whom the High Priest was as it were president, and they judged all matters of greatest importance, those seventy being first chosen [29] by six out of each Tribe, which came out of the land of Egypt, then the Heads or Governors of Provinces; In like manner the Judges and Provosts of Towns, the Captains of thousands, the Centurions and others which commanded over Families, the most valiant noble and otherwaies notable personages, of whom was composed the body of the States, assembled divers times as it plainly appears by the words of the holy Scripture. At the election of the first King which was *Saul*, all the Ancients of *Israel* assembled together at Rama. In like manner and all *Israel* was assembled, or all *Judah* and [1 Sam. 1. 4.](#) *Benjamin*, &c. Now it is no way probable that all the people one by one met together there. Of this ranck there are in every well governd Kingdom, the Princes, the Officers of the Crown, the Peers, the greatest and most notable Lords, the Deputies of Provinces, of whom the ordinary body of the Estate is composed, or the Parliament, or the Diet, or other Assembly according to the different names used in divers Countries of the world, in which Assemblies the principall care is had both for the preventing and reforming either of disorder or detriment in Church or Commonwealth. For as the Counsels of Basil and Constance have decreed (and well decreed) that the universal Council is in Authoritie above the Bishop of Rome. As in like manner the whole Chapter may over-rule the Bishop, the Vniversitie, the Rector, the Court, the President: Briefly he whosoever he is that hath received authoritie from a Company, is inferior ro that whole company, although he be superior to any of the particular Members of it. Also is it without any scruple or doubt, that *Israel* which demanded and established a King as Governor of the Publick must needs be above *Saul* established at their request, and for *Israels* sake as it shall be more fully proved hereafter. And for so much as an orderly proceeding is necessarily required in all affairs discreetly addressed, and that it is not so probably hopefull that order shall be observed amongst so great a number of people; yea, and that there oftentimes occurs occasions which may not be communicated to a multitude, without manifest danger of the Common-wealth. We say, that all that which hath

been spoken of priviledges granted, and right committed to the people, ought to be referred to the Officers and Deputies of the Kingdom: and all that which hath been said of Israel, is to be understood of the Princes and Elders of Israel, to whom these things were granted and committed as the practice also hath verified.

The Queen *Athalia* after the death of her son *Ahazia* King of [30] [...] Chron. 23. Judah, put to death all those of the royal bloud, except little *Joas*, which being yet in the cradle was preserved by the piety and wisdom of his Aunt *Jehoshabeah*. *Athalia* possesseth her self of the government, and reigned six year over Judah. It may well be the people murmured between their teeth, and durst not by reason of danger express what they thought in their minds. Finally, *Jehoida* the High-Priest the husband of *Jehoshabeah*, having secretly made a league and combination with the chief men of the Kingdom, did anoint and Crown King his Nephew *Joas*, being but seven year old, And he did not content himself to drive the Queen-Mother from the royal Throne, but he also put her to death, and presently overthrew the Idolatry of *Baal*. This deed of *Jehoiada* is approved, and by good reason, for he took on him the defence of a good Cause, for he assailed the Tyranny, and not the Kingdom. The Tyranny (I say) which had no Title, as our modern Civilians speak. For by [Bartol de Tirannid. Deut. 17. 15.](#) no Law were women admitted to the government of the Kingdom of *Judah*. Furthermore, that Tyranny was in vigor and practice: For *Athalia* had with unbounded mischief and cruelty invaded the Realme of her Nephews, and in the administration of that Government committed, infinite wickedness, and which was the worst of all, had cast off the service of the the living God to adore and compel others with her the Idol of *Baal*. Therefore then was she justly punished, and by him which had a lawful calling and authority to do it. For *Jehoida* was not a private and particular person, but the High-Priest, to whom the knowledge of civil causes did then belong: And besides he had for his Associats the principal men of the Kingdom the Levites, and being himself the Kings kins-man and ally. Now for so much as he assembled not the estates at *Mizpah* according to the accustomed manner, he is not reproved for it, neither for that he consulted and contrived the matter secretly, for that if he had held any other manner of proceeding, the business must probably have sailed in the execution and success. [Bartol. in tract. de Guelph. & Gibel.](#)

A combination or conjuration is good or ill according as the end whereunto it is addressed is good or ill; and perhaps also according as they are affected which are the managers of it. We say then that the Princes of *Judah* have done well, and that in following any other course they had failed of the right way. For even as the guardian ought to take charge and care that the goods of his pupil fall not into losse and detriment, and if he omit his duty therein, he may be compelled to give an account thereof: In like manner, those to [31] whose custody and tuition the people have committed themselves, and whom they have constituted their Tutors and defenders ought to maintain them safe & intire in all their rights and priviledges. To be short as it is lawfull for a whole people to resist and oppose Tyranny; so likewise the principal persons of the Kingdom, may as heads [Vlp. l. 260. D. de reg. juri.](#) and for the good of the whole body confederate and associate themselves together, and as in a publick State, that which is done by the greatest part is esteemed and taken as the act of all, so in like manner must it be said to be done which the better part of the most principal have acted, briefly that all the people had their hand in it.

But here presents it self another question the which deserves to be considered, and amply debated in regard of the circumstance of time. Let us [Whether part of a Kingdom may make resistance.](#) put the case that a King seeking to abolish the Law of God, or ruine the Church, that all the people or the greatest part yeild their consents, that all the Princes or the greatest number of them make no reckoniug; and notwithstanding, a small handfull of people, to wit, some of the Princes and Magistrates desire to preserve the Law of God entirely and inviolably, and to serve the Lord purely: what may it be lawfull for them to do? if the King seek to compel

those men to be Idolaters, or will take from them the exercise of true religion? We speak not here of private and particular persons considered one by one, and which in that manner are not held as parts of the entire body; As the planks, the nails, the pegs, are no part of the Ship, neither the stones, the rafters, nor the rubbish are any part of the house: but we speak of some Town or Province, which makes a portion of a Kingdom, as the prow, the poop, the keel and other parts make a Ship: the foundation, the roof, and the walls make a house. We speak also of the Magistrate which governs such a Citie or Province. If we must make our defence with producing of examples, although we have not many ready by reason of the backwardness and carelessness of men when there is question to maintain the service of God: notwithstanding, we have some few to be examined and received according as they deserve. *Libna*, a Town of the Priests withdrew it self from the obedience of *Joram* King of *Judah*, [John 21. 13. 1](#), [Chron. 6. 17. 2](#), and left that Prince, because he had abandoned the God of his Fathers [Chron. 21. 10.](#) whom those of that Town would serve, and it may be they feared also lest in the end they should be compelled to sacrifice to *Baal*. In like manner when that the King *Antiochus* commanded that all the Jews should imbrace his religion, and should forsake that which the [32] God Almighty had taught them, *Mattathias* answered, we will not [1 Mac 1. 43. & 2. 22. & 3. 43.](#) obey, nor will we do any thing contrary to our religion, neither did he only speak, but also being transported with the zeal of *Phineas*, he killed with his own hands a Jew, which constrained his fellow Citizens to sacrifice to Idols; then he took arms and retired into the mountain, gathered troupes, and made war against *Antiochus*, for Religion, and for his Countrie with such success, that he regained *Ierusalem*, brok and brought to nothing the power of the Pagans which they had gathered to ruine the Church, and then reestablished the pure service of God. If we will know who this *Matthias* was, he was the Father of the *Machabees* of the Tribe of *Levi*; insomuch as it was not lawfull for him according to the received custome and right of his race to restore the Kingdom by arms from the Tyranny of *Antiochus*. His followers were such as fled to the mountains together, with the inhabitants of *Modin*, to whom had adjoynd themselves divers neighboring Jews, and other fugitives from sundry quarters of *Iudeah*; all which solicitously desired the re-establishment of the Church. Almost all the rest, yea, the principals obeyed *Antiochus*, and that after the rout of his army, and his own miserable death: Although there were then a fair occasion to [1 Mac. 6. 21. &c.](#) shake off his yoke, yet the Jewes sought to the sonne of *Antiochus*, and intreated him to take on him the Kingdom, promising him fidelity and obedience. I might here produce the example of *Debora*. The Lord God had subjected *Israel* to *Iabin* King of *Canaan*, and they had remained in this servitude the space of twenty years, which might seem in some sort to have gained a right by prescription over the Kingdom; and together also that almost all *Israel* followed after strange gods. The principal and most powerful Tribes, to wit, *Reuben*, *Ephraim*, *Benjamin*, *Dan*, *Asher*, and some others adhered wholly to *Iabin*. Yet notwithstanding the Prophetess *Debora* which judged *Israel*, caused the Tribes of *Zebulon*, *Nephthalie*, and *Issachar*, or at the lest some of all those Tribes, to take arms under the conduct of *Barac*, and they overthrew *Sisera* the Lieftenant of *Iabin*, and delivered *Israel*, which had no thought of liberty, and was content to remain in bondage; and having shaken off the yoke of *Canaanets* they re-established the pure service of the living God. But for so much as *Debora* seems to have an extraordinary vocation, and that the Scripture doth not approve in expresse terms the doings of them of *Libna*, although that in not disallowing of their proceedings, it may seem [33] in some sort to allow them, and for that the History of the *Machabees* hath had no great authoritie in the ancient Church and for that it is comonly held that an assertion must be proved by laws and testimonies, not by examples, let us examine by the effect what we ought to judge according to the right of the matter now in question. We have formerly said that the King did swear to keep the Law of God, and promise to the uttermost of his power to maintain the Church: that the people of *Israel* considered in one body covenanting by the High-Priest, made the same promise to God. Now at this present we say, that all the Towns, and all the Magistrates of these Towns which be parts and portions of



the Kingdom, promise each of them in his own behalf, and in express terms the which all Towns and Christian Communalities have also done, although it have been but with a tacite consent. *Ioshua* being very old and near to his death, assembled all *Israel* at [Iosuah \[...\] 4.](#) *Sichem* in the presence of God, to wit, before the Ark of the Covenant which was there. It is said that the Antients of the people, the Heads of the Tribe, the Judges and Governors, and all which had any publick command in the Towns of *Israel* met together there, where they swore to observe and keep the Law of the Lord. and did willingly put on the yoke of the Almighty God: whereby it appears that these Magistrates did oblige themselves in the names of their Towns and Communalities which did send them to take order that God should be served throughout the whole Countrey, according as he had revealed in his Law. And *Joshuah* for his part having passed this contract of agreement between God and the people and inregistred the whole according as it was done, for a perpetual memorial of the matter he incontinently set up a stone.

If there were occasion to remove the Ark of the Lord, The principals of the Countrey and Towns, the Captains the Centurions, the Provosts, and others were summoned by the Decree and Commandment of *David*, and of the Synagogue of *Israel*, if there be a purpose of building the Lords Temple, the same course is observed. And to the end it be not supposed, that some alteration hath been inserted after the creation of Kings: In the times of *Joas* and *Josias*, when there was question of renewing the Covenant between God and the People, all the Estates met together, and all were bound and obliged particularly. Also not onely the King, but the Kingdome, and not onely all the Kingdome, [34] but also all the Pastors of the Kingdom promise each of them for their selves, fidelity and obedience to God. I say again, that not only the King and the People, but also all the Towns of *Israel*, and their Magistrates, oblige themselves to God, and as homagers to their liege lord tie themselves to be his for ever, with and against all men, for further proof of the aforesaid, I would entreat the Reader to diligently turn over the holy Bible, especially in the books of the *Kings* and the *Chronicles*. But for a yet more ample explication of this matter, let us produce for example what is in practise at this day. In the Empire of *Germany*, when the Emperor is to be crowned, the Electors and Princes of the Empire, as well Secular as Ecclesiastical, meet together personally, or else send their Ambassadors. The Prelats, Earls, and Barons, and all the Deputies of the Imperial Towns, come thither also, or else send special Proxies; then do they their homage to the Emperor; either for themselves, or for them whom they represent, with and under certain conditions: Now let us presuppose that one of these which hath done homage voluntarily, do afterwards endeavour to depose the Emperor, and advance himself into his place, and that the Princes and Barons deny their Sovereign the succors and tribute which they owe him, and that they have intelligence with that other which conspired and sought to possess himself of the Imperial Throne: Think you that they of *Straesborgh* or of *Nurembergh*, which have bound themselves by faith unto the lawful Emperor, have not lawful right to repress and exclude this trayterous Intruder? Yea, on the contrary, if they do it not, if they give not succors to the Emperor in this his necessity, think you that they have satisfied or performed their fealty and promise, seing that he which hath not preserved his Governour when he had means to do it, ought to be held as culpable and guilty, as he which offered the violence and injury unto him. If it be so (as every one may sufficiently see it is) is it not then lawful for the men of *Libna* and of *Modin*? and doth not their duty enjoyn them to do as much as if the other Estates of the Kingdom have left God to whose service and pleasure they know and acknowledge themselves to be bound to render obedience. Let us imagine then some *Ioram* or *Antiochus* which abolisheth true Religion, and lifts up himself above God, that *Israel* connives and is content, What should that Town do which desires to serve God purely? First, they should say with *Ioshua*, for their parts, look whom you desire rather to obey, the living God, or the Gods of the [Iosh. 14. 15.](#) Amorites, for our parts [35] we and our Families will serve the Lord. Chuse you then I say, if

1 Chron. 1 [...].  
2 Chron. 3. 1  
Kings 7. 1  
Chron. 2 [...]. 2  
Kings [...]. 2  
Kings 23. 2  
Chron. 23.

L. 3. l. Omned  
elict. Sect. ult.  
D. de re mil.

you will obey in this point him, which without any right usurps that power and authority which no way appertains unto him, for my part, hap what may, I will keep my faith to him to whom I promised it. I make no question but that *Ioshua* would have done the uttermost of his endeavour to maintain the pure service of the living God in *Thamnathe Serathe*, a Town of *Ephraim*, where his house and estate lay; if the Israelites besides had so much forgot themselves as to have worshipped the god of the Amorites in the land of *Canaan*. But if the King should pass yet further, and send his Lieutenants to compel us to become Idolaters, and if he commands us to drive God and his service from amongst us; Shall we not rather shut our gates against the King and his Officers, then drive out of our Town the Lord which is the King of kings? Let the Burgesses and Citizens of Towns, Let the Magistrates and Governours of the People of God dwelling in Towns, consider with themselves that they have contracted two Covenants, and taken two Oaths: The first and most ancient with God, to whom the People have sworn to be his people: the second and next following, with the King, to whom the people hath promised obedience, as unto him which is the Governour and Conductor of the people of God. So then, as if a Vice-Roy conspiring against his Sovereign, although he had received from him an unlimited authority, if he should summon us to deliver the King whom he held besieged within the inclosure of our walls, we ought not to obey him, but resist with the uttermost of our power and means according to the tenour of our oath of Allegiance: In like manner think we that it is not a wickednes of all most detestable, if at the pleasure of a Prince which is the vassal and servant of God, we should drive God from dwelling amongst us, or deliver him (as far as in us lieth) into the hands of his enemies. You will say, it may be that the Towns appertain to the Prince. 10 Collat de forma Fidei, &c. l. de nova fidel. form. And I answer, that the Towns consist not of a heap of stones, but of that which we call people, that the people is the people of God, to whom they are first bound by oath: and secondly, to the King. For the Towns, although that the Kings have power over them, notwithstanding the right of inheritance of the Soyl belongs to the Citizens and Owners, for all that which is in a Kingdom, is indeed under the Dominion of the King, but not of his proper Patrimony: God in truth is the onely Lord propriator of all things, and it is of him that the King holds [36] his royalties, and the people their Senec. l. 7. de Benef. c. 6, 7. &c. Patrimony. This is as much as to say, you will reply, that for the cause of Religion it shall be lawful for the subjects to revolt from the obedience of their King, if this be once granted, it will presently open a gap to rebellion? But hearken I pray you patiently, and consider this matter more throughly: I might answer in a word, that of two things, if the one must needs be done, it were much better to forsake the King, then God; or with *S. Augustine* in his fourth book of the Citie of God, chap. 4. and in the nineteenth book, and chapter the 21. That where there is no Justice, there is no Common-wealth. That there is no Justice, when he that is a mortal man would pull an other man out of the hands of the immortal God, to make him a slave of the devil, seing that Justice is a vertue that gives to every one that which is his own, and that those which draw their necks out of the yoke of such Rulers, deliver themselves from the Tyrannie of wicked spirits, and abandon a multitude of robbers, and not the Common-wealth. But to re-assume this discourse a little higher, those which shall carry themselves as hath been formerly said, seem no waies accusable of the crime of revolt. Those are said properly to quit the King or the Common-wealth, which with the heart and purpose of an Enemy withdraw themselves from the obedience of the King or the Commonwealth, by means whereof they are justly accounted adversaries, and are oftentimes much more to be feared then any other enemies. But those of whom we now speak, do nothing resemble them. First they do in no sort refuse to obey, provided that they be commanded that which they may lawfully do, and that it be not against L. 5. D. de cap. minut. the honour of God. They pay willingly the Taxes, Customs, Imposts, and ordinary payments, provided that with these they seek not to abolish the tribute which they ow unto God. They obey *Caesar* while he commands in the quality of *Caesar*: but when *Caesar* passeth his bounds, when he usurps that Dominion which is none of his own, when

he endeavours to assail the Throne of God, when he wars against the sovereign Lord both of himself and the people; they then esteeme it reasonable not to obey *Caesar*: and yet after this to speak properly, they do no acts of hostility. He is properly an enemy which stirs up, which provokes another, which out of military insolencie prepareth and seteth forth parties to war. They have been urged and assailed by open war, and close and trecherous surprisalls: when death and destruction environs them round about, then they take armes, and wade [37] their enemies assaults: you cannot have Place with your enemies when you will; for if you lay down your weapons, if you give over making Warre they will not for all that disarme themselves, and loose their advantage. But for these men, desire but place and you have it, give over but assaying them, and they wil lay down their Armes, cease to fight against God, and they will presently leave the lists, will you take their Swords out of their hands? absteyne you only then from striking, seeing they are not the assaylants, but the defendants, sheath your Sword, and they will presently cast their Buckler on the ground, which hath been the reason that they have been often surprized by perfidious atribuscadoes, whereof these our times have afforded over frequent examples. Now as we cannot call that servant stuborne or a fugitive, which puts by the blow, which his Lord stricks at him with his Sword, or which withdrawes or hides himselfe from his Masters fury, or shuts his Chamber dore upon him, untill his coler and heate be passedover, much lesse ought we to esteeme those seditions, which (holding the name and place of Servants and subjects) shut the gates of a City against their Prince, transported with anger, being ready to do all his just Commandments, after he hath recovered his judgement, and related his former indignation; we must place in this rank, *David* Commander of the Army of *Israel*, under *Saul*, a furious King. <sup>1 Sam. 21. 22. 2 Sam. 25. 28.</sup> *David* oppressed with Calumnies and false Taxations, watched and way-layed from all parts, he retired unto, and defended himselfe in unaccessible Mountaines, and provided for his defence to oppose the walles of *Ceila* against the fury of the King, yea, he drew unto his party all those that he could, not to take away *Saules* life from him, as it plainly appeared afterwards; but to defend his own Cause: see wherefore *Jonathan* the Sonne of *Saul*, made no difficulty, to make alliance with *David*, and to renew it from time to time; the which is called the Alliance of the Almighty. And *Abbigall* saith in expresse words, that *David* was wrongfully assayled, and that he made the War of God. We must also place in this rank the *Machabees*; which having good meanes to maintaine Warres, were <sup>*Macha.* 6. 60. &c.</sup> content to receive peace from King *Demetrius*, and others, which *Antiochus* had offered them before, because by it, they should be secured in the free profession and exercise of their Religion. We may remember that those which in our times have fought for true Religion against *Antichrist*, both in *Germanie* and *France*, have laid down Armes as soone as it was permitted them to serve God truely according to his Ordinance, and oftentimes having fayre meanes and occasion to advance and continue the War to their much advantage: as had *David* and the *Machabees*, where the *Philistins* constrained *Saul* to [38] leave *David* to looke to his own defence, and those Cloudes of neighbouring enemies in *Antiochus*, saw ready to disscue upon his head, hindered him also from further pursuing the *Machabees*. See then the markes which distinguish and separate sufficiently, those of whom we speak from Rebels or seditions.

But let us yet see other evident Testimonies of the equity of their cause; for their defection is of that nature, that take but away the occasion, if some extreame necessity compell not the contrary, they presently return to their former condition, and then you cannot properly say, they separated themselves from the King, or the Communalitie; but that they left *Ioram*, and *Antiochus*, or if you will, the Tyranny and unlawfull power of one alone, or if divers particulers, which had no authority nor right to exact obedience in the same manner, as they commanded. The Sorbonists Doctors have taught us the like sundry times: whereof we will alledge some examples.

About the year 1300. Pope *Boniface* the 8 seeking to appropriate to his Sea, the copalties that belonged to the Crown of *France: Philip* the faire, the then King, doth taunt him somewhat sharply: the tenor of whose care letters are these. [Annales Franciae. Archiva Cameræ Ratiocimorum. Lutetiae.](#)

*Philip by the Grace of God, King of the French, to Boniface*, calling himselfe Sovereign Bishop, little or no health at all.

Be it known to the great foolishnesse and unbounded rashnesse, that in temporall matters we have only God for our superiour, and that the vacancy of certain Churches, and pretends belongs to us by copall prerogative, and that it appertaines to us onely to gather the fruites, and wee will defend the possession thereof against all opposers, with the edge of our Swords, accounting them fooles, and without braynes that hold a contrary opinion. In those times all men acknowledged the Pope for Gods Vicar on earth, and head of the universal Church: Insomuch, that (as it is said) common error went instead of a Law, notwithstanding the Sorbonists being assembled, and demanded, made answer, that the King and the Kingdom might falsly without blame or danger of schisme, exempt themselves from his obedience, and flatly refuse that, which the Pope demanded; for so much as it is not the separation: but the cause which makes the schisme, and if there were schisme, it should be only in separating from *Boniface*, and not from the Church, nor from the Pope, and that there was no danger nor offence in so remaining untill some honest man were chosen Pope. Every one knowes into what perplexities, the consciences of a whole Kingdom would fall, which held themselves separated from the Church, if this distinction be not true. I would demand [39] now, if it be not yet more lawfull to make use of this distinction, when a King invades and incroacheth on the jurisdiction of God, and oppresseth with hand servitude, the scales dearly bought with the pretious blood of *Jesus Christ*. Let us adde another example.

In the year of our Lord 2408. when Pope *Benedict* the 13. did oppose the *French* Church by tributes, and exactions, the Clergy assembled; by the Command of King *Charles* the 6. decreed: that the King and Inhabitants of the Kingdom, ought not to obey *Benedict*, which was an Heritick, a schismatick, and altogether unworthy of that dignity: the which the Estates of the Kingdom approved, and the Parliament of *Paris* confirmed by a decree. The same Clergy also ordained that those which had been excommunicated by that Pope: as forsakers and enemies of the Church, should be presently absolved, nullifying all such excommunications, and this hath been practised not in *France* onely, but in other places also: as Histories do credibly report. The which gives us just occasion most perspicuously to see and know, that if he which holds the place of a Prince do govern ill, there may be a separation from him without incurring justly the blame of revolt; for that they are things in themselves directly contrary, to leave a bad Pope, and forsake the Church, a wicked King, and the Kingdom. To returne to those of *Lobna*, they seeme to have followed this before remembred expedient; for after the reestablishment of [2 Kings 19. 8.](#) the service of God, they presently became again the subjects of King *Ezekias*. And if ti is distinction be allowed place, when a Pope incroacheth on the rights of any Prince, which notwithstanding in some cases acknowledgeth him for his Sovereign: Is it not much more allowable, if a Prince which is a Vassall in that respect, endeavours to assure and appropriate to himselfe the rights of God. Let us conclude then to end this discourse, that all the people by the authority of those, into whose hands they have committed their Power, or divers of them may, and ought to reprove and repress a Prince, which Commands things against God. In like manner, that all, or at the least, the principalls of Provinces or Towns, under the authority of the chiefe Magistrates, established first by God, and secondly by the Prince, may according to Law and reason, hinder the entrance of Idolatry, within the inclosure of their walles, and maintain their true Religion: yea further, [Extrau. de majo. & obed.](#)

they may extend the Confines of the Church, which is but one, and in failing hereof, if they have meanes to do it: they justly incur the penaltie of High-Treason against the Divine Majesty.

*Whether private men may resist by Armes.* ↪

It remaines now that we speak of particularers which are private persons. [40] First, particularers or private persons, are not bound to take up arms against the Prince which would compell them to become Idolaters. The Covenant betweene God & all the people who promise to be the people of God, doth not in any sort bind them to that; for as that which belongs to the whole vniversall body, is in no sort proper to particularers: so in like manner that which the body owes and is bound to performe, cannot by any sensible reason be required of particular persons: neither doth their duty any thing oblige them to it; for every one is bound to serve God in that proper vocation, to which this called. Now private persons they have no power, they have no publik command, nor any calling to unsheath the sword of authority; And therefore as God hath not put the sword into the hands of privat men: so doth he not require in any sort that they should strike with it. It is said to them, *put up thy sword into thy scabberd*. On the contrary the Apostle saies of Majestrates, they carry not the sword in vaine; If particular men draw it forth, they make themselves Delinquents; If Majestrates be slow and negligent to use it when just occasion is offered, they are likewise justly blameable of negligence in performing their duties, and equally guilty with the former. But you will say unto me, hath not God made a Covenant, as well with particular persons as with the generality, with the least as well as the highest? To what purpose was Circumcision, and Baptisme ordained? What meaneth that frequent repetition of the Covenant in so many passages of holy writ? All this is true, but the consideration hereof is divers in their severall kinds; For as all the subjects of a good and faithfull Prince, of what degree soever they be are bound to obey him; but some of them notwithstanding have their particular duty, as Magestrates must hold others in obedience, in like manner all men are bound to serve God; bnt some as they are placed in a higher rancke, have received greater authority in so much as they are accountable for the offences of others, if they attend not the charges of the Communalty carefully.

The Kings, the Communalities of people, the Majestrates into whose hands the whole body of the Common-wealth hath committed the sword of authority, must and onght to take care that the Church be maintained and preserved, particularers ought only to looke that they render themselves members of this Church. Kings and popular Estates are bound to hinder the pollution or ruine of the Temple of God, & ought to free and defend it from all corruption within, and all injury from without. Private men must take order that their bodies the Temples of of God, be pure, that they may be fit receptacles for the Holy-ghoast to [41] dwell in them. If any man defile the Temple of God, saith the Apostle, him shall God destroy; for the Temple of God is holy, which Temple ye are, to the former he gives the sword, which they beare with authority: to the other he recommends the sword of the spirit only, to wit, the word of God, wherewith St. *Paul* armes all Christians, against the assaults of the Divell, what shall then private men do? if the King will constraine them to serve Idolls? If the Magistrates into whose hands the people hath consigned their authority, or if the Magistrates of the place, where these particularers dwell, do oppose these proceedings of the King: let them in Gods name obey their leaders, and imploy all their meanes (as in the service of God) to ayd the holy and commendable enterprises of those, which oppose themselves lawfully, against his wicked intention. Amongst others, they have the examples of the Centurions, and men at armes, which readily and cheerfully obeyed the Princes of *Juda*, who stirred up by *Iehoydas*, purged the Church from all prophanation, & delivered the Kingdom from the tyranny of *Athiliah*. But if the Princes, and Magistrates,

approve the courses of an outrageous and irreligious Prince, or if they do not resist him, we must lend our eares to the Councell of Jesus Christ, to wit, to retire our selves into some other place; we have the example of the faithfull mixed amongst the 10. Tribes of Israel, who seeing the true service of God abolished by *Ieroboam*, and that none made any accompt of it, they retired themselves into the territories of *Iuda*, where Religion remained in her purity: let us rather forsake our livelihoods and lives, then God, let us rather be crucified our selves, then crucifie the Lord of life: feare not them (saith the Lord) which can only kill the body.

*2 Chron. 11. 13.  
& 15. 9. Heb. 6.  
6. Mar. 10. 28.  
Exod. 12. &c.  
Iud. 3. 16. 2  
Kings 9.*

He himselfe, his Apostles, and an infinite number of Christian martirs, have taught us this by their examples; shall it not then be permitted to any private person to resist by Armes? what shall we say of *Moses*, which lead *Israel* away in despite of King *Pharoah*? And of *Ehua*, which after 10. years servitude, when *Israel* might seeme to belong by right of prescription, to him which held the possession thereof, he killed *Eglon*, the King of *Moab*, and delivered *Israel* from the yoke of the *Moabites*, and of *Iohu*, which put to death his Lord the King *Ioram*, exterpatated the race of *Ahab*, and destroyed the Priests of *Baall*, were not these particulers? I answer, that if they be considered in themselves, they may well be accounted particuler persons, insomuch as they had not any ordinary vocation; But, seeing that we know that they were called extraordinarily, and that God himselfe hath (if we may so speak) put his sword into their hands, be it far from us to account them particuler or private persons, but rather let us esteeme them by many degrees, excelling any ordinary Magistrates whatsoever. The calling of *Moses* [42] is approved by the expresse word of God, and by most evident miracles, it is said of *Ehud*, that God stirred him up to kill the Tyrant, and deliver *Israel*; for *Iehu*, he was anointed by the Commandement of the Prophet *Elizeus*, for to roote out the race of *Ahab*, besides, that the principall men saluted him King, before he executed any thing. There may as much be said of all the rest, whose examples are propounded in holy writ. But where God Almighty doth not speak with his own mouth, nor extraordinarily by his Prophets, it is there that we ought to be exceeding cautious, and to stand upon our guards; for if any supposing he is inspired by the Holy-Ghost, do attribute to himselfe the before mentioned authority, I would intreat him to looke that he be not puffed up with vaine glory, and least he make not a God to himselfe of his own fancy, and sacrifice to his own inventions, let him not then be conceived with vanity, least instead of fruite he bring forth deluding lies. Let the people also be advised on their parts, least in desiring to fight under the Banner of Jesus Christ, they run not to their own confusion to follow the Army of some Gallilean Thendas, or of *Barcezha*: as it happened to the Pesants and Anabaptists of *Munster*, in *Germany*, in the year 1323. I will not say, notwithstanding that the same God which to punish our offences, hath sent us in these our dayes, both *Pharoes* and *Ahabs*, may not sometimes raise up extraordinary deliverances to his people: certainly his justice and his mercy continue to all ages, firme and immutable. Now if these visible miracles appear not as in former times; we may yet at the least full by the effects that God workes miraculously in our hearts, which is when we have our minds free from all ambition, a true and earnest zeale, a right knowledge, and conscience; least being guided by the spirit of errour or ambition, we rather make Idolls of our own immaginations, then serve and worship the true and living God.

#### *Whether it be lawfull to take Armes for Religion.* ↪

Furthermore to take away all scruple, we must necessarily answer, those which esteeme, or else would, that others should think they hold that opinion, that the Church ought not to be defended by Armes. They say with all that, it was not without a great Mysterie, that God did forbid in the Law, that the Alter should be made or adorned with the helpe of any toole of Iron; in like manner, that at the building of the Temple of *Solamon*: there was not heard any noyse of Axe or Hammer, or other tooles of Iron; from whence they collect that the Church which is the lively Temple of the Lord, ought not to be reformed by Armes; yea, as if the stones of the Alter, and of the Temple, were hewed and

*Exod. 20. 25.  
Deut. 27. 3. 1  
Kings 6. 7*

taken out of the quarries without any instrument of Iron, which the text of the holy [43] Scripture doth sufficiently cleare. But if we oppose to this goodly Allegory, that which is written in the fourth Chapter of the book of *Nehemiah*, that one part of the people, caried mortar, and another part stood ready with their weapons, that some held in one hand their swords, and with the other carried the materialls to the workmen, for the rebuilding of the Temple: to the end, by this meanes to prevent their enemies from ruining their work, we say also that the Church, is neither advanced, nor edified by these materiall weapons; but by these armes it is warranted, and preserved from the violence of the enemies, which will not by any meanes endure the increase of it. Briefly, there hath been an infinite number of good Kings and Princes, (as Histories do testifie, which by Arms: have maintained and defended the service of God against Pagans. They reply readily to this, that Warres in this manner were allowable under the Law ■ but since the time that grace hath been offered by Jesus Christ, who would not enter into *Ierusalem* mounted on a brave horse; but meekly sitting on an asse: this manner of proceeding hath had an end, I answer first, that all agree with me in this, that our Saviour Christ during all the time that he conversed in this world, tooke not on him the Office of a Judge, or King; but rather of a private person, and a Delinquent by imputation of our transgressions: so that it is an allegation besides the purpose, to say that he hath not managed Armes. But I would willingly demand of such exceptionists: whether they think that by the coming of Jesus Christ in the flesh, that Magistrates have lost their right in the sword of Authority? If they say so, Saint *Paul* contradicts them, who saies that the Magistrates carries not the sword in vaine, and did not refuse their assistance and [Rom. 13. 4. Acts 23. 17.](#) power, against the violence of those which had conspired his death. And if they consent to the saying of the Apostle to what purpose should the Magestrates beate the sword, if it be not to serve God, who hath committed it to them, to defend the good and punish the bad? Can they doe better service then to preserve the Church from the violence of the wicked, & to deliver the flock of Christ, from the swords of murtherers? I would demaund of them yet, whether they think that all use of Arms is forbidden to Christians? If this be their opinion, then would I know of them, wherefore Christ did graunt to the Centurian his request? Wherefore did he give so excelent a testimony of [Matt. 8. 9. 13. Luc. 3. 14. Act. 10. 47.](#) him? wherefore doth St. *Iohn* Baptist command the men at Armes to content themselves with their pay, and not to use any extortion and doth not rather perswade them to leave their calling? Wherefore did Saint *Peter* Baptize *Cornellus* the Centurian who was the first fruits of the Gentiles? From whence comes it that he did not in any [44] sort whatsoever counsell him to leave his charge? Now if to bear arms & to make war be a thing lawfull, can there possibly be found any war more just, then that which is taken in hand by the command of the superiour, for the defence of the Church, and the preservation of the faithfull? Is there any greater tirany, then that which is excercised over the soul? Can there be imagined a war more commendable then that which suppresseth such a tyranny? For the last point, I would willingly know of these men, whether it be absolutely prohibited Christians, to make war upon any occasion whatsoever? If they say that it is forbidden them: from whence comes it then that the men at Armes, Captains, and Centurions, which had no other employment; but the managing of Armes were alwayes received into the Church? wherefore do the ancient Fathers, and Christian Historians make so horrible mention, of certain legions composed wholly of Christian Souldiers, and amongst others of that of *Malta*, so renowned; for the victory which they obteyned, and of that of *Thebes*, of the which St. *Mauricious* was Generall, who suffered martirdom together with all his Troopes, for the confessing of the name of Jesus Christ? And if it be permitted to make warre (as it may be they will confesse) to keepe the limmits and Townes of a Countrie, and to repulse an invading enemy: Is it not yet a thing much more reasonable, to take Armes to preserve and defend honest men, to suppress the wicked, and to keepe and defend the limmits and bounds of the Church, which is the Kingdom of Jesus Christ? if it were otherwayes, to what purpose? should St. *Iohn* have foretold, that the whore of *Babylon*, shall be finally ruined by the 10. Kings, [Apoc. 27. 26.](#)

whom she hath bewitched? furthermore, if we hold a contrary opinion, what shall we say of the wares of *Constantine*, against *Maxentius*, and *Licinius*, celebrated by so many publick orations, and approved by the Testimony of an infinite number of learned men, what opinion should we hold of the many voyages, made by Christian Princes, against the Turkes and Sarazins to conquer the holy Land, who had not, or at the least, ought not to have had, any other end in their designes; but to binder the enemy from ruining the Temple of the Land, and to restore the integrity of his service into those Countries. Although then that the Church be not increased by Armes, notwithstanding it may be justly preserved by the meanes of Armes; I say further, that those that dye in so holy a war, are no lesse the Martyrs of Jesus Christ, then their brethren which were put to death for Religion; nay, they which dye in that war seeme to have this inadvantage, that with a free will & knowing sufficiently hazard, into which they cast themselves, notwithstanding, do couragiously expose their lives to death and danger, whereas [45] other do only not refuse death, when it behoveth them to suffer. The *Turkes* strive to advance their opinion by the meanes of Armes, and if they do subdue a Country, they presently bringin by force the impieties of *Mahomet*; who in his Alcoran, hath so recommended Armes: as they are not ashamed to say it is the ready way to Heaven, yet do the *Turkes* constrain no man in matter of conscience. But he which is a much greater adversary to Christ, and true Religion, with all those Kings whom he hath enchanted, opposeth fire and fagots, to the light of the Gospel, tortures the word of God, compelling by wracking, and torments, as much as in him lieth: all men to become Idolaters, and finally is not ashamed, to advance and maintain their faith and law by perfideous disloyalty, and their traditions by continuall traysons. Now on the contrary, those good Princes and Magistrates, are said properly to defend themselves, which invirone and fortifie by all their meanes and industry the vine of Christ, already planted, to be planted in places where it hath not yet been, least the wild boore of the Forrest should spoyle or devoure it: They do this (I say) in covering with their Buckler, and defending with their sword, those which by the preaching of the Gospel have been converted to true Religion, and in fortifying with their best ability, by ravelins, ditches, and rampers the Temple of God built with lively stones, untill it Have attained the full height, in despite of all the furious assaults of the enemies thereof, we have lengthened out this discourse thus far, to the end, we might take away all scruple concerning this question. Set then the Estates, and all the Officers of a Kingdom, or the greatest part of them, every one established in authority by the people: know, that if they containe not within his bounds (or at the least, imploy not the utmost of their endeavours thereto) a King that seekes to corrupt the Law of God, or hinders the reestablishment thereof, that they offend grievously against the Lord, with whom they have contracted Covenants upon those conditions: Those of a Town, or of a Province, making a portion of a Kingdom, let them know also, that they draw upon themselves the judgement of God, if they drive not impiety out of their walls and confines, if the King seeke to bring it in, or if they be wanting to preserve by all meanes, the pure Doctrine of the Gospel, although for the defence thereof, they suffer for a time bannishment, or any other misery. Finally, more private men must be all advertised, that nothing can excuse them, if they obey any in that which offends God, and that yet they have no right nor warrant, neither may in any sort by their private authority take armes, if it appear not most evidently, that they have extraordinary vocation thereunto, all which our discourse will suppose we have confirmed by pregnant Testimonies drawn from holy writ.

---



### THE THIRD QUESTION. ↩

*Whether it be lawfull to resist a Prince which doth oppresse or ruine a publike State, and how far such resistance may be extended, by whom, how, and by what right, or law it is permitted.* ↩

FOR so much as we must here dispute of the lawfull authoritie of a lawfull Prince, I am confident that this question will be the lesse acceptable to Tirants, and wicked Princes; for it is no marvell if those which receive no law, but what their own will, and fancie dictates unto them, be deafe unto the voyce of that law wich is grounded upon reason. But I perswade my selfe that good Princes will willingly entertaine this discourse, insomuch as they sufficiently know that all Magistrates, be they of never so high a rancke, are but an inanimated and speaking law, neither though any thing bee pressed home against the bad, can it fall within any inference against the good. Tirants and Kings, as also good and bad Princes are in a direct diametre opposite and contrarie; therefore that which shall be urged against Tirants, is so farre from detracting any thing from Kings, as one the contrary, the more Tirants are laid open in their proper colours, the more glorious doth the true worth, & dignitie of Kings appear: neither can the vitious imperfections the one be layd open but it gives addition of perfections, and respect to the honour of the other. But for tirants let them say and thinke what they please, that shall be the least of my care; for it is not to them, but again them that I write; for Kings I beleeeve that they will readily consent to that which is propounded, for by true proportion of reason they ought as much to hate Tirants and wicked governours. as Sheperds hate wolves, Phisitians, Impoysoners, true Prophets, false Doctors for it must necessarily occur that reason infuseth into good Kings as much hatred against Tirants, as nature imprinteth in dogs against wolves, for as the one lives by rapine and spoyle, so the other is borne or bred to redresse and prevent all such outrages. It may be the flatterers of tirants will cast a supercilious aspect on these lines; but if they were not past all grace they would rather blush for shame I very well know that the friends and faithfull servants of Kings will not onely approve and lovingly entertayn this disconrse but also with their best abilities defend the contents thereof accordingly then as the render shall find himselfe moved either with content or dislike in the reading hereof, let him know that by that he shall plainly discover either the affection, or hatred that he beares to Tirants, let us now enter into the matter.

#### *Kings are made by the People.* ↩

We have shewed before that it is God, that doth appoint Kings, which chuset them, which gives the Kingdom to them: now we say that the people establish Kings, putteth the Scepter into their hands, and which with their suffrages, approveth the election. God would have it done in this [47] manner, to the end, that the Kings should acknowledge, that after God they held their power and Sovereignty from the people, and that it might the rather induce them, to apply & adress the utmost of their care and thoughts for the profit of the people, without being puffed with any vaine immagination: that they were formed of any matter more excellent then other men; for which they were raised so high above others: as if they were to command over slocks of sheepe, or herds of Cattel; but let them remember and know, that they are of the same mould and condition as others, raised from the earth by the voice and acclamations: now as it were upon the shoulders of the people unto their thrones, that they might afterwards bear on their own shoulders the greatest burthens of the Commonwealth. Divers ages before that, the people of *Israel* demanded a King. God gave and appointed the Law of royall governmen contained in the 17. Chapter. ver. 14. of *Deut.* when

sayes *Moses*, thou art come unto the Land which the Lord thy God giveth thee, and shalt possesse it, and shalt dwell therein, and shalt say, I will set a King over me like as all the Nations that are about me, thou shalt in any wise set him whom the Lord thy God shall chuse from amongst thy brethren, &c. You see here, that the election of the King is attributed to God, the establishment to the people: now when the practice of this law came in use, see in what manner they proceeded. The Elders of *Israel* which presented the [1 Sam. 8. 5.](#) whole body of the people, (under this name of Elders, are comprehended the Captains, the Centurions, Commanders over fifties and tens, Judges, provosts; but principally the chiefest of tribes) came to meete *Samuel* in *Ramah*, and not being willing longer to endure the government of the sonnes of *Samuel*, whose ill carriage had justly drawn on them: the peoples dislike, and withall perswading themselves that they had found the meanes to make their warres hereafter with more advantage they demanded a King of [1 Sam. 9. 16.](#) *Samuel*, who asking Councell of the Lord, he made known that he had chosen *Saul* for the Governour of his people. Then *Samuel* anointed *Saul*, and performed all those rights which belong to the election of a King required by the people. Now this might perhaps have seemed sufficient, if *Samuel* had presented to the people the King that was chosen by God, and had admonished them all to become good and obedient subjects. Notwithstanding to the end, that the King might know that he was established by the people, *Samuell* [1 Sam. 20. 18.](#) &c. appointed the Estates to meet at *Mispah*, where being assembled as if the businesse were but then to begin, and nothing had allready been done, to be brief as if the election of *Saul* were then only to be treated of, the lot is cast and falls on the Tribe of *Benjamin*, after on the family of *Matri*, and lastly on *Saul*, born of that family who was the same that God had chosen; Then by the consent of all the people *Saul* was declared King. Finally, to the that *Saul* nor any other might attribute the aforesaid [1 Sam. 11. 14.](#) businesse to chance of lot, after that *Saul* had made some proove of his valour [48] in raying the siege of the *Ammonites* in *Iabesh Gilead*: some of the people pressing the businesse he was again confirmed King in a full assembly at *Gilgal*; ye see that he whom God had chosen, and the lot had separated from all the rest, is established King by the suffrages of the people.

And for *David*, by the Commandement of God, and in a manner more evident then the former, after the rejection of *Saul*, *Samuel* anointed for King over Israel [\[...\] Sam. \[...\] 6.](#) *David* chosen by the Lord, which being done the spirit of the Lord presently left *saul*, and wrought in a speciall manner in *David*; But *David* notwithstanding reigns not, but was compeled to save himselve in deserts and rocks, oftentimes falling upon the very brim of destruction, and never raigned as King till after the death of *Saul*: for then by the suffrages of all the people of *Iudah* he was first chosen King of *Iudah*, and seaven yeares after by the consent of all *Israell*, he was inaugurated King of *Israell* in *Hebron*. So then he is annointed first by the Prophet at the commandement of God, as a token he was chosen, secondly by the commandement of the people when he was established King. And that to the end that Kings may alwayes remember that it is from God; but by the people, and for the peoples sake that they doe raingt, and that in there glorie they say not (as is there custome) [2 Sam. 2.](#) that they hold their Kingdome only of God and there sword, but withall add that it was the people which first girt them with that sword. The same order offered in *Solomon*, although he was the Kings sonne God hath chosen *Solomon*, to sit upon the Throne of his Kingdome, and by expresse words had promised *David* to be with him and assist him as a [2 Sam. 7. 13. 1 Kings 3. Chron. 28. 5](#) Father his soone. *David* had with his one mouth designed *Solomon* to be [1 Kings 2. 32. 1 Chron. 28. 1. & 20. 22. 24.](#) successor to his Crowne in the presence of some of the principall of his Court. But this was not enough and therefore *David* assembled at Ierusalem the Princes of *Israell*, the heads of the Tribes the Captaines of the Souldiers and ordinance officers of the Kings, the centurions & other Magistrates of Towns together with his sons, the noble men and worthiest personages of the Kingdome, to consult and resolve upon the election. In this Assemblie after they had called upon the name of God, *Solomon* by the consent of the whole congregation proclaimed and annointed for King, and sat (so saith the text) upon the Throne

of *Israell* then and not before the Princes the Noblemen his brothers themselves do him homage, and take the Oath of Allegiance. And to the end, that it may not be said, that that was onely done to avoid occasion of difference, which might arise amongst the brothers the sonnes of *David* about the succession, we reade that the other following [2 Kings 20. 2](#)  
[Chron. 20. 36.](#)  
[& 22. 1. & 36.](#)  
[1.](#)  
Kings have in the same manner been established in their places it is said, that after the death of *Solomon*, the people assembled to create his sonne *Rehoboam* King. After that *Amaziah* was killed, *Ozias* his only sonne was chosen King by all the people, *Ochosias* after *Ioram*, *Ioachim*, the sonne of *Iosias*, after the disease of his Father, whose piety might well seeme to [49] require that without any other solemnity, notwithstanding both he and the other were chosen and invested into the royall Throne by the suffrages of the people. To which also belongs, that which *Hushai* said to *Absolam*, nay; but whom the Lord and this people, and all the men of *Israel* chuse, his will I [2 Sam. 16. 18.](#)  
be, and with him will I abide, which is as much as to say, I will follow the King lawfully established, and according to the accustomed order; wherefore although that God had promised to his people a perpetuall Lampe, to wit, a King, and a continuall successour of the Line of *David*, and that the successour of the Kings of this people were [Psal. 132. 11.](#)  
[12.](#)  
approved by the word of God himselfe. Notwithstanding, since that we see that the Kings have not reigned, before the people had ordained and installed them, with requisite Ceremonies: it may be collected from this, that the Kingdom of *Israel*, was hereditary, if we consider *David* and the promise made to him, and that it was wholly elective, if we regard the particuler persons. But to what purpose is this, but to make it apparent, that the election is onely mentioned, that the Kings might have alwayes in their remembrance, that they were raised to their dignities by the people, and therefore they should never forget during life, in what a strict bond of observance they are tyed to those from whom they have received all their greatnesse. We read that the Kings of the Heathen have been established also by the people; for as when they had either troubles at home, or warres abroad, some one in whose ready vallour, and discreete integrity, the people did principally relye and repose their greatest confidence, him they presently with a [Herodi. lib. 1.](#)  
[Cicero. 1. de](#)  
[offici. Tit. Livi.](#)  
[lib. 1.](#)  
universall consent constituted King. *Cicero* saith, that amongst the Medes, *Deioces* from a Judge of private controvercies was for his uprightnesse, by the whole people elected King, and in the same manner were the first Kings chosen amongst the *Romans*. Insomuch, that after the death of *Romulus*, the interrayde and Government of the hundred senators, being little acceptable to the Quiutes it was agreed that from thence forward, the Kings should be chosen by the suffrages of the people, and the approbation of the senate. *Forquius Superbus* was therefore esteemed a tyrant, because being chosen neither by the people nor the senate, he intruded himself into the Kingdom only by force and usurpation; Wherefore *Iulius Caesar* long after though he gained the Empire by the sword, yet to the end he might adde some shaddow or pretence of right to his former intrusion, he caused himself to be declared both by the people and senate perpetually dictator. *Augustus* his adopted sonne would never take on him as inheriter of the Empire, although he were declared so by the testaments of Cesar; but alwaies held it as of the people and senate. The same also did *Tiberius*, *Caligula* and *Claudius*, and the first that assumed the Empire to himself without any colour of right, was *Nero* who also by the senate was condemned. Briefly for so much as none were ever [50] born with Crowns one their heads, and sceptes in their hands, and that no man can be a King by himself nor reign without people; whereas on the contrary the people may subsist of themselves, and were long before they had any Kings, it must of necessity follow that Kings were at the first constituted by the people, And although the sons and dependants of such Kings inheriting their fathers vertues, may in a sort seeme to have rendred their Kingdome hereditary to their off-springs and that in some Kingdoms and Countries the right of free election seems in a sort buried; yet notwithstanding in all well ordered Kingdoms this custome is yet remaining, the sons do not succeed the fathers, before the people first have as it were a new established them by their new

approbation; neither were they acknowledged in quality as inheriting it from the dead; but approved and accounted Kings then only when they were invested with the Kingdom, by receiving the Scepter and Diadem from the hands of those who represent the Majesty of the people. One may see most evident marks of this in Christian Kingdoms, which are at this day esteemed hereditary; for the French King, he of *Spain* and *England* and others are commonly sacred, and as it were put into possession of their authority by the Peeres, Lords of the Kingdom, and Officers of the Crowne which represent the body of the people; no more nor lesse then the Emperours of *Germany* are chosen by the Electors, and the Kings of *Polonia*, by the yavvodes and Pallatines of the Kingdom, where the right of Election is yet in force. In like manner also, the Cities give no royall reception, nor entries unto the King but also their inauguration, and anciently they used not to count the times of their reign but from the day of their coronation, the which was strictly observed in *France*. But least the continued course of some successions should deceive us, we must take notice that the estates of the Kingdoms have often preferred the cosen before the sonne, the younger brother before the Elder as in France *Lewis* was preferred before his brother *Robert* Earle of *Eureux*: [*Annales Gillii*] in like manner *Henry* before *Robert* nephew to *Capet*. Nay which is more by authority of the people in the same Kingdom, the Crown hath bin transported (the lawfull inheritors living) from one linage to another as from that of *Meroue* to that of the *Charlemains*, and from that of the *Charlemains* to that of the *Capets*, the which hath also beene done in other Kingdoms as the best Historians testify; But not to wander from France the long continuance and power of which Kingdom may in some sort plead for a ruling authority, and where succession seems to have obtained most reputation. We read that *Pharamond* was chosen in the year 419 *Pepin* in the year 751. *Charles* the Great and *Carleman* the sonne of *Pepin* in the year 768 without having any respect to their Fathers former estate. *Carleman* dying in the year 772. his portion fell not presently into the possession of his brother *Charles* the great, as it ordinarily happens in the succession of inheritances, but by the Ordinance of the people and the estates of [51] the Kingdom he is invested with it. the same authour witnesseth that in the year 812 *Lewis* the Courteous although he were the sonne of *Charles* the great was also elected: and in the Testament of *Charlimane* inserted into the history written by *Nanclere*, *Charleman* doth intreate the people to chuse by a geuerall assembly of the Estates of the Kingdom which of his Grandchildren or Nephews the people pleased, and commaunding the Vncles to observe and obey the Ordinance of the people, by meanes whereof *Charles* the bald nephew to *Lewis* the courtious and *Iudith*, doth declare himself to be chosen King, as *Aimonius* the French historian recites.

To conclude in a word, all Kings at the first were altogether elected, and those which at this day seeme to have their Crown and Royall authority by inheritance, have or should have first and principally their confirmation from the people. Briefly although the people of some Countries have been accustomed to chuse their Kings of such a linage which for some notable merrits have worthily deserved it ; yet we must believe that they chuse the stock it self and not every branch that proceeds from it neither are they so tied to that election, as if the successour degenerate they may not chuse another more worthy, neither those which come and are the next of that stock are borne Kings but created such, nor called Kings but Princes of the blood royall.

***The whole body of the people is above the King.*** ↩

Now seeing that the people chuse and establish their Kings, it followeth that the whole body of the people is above the King; for it is a thing most evident that he which is established by another is accounted under him that hath established him, & he which receives his authority from an other is lesse then he from whom he denies his power. *Potiphar* the Egyptian setteth *Ioseph* over all his House, *Nebuchadoezzar* *Danniel* over the Province of

*Babylon, Darius* the sixscore governors over the kingdom. It is cōmonly said that Mrs. establish their servants, *Kings* their officers: In like manner also the people establish the *King* as administrator of the *Cōmon-wealth*. Good *kings* have not disdained this title; yea, he had ones themselvs have affected it: insomuch, as for the space of divers Ages no Roman Emperor (if it were not some absolute tyrant, as *Nero, Domitian, Caligula*) would suffer himself to be called Lord; Furthermore, it must necessarily be that Kings were instituted for the peoples sake, neither can it be, *that for the pleasure of some hundred of men, and without doubt more foolish and worse then many of the other, all the rest were made, but much rather that these hundred were made for the use and service of all the other, And reason requires that he be preferred above the other, who was made only to and for his occasion:* so it is, that for the ships sake, the owner appoints a pylot over her, who sits at the helm, and looks that she keeps her course, nor run nor upon any dangerous sheilf: the pylot doing his duty is obeyed by the Mariners; yea, & of him himself that is owner of the vessel, notwithstanding, the pylot is a servant as well as the [52] least in the ship from whom he only differs in this that he servs in better place then they do. In a Common-wealth commonly compared to a ship the King holds the place of pylot, the people in general are owners of the vessel, obeying the pylot whilest he is carefull of the publique good although this pylot neither is nor ought to be esteemed other then servant to the publique, as a Judge or General in war differs little from other officers, but that he is bound to bear greater burdens, & expose himself to more dangers. By the same reason also which the King gains by acquist of arms, be it that he possesseth himself of Frontier places in warring on the enemy, or that which he gets by escheats or consistations, he gets it to the Kingdom & not to himself; *to wit,* to the people, of whom the Kingdom is composed; no more, nor less, then the servant doth for his master, neither may one contract or obliege themselvs to him, but by & with reference to the authority derived from the people. Furthermore, there is an infinite sort of people which live with out a *King*; but we cannot imagine a *King* without people, And those which have bin raised to the Royal dignity, were not advanced because they excelled other men in beauty & comeliness, nor in some excellency of nature to govern them as shepherds doe their flocks, but rather being made out of the same masse with the rest of the people, they should acknowledge that for them, they as it were borrow their power & authority, The ancient custome of the French represents that exceeding well, for they used to lift up on a buckler, & salute him King whom they had chosen. And wherefore is it said, *I pray you that kings have an infinite number of eyes, a million of ears, with extream long hands, and feet exceeding swift?* is it because they are like to *Argos, Gerion, Midas,* & divers others so celebrated by the Poets? No truly, but it is said in regard of all the people, whom the busines principally concerns, who lend to the king for the good of the Common-wealth, their eyes, their ears, their means their faculties. Let the people forsake the king, he presently fals to the ground, although before his hearing & sight seemed most excellent, & that he was strong & in the best disposition that might be, yea that he seemed to triumph in all magnificence, yet in an instant he will become most vile & contemptible, to bee brief, instead of those divine honours wherewith all men adored him, he shal be compelled to become a Pedant, & whip children in the school at *Corinth*. Take away but the basis, to this Giant, & like the Rodian Colosse he presently tumbles on the ground, & fals into pieces. Seeing then that the King is established in this degree by the people & for their sake, & that he cannot subsist without them, who can think it strange then for us to conclude, that the people are about the King. Now that which we speak of all the people universally, ought also to be understood as hath been delivered in the 2. question, of those which in every Kingdom or town do lawfully represent the body of the people, & which ordinarily (or at lest should be) called the officers of the Kingdom, or of the crown, & not of the King; For the officers of the king it is he which placeth & displaceth them at his pleasure, yea, after his death they have no more power, & are accounted as dead. On the contrary, the officers of the Kingdom *receive their authority*

*Dionisius for his  
Ti [...] a [...]ie  
driven o [...] t of  
C [...] cil [...] e  
was fo [...] s [...] e  
d to ta [...] e  
that course of lif  
[...] up [...] n h  
[...] m.*

from the people in the general Assembly of the states (or at the least were accustomed so anciently to have done) & cannot be disauthorised but by them, so then the one depends of the King, the other of the Kingdom, those of the sovereign officer of the kingdom which is the King himself, these of the sovereignty it self, that is of the people, of which sovereignty both the King, all his officers, and all his officers of the kingdom, ought to depend, the charge of the one hath proper relation to the care of the Kings person: that of the other to look that the common-wealth receive no damage, the first ought to serve and assist the King, as all domestique servants are bound to doe to their masters the other to preserve the rights & priviledges of the people, & to carefully hinder the Prince that he neither omit the things that may advantage the state, nor commit any thing that may endamage the publique.

[55]

Briefly, the one are Servants and domestiques of the Kings, and received into their places to obey his person: the other, on the contrary, are as Associates to the King in the administration of justice, participating of the Royal power and authority, being bound to the utmost of their power, to be assisting in the managing of the affairs of State, as well as the King who is as it were President amongst them, and principall onely in order and degree.

Therefore, as all the whole People is above the King, and likewise taken in one entire body are in authority before him; yet being considered one by one they are all of them under the King. It is easie to know how far the power of the first Kings extended, in that *Ephron* King of the *Hittites* could not grant *Abraham* the Sepulchre, but in the presence and with the consent of the People: neither could *Hemor* the *Hevite* King of *Sichem* [Gen. 34.](#) contract an alliance with *Jacob*, without the Peoples assent, and confirmation thereof; because it was then the custome to refer the most important affairs to be dispensed and resolved in the generall Assemblies of the People. This might easily be practised in those kingdomes, which were then almost confined within the circuit of one towne.

But since that Kings began to extend their limits, and that it was impossible for the People to assemble together all into one place because of their great numbers, which would have occasioned confusion the Officers of the kingdome were established, which should ordinarily preserve the rights of the People, in such sort notwithstanding, as when extraordinary occasion required the People might be assembled, or at the least such an abridgement as might by the principallest Members be a Representation of the whole Body. We see this order established in the kingdome of *Israel*, which (in the judgment of the wisest Politicians) was excellently ordered. The King had his Cupbearers his Carvers, his Chamberlains and Stewards. The kingdome had her Officers, *to wit*, the 71. Elders, and the heads and chief chosen out of all the Tribes, which had the care of the Publique Faith in Peace and War.

Furthermore, the kingdome had in every town Magistrates, which had the particular government of them, as the former were for the whole kingdome. At such times as affairs of consequence were to be treated of, they assembled together, but nothing that concerned the publike state could receive any solid determination. *David* assembled the Officers of his kingdome when he desired to invest his Son *Solomon* with the Royal [1. Chron. 29. 1.](#) Dignity; when he would have examined and approved that manner of [1. Chron. 13. 1.](#) policy, and managing of affairs, that he had revived and restored, and when there was question of removing the Ark of the Covenant.

[92]

And because they represented the whole people, it is said in the History, that all the people assembled. These were the same Officers that delivered *Ionathan* from death, condemned by the sentence of the *King*, by which it appears, that there might be an appeale

from the *King* to the People.

After that the kingdome was divided through the pride of *Reoboam*, the [\[...\]](#) *Sam.* [\[...\]](#).  
45. Council at *Ierusalem* composed of 71. Ancients, seems to have such authority, that they might judge the King, as well as the King might judge every one of them in particular.

In this Council was President the Duke of the house of *Iuda*, to wit, [\[...\]](#) *Chron. 1*  
[\[...\]](#) *Neh. 11. 9.* some principall man chosen out of that Tribe; as also, in the City of *Ierusalem* there was a Governour chosen out of the Tribe of *Benjamin* residing there. This will appear more manifest by examples, *Ieremy* sent by God to denounce to the Jewes the destruction of *Ierusalem*, was therefore condemned first by the Priests and Prophets, in whose hands was the Ecclesiasticall jurisdiction afterwards by all the [\[...\]](#) or. 16. 9  
[\[...\]](#). people of the City; that is, by the ordinary Iudges of *Ierusalem*, to wit, the Milleniers, and the Centurions: Finally, the matter being brought before the Princes of *Iuda*, who were the 71. Elders assembled, and set neere to the new Gate of the Temple, he was by them acquitted.

In this very Assembly, they did discreetly condemn, in expresse terms, the wicked and cruell act of the King *Ichoiakin*, who a little before had caused the Prophet *Vriah* to be slain, who also fore-told the destruction of *Ierusalem*.

We read in another place that *Ledechias* held in such reverence the authority of this Council, that he was so far from delivering of *Ieremy* from the dungeon, [\[...\]](#) 37. 38.  
wherein to the 71. had cast him that he durst scant remove him into a lesse rigorous prison. They perswading him to give his consent to the putting to death the Prophet *Ieremy*, he answered, that he was in their hands, and that he might not oppose them in my thing. The same King fearing least they might make information against him, to bring him to an account for certain Speeches he had used to the Prophet *Ieremy*, was glad to feign an untrue excuse It appears by this, that in the kingdome of *Iuda* this Council was above the King, in this kingdome, I say not fashioned or established by *Plato* or *Arictotle*, but by the Lord God, himself being Author of all their order, and supream Moderator in that Monarchy. Such were the seven Magi or Sages in the Persian Empire, who had almost a paraleld dignity with the King, and were tearmed the ears and eyes of the King, who also never dissented from the judgment of those Sages.

[Arist. in Pol. lib.](#)  
[\[...\]](#) c. 11. l. 3.  
c. 7.

In the kingdom of *Sparta* there was the *Ephori*, to whom an appeal [57] lay from the judgment of the King, and who, as *Aristotle* sayes, had authority also to judge the Kings themselves.

In *Egypt* the people were accustomed to chuse and give officers to the King, to the end they might hinder and prevent any inroachment, or usurt authority, contrary to the Laws. Now as *Aristotle* doth ordinarily tearm those lawfull Kings, which have for their Assistants, such officers or Councillors: so also maketh he no difficulty to say, that [Arist. in pol. l. 5.](#)  
[c. 11.](#) where they be wanting, there can be no true Monarchy, but rather a tyranny, absolutely barbarous, or at the least such a Dominion, as doth most neerly approach tyranny.

In the Romane Common-wealth, such were the Senators, and the Magistrates created by the people the tribune of those which were called Celerees, the Preter or Provost of the City, and others, insomuch as there lay an appeal from the *King* to the People, as *Seneca* declares by divers testimonies drawne from *Ciceroes* bookes of the Common-wealth, and the History of *Oratius* sufficiently shewes, who being condemned by the Iudges for killing his sister, was acquitted by the people.

In the times of the Emperours, there was the Senate the Consults, the Pretors, the great Provosts of the Empire, the Governours of Provinces, attributed to the Senate and the People, all which were called the Magistrates and Officers of the people of *Rome*. And therefore, when that by the decree of the Senate, the Emperour *Maximinus* was declared enemy of the Common-wealth, and that *Maximus* and *Albinus* were created Emperours [Herodi. \[...\]](#) 8. by the Senate, the men of war were sworn to be faithfull, and obedient to the people of *Rome* the Senate, and the Emperours. Now for the Empires and publike States of these times (except those of *Turquie*, *Muscovie*, and such like, which are rather a rapsody of Robbers, and barbarous intruders, then any lawfull Empires) there is not one, which is not, or hath not heretofore been governed in the manner wee have described. And if through the connivency and sloath of the principall Officers, the successors have found the businesse in a worse condition, those which have for the present the publike Authority in their hands, are notwithstanding bound as much as in them lyeth to reduce things into their primary estate and condition.

In the Empire of *Germany* which is conferred by election, there is the Electors and the Princes both secular and Ecclesiasticall, the Countesse, Barons, and Deputies of the Imperial Cities, and as all these in their proper places are Solicitors for the publike good likewise in the Diets doe they represent the Majesty of the Empire, being obliged to advise, and carefully fore-see, that neither by the Emperours, partiality, hate nor affection, the publike State do suffer, or be interessed. And for this reason, the [92] [...] [57] [...] [92] [...] [57] [...] [58] Empire hath its Chancellour, as well as the Emperour his, both the one and the other have their peculiar Officers and Treasurers apart. And it is a thing so notorious, that the Empire is preferred before the Emperour, that it is a common saying, *That the Emperour does homage to the Empire*.

In like manner, in the Kingdom of *Polonia*, there is for Officers of the Crown, the Bishops, the Palatins, the Castellains, the Nobility, the Deputies of Towns [Speculum saxonicum.](#) and Provinces assembled extraordinarily, before whom; and with whose consent, and no where else, they make new Lawes, and determinations concerning wars. For the ordinary Government there, is the Councillours of the kingdom, the Chancellour of the State, &c. although notwithstanding, the king have his Stewards, Chamberlains, Servants and Domestiques. Now if any man should demand in *Polonia* who were the greater, the King or all the people of the kingdom represented by the Lords and Magistrates; he should do as much, as if he asked at *Venice*, if the Duke were above the Seigniory. But what shall wee say of Kingdoms, which are said to go by hereditary succession? We may indeed conclude the very same. The kingdom of *France* heretofore preferred before all other, both in regard of the excellency of their Lawes, and majesty of their Estate may passe with most [Ai \[...\] oni. lib. 5, c. 26. in Carolo \[...\]lv \[...\]](#) as a ruling case. Now although that those which have the publike commands in their hands, doe not discharge their duties as were to be desired, it followes not though, that they are not bound to do it. The King hath his high steward of his Houshold his Chamberlains, his Masters of his games, Cup-bearers, and others, whose offices were wont so to depend on the person of the King, that after the death of their Mast er the offices were void. And indeed at the Funerall of the King, the Lord high Steward in the presence of all the officers and servants of the house-hold, breakes his staffe of office, and sayes, *Our Master is dead, let every one provide for himselfe*. On the other side, the kingdom hath her officers, *to wit*, the Mayor of the Palace, which since hath been called the Constable, the Marshals, the Admirall, the Chancellour or great Referendary, the Secretaries, the Treasurers and others, which heretofore were created in the Assembly of the three Estates the Clergy, the Nobility, and the People.



Since that, the Parliament of *Paris* was made Sedentary, they are not thought to be established in their places, before they have been first received and approved by that course of Parliament, and may not be dismissed nor deposed, but by the authority and consent of the same. Now all these officers take their oath to the *Kingdome*, which is as much as to say, to the people in the first place, then to the *King* which is protector of the *Kingdome*, the which appears by the tenour of the oath. Above all, the [59] Constable, who receiving the Sword from the King, hath it girded unto him with this charge, *That he maintain and defend the Common-wealth*, as appears by the words that the King then pronounceth.

Besides, the kingdome of *France* hath the Peers (so called either for that they are the Kings companions, or because they are the Fathers of the Common-wealth) taking their denominations from the severall Provinces of the kingdome, in whose hands the King at his inauguration takes his oath, as if all the people of the kingdome were in them present, which shews that these twelve Peers are above the King. They on the other side swear, *That they will preserve not the King, but the Crown, that they will assist the Common-wealth with their councill, and therefore will be present with their best abilities to councill the Prince both in peace and war*, as appears plainly in the *Paitentee* of their Peership.

And they therefore have the same right as the Peers of the Court, which according to the Law of the *Lombards*, were not only associates to the Lord of the Fee in the judgment of causes, but also did take an account, and judge the differences that happened between the Lord and his vassall.

We may also know, that those Peers of *France* did often discusse suits and differences between the King and his Subjects: Insomuch, that when *Charles* the 6. would have given sentence against the Duke of *Brittain* they opposed it, alleading that the discussing of that businesse belonged properly to the Peers, and not to the king, who might not in any sort derogate from their authority.

Therefore it is, that yet at this day the Parliament of *Paris* is called the Court of Peers, being in some sort constituted Judge between the king and the people; yea, between the king and every private person, and is bound and ought to maintain the meanest in the kingdome against the kings Attorney, if he undertake any thing contrary to law.

Furthermore, if the king ordain any thing in his Councill, if he treat any agreement with the Princes his neighbours, if he begin a Warre, or make peace, as lately with *Charles* the 5. the Emperour, the Parliament ought to interpose their authority, and all that which concerns the publike State must be there inregistred; neither is there any thing firm and stable which the Parliament doth not first approve. And to the end, that the Councillours of that Parliament should not fear the king, formerly they attained not to that place, but by the nomination of the whole body of the Court; neither could they be dismissed for any lawfull cause, but by the authority of the said Body.

[59]

Furthermore, if the Letters of the *King* be not subsigned by a Secretary of the *Kingdom*, at this day called a Secretary of State, and if the *Letters Pattents* be not sealed by the Chancellour, who hath power also to cancell them, they are of no force or value. There is also Dukes, Marquesses, Earls, Vicounts, Barons, Seneschabs, and in the cities and good towns Mayors, Baylistes, Lieutenants, Capitols, Consuls, Sindiques, Sheriffs, and others which have speciall authority through the Circuit of some countries or towns to preserve the people of their jurisdiction. Time it is, that at this day some of these dignities ere become hereditary. Thus much concerning the ordinary Magistrates.

Besides all this, anciently every yeer, and since lesse often, *to wit*, when some urgent necessity required it, the generall or three Estates were assembled, where all the Provinces and Townes of any worth, *to wit*, the Burgesses Nobles, and Ecclesiasticall persons, did all of them send their Deputies, and there they did publicly deliberate and conclude of that which concerned the publike state. Alwayes the authority of this Assembly was such, that what was there determined, whether it were to treat peace, or make war, or create a Regent in the *Kingdom*, or impose some new tribute, it was ever held firm and inviolable; nay, which is more by the authority of this Assembly, the *Kings* convinced of loose intemperancy, or of insufficiency, for so great a charge or tyranny, were dithronized; yes, their whole Races were for ever excluded from their succession to the *Kingdome*, no more, nor lesse, as their Progenitors were by the same authority formerly called to the administration of the same *Kingdome*. Those whom the consent and approbation of the Estates had formerly raised, were by the dissent and disallowing of the same afterwards cast down. Those which tracing in the vertuous steps of their Ancestors were called to that dignity, as if it had been their inheritance, were driven out and dis-inherited for their degenerating ingratitude, & for that being tainted with insupportable vices, they made themselves uncapable and unworthy of such honour.

This shews, that succession was tollerated to avoid practises, close and under-hand canvasing, discontents of persons refused; contentions, interraines, and other discommodities of elections. But on the other part, when successiou brought other mischiefes more pernicious, when tyrannie trampled on the *Kingdome*, and when a Tyrant possessed himselfe of the Royal Throne, the Medicine proving much worse then the Disease: then the Estates of the *Kingdome* lawfully assembled in the name of all the people, have ever maintained their authority, whether it were to drive out a Tyrant, or other unworthy *King*, or to establish a good one in [60] his place. The ancient French had learned that of the Gauses, as *Caesar* shewes in his Commentaries. For *Ambiorix* King of the *Eburons*, or Leigeons confesseth, *That such were the condition of the Gaulish Empire, that the people lawfully assembled, had no lesse power over the King, then the King had over the people.* The Caes. 1. 5. & 7. de bello Gal. lico. which appears also in *Vircingentorix*, who gives an account of his actions before the Assembly of the people.

In the kingdoms of *Spain*, especially *Aragon*, *Valentia*, and *Catalonia*, there is the very same For that which is called the *Iustitia Major* in *Aragon* hath the Sovereign authority in it selfe. And therefore, the Lords which represent the people proceed so far, that both at the inauguration of the King, as also at the Assembly of the Estates, which is observed every third yeer, to say to the King in expresse words that which follows, *We which are as much worth as you, and have more power then you, chuse you King upon these and these conditions, and there is one between you and us which commands over you, to wit, the Iustitia Major of Aragon, which oftentimes refuseth that which the King demands, and forbids that which the King injoynes.*

In the kingdoms of *England* and *Scotland* the Sovereignty seemes to be in the *Parliament*, which heretofore was held almost every yeere. They call Parliaments the Assembly of the Estates the kingdome, in the which the Bishops Earles, Barons, Deputies of Towns and Provinces deliver their opinions, and resolve with a joynt consent of the affaires of State, the authority of this Assembly hath been so sacred and inviolable, that the King durst not abrogate or alter that which had been there once decreed.

It was that which heretofore called and installed in their charges all the chief officers of the kingdome; yea, and sometimes the ordinary councillers of that which they call the Kings privie Councils. In sum, the other christian Kingdoms, as *Hungary*, *Bohemia*, *Denmarke*,

*Swedea*, and the rest, they have their officers apart from the Kings; and Histories, together with the examples that we have in these our times, sufficiently demonstrate that these Officers and Estates have knowne how to make use of their authority, even to the deposing and driving out of the tyrannors and unworthy Kings.

We must nor therefore esteem that this cuts too short the wings of Royal authority, and that it is as much as to take the Kings head from his shoulders.

We believe that God is Almighty, neither think we it any thing diminisheth his power, because he cannot sin: neither say we, *that his Empire is lesse to be esteemed, because it cannot be neither shaken, nor cast downe:* [62] neither also must we judge a King to be too much abused, if he be withheld by others from falling into an error, to which he is over-much inclined, or for that by the wisdom and discretion of some of his Councillors, his kingdom is preserved and kept intire and safe, which otherwise, happily by his weaknesse or wickednesse might have been ruined. Will you say that a man is lesse healthfull, because he is invironed with discreet Physitians, which counsell him to avoid all intemperance, and forbid him to eat such meats as are obnoxious to the stomach, yea, and which purge him many times against his will and when he resists? which will prove his better friends, whether these Physitians which are studiously carefull of his health, or those Sicophants which are ready at every turn to give him that which must of necessity hasten his end? We must then always observe this distinction. The first are the friends of the *King*: The other are the friends of *Francis* which is *King*. The friends of *Francis* are those which serve him: The friends of the *King* are the officers & servants of the kingdom. For seeing the *King* hath this name, because of the kingdom, and that it is the people which give being and consistence to the kingdom, the which being lost, or ruined, hee must needs cease to be a *King*, or at the least not so truly a *King*, or else wee must take a shadow for a substance.

Without question, those are most truly the Kings friends, which are most industriously carefull of the welfare of his kingdom, and those his worst enemies which neglect the good of the Common, wealth, and seek to draw the *King* into the same lapse of error.

And as it is impossible to separate the kingdom from the people, nor the King from the Kingdome, in like manner, neither can the friends of the King be dis-joynd from the friends of the people, and the Kingdome.

I say further, that those which with a true affection love *Francis*, had rather see him a King then a Subject. Now seeing they cannot see him a King, it necessarily followes, that in loving *Francis*, they must also love the Kingdome.

But those which would be esteemed more the friends of *Francis*, then of the kingdom and the people, are truly flatterers, and the most pernicious enemies of the King and publike State.

Now if they were true friends indeed, they would desire and endeavour that the King might become more powerfull, and more assured in his estate according to that notable saying of *Theopompus* King of *Sparta*, after the Ephores or Controllers of the Kings were instituted, *Tkemore (said he) are appointed by the People to watch over, and look to the* [63] *affaires of the Kingdome, the more those that govern shall have credit, and the more safe and happy shall be the State.*

#### ***Whether prescription of time can take away the right of the people.*** ↩

But peradventure, some one will reply, you speak to us here of Peers, of Lords and Officers of the Crown. But I for my part see not any, but only some shewes and shadows of antiquity as if they were to be represented on a stage I see not for the present searce any tract

of that ancient liberty, and authority, nay which is worse a great part, if not all, of those officers take care of nothing but their particular affairs, and almost, if not altogether, serve as flatterers about those Kings who joyntly tesse the poor people like tennice, bals: hardly is there one to be found that hath compassion on, or will lend a helping hand to the miserable subjects, fleaed and scorched to the very bones, by their insolent and insupportable oppression: If any be but houth to have such a desire, they are presently condemned as Rebels and seditious, and are constrained either to fly with much discommodity, or else must run hazard both of life and liberty. What can be answered to this? the businesse goes thus. The outrageousnesse of Kings, the ignorance of the party, together with the wicked connivence of the great ones of the kingdome, hath been for the most part such throughout the World, that the licentious and unbridled power wherewith most kings are transported and which hath made them insupportable, hath in a manner by the length of continuance gained right of prescription, and the people for want of using it hath incitely quit, if not altogether lost their just & ancient authority. So that it ordinarily happens, that what all mens care ought to attend on, is for the most part neglected by every man; for what is committed to the generality, no man thinkes is commended to his custody. Notwithstanding, no such prescription nor praevarication can justly prejudice the right of the people: It is commonly said that the Exchequers doe admit no rule of prescription against it, much lesse against the whole body of the people, whose power transcends the Kings, and in whose right the King assumes to himself that priviledge; for otherwise, wherefore is the Prince only administrator, and the people true proprietor of the publique Exchequer, as we will prove here presently after. Furthermore, it is not a thing resolved on by all, that no tyrannous intrusion or usurpation, and continuance in the same course, can by any length of time prescribe against lawfull liberty. If it be objected, that Kings were enthronized, and received their authority from the people that lived [64] five hundred yeers ago, and not by those now living. I answer, that the Common-wealth never dyes, although Kings be taken out of this life one after another; for as the continuall running of the water gives the River a perpetuall being; so the alternative revolution of birth and death renders the people (*quoad hunc mundum*) immortall.

And further, as wee have at this day the same Seine and Tiber as was 1000. yeers agoe: in like manner also is there the same people of *Germany*, *France*, and *Italy* (excepting intermixing of Colonies, or such like) neither can the lapse of time, nor changing of individuals, alter in any sort the right of those people. Furthermore, if they say the King receives his kingdom from his Father, and not from the people, and hee from his Grandsa her, and to one from another upward.

I ask, could the Grandfather or Ancestor, transfer a greater right to his Successor, then he had himself? If he could not (as without doubt it must need be so) is it not *Ulpian de reg. juris l. 54.* plainly perspicuous that what the Successor further arrogates to himself, he may usurp with as sare a conscience, as what a Thiefe goes by the high-way side. The people on the contrary have their right of eviction intire and whole; although then that the officers of the Crown have for a time lost or left their rankes, this cannot in any true right prejudice the people, but rather cleer otherwise as one would not grant audience, or show favour to a slave which had long time held his master prisoner, and did not only vant himself to be free, but also presumptuously assumed power over the life and death of his master: neither would any man allow the excuses of a those, because he had continued in that grade 30. yeers, or for that he had beene bred in that course, of life by his Father, if hee presumed by his long continuance in that function to prescribe for the lawfulness, but rather the longer he had continued in his wickednesse, the more grievous should be his punishment: in like manner, the Prince is altogether unupportable, which because he succeeds a Tyrant, or hath kept the people (by whose suffrages he holds the Crown) in a long slavery, or hath suppressed the Officers of the kingdom (who should be protectors of the publike liberty) that therefore presumes, that what he affects is lawfull for him to effect, and that his will is not to be

restrained or corrected by any positive Law whatsoever. For prescription in tyranny detracts nothing from the right of the people; nay it rather much aggravates the Princes on rages. But what if the Peers and principal officers of the Kingdom makes themselves parts with the King? What if betraying the Publique, cause the yোক of tyranny upon the peoples neck? shall it follow, that by this prevarication and treason the authority [65] is devolved into the King? Does this detract any thing from the aight of the peoples liberty, or does it adde any licencious power to the King? Let the people thank themselves, say you, who relyed on the distoyall loyalty of such men.

But I answer, that these officers are indeed those Protectors whose principall care and study should be *that the people be maintained in the free and absolute fruition of their goods and liberty*. And therefore, in the same manner as if a treacherous Advocate for a sum of money should agree to betray the cause of his Client into the hands of his Adversary, which he ought to have defended, hath not power for all that to alter the course of justice, nor of a bad cause, to make a good one, although perhaps for a time he give some colour of it.

In like manner this conspiracy of the great ones, combined to ruine the inferiours cannot disanull the right of the people; in the meane season, those great ones incur the punishment that the same asors against Prevaricators: and for the people, the same Law allows them to chuse another Advocate, and afresh to pursue their cause, as if it were then only to begin.

For if the people of *Rome* condemned their Captains and Generals of their Armies, because they capitulated with their Enemies to their disadvantage (although they were drawn to it by necessity, being on the point to be all overthrown) and would not be bound to performe the Souldiers capitulation: much lesse shall a free People be tyed to bear the yোক of thraldome, which is cast on them by those who should and might have prevented it; but being neither forced nor compelled did for their own particular gain willingly betray those that had committed their liberty to their custody.

### *Wherefore Kings were created.* ↪

Now seeing that Kings have been ever established by the people, and that they have had Associates joyned with them to contain them within the limits of their duties, the which Associates considered in particular one by one, are under the King and altogether in one intire Body are above him. We must consequently see wherefore first Kings were established, and what is principally their duty. We usually esteem a thing just and good when it attains to the proper end for which it is ordained.

In the first place every one consents, *That men by nature loving liberty, and having servitude, born rather to command, then obey, have not willingly admitted to be governed by another, and renounced as it were the priviledge of nature, by submitting themselves to the commands of others; [67]* but for some speciall and great profit that they expected from it. For as *Esope* says, That the horse being before accustomed to wander as his pleasure, would never have received the bit into his mouth, nor the Rider on his back, but that he hoped by that means to overmatch the Bull: neither let us imagine, that Kings were chosen to apply to their own proper use, the goods that are gotten by the sweat of their Subjects; for every man loves and cherisheth his owne, They have not received the power and authority of the People to make it serve as a Pandar to their pleasures. for ordinarily, the inferiours hate, or at least envieth their superiours.

Let us then conclude, that they are established in this place to maintain by justice, and to defend by force of Armes, both the publike State and perticular persons from all dammages and outrages, wherefore Saint *Augustine* saith, *Those are properly called Lords and Masters which provide for the good and profit of others, as the husband for the wife, Fathers for their children.* They must therefore obey them that provide for

*A [...] ig lib. 16  
de civit. dei, c.  
15.*

them; although indeed to speak truly, those which governe in this manner, may in a sort be said to serve those, whom they command over.

For, as sayes the same Doctor, they command not for the desire of dominion, but for the duty they owe to provide for the good of those that are subjected to them: nor affecting any Lord like domineering, but with charity and singular affection, desiring the welfare of those that are committed to them.

*Seneca* in 81 Epistle sayes, That in the Golden Age, wise men onely governed Kingdoms, they kept themselves within the bounds of moderation, and preserved the meanest from the oppression of the greatest. They preserved and dissuaded, according as it advantaged or disadvantaged, the publike profit; by their wisdome, they furnished the Publike with plenty of all necessaries, and by their discretion prevented scarcity, by their valour and courage they expelled dangers by their many benefits they encreased and inriched their Subjects, they pleaded not their duty, in making pompeous shews, but in well-governing their People. No man made tryall what hee was able to do against them, because every one received what he was capable of from them, &c.

Therefore, then to govern is nothing else but to provide for. These proper ends of commanding, being far the Peoples commodity; the only duty of Kings and Emperours is to provide for the peoples good, The Kingly dignity to speak properly is not a Title of Honour, but a [67] weighty and burden some offices It is not a discharge or vacation from affaires, to run a licentions course of liberty, but a charge and vocation to all endustrious employments, for the service of the Commonwealth, the which hath some glimpse of honour withit, because in those first and Golden Ages, no man would have tasted of such continuall troubles, if they had not beene sweetned with some relish of honour: insomuch, as there was nothing more true, then that which was commonly said in those times. If every man knew with what turmoyles and troubles the Royall wreath was wrapt withall, no man would vouchsafe to take it up, although it lay at his feet.

When therefore that these words of mine and thine entred into the [Meum & tuum](#). world, and that differences fell amongst fellow Citizens, touching the propriety of goods and wars amongst neighbouring people about the right of their Confines, the people bethought themselves to have recourse to some one, who both could and should take order that the poore were not oppressed by the rich, nor the Patriots wronged by strangers.

Now as wars and suits encreased, they chose some one, in whose wisdome and valour they reposed most confidence. See then wherefore Kings were created in the first Ages *to wit*, to administer justice at home, and to be Leaders in the Wars abroad, and not only to repulse the incursions of the Enemy but also to reposses and hinder the devastation and spoyling of the Subjects and their goods at home; but above all, to expell and drive away all devices and debanchments farre from their Dominions.

This may be proved by all Histories, both divine and prophane For the people of God they had at first no other King but God himselfe, who dwelt in the middest of them, and gave answer from betweene the Cherubins, appointed extraordinarily Judges and Captaines for the wars, by meanes whereof, the people thought they had no need of Lieutenants, being honoured by the continuall presence of their Sovereign King.

Now when the people of God began to be a weary of the injustice of the Sons of *Samuel*, on whose old age they durst no longer rely, they demanded a King after the manner of other people, saying to *Samuel Give us a King as other people have that he may* [1 Sam. 8 5. \[...\]](#) [&. 20.](#) *judge us.* There is touched the first and principal point of the duty of a *King*, a litle after they are both mentioned *We will have (said they) a King over us like other Nations. Our King shall judge us, and go in and out before us, & lead our Armies.* To do

justice is always set in the first place, for so much as it is an ordinary & perpetuall thing: but wars are extraordinary, and happen as it were casually.

[68]

Wherefore, *Aristotle* sayes that in the time of the *Herold*, all *Kings* were Judges and Captains. For the *Lavedemonian Kings*, they in his time also had Sovereign authority only in the Army, and that confined also to the commandements of the *Ephores*.

In like manner, the *Medes* who were ever in perpetuall quarrels amongst themselves, at the length chose *Deolces* for their Judge, who had carryed himself well in the deciding of some particular differences; presently after they made him King, and gave him Officers and Guards, that he might more easily suppress the powerfull and insolent.

*Cicero* saith, that anciently all Kings were established to administer justice, and that their institution and that of the Laws, had one and the same end, which was, that Equity and Right might be duly rendered to all men the which may be verified by the propriety of the words almost in all languages. Kings are called by the Latins, *Reges a regendo*, for that they must rule and govern the limits and bounds, both of the publike and particulars. The names of Emperours, Princes, and Dukes have relation to their conduct in the wars, and principall places in Combats, and other places of Command. Likewise the Greekes call them in their Language, *Basiles, Archa, Hegemones*, which is to say, props of the people, Princes, Conductors. The Germans and other Nations use all significant names, and which expresse, that the duty of a *King* consists not in making glorious Paradoes: but that it is an office of a weighty charge and continuall care. But in briefe, the Poet *Homer* calls *Kings* the Judges of Cities, and in describing of *Agamemnon*, he calls him wise, strong, and valiant. As also, *Ovid* speaking of *Erichtheus*, sayes, that it was hard to know, whether Justice or Valour were more transparent in him: in which these two Poets seemes exactly to have described the duties of *Kings* and *Princes*. You see what was the Custome of the *Kings* of the Heathen Nations; after whose examples, the Jewes demanded and established their *Kings*.

The English word KING is derived from the Ronigen, which signifies either fortitude or wisdom.

Hom. lib. 1. Head. Ovid. 1. 6 meta.

Iustia elubi [...] alid [...] sne p [...]enti [...] s armis.

The Queen of *Sheba* said also to *Solomon*, that God had made him King over them to do judgment and Justice.

2 chron. 9. 8. Wisdome, 9. 7.

And *Solomon* himself speaking to God, saith. Thou hast chosen me to be a *King* over thy People, and a Judge of thy Sonnes and Daughters.

[69]

For this cause also the good Kings, as *David, Iosephar*, and others, being not able in their own persons to determine all the suits and differences of their Subjects (although in the causes of greatest importance they received an appeal alwayes to themselves, as appears in *Samuel*) had ever above all things a speciall care, to establish in all places just and discreet Judges, and principally still to have an eye to the right administration of justice, knowing themselves to carry the sword, as well to chastise wicked and unjust Subjects, as to repulse forreigne Enemies.

2 Sam. 15. 2. 1 chrou. 23. 4. & 26. 29 2 Chron. 19. It Rom. 13.

Briefly, as the Apostles sayes, *The Prince is ordained by God for the good and profit of the people, being armed with the sword to defend the good from the violence of the wicked*, and when he dischargeth his duty therein all men owe him honour and obedience.

Seeing then that Kings are ordained by God and established by no people, to procure and provide for the good of those which are committed unto them, and that this good or profit be principally expressed in two things, to wit, in the administration of justice to their subjects, and in the managing of armes for the repulsing their ennemies: certainly, wee must inferre and conclude from this that the Prince which applies himself to nothing but his peculiar profits, and pleasures, or to those ends which most readily conduce thereunto, which contemnes and perverts all lawes, which useth his subjects more cruelly then the barbarest enemy would do, he may truly and easily be called a Tyrant, and that those which in this manner govern their Kingdomes, be they of never so large an extent, are more properly unjust pillagers and boose-haiers then lawfull governours.

*Whether the Kings be above the law.* ↪

Wee must here yet proceed a little further: for it is demanded whether the King which presides in the administration of justice have power to resolute and determine businesse according to his owne will and pleasure? most the Kings be subject to the law, or doth the law depend upon the King; the law (saith an ancient) is respected by those August. 1. 4. c. 4. & 6. to [...] which otherwayes contemne vertue for it inforceth obedience and ministrerth conduct in warfaring and gives viger and luster to justice and equity. *Pausanias* the *Spartane* will answer in a word, that it becomes lawes to direct, and men to yeeld obedience to their authority, *Agositaus* King of *Sparta* says that all commanders must obey the commandements of the lawes, But it shall not be amisse to cla [...]ume this matter a little higher, when people began for justice to seek to determine their differences, if they met with any private man that did [70] justly appoint them they were satisfied with it, now for so much as such men were rarely and with much difficulty met withall, and for that the judgements of kings received as lawes were oftentimes found contrary and difficult, then the Magistrates and others of great wisdome invented lawes, which might speak to all men in one and the same voice. This being done it was expressly enjoyned to kings that they shold be the gardiens and administrators, And somtimes also for so much as the lawes could not fore, see the perticularities of actions to resolve exactly it was permitted, the king to supply this defect, by the same naturall equity by which the lawes were drawn, and for feare least they should go against law the people appointed them from time to time associates, counsellors, of whom we have formerly made mention, wherefore there is nothing which exemles the King from obedience which he owes to the law, which he ought to acknowledge as his Lady and Mistris esteeming nothing can become him worse then that feminine of which *Iurinall* speakes; *Sic volo, Sic jubeo, sic pro ratione voluntas*. I will, I command, my will shall serve instead of reason, neither should they think their authority the lesse because they are confind to laws, for seeing the law is a divine gift comming from above, which human societies are happily governed and addressed to their best and blesseddest end; those Kings are as ridiculous and worthy of contempts, which repute it a dishonour to conform them selves to law, as those surveyors which think themselvs disgraced, by using of a rule, a compasse, a chaine, or other instruments, which men understanding the art of surveying are accustomed to do, or a Pilot which had rather sayle, according to his fantasie and imagination, then steere his course by his needle and Sea lard, who can double, but that it is a thing more profitable & cōveniēt to obey the law, then the King who is but one man? the law is the soule of a good king it give him motion sence and life. The King is the Organ and as it were the body by which the Law displays her forces exercises her function, and expresses her conceptions; now it is a thing much more reasonable to obey the soule, then the body, the law is the wisdom of divers sages; recollected in few words, but many see more cleere and further then one alone, It is much better to follow the Law then any one mans opinion be he never so acute, the law is reason and wisdom it self, free from all perturbation, not subject to be moved with choller, ambition, hate, or acceptances of persons; Intreaties nor threatates cannot make it bow nor, bend on the contrary a man though inducd with reason suffers him selfe to be lead and



transported with anger, desire of revenge, [71] and other passions which perplex him in such sort, that he looseth his understanding because being composed of reason and disordered affections he cannot so containe himself but some times his passions becomes his Master Accordingly wee see that *Valentinian* a good Emperour, permits those of the Empire to have low wines at once, because he was misled by that impure affection. Because *Cambises* the sonne of *Gyms* became inamored of his own sister he would therefore have marriages betweene brother and sister, be approved and held lawfull *Cabades* King of the Persians prohibites the punnishment of adulteries we must looke for such lawes every day if we will have the law subjects to the King. To come to our purpose the law is an, understanding mind or rather an obstacle of many understandings the mind being the seal of all the intelligence faculties is (if *I* may so terme it) a parcell of divinity: in so much as he who obeys the law seemes to obey God, and receive him for Arbitrator of the matters in controversie.

But on the contrary, insomuch as man is composed of this divine: understanding, and of a number of unruly passions; so losing himselfe in that brutishnesse, as he becomes void of reason: and being in that condition, he is no longer a man, but a beast; he then which desires rather to obey the King, then the Law, seemes to preser the commandement of a heast before that of God.

[Aristo. lib. de mundo & lib 3 poli. ca \[...\]](#)

And furthermore, though *Aristotle* were the Tutor of *Alexander*, yet he confesseth, that the divinity cannot so properly be compared to to any thing of this life, as to the ancient Lawes: of well-governed States: he that prefers the Commonwealth applyes himself to Gods Ordinance: but he that leans to the Kings fancies, instead of Law, prefers brutish sensuality before well-ordered discretion. To which also the Prophers seemes to have respect, who in some places describe these great Empires, under the representation of ravening Beasts. But to go on, is not he a very Beast. who had rather have for his guide a blind and mad man then he which sees both with the eyes of the body, and mind, a beast rather then god. Whence it comes, that though kings as saith *Aristotle*, for a while, at the first, commanded without restraint of Laws, yet presently after civilized people reduced them to a lawfull condition, by binding them to keep and observe the Lawes: and for this unruly absolute authority it remained only amongst, those which commanded over barbarons Nations.

He sayes afterwards, that this absolute power was the next degree to plain tyrannie, and he had absolutely called it tyrannie, had not [62] these beasts like Barbarians, willingly subjected themselves unto it. But it will be replied, that it is unworthy the majesty of Kings, to have their wills bridled by Laws: but I will say that nothing is more royall then to have our unruly desires ruled by good lawes.

It is much pittie to be restrained from that which we would doe, it is much more worse to will that which we should not do, but it is the worst of all to do that which the Laws forbid.

I hear me thinks a certain *Furionius* tribune of the people which opposed the passing of a Law that was made against the excesse which then reigned in Rome, saying. My Masters you are bridled, you are idle and settered with the rude bonds of servitude, your liberty is lost, a Law is laid on you, that commands you to be moderate: to what purpose is it to say, you are free, since you may not live in what excesse of pleasure you like. This is the very complaint of many Kings at this day, and of their Mignior and Flatterers.

The Royall Majesty is abolished, if they may not turn the kingdom topsie turvie at their pleasure Kings may go shake their eares, if Laws must be observed.

Peradventure, it is a miserable thing to live, if a mad man may not be suffered to kill himself when he will.

For what else do those things which violate and abolish Lawes, without which, neither Empires, no nor the very Societies of freebooters can at all subsist? [Cicero I. \[...\] .](#)  
[ossicii.](#)

Let us then reject these detestable falsinesse and impious vanities of the Court-Marmonists, which make kings gods, and receive their sayings as Oracles, and which is worse are so shamelesse, as to perswade Kings, that nothing is just or equitable of it selfe, but takes its true forme of justice or injustice, according as it pleaseth the King to ordain, as if he were some god, which could neither erre nor sinne at all. Certainly, all that which Gods will is just, and therefore, suppose it is Gods will, but that must be just with the Kings will, before it is his will. For it is not just because the King hath appointed it, but that King is just which appoints that to be held for just, which is so of it self.

We will not then say as *Anaxarchus* did to *Alexander*, much perplexed for the death of his friend *Clitus*, whom he had killed with his own hands, *to wit*, that *Themis* the Goddess of Justice, fits by Kings sides, as she does by Jupiters, to approve and confirme whatsoever to them shal seem good: but rather, she sits as President over kingdoms, to severely chastise those Kings which wrong or violate the majesty [63] of the Laws, we can no wayes approve that saying of *Thrasimachus* the *Chaldoncan*, That the profit and pleasure of Princes, is the rule by which all Laws are defined: but rather, that right must limit the profit of Princes, and the Laws restrain their pleasures. And instead of approving that which that villainous woman said to *Caracalla*, that whatsoever he desired was allowed him: We will maintain that nothing is lawful but what the law permits.

And absolutely rejecting that detestable opinion of the same *Caracalla*, that Princes gives Laws too hers, but receive none from any; we will say that in all kingdomes well established, the King receives the Laws from the people, the which he ought carefully to consider and maintain, and whatsoever, either by force or fraud he does, in prejudice of them must always be reputed unjust.

### *Kings receive Lawes from the people.* ↩

These may be sufficiently verified by examples. Before there was a King in *Israel*, God by *Moses* prescribed to him both sacred and evill Ordinances, which he [Deut. 17](#) should have perpetually before his eyes. but after that *Saul* was elected and established by the people, *Samuel* delivered it to him written, to the end, he might carefully observe it neither were the succeeding Kings received before they had sworn to keepe those Ordinances.

The Ceremony was this, that together with the setting of the crown on the Kings head, they delivered into his hands the Book of the Testimony, which some understand, *to be the right of the people of the Land*, others *the Law of God, according to which he ought to govern the people*. *Cirus* acknowledging himself conservator of his Countries Lawes, obliegeth himself to opposE any man that would offer to infringe them: and at his mauguration ties himself to observe them, although some flatterers tickled the eares of his Son *Cambises*, that all things were lawfull for him.

The Kings of *Sparta* whom *Aristotle* calls lawfull Princes, did every moneth renew their oaths, promising in the hands of the *Ephori*, procures for the kingdome, to [Zeneph. de Reb. Laced.](#) rule according to those Lawes which they had from *Lieurgus*.

Hereupon it being asked *Archidamus*, the Son of *Zeuxidamus*, who were the Governours of *Sparta*, he answered *the Laws, and the lawfull Magistrates*. [64] and least the lawes might grow into contempt, these people bragged. that they received them from heaven, and that they were inspired from above, to the end that men might beleieve that their determinations were from God and not from man, the Kings of Egypt did in nothing vary from the tennour of the lawes, and confessed that their principall felicity consisted in the obedience they

yeelded to them. *Romulus* at the institution of the Roman kingdome made this agreement with senators, the people should make lawes and he would take both for himselfe and others to see them observed and kept *Antiochus* the third of that name King of *Asia* writ unto all the Cities of his kingdome, That if the letters sent unto them in his name there [...] of lib 5. ca. 6. were any thing found repugnant to the lawes, they should beleeeve they were no act of the Kings, and therefore yeeld no obedience unto them. Now although some Citizens say, that by decree of Senate the Emperour *Augustus* was declared to be exempt from obedience to Lawes: yet notwithstanding *Theodosius*, and all the other good and reasonable Emperours, have professed that they were bound to the Lawes, lest what had been extorted by violence, might be acknowledged and received instead of Law. And for *Augustus Caesar* in so much as the Roman Common wealth was en thralld by his power and violence she could say nothing freely but that she had lost her freedome. And because they durst not call *Augustus* a tyrant the senate said he was exempt from all obedience to the lawes, which was in effect as much as if they plainely should have said, the Emperour was an outlaw. The same right hath ever beene of force in all well governed states and Kingdomes of Christendome.

For neither the Emperour the King of *France*, nor the Kings of *Spain*, *England* *Polander*, *Hungarie*, and all other lawfull Princes, as the Arch Dukes of *Austriae* Dukes of *Brabante*, Earles of *Flanders*, and *Holland*, nor other Princes are not recreated to the government of their estates before they have promised to the Electours, Peeres, Palatins, Lords, Barons, and Governours, that they will render to every one right according to the lawes of the Country, yea so strictly that they cannot alter or innovate any thing contrary to the priviledges of the countries without the consent of the townes and provinces, If they do it, they are no lesse guilty of rebellion against the lawes then the people is in their kind if they refuse obedience, when they command according to law; briefly lawfull princes receive the lawes from the people as well as the crown in lieu of honour, and the [65] scepter in lieu of power, which they are bound to keep and maintain and therein repose their chiefest glory.

*If the Prince may make new lawes.* ↪

What then? shall it not be lawfull for a Prince to make new lawes and abrogate the old? seeing it belongs to the King not onely to advise that nothing be done neither against nor to defraud the lawes: but also that nothing be wanting to them or any thing to much in them; briefly that neither age nor lapse of time do abolish or entombe them: if there be any thing to abridge, added, or taken away from them, it is his duty to assemble the estates, and to demand their advise and resolution, without presuming to publish any things before the whole have beene, first duly examined and approved by them, after the law is once enacted and published, there is no more dispute to be made above it, all men owe obedience to it, and the prince in the first place to teach other men their duty, and for that all men are easier led by example then by precepts, the prince must necessarily expresse his willingnesse to observe the lawes or else by what equity can he require obedience in his subjects to that which he himselfe contemnes.

For the difference which is betwixt Kings and subjects ought not to consist in impurity, but in equity and justice. And therefore although *Augustus* was esteemed to be exempt by the decree of the Senate, notwithstanding reproving of a young man that had broken the Iulian law concerning adultery, he boldly replyed to *Augustus* that he himselfe had transgressed the same laws which condemnes adulteries, the Emperour acknowledged his fault and for grief forbore to late. So convenient a thing it is in nature to practise by example that which we would teach by precept. Demoth in oratio con. Timocrat.

The Lawgiver Solon was wont to compare laws to money, for they maintain human societies as money preserves traffick, neither improperly then if they Kings may not lawfully or at the least heretofore could not manage or imburse good money without the consent of the Common wealth: much more lesse can he have power to make and unmake lawes, without the which, not Kings, nor subjects, can cohabite in security but must be forced to live brutishly in caves and deserts like wild beasts wherefore also the Emperour of Germany esteeme it needful to make some law for the good of the empire, first he demands the advise of the estates if it be there approved the Princes, Barons & Deputies of the towns signed and then the law is ratified for he solemnly swears to keep the laws already made, and to introduce no new ones without a generall consent. [66] There is a Law in *Poloniae*, which hath beene renewed in the yeere, 1454. and also in the yeere 1538. and by those it is decreed, that no new Lawes shall be made, but by a common consent, nor no where else, but in the Generall Assembly of the Estates.

Innocen. 3. ad regem. Fam. in ca. quado d [...] ure juando.

For the Kingdome of France, where the Kings are thought to have greater authority, then in other places, anciently all Lawes were onely made in the Assembly of the Estates, or in the ambulatory *Parliament*. But since this Parliament hath been Sedentary, the Kings edicts are not received as authentically, before the *Parliament* hath approved them.

Whereas on the contrary, the decrees of this *Parliament*, where the Law is defective, have commonly the power and effect of Law. In the Kingdomes of *England, Spain, Hungary*, and others, they yet enjoy in some sort their ancient priviledges.

For, if the welfare of the Kingdom depends of the observation of the Laws, and the Lawes are enthralled to the pleasure of one man? is it not most certain, that there can be no permanent stability in that government? Must it not then necessarily come to passe, that if the King (as some have been) be infected with Lunacie, either continually or by intervalles, that the whole State fall inevitably to ruine? But if the Laws be superiour to the King, as we have already proved, and that the King be tyed in the same respect of obedience to the Lawes, as the Servant is to his Master who will be so senselesse, that will not rather obey the Law, then the King? or will not readily yeeld his best assistance against those that seek to violate or infringe them? Now seeing that the King is not Lord over the Lawes, let us examine how far his power may be justly extended in other things.

#### ***Whether the Prince have power of life and death over his Subjects?*** ↪

The Minnions of the Court hold it for an undeniable Maxime, That Princes have the same power of life and death over their Subjects, as anciently, Masters had over their slaves, and with these false imaginations have so bewitched Princes, that many, although they put not in ure with much rigour this imaginary right, yet they imagine, that they may lawfully do it, and in how much they defist from the practise thereof, insomuch, that they quit and relinquisite of their right and due.

[67]

But we affirme on the contrary, that the Prince is but as the Minister and Executor of the Law, and may only unsheath the Sword against those whom the Law hath condemned; and if he do otherwise, he is no more a King, but a Tyrant; no longer a Judge, but a Malefactor, and instead of that honourable Title of Conservatour, he shal be justly branded with that foule terme of Violator of the Law and Equity.

We must here first of all take into our consideration the foundation on which this our disputation is built, which we have resolved into this head, *That Kings are ordained for the benefit and profit of the publike State*; this being granted, the question is soon discust: For who will believe that men sought and desired a King, who upon any sudden motion might at

his pleasure cut their throats: or which in colour or revenge might when he would take their heads from their shoulders.

Briefly, who (as the wise man sayes) carryes death at his tongues end we must not think so idely.

There is no man so vain, which would willingly that his welfare should depend of anothers pleasure; Nay, with much difficulty will any man trust his life in the hands of a friend or a brother, much lesse of a stranger be he never so worthy. Seeing that Envie, Hare, and Rage did so far transport *Athanas* and *Ajax* beyond the bounds of reason, that the one killed his children, the other fayling to effect his desire in the same kind against his friends and companions, turned his sury and murtherous intent, and acted the same revenge upon himself. Now it being naturall to every man to love himselfe, and to seek the preservation of his own life.

In what assurance I pray you would any man rest to have a Sword continually hanging over his head by a small threed, with the point towards him? Would any mirth or jollity relish in such a continuall affright? Can you possible make choyce of a more slender threed then to expose your life and welfare into the hands and power of a man so mutable that changes with every puft of wind. Briefly, which almost a thousand times a day, shakes off the restraint of reason and discretion, and yeelds himself slave to his own unruly and disordered passions.

Can there be hoped or imagined any profit or advantage so great or so worthy, which might equalize or counterpose this feare or this danger? Let us conclude then, that it is against Delinquents onely, [68] whom the mouth of the Law hath condemned, that *Kings* may draw forth the Sword of Authority.

#### *If the King may pardon those whom the Law condemnes? ↩*

But because life is a thing precious, and to be favoured peradventure it will be demanded, whether the *King* may not pardon and absolve those whom the Law hath condemned.

I answer, no Otherwise this cruell pittie would maintain Theeves, Robbers Murtherers Ravisters, Poysoners Sorcerers, & other plagues of Mankind, as we may reade Tyrants have done here afore in many places, and to our wofull experience, wee may yet see at this present time; And therefore, the Beast of Law in this kind, will by impurity much encrease the number of offenders.

So that he which received the Sword of Authority from the Law to promise offence; will arme offenders therewith against the Lawes, and put himselfe the Woolfe into the Fold, which hee ought to have warranted from their ravenous outrages.

But for so much that it may chance in some occasions, that the Law being mute, may have need of a speaking Law and that the King being in some cases the aptest Expositor, a king for the Rule of his actions Equity and Reason, which as the soule of the Soule may so cleere the intention thereof, as where the offence is rather committed against the words, then the intendment of the Law, hee may free the innocent Offendor from the guilt thereof, because a just and equitable Exposition of the Law may in all good reason be taken for Law it selfe, as nearest concurring with the intention of the Law makers.

Notwithstanding least passion should preposse the place of reason Kings should in this fashion themselves to the ordinary practise of the Emperour, severns not to determine absolutely any thing before it were maturely discussed by upright and discreet men in that facultie.

*I. Nomims & res  
S. verbum ex l  
[...].ge. D. de  
verb signif.*

And so the King may rigorously punish the Murtherer; and yet notwithstanding pardon him, which casually, and without any such purpose killeth one. He may put to death the Thiefe, and yet pardon that man which in his own defence killeth him that would have robbed him. Briesly in all other occurrences hee may distinguish, as being established Aroitator and Newter, Chaunce medly from malice, fore-thought a good purpose from the Rigour of the Law, without favouring at any time Malice or Treason, Neither can the [77] omission of this duty gain to him any true esteeme of mercifull: for certainly that Shepherd is much more pitifull which kills the Woolf, then he which lets him escape: the clemencie of that King is more commendable which commits the malefactor to the hangman, then he which delivers him; By putting to death the murtherer, many Innocents are delivered from danger: whereas by suffering him escape, both he and others through hope of the like impunitie, are made more audacious to perpetrate farther mischief, so that the immediate act of saving one Delinquent, arms many hands to murder divers Innocents; there is therefore both truly mildnesse in putting to death some, and as certainly cruelty in pardoning of others. Therefore as it is permitted the King, being as it were *Custos* of the Law, in some cases to interpret the words thereof: so in all well ordered Kingdoms, it is enjoyed the Counsell of State, and their duty obligeth them to examine the Kings interpretation, and to moderate both his seleritie and facilite. If through the corruption and weaknes of men this have not been so really and throughly observed as it ought: yet notwithstanding the right alwayes remains intire, and there wants onely integritie and courage in the parties to make it effectuall.

But not to heape up too many examples in a matter so manifestly clear, it hath been in this manner practised in the Realm of *France*. For we have there oftentimes seen those put to death, to whom the King had granted his Charter of pardon: and those pardoned, whom He commanded should be put to death. And sometimes offences committed in the Kings presence remitted, because there was no other witsse but himself. The which happened in the time of *Hen: 2.* to a certain stranger, who was accused by the King himself of a grievous offence. If an offender by the intercession of friends have his pardon granted by the king, the Chancellor upon sufficient cause may cancell it: if the Chancellor connive, yet must the crimined present it before the Judges, who ought not onely carefully to consider, whether the Pardon were gotten by surreptitious or indirect means, but also if it be legall, and in due form: neither can the De inquent that hath obtained his Charter of Pardon make use of it, untill first he appeal in publick Court-bare headed, and on his knees plead it, submitting himself prisoner untill the Judges have maturely [78] weighed and considered the reasons that induced the King to grant him his pardon: If they be found insufficient, the offender must suffer the punishment of the Law, as if the King had not granted him any pardon: but if his pardon be allowed, he ought not so much to thank the King, as the equitie of the Law which saved his life. The manner of these proceedings was excellently ordained, both to contain the King within the limits of equitie, lest being armed with publick Authoritie, he should seek to revenge his own particular spleen, or out of fancie or partialitie remit the wrongs and outrages committed against the publick safetie: as partly also to restrain an opinion in the Subject, that any thing could be obtained of the King which might prejudice the Laws. If these things have been ill observed in our times, notwithstanding that which we have formerly said, remains alwaies certain, that it is the Laws which have power over the lives and deaths of the Inhabitants of a Kingdom, and not the King which is but Administrator and Conservator of the Laws.

*Subjects are the Kings Brethren, and not his slaves.* ↪

For truly neither are the Subjects, as it is commonly said, the Kings slaves, or bond men: being neither prisoners taken in the wars, nor bought for money: but as considered in one intire body they are Lords, as we have formerly proved; so each of them in particular ought to be held as the Kings *Brothers and kinsmen*. And to the end that we think not this strange,

let us hear what God himself saith when he prescribes a law to Kings; That they lift not their heart above their brethren from amongst whom they were chosen. [Deuc. 17. 15. 20. Barto. in tract. de regi \[...\]](#) Whereupon *Bartolus* a famous Lawyer, who lived in an age that bred many Tyrants, did yet draw this conclusion from that Law, that Subjects were to be held and used in the qualitie and condition of the Kings brethren, and not of his slaves. Also King *David* was not ashamed to call his Subjects *his brethren*. The [1 Chron 28. 2](#) ancient Kings were called *Abimelech*, an Hebrew word which signifieth, *My father the King*. The Almighty and all good God, of whose great gentlesse and mercie we are daily partakers, and very seldome feel his severitie, although we justly deserve it, yet is it alwayes mercifully mixed with compassion; whereby he teacheth Princes, his Lieutenants, that Subjects ought rather to be held in obedience by love, than by fear.

But lest they should except against me, as if I sought to trench [79] too much upon the Royall Authoritie, I verily beleeeve it is so much the greater, by how much it is likely to be of longer continuance. For saith one, servile fear is a bad guardian, for that Authoritie we desire should continue; for those in subjection hate them they fear, and whom we [Cicer. 1. 2. offic.](#) hate, we naturally wish their destruction: on the contrary, there is nothing more proper to maintain their Authority then the affection of their subjects, on whose love they may safest and with most securitie lay the foundation of their greatnesse. And therefore that Prince which governs his Subjects as brethren, may confidently assure himself to live securely in the midst of dangers: whereas he that useth them like slaves, must needs live in much anxietie and fear, and may well be resembled to the condition of that Master which remains alone in some desart in the midst of a great troop of slaves; for look how many slaves any hath, he must make account of so many Enemies, which almost all Tyrants that have been killed by their Subjects have experimented: whereas on the contrary, the Subjects of good Kings are ever as solicitously carefull of their safetie, as of their own welfare.

To this may have reference that which is read in diverse places of [Plato lib. 8. de repub. Seneca.](#) *Aristotle*, and was said by *Agasicles* King of *Sparta*, That Kings command as fathers over their children, and Tyrants as masters over their slaves, which we must take in the same sence, that the civilian *Martianus* doth, to wit, that paternall authority consists in piety, and not in rigor, for that which was practised amongst the men of the accorne age, that fathers might sell, and put to death their children at their pleasure, hath no authority amongst Christians, yea the very Pagans which had any humanity, would not permit it to be practised on their slaves. Therefore then the father hath no power over the sons life, before first the Law have determined; it, otherwise he offends the Law, *Cornelius* against privie murtherers, and by the Law *Pompeius* against *Parricides*, the father is no lesse guilty which kills the son, then the son which murthers the father: for the same occasion the Emperor *Adrian* banished into an Island which was the usuall punishment for notorious offenders, a father which had slain his son, a hurting of whom he had entertained a jealous opinion for his mother in Law, concerning servants or slaves, we are admonished in holy writ to use them like brethren, and by humane [80] constitutions as hierlings, or mercenaries.

By the Civill Law of the *Egyptians*, and *Romans*, and by the [Ecclesiast. 33. Cicer. lib. 3. offic. Diod. Sic. lib. 2. C. 2. L. 1 D. de his qui sunt sui, vel. al. juris.](#) constitutions of the *Antonims*, the Master is aswell liable to punishment which hath killed his own slave, as he which killed another mans. In like manner the Law delivers from the power of the Master the slave whom in his sicknesse he hath altogether neglected, or hath not afforded convenient food, and the infranchilde slave whose condition was somewhat better, might for any aparent injurie bring his action against his Patron. Now seeing there is so great difference between slaves, and lawfull children, betwixt Lords and fathers, and notwithstanding heretofore it was not permitted amongst the heathen, to use their slaves cruelly: What shall we say, pray you, of

that father of the people, which cries out tragically with *Aireus*, I will devour my Children? In what esteeme shall we hold that Prince which takes such pleasure in the massacring his Subjects, (condemned without being ever heard) that he dispatched many thousand of them, in one day, & yet is not glutted with blood: Briefly who after the example of *Caligula* (surnamed the *Phaeton* of the world) wisheth that all his people had but one head that he might cut it off at one blow? Shall it not be lawfull to implore the assistance of the Law against such furious madnesse, and to pull from such a Tyrant the sword which he received to maintaine the Law, and defend the good, when it is drawn by him onely for rapine and ruine?

*Whether the goods of the people belong to the King,* ↩

But to proceed, let us now see whether the King whom we have already proved, hath not power over the lives of his Subjects; is not at the least Lord over their Goods. In these dayes there is no language more common in the Courts of Princes, then of those who say all is the Kings. Whereby it follows, that in exacting any thing from his Subjects he takes but his own, and in that which he leaves them, he expresseth the care he hath that they should not be altogether destitute of meanes to maintaine themselves; and this opinion hath gained so much power in the minds of some Princes, that they are not ashamed to say that the paines, sweat and industrie of their Subjects is their proper revenue, as if their miserable Subjects onely kept beasts [81] to till the earth for their insolent masters profit, and luxurie. And indeed, the practise at this day is just in this manner, although in all right & equity it ought to be contrarie, now we must alwaies remember that Kings were created for the good and profit of the people, and that those (as *Aristotle* sayes) which indeavour and seeke the commoditie of the people, are trusty Kings: whereas those that make their own private ends and pleasures, the onely butt and aime of their desirers are truly Tyrants.

It being then so that every one loves that which is his owne, yea that many covet that which belongs to other men, is it any thing probable that men should seek a master to give him francklie al that they had long laboured for, and gained with the sweat of their browes? may we not rather imagine, that they chose such a man on whose integrity they relied for the administring of justice equally both to the poore and rich, and which would not assume all to himselfe, but rather maintaine every one in the fruition of his own goods? or who like an unprofitable Drone should suck the fruit of other mens labours, but rather preserve the house, for those whose industrie justly deserved it? briefly, who instead of extorting from the true owners their goods, would see them defended from all ravening oppressors? What I pray you skills it sayes the poore Countrie man, whether the King, or the enemy make havok of my goods, since through the spoile thereof I and my poore familie die for hunger? what imports it whether a stranger or home-bred caterpillar ruine my estate, and bring my poore fortune to extream beggery? Whether a forrein Souldier, or a Sicophant Courtier by force or fraud, make me alike miserable? Why shall he be accounted a barbarous enemy, if thou be a friendly Patriot? Why he a Tyrant if thou be a King? Yea certainly by how much parricide is greater then manslaughter, by so much the wickednesse of a King, exceeds in mischief the violence of an enemy.

If then therefore in the creation of Kings, men gave not their own proper goods unto them, but onely recommended them to their protection; by what other right then, but that of free booters, can they challenge the propertie of other mens goods to themselves? Wherefore the Kings of *Egypt* were not (according to Law) at the first the Lords of particular mens estates, but were onely then when they were sold unto them for corne, and [82] yet may there well be question made of the validitie of that contract. *Ahab* King of *Israel* could not compell *Naboth* to sell him his vineyard; but rather if he had been willing, the Law of God would not permit it. The Roman Emperors which had an unreasonable power, could neither by right have done it. At this day there is with much difficultie any Kingdom to be found, where the meanest Subject may not sue the King, &



where many times the King is not cast in the sute, which succeeding he must as well as others satisfie the judgment. And to this is not contrarie, although at the first veiw it seeme so, that which some of their most familiars have written of the Emperors. That by the civill Law all things were the Kings, and that *Caesar* was absolute Lord of all things, they themselves expound this their opinion in this manner, that the dominion of all things belongs to the King, and the proprietie to the particular persons, insomuch as the one possesseth all by the right of commanding, the other by the Law of inheritance: We know, that it is a common saying amongst the Civilians, that if any make claime to a house, or a Ship, it followes not therefore that he can extend his right to all the furniture or lading. And therefore a King may challenge and gaine right to the Kingdome of *Germanie*, *France* and *England* ■ and yet notwithstanding he may not lawfully take any honest mans estate from him, but by manifest injustice, seeing that they are things diverse, and by Law distinguished, to be possessors of the whole, and of all the particular parts.

L. venditor. 13.  
D. de com.  
praed. divid.

Seneca lib. de  
benef. 7. C. 4. 5.  
6.

L. naye. 36. D.  
de evictionibus.

### Whether the King be the proper owner of the Kingdom. ↪

But the King, is he not Lord proprietor of the publick Revenue? We must handle this point somewhat more exactly then we did the former. In the first place, we must consider that the revenue of the publick Exchequer is one thing, & the proper patrimonie of the Prince another, of different nature are the goods of the Emperor, King, or Prince; to those of *Antonius*, *Henrie*, or *Philip*, those are properly the Kings, which he enjoyes as King, those are *Antonious* his which he possesseth, as in the right of *Antonius*, the former he received from the people, the latter from those of his blood, as inheritor to them.

This distinction is frequent in the books of the civill Law, where there is a difference ever made, between the patrimonie of [83] the Empire, and that of the Emperor, the treasure of *Caesar* is one thing, and the Exchequer of the Common-wealth another, and both the one and the other have their severall procurers, there being diverse dispensers of the sacred and publick distributions, and of the particular & private expences, insomuch as he which as Emperor is preferred before a private man, in a grant by deed or chartell, may also sometime as *Antonius* give place to an inferiour person.

L. bene à  
Zenone. C. de  
quod. praesc. C.  
unde quaest.  
Mag. ib. 12. C. 1.  
fiscus. D. de  
jurefisci.

In like manner in the Empire of *Germanie*, the revenue of *Ferdinand* of *Austria* is one thing, and the revenue of the Emperor *Ferdinand* is another: the Empire, and the Emperor have their severall treasurers: as also there is difference in the inheritances which the Princes derive from the houses of their ancestors, and those which are annexed to the Electorall dignities. Yea amongst the *Turks* themselves, *Selimus* his gardens and patrimoniall lands are distinstuished from those of the publick, the one serving for the provision of the *Sultans* table, the other imploied onely about the *Turkish* affaires of State. There be notwithstanding Kingdomes as the *French* and *English*, and others in which the King hath no particular patrimony, but onely the publick which he received from the people, there this former distinction hath no place. For the goods which belongs to the Prince as a private person there is no question, he is absolute owner of them as other particular persons are, and may by the civill Law sell, ingage, or dispose of them at his pleasure. But for the goods of the Kingdome, which in some places are commonly called the *demeanes*, the Kings may not be esteemed nor called in any sort whatsoever, absolute Lords Proprietors of them. For what if a man for the flocks sake have made thee Shepheard, doth it follow that thou hast libertie, to flea, pill, sell, and transport the Sheepe at thy pleasure? Although the people have established thee Judge, or Governour of a Citie, or of some Province, hast thou therefore power to alienate, sell, or play away that City or Province? And seeing that in alienating or passing away a Province, the people also are sold, have they

quaere. of what  
nature the  
ancient demeane  
is in England.

L. cum servus  
39. Sec vlt. D.  
de leg. 1. 1.  
universi. 9. &  
[...]. seq. C. de  
fundo patrim.

raised thee to that authority to the end thou shouldst separate them from the rest, or that thou shouldst prostitute and make them slaves to whom thou pleasest? Furthermore I demand if the Royall dignity be a patrimony, or an Office? If it be an Office, what Community hath [84] it with any propriety? If it be a Patrimony, is it not such a one that at least the paramount propriety remains still in the people which were the doners? Briefly if the revenue of the Exchequer, or the demeanes of the Kingdome, be called the dowrie of the Common-wealth, and by good right, and such a dowrie whose dismembring or wasting, brings with it the ruine of the publick State, the Kingdom and the King, by what Law shall it be lawfull to alienate this dowrie? Let the Emperor *Wencislaus* be infatuated, the *French King Charles* the sixth lunatick, and give or sell the Kingdom, or part of it to the *English*, let *Malcolme* King of the *Scots*, lavishly dissipate the demeanes and consume the publick treasure, what followes for all this? Those which choose the King to withstand the invasions of forrein enemies, shall they through his madnesse & negligence be made the slaves of strangers, and those meanes & wealth, which would have secured them in the fruition of their own estates and fortunes? Shall they by the election of such a King be exposed to the prey & rapine of all commers, and that which particular persons have saved from their own necessities, and from those under their tutorship and government, (as it hapned in *Scotland*) to indew the Commonwealth with it, shall it be devoured by some Pandar or Broker, for unclean pleasures.

But if as we have often said, that Kings were constituted for the peoples use, what shall that use be, if it be perverted into abuse? What good can so much mischief, and inconvenience bring, what profit can come of such eminent and irreparable dammages and dangers? If (I say) in seeking to purchase my own liberty & welfare, I ingage my selfe into an absolute thraldome, and willingly subject my self to anothers Yoake, and become a fettered slave to another mans unruly desires, therefore as it is imprinted in all of us by nature, so also hath it by a long custome been approved by all Nations, that it is not lawfull for the King by the counsel of his own fancie and pleasure, to diminish or waste the publick revenue; and those which have run a contrarie course, have even lost that happy name of a King, and stood dranded with the infamous title of a Tyrant.

I confesse that when Kings were instituted, there was of necessity means to be assigned for them, as well to maintain their Royall dignity, as to furnish the expence of their teaine and Officers. [85] Civility, and the welfare of the publick State, seeme to require it, for it was the duty of a King to establish Judges in all places, who should receive no presents, nor sell Justice: and also to have power readie to assist the execution of their Ordinances, and to secure the waies from dangers, that commerce might be open, and free, &c. If there were likelihood of warrs to fortifie and put Garrisons into the frontier places, and to hold an Armie in the field, and to keep his Magazins well stored with munition. It is commonly said that peace cannot be well maintained without provision for wars, nor warrs managed without men, nor men kept in discipline without pay, nor mony gotten without Subsidies, and Tributes.

To discharge therefore the burden of the State in time of Peace, was the demeane appointed, and in time of warrs the tributes and imposts, yet so as if any extraordinary necessity required it, mony might be raised by Subsidies or other fitting meanes. The finall intendment of all, was ever the publick utility, in so much as he which converts any of these publick Revenues to his own private purposes, much more he which mispends them in anyunworthy or loose occasions, no way merits the name of a King, for the Prince (saith the Apostle) is the minister of God for the good of the people: and for that cause is Tribute paid unto them.

Rom. 13.

This is the true originall cause of the customes, and imposts of the *Romans*, that those rich merchandises which were brought from the *Indies*, *Arabia*, *Ethiopia*, might be secured in their passage by land from theeves and robbers, & in

The same reason is recorded for all our imposts in England, with

their transportation by Sea from Pirats, insomuch as for their security, the Common-wealth maintained a Navy at Sea. In this rank we must put the Custome which was payd in the red Sea, and other Imposts of gates, bridges, and passages, for the securing of the great road waies, (therefore called the *Pretorian consular*, and the Kings high-waies,) from the spoile of theeves and free-booters. The care also of the reparation of bridges was referred to Commissaries deputed by the King, as appears by the Ordinance of *Lewis* the Courteous, concerning the 12. bridges over the River of *Seyne*, commanding also boats to be in a readinesse, to ferrie over passingers, &c.

which a Navy was wont to be maintained at Sea.

Archi in Ca [...] fi qois Romi p [...]s & peregr. 24. q 3. B [...] lam c [...]. Sect. conventicula, de pace iure iurfir l. 2. D. ne quid in loto publ. viarum.

For the tax laid upon Salt there was none in use in those times, the most of the Salt pits being enjoyed by private persons, because it seemed that that which nature out of her own bountie presented unto men, ought no more to be inhaused by sale then [86] either the light, the aire, or the water, as a certaine King called *Lycurgus* in the lesser *Asia*, began to lay some impositions upon the Salt pits there, nature as it were impatiently bearing such a restraint of her liberality, the springs are said to drie up suddenly. Now although certain *Marmousets* of the Court would perswade us at this day, (as *Juveral* complained in his time) that the Sea affords nothing of worth, or good, which falls not within the compasse of the Kings Prerogative.

L. magis puto D. de [...] febus corum.

Inv. Sat 4. Si quid palphurio, si credimus Armillato, Quicquid conspicuum palchrum q [...] ex aequo [...] e to [...] o est, Res fisci est ubicunque natat.

He that first brought this taxation into *Rome*, was the *Censor Livius*, who therefore gained the surname of *Salter*, neither was it done but in the Common-wealths extreame necessity. And in *France* King *Philip* the long, for the same reason obtained of the Estates the imposition upon Salt for five years onely, what turmoiles and troubles the continuance thereof hath bred every man knowes. To be breife, all Tributes were imposed, and continued for the provision of meanes and stipends for the men of war, so as to make a Province stipendarie or tributarie, was esteemed the same with militarie.

Behold wherefore *Solomon* exacted Tributes, to wit, to fortifie the Towns, and to erect and furnish a publick magazine, which being accomplished, the people required of *Reholoam* to be freed from that burden. The Turks call the Tribute of the Provinces, the *Sacred blood* of the people and account it a most wicked crime to imploy it in any thing but the defence of the people. Wherefore by the same reason all that which the King conquers in warre belongs to the people, and nor to the King, because the people bore the charges of the war, as that which is gained by a factor accrues to the account of his master. Yea and what advantage he gains by marriage, if it belongs simplie and absolutely to his wife, that is acquired also to the Kingdom, for so much as it is to be presumed that he gained not that preferment in marriage in quality of *Philip* or *Charles*, but as he was King. On the contrarie, in like manner the Queens have interest of indowment in the estates which their husbands gained and enjoyed before they attained the Crown, and have no title to that which is gotten after they are created Kings, because that is judged as the acquist of the Common purse, and hath no proper reference to the Kings private estate, which was so determined in *France*, betwixt *Philip* of *Valoys*, and his wife *Jedne* of *Burgundie*. But to the end that there be no money drawn from the people to [87] be employed in private designs, and for particular ends and purposes; the Emperor swears, not to impose any Taxes or Tributes whatsoever, but by the authority of the Estates of the Empire. As much do the Kings of *Polonia*, *Hungarie*, and *Denmarke* promise: the *English* in like manner enjoy the same unto this day, by the Lawes of *Henry* the third, and *Edward* the first.

1 King. 9. 15.

Post [...] 1 li. 3 de rep Turc.

The *French* Kings in former times, imposed no Taxes but in the Assemblies, and with the consent of the three Estates; from thence sprung the Law of *Philip* of *Valoys*, that the people should not have any Tribute layd on them but in urgent necessity, and with the consent of the Estates. Yea and anciently after these monies were collected they were locked in coffers

through every Diocesse and recommended to the special care of selected men (who are the same which at this day are called Esleus) to the end that they should pay the souldiers enroled, within the Towns of their Diocesses: the which was in use in other Countries, as namely in *Flanders* and other neighbouring Provinces. At this day, though many corruptions be crept in, yet without the consent and confirmation of the Parliament, no exactions may be collected, notwithstanding there be some Provinces which are not bound to any thing, without the approbation of the Estates of the Countrey, as *Languedoke*, *Brittannie Province*, *Daulphinie*, and some others. All the Provinces of the Low Countries have the same priviledges: finally lest the Exchequer devour all, like the spleen which exhales the spirits from the other members of the body. In all places they have confined the Exchequer within its proper bounds and limits. Seeing then it is most certaine that what hath been ordinarily and extraordinarily assigned to Kings, to wit, Tributes, Taxes, and all the demeanes which comprehend all customes both for importations, and exportations, forfeitures, amercements, royall escheates, confiscations, and other dewes of the same nature, were configned into their hands for the maintainance and defence of the people, and the State of the Kingdom, insomuch as if these sinewes be cut, the people must needs fall to decay, and in demolishing these foundations the Kingdome will come to utter ruine. It necessarily follows, that he which layes impositions on the people onely to oppresse them, and by the publick detriment seeks private profit, and with their own swords kills his subject he truly is unworthy the name of a King: Whereas concrarily, a true King as he is [88] a carefull mannager of the publick affairs, so is he a ready protector of the Common welfare, and not a Lord in propriety of the Common-wealth, having as little authority to alienate or dissipate the demeans or publick Revenue, as the Kingdom it self. And if he mis-govern the State, seeing it imports the Commonwealth that every one make use of his own talent, it is much more requisite for the publick good, that he which hath the manning of it, carrie himself as he ought.

And therefore if a prodigall Lord by the authority of justice, be committed to the tuition of his kinsmen and friends, and compelled to suffer his revenues and means to be ordered, and disposed of by others; by much more reason may those which have interest in the affairs of State, & whose duty obligeth them thereto, take all the Administration and government of the State out of the hands of him which either negligently executes his place, ruins the Common-wealth, if after admonition he indeavours not to performe his duty. And for so much as it is easily to be proved, that in all lawfull Dominions the King cannot be held Lord in propriety of the demeane; without searching into those elder times, whereof we have an apt representation in the person of *Ephron* King of the *Hittites*, who durst [Gen. 23.](#) not sell the Field to *Abraham* without the consent of the people. This right is at this day practised in publick States: the Emp: of *Germany* before his Coronation [Sleyd. l. 1. & bulla aurea.](#) doth solemnly swear that he will neither alienate, dismember, nor ingage any of the rights or members of the Empire. And if he recover, or conquer any thing with the Arms & means of the publick, it shall be gained to the Empire, and not to himself. Wherefore when *Charles* the 4th. promised each of the *Electors* an hundred thousand Crowns to choose his Son *Wencislaus* Emperor, and having not ready money to deliver them, he morgaged Customs, Taxes, Tributes, and certain Towns unto them, which were the [L. 1. & passim c. de con. re. alien. naucler. in Chron.](#) proper appurtenances of the Empire: whereon followed much and vehement contestation, most men holding this ingagement void. And questionlesse it had been so declared, but for the profit that those reaped thereby, which ought principally to have maintained and held intire the rights and dignities of the Empire. And it followed also, that *Wencislaus* was justly held incapable of the government of the Empire, chiefly because he suffered the rights of the Empire over the Duchy of *Millen* to bewrested from him.

[89]

There is a Law very ancient in the Kingdom of *Polonia*, which prohibits the alienating of any of the Kingdoms Lands; the which also was renewed by King *Lewis* in the year 1375. In *Hungary* in *anno* 1221. there was a complaint made to Pope *Honorius*, that King *Andrew* had ingaged the Crown Lands contrary to his oath. In *England* was the same by the Law of King *Edw*: in the year 1298. Likewise in *Spaine* by the Ordinance made under *Alphonsus*, and renewed in the year 1560. in the Assemblie of the Estates at *Toledo*. These Laws were then ratified, although long time before Custome had obtained the vigor and effect of Law. Now for the Kingdom of *France* whereto I longer confine my self, because she may in a sort passe as a pattern to the rest, this right hath ever remained there inviolable. It is one of the most ancient Laws of the Kingdom, and a right born with the Kingdom it self, that the Demain may not be alienated: the which Law in *anno* 1566. (although but ill observed) was renewed. There is onely 2. cases excepted, the portions or Apennages of the children and brothers of the King, yet with this reservation, that the right of Vassallage remains alwayes to the Crown: in like manner if the condition of War require necessarily an alienation, yet it must be ever with power of redemption. Anciently neither the one nor the other were of validitie, but by the commandment of the States: at this day since the *Parliament* hath been made sedentarie, the *Parliament* of *Paris* which is the Court of the Peers, and the Chamber of Accounts, and of the Treasurie, must first approve it: as the Edicts of *Charles* the sixt and ninth do testifie. This is a thing so certain, that if the ancient Kings themselves would endow a Church (although that was a work much favoured in those dayes) they were notwithstanding bound to have an allowance of the Estates: witnes King *Childebert*, who might not endow the Abbey of *St. Vincent* at *Paris* before he had the *French* and *Newstrafians* consent. *Clovis* the 2d. and other Kings have observed the same. They might neither remit the regalities by granting infranchisements, nor the nomination of Prelates to any Church. And if any of them have done it, as *Lewis* 11. *Philip* 4. and *Philip* surnamed *Augustus*, did in favour of the Churches of *Senis Auxera*, and *Nevers*, the *Parliament* hath declared it void. When the King is anointed at *Reims*, he swears to observe this Law: and if he infringe it, that Act hath as much validitie with it as if he contracted to sell the Empires of the great *Turk*, or *Sophie* of *Persia*. From this spring the Constitutions or Ordinances of *Philip* 6. of *John* 2d. of *Charles* 5th. 6th. and 8th. by which they revoke all alienations made by their Predecessors.

C intellectu de jure jurando in Decretal. Polidor. Virgil. In cod. His. part 5. l. 5. constis. 9.

Papon Arestor. l. 5. [...]. 10. Act. 4.

Sect 5. 11. & 16. legis regiae 1566.

Aimonius l. 4. cha. 41 &c.

L. peto. 69 Sect praedium. D. de leg. 2. An. 1329. 1360. 1374. 1401. 1583.

[90]

In the Assemblie of the Estates at *Tours*, where King *Charles* the 8th. was in person, divers alienations made by *Lewis* 11. were repealed, and annihilated, and there was taken away from the Heirs of *Tancred* of *Chastel* his great Minnion, divers places which he had given him by his proper Authoritie. This was finally ratified in the last Assemblie of the Estates held at *Orleans*. Thus much concerning the Kingdoms Demean. But to the end that we may yet more clearly perceive that the Kingdom is preferred before the King, and that he cannot by his own proper Authority diminish the Majestie he hath received from the people, nor infranchise or release from his Dominion any one of his Subjects; nor quit or relinquish the Soveraigntie oft he least part of his Kingdom. *Charlemayn* in former times endeavoured to subject the Kingdom of *France* to the *German* Empire: the which the *French* did courageously oppose by the mouth of a Prince of *Glasconnie*; and it *Charlemayn* had proceeded in that businesse, it had come to the triall of the Sword. In like manner when any portion of the Kingdom was granted to the *English*, the soveraigntie was almost alwayes reserved. And if sometimes they obtain'd it by force, as at the Treatie of *Bretignie*, by the which king *John* quitted the Soveraignty of *Glasconnie* and *Poyton* that agreement was not kept, neither was he more bound to do it, then

Anno 1483. 1522. 1531. 1549 1560. by divers Decrees of the Court of Parliament.

Paulus Aemilius, lib 3.

Anno 1195. l. [...]. 60. 1269. 1297. 1303. 1325. 1330. Anno 1360.

a Tutor or Guardian is being prisoner (as he was then) which for his own deliverance should ingage the estate of his Pupils. By the power of the same Law the [Anno 1465.](#) Parliament of *Paris* made void the Treatie of *Conlius* by the which Duke *Charles of Burgundie* had drawn from the king *Amiens*, and other Towns of *Picardie*. In our dayes the same Parliament declared void the Agreement made at *Madrid*, between [Anno 1525.](#) *Francis* the 1. then prisoner, and *Charles* the 5. concerning the Duchie of [A \[...\] 1420. M](#) [\[...\] u \[...\] let.](#) *Burgundie*. But the donation made by *Charles* the 6. unto *Hen:* king of [chap. 225.](#) *England* of the kingdom of *France* after his decease is a sufficient testimony for this matter, and of his madnes, if there had been no other proof. But to leave off producing any further testimonies, examples, or reasons, by what right can the King give or sell away the kingdom or any part of it: seeing it consisteth of people, and not of earth or walls; [L. liber homo 10](#) [\[...\] D. de ver.](#) and of Free men there can be made no sale, nor traffick: yea, and the [obl \[...\] , liem](#) [\[...\] t \[...\] . 34](#) [\[...\] ct. \[...\] . D.](#) [de co \[...\] te. \[...\]](#) [mp l \[...\] e \[...\] lt](#) [C de op \[...\] r.](#) [libert.](#) Patrons themselves cannot compell the infranchisde servants to make their habitations in other places then themselves like. The which is the rather to be allowed, in that Subjects are neither slaves, nor infranchisde servants, but brothers: and not onely the Kings brethren taken one by one, but also considered in one body, they ought to be esteemed absolute Lords, and owners of the Kingdom.

[91]

### *Whether the King be the usufructuor of the Kingdom.* ↩

But if the King be not Lord in proprietie, yet at the least we may esteeme him usufructuor of the Kingdom, and of the Demean: nay truly we can allow him to have the usufruit, for being usufructuor though the proprietie remain in the people, yet may he absolutely dispose of the profits, and ingage them at his pleasure. Now we have already proved, that Kings of their own Authority cannot ingage the Revenues of the Exchequer, or the Demain of the Kingdom. The usufroictuor may dispose of the profits to whom, how, and when he pleaseth. Contrarily the excessive gifts of Princes are ever judged void, his unnecessary expences are not allowed, his superfluous to be cut off, and that which is expended by him in any other occasion, but for the publick utilitie, is justly esteemed to be unjustly extorted. And is no lesse liable to the Law *Cincea*, then the meanest *Roman* Citizen formerly was: In *France* the Kings gifts are never of force, untill the Chamber of Accounts have confirmed them. From hence proceed the postils of the ordinarie Chamber in the giving up of the Accounts in the Reigns of prodig all kings, *Trop donne: soyt repele*, which is, excessive gifts must be recalled. The Judges of this Chamber solemnly swear to passe nothing which may prejudice the Kingdom, or the publick State, notwithstanding any letters the King shall write unto them: but they are not alwayes so mindfull of this oath as were to be desired.

Furthermore, the Law takes no care how a usufructuor possesseth, and governes his revenues, but contrariwise she prescribes unto the King, how and to what use he shall imploy his. For the ancient Kings of *France*, were bound to divide their royall revenues into foure parts. The first was imployed in the maintaining of the Ministers of the Church, and providing for the poore: The second for the Kings table: The third for the wages of his Officers and houshold servants: The last in the repairing of bridges, castles, and the royall Palaces. And what was remaining was layd up in the treasure, to be bestowed on the necessities of the Common-wealth. And Histories do at large relate the [Monstrel in Car. 6.](#) troubles and tumults, which hapned about the yeer 1412 in the Assemblie of the Estates at *Paris*, because *Charles* the sixt had wasted all the money that was raised of the revenues and demean, in his own and his minnions loose pleasures, and that the expences of the Kings houshold which before exceeded not the summe of 94000. francks, did amount in that miserable estate of the Common wealth to five hundred and fourty thousand francks. Now as the demeane was imployed, in the before mentioned affaires: so the aydes were onely

[92] for the war and the taxes assigned for the payment of the men at armes, and for no other occasion. In other Kingdomes the King hath no greater authority, and in divers lesse, especially in the Empire of *Germanie*, and in *Poland*. But we have made choise of the Kingdome of *France*, to the end it be not thought this hath any speciall prerogative above others, because there perhaps the common-wealth receiveth the most detriment. Briefly as I have before said, the name of a King signifies not an inheritance, nor a Propriety, nor a usufruct, but a charge, office, and procuration. As a Bishop is chosen to look to the welfare of the soul, so is the King established to take care of the body so far forth as it concerns the publick good: the one is dispensor of the heavenly treasure, the other of the secular, and what right the one hath in the Episcopall revenues, the same hath the other, and no greater in the Kingdoms demeane. If the Bishop alien the goods of the Bishoprick, without the consent of the Chapter, this alienation is of no value, If the King alien the demeane without the approbation of the Estates, that is also void; one portion of the Ecclesiasticall goods ought to be employed in the reparation of the Churches, the second in relieving of the poore, the third for the maintenance of the Church-men, and the fourth for the Bishop himself: We have seen before, that the King ought to divide into foure parts the Revenues of the Kingdoms demeane. The abuse of these times cannot infringe, or annihilate the right, for although the most part of the Bishops steale from the poor that which they profusely cast away on their pandars, and ruine and destroy their lands and woods, the calling of the Bishop is not for all that altered. Although that some Emperors have assumed to themselves an absolute power, that cannot invest them with any further right, because no man can be judge in his own cause. What if some Caracalla vaunt, he will not want money whilst the sword remains in his custodie: The Emperor *Adrian* will promise on the contrary, so to discharge his office of Principalitie, that he will alwaies remember that the Common-wealth is not his, but the peoples: which one thing almost distinguisheth a King from a Tyrant. Neither can that act of *Attalus* King of *Pergomus* designing the *Roman* people for heires to his Kingdome, nor that of *Alexander* for *Egypt*, nor *Ptolomie* for the *Cyrenians*, bequeathing their Kingdomes to the same people nor *Praesutagus* King of the *Icenians*, which left his to *Caesar*, draw any good consequence of right to those which usurpe that which by no just title belongs to them, nay by how much the intrusion is more violent; by so much the equity, & justice of the cause is more perspicuous: [93] for what the *Romās* assumed under the colour of right, they would have made no difficulty if that pretext had been wanting to have taken by force: we have seen almost in our daies how the *Venetians* possesst themselves of the Kingdom of *Ciprus*, under pretence of an imaginarie adoption w<sup>ch</sup> would have proved rediculous if it had not been seconded by power and armes. To which also may be not unfitly resembled the pretended donation of *Constantine* to Pope *Silvester*, for that straw of the decretist *Gratian*, was long since consumed and turned to ashes, neither is of more validity, the grant which *Lewis* the courteous made to Pope *Paschal* of the Citie of *Rome*, and part of *Italy*, because he gave that which hee possessed not, no man opposed it. But when his Father *Charlemain* would have united & subjected the Kingdome of *France* to the *Germane* Empire, the *French* did lawfully oppose it: and if he had persisted in his purpose, they were resolved to have hindered him, and defended themselves by armes. There can be to as little advantage alledged that act of *Solomons*, whom we read to have delivered twenty Towns to *Hiram* King of *Tire*: for he did not give them to him but for the securing of the Talents of gold which *Hiram* had lent him, and they were redeem'd at the end of the terme, as it appears by the Text. Further, the soile was barren, and husbanded by the remaining *Canaanites*: But *Solomon* having redeemed it out of the hands of *Hiram*, delivered it to the *Israelites* to be inhabited and tilled. Neither serves it to much more purpose to alleadg that in some Kingdomes, there is no expresse agreement between the King and the people: for suppose there be no mention made, yet the law of nature teacheth us that Kings were not ordained to ruine, but to govern the Common-wealths, and that they may

Ex concil.  
Valem. in c. 1.  
[...] e his quae  
hant a praelat.  
ab (que)  
consenucapit.

Volater. l. Geogr.  
3.

1 Kings 9. 11.

2 Chron. 8. 2.

not by their proper authority alter or change the rights of the publique State, and although they be Lords, yet can they challenge it in no other quality, then as Guardians do in the tuition of their pupills; neither can wee account him a lawfull Lord, which deprives the Common-wealth of her liberty, and sels her as a slave. Briefly, neither can we also alleadg, that some Kingdomes are the proper acquists of the King himselfe, insomuch as they were not conquered by their proper meanes and swords, but by the hands, and with the wealth of the publique; and there is nothing more agreeable to reason, then that which was gained with the joynt faculties, and common danger of the publique, should not be alien'd [94] dispos'd of, without the consent of the States which represent the Common-wealth: and the necessity of this law is such, that it is of force amongst robbers and free-booters themselves. He which follows a contrary course, must needs ruine humane society. And although the *French* conquered by force of armes, the Countreyes of *Germany* and *Gaule*, yet this before mentioned right remains still intire.

L. 2. §. jus  
reipub. D. de  
administrat. rer.  
ad Civit. pert. 1.  
[...]. 27. D. de  
admut. tut.

L. si fundum  
sect. si tut. D.  
depositi et expr  
[...]. ssuis.  
Extravag. de  
rejudicata, c.  
intellecto.

L. 2. et passi [...]  
. C. de interd.  
Com. rer. alie  
[...].t.

To conclude we must needs resolve, that Kings are neither proprietors, nor usu-fructuaries of the royall patrimony: but only administrators: and being so, they can by no just right attribute to themselves the propriety, use or profit of private mens estates, nor with as little reason the publique revennues, which are in truth only the Common-wealths.

But before we passe any further, we must here resolve a doubt. The people of *Israel* having demanded a King, the Lords said to *Samuel*: hearken unto the voice of the people: notwithstanding, give them to understand what shall be the manner of the King which shall reigne over them: *he will take your fields, your vineyards, your olive-trees, to furnish his owne occasions, and to enrich his servants: briefly, he will make the people slaves.* One would hardly believe in what estimation the Courtiers of our times hold this Text, when of all the rest of the holy Scripture they make but a jest. In this place the Almighty and all good God, would manifest to the *Israelites* their Levite, when that they had God himselfe even present with them, who upon all occasions appointed them holy Judges, and worthy Commanders for the Wars, would notwithstanding rather subject themselves to the disordered commandements of a vaine mutable man, than to the secure protection of the omnipotent and immutable God. Hee declares then unto them in what a slippery estate the King was placed, and how easily unruly authority fell into disordered violence, and Kingly power was turned into tyrannous wilfulnesse. Seeing the King that he gave them, would by preposterous violence draw the sword of authority against them, and subject the equity of the lawes to his owne unjust desires: and this mischief which they wilfully drew on themselves; they would happily repent of, when it would not be so easily remedied. Briefly, this Text doth not describe the right of Kings, but what right they are accustomed to attribute to themselves: not what by the priviledge of their places they may justly doe: but what power for the [95] satisfying of their owne lusts, they unjustly usurp. This will manifestly appeare from the 17. Chapter of *Deuteronomy*, where God appoints a law for Kings. Here saies *Samuel* the King *will use his Subjects like slaves: there God forbids the King to lift his heart above his brethren: to wit, over his Subjects, whom he ought not to insult over, but to cherish as his kinsmen. Hee will make Chariots, leavy horse-men, and take the goods of private men,* saies *Samuel*: on the contrary in *Deutronomy*, he is exhorted *not to multiply horse-men, nor to heape up gold and silver, nor cause the people to returne into Aegypt,* to wit, *into bondage.* In *Samuel* we see pictured to the life wicked *Ahab*, which by pernicious meanes gets *Naboths* Vineyard: there *David*, who held it not lawfull to drinke that water which was purchased with the danger of his Subjects lives. *Samuel* fortels that the King demanded by the *Israelites*, in stead of keeping the lawes, would governe all according to his own fancie: on the contrary, God commands that his Law should by the Priests be delivered into the hands of the King, to copie it out, and to have it continually before his eyes. Therefore *Samuel* being high Priest, gave to *Saul* the royall law



contained in the 17. of *Deutronomy*, written into a book, which certainly had been a frivolous act if the King were permitted to break it at his pleasure. Briefly, it is as much as if *Samuel* had said. *You have asked a King after the manner of other Nations, the most of whom have Tyrants for their Governours:* You desire a King to distribute justice equally amongst you: but many of them think all things lawfull which their owne appetites suggests unto them; in the meane season you willingly shake off the Lord, whose only will is equity and justice in the abstract.

In *Heroditus* there is a history which plainly expresses, *bow apt the royall government is to degenerate into tyranny*, whereof *Samuel* so exactly forewarns the *Herod. 1. 2.* people. *Deioeces* much renowned for his justice, was first chosen Judge amongst the *Medes*: presently after, to the end hee might the better repress those which would oppose justice, he was chosen King, and invested with convenient authority, then he desired a guard, after a Citadell to be built in *Eebatana* the principall Citie of the Kingdome, with colour to secure him from conspiracies and machinations of Rebels; which being effected, he presently applies himselfe to revenge the least displeasures which were offered him with the greatest punishments.

Finally, no man might presume to looke this King in the face, [96] and to laugh or cough in his presence, was punished with grievous torments. So dangerous a thing it is, to put into the hands of a weake mind (as all mens are by nature) unlimited power. *Samuel* therefore teacheth not in that place, that the authority of a King is absolute: on the contrary hee discreetly admonisheth the people not to enthrall their liberty under the unnecessary yooke of a weak and unruly Master: he doth not absolutely exclude the royall authority, but would have it restrain'd within its own limits: he doth not amplifie the Kings right with an unbridled and licentious liberty: but rather tacitely perswades to put a bit into his mouth. It seemes that this advice of *Samuels* was very beneficiall to the *Israelites*, for that they circumspectly moderated the power of their Kings, the which most Nations growne wise, either by the experience of their own, or their neighbours harmes, have carefully looked unto, as will plainly appear by that which follows.

We have shewed already, that in the establishing of the King, there were two alliances or convenants contracted: the first between God, the King, and the people, of which wee have formerly treated: the second between the King and the people, of which wee must now say some-what. After that *Saul* was established King, the royall Law was givne him, according to which he ought to governe. *David made a Covenant in Hebron before the Lord*, that is to say, *taking God for witnesse, with all the ancients of Israel, which represented the whole bodie of the people, & even then he was made King.* *Joas* also by the mouth of *Jehoiada* the High Priest, entered into Covenant *with the whole people of the land in the house of the Lord*: And when the Crowne was set on his head, together with it was the law of the Testimony put into his hand, which most expounds to be the law of God: likewise *Josias* promiseth *to observe and keepe the Commandements, Testimonies and Statutes comprized in the booke of the Covenant*: under which words are contained all which belongs to the duties both of the first and second Table of the law of God. In all the before remembred places of the holy story, it is ever said *that a Covenant was made with all the people, with all the multitude, with all the Elders, with all the men of Juda*: to the end that we might know, as it is also fully expressed, that not only the principals of the Tribes, but also all the Milleniers, Centurions, and subalterne Magistrates should meete together, each of them in the name, and for their Townes and Communalities, to covenant and [97] contract with the King. In this assembly was the creating of the King determined of: for it was the people that made the King, and not the King the people.

An alliance or covenant between the K. & the people. Deut. 17. 1 Sam. 10. 27. 2 Sam. 5. 3.

1 Chron. 11. 3.

2 King. 11. 17. & 12. 2 Chron. 23. 3.

2 King. 23. 3.

It is certain then, that the people by way of stipulation, require a performance of covenants, the King promises it. Now the condition of a Stipulator is in termes of law more worthy than of a promiser. The people asketh the King, whether he will govern justly and according to the lawes? He promiseth he will. Then the people answereth, and not before, that whilst he governes uprightly, they will obey faithfully. The King therefore promiseth simply and absolutely, the people upon condition: the which failing to be accomplished, the people rest according to equity and reason, quit from their promise.

In the first covenant, or contract, there is onely an obligation to piety: in the second, to justice. In that the King promiseth to serve God religiously: in this, to rule the people justly. By the one he is obliged with the utmost of his endeavours to procure the glory of God: by the other, the profit of the people. In the first there is a condition expressed, If thou keep my commandments: in the second, If thou distribute justice equally to every man. God is the proper revenger of deficiency in the former, and the whole people the lawfull punisher of delinquency in the latter, or the Estates, the representative body thereof, who have assumed to themselves the protection of the people. This hath been alwayes practised in all well-governed Estates. Amongst the *Persians*, after the due performance of holy Rites, they contracted with *Cyrus* in manner following.

*Thou, O Cyrus, in the first place, shalt promise, That if any make war* [Zenophon lib. 8. Paed.](#)  
*against the Persians, or seek to infringe the liberty of the Lawes, thou wilt*  
*with the utmost of thy power defend and protect this countrey.* Which having promised, they presently adde, *And we Persians promise to be aiding to keep all men in obedience, whilst thou defendest the countrey.* *Zenophon* calls this agreement, *A Confederation*; as also *Isocrates* calls that which he writ of the duties of subjects towards their Princes, *A Discourse of Confederation*. The alliance or confederation was renewed every moneth [Zenoph. in tract. de repub. Lacede.](#) between the Kings, and *Ephores* of *Sparta*, although those Kings were descended from the line of *Hercules*. And as these Kings did solemnly swear, [98] to govern according to the Lawes, so did the *Ephores* also to maintain them in their authority, whilst they performed their promise. Likewise in the *Romane* Kingdome there was an agreement between *Romulus* the Senate, and the people, in this manner: *That the people should make Lawes, and the King looke they were kept: The people should decree warre, and the King should manage it.* Now although many Emperours rather by force and ambition, than by any lawfull right, were seas'd of the *Roman* Empire, and by that which they call a Royall Law, attributed to themselves an absolute authority; notwithstanding by the fragments which remain both in books, and in *Roman* Inscriptions, of that Law, it plainly appears, that power and authority was granted them to preserve and govern the Common-wealth, not to ruine and oppresse it by tyranny. Nay, all good Emperours have ever professed, that they held themselves tied to the Laws, & received the Empire from the Senate, to whose determination they alwayes referred the most important affairs, and esteemed it a great error without their advice to resolve on the occasions of the publick State.

If we take into our consideration the condition of the Empires, Kingdomes and States of times, there is not any of them worthy of those names, where there is not some such covenant or confederacy between the people and the Prince. It is not long since that in the Empire of Germany, the King of the *Romanes* being ready to be crowned Emperour; was bound to doe homage, and make oath of Fealty to the Empire, no more nor lesse than as the vassall is bound to doe to his Lord when he is invested with his fec. Although the form of the words which he is to sweare, have been somewhat altered by the Popes, yet notwithstanding the substance still remains the same. According to which we know that *Charles* the fifth of the house of *Austria*, was under certain conditions chosen Emperour, as in the [Specul. Saxon. lib. 3. Vrtic. 54.](#) same manner his successors were, the summe of which was, that he should keep the Lawes already made, and make no new ones without the consent of the Electors,

that he should govern the publick affaires by the advice of the generall Estates, nor ingage any thing that belongs to the Empire, and other matters which are particularly recited by the Historians. When the Emperour is crowned at *Aquisgrave*, [99] the Archbishop of *Cullen* requires of him in the first place, If he will maintain the Church, if he will [Sleyd. lib. 2. & 2.](#) distribute justice, if he will defend the Empire, and protect Widowes, Orphans, and all other worthy of compassion: The which after he hath solemnly sworn before the Altar, the Princes also which represent the Empire, are asked, if they will not promise the same; neither is the Emperour anointed, nor receives the other Ornaments of the Empire, before he have first taken that solemn oath. Whereupon it followes, that the Emperour is tied absolutely, and the princes of the Empire, under condition. That the same is observed in the Kingdome of *Polonia*, no man will make question, who had but seen or heard of the ceremonies and rites wherewith *Henry of Anjoy* was lately chosen and crowned King of that Countrey, & especially then when the condition of maintaining of the two Religions, the Reformed and the *Roman*, was demanded, the which the Lords of the kingdome in expresse termes required of him three severall times, and he as often made promise to perform. The same is observed in the Kingdomes of *Bohemia*, *Hungary*, and others; the which we omit to relate particularly, to avoid prolixity.

Now this manner of stipulation is not onely received in those Kingdomes where the right of election is yet entirely observed; but even in those also which are esteemed to be simply hereditary, When the King of *France* is crowned, the Bishops of *Laon* and *Beauvois*, Ecclesiasticall Peeres, ask all the people there present, whether they desire and command, that he which is there before them, shall be their King? Whereupon he is said even then in the stile of the inauguration, to be chosen by the people: and when they have given the signe of consenting, then the King swears that he will maintaine all the rights, priviledges, and lawes of *France* universally, that he will not aliene the Demeane, and the other Articles, which have been yet so changed and accomodated to bad intentions, as they differ greatly from that copie which remains in the Library of the Chapter of *Beauvois*, according to which it is recorded, that King *Philip*, the first of that name, tooke his Oath at his Coronation; yet notwithstanding they are not unfitly expressed: Neither is he girded with the sword, nor anointed, nor crowned by the Peers (who at that [100] time wear Coronets on their heads) nor receives the Scepter and rod of Justice, nor is proclaimed King, before first the people have commanded it: neither doe the Peers take their oaths of alleageance before he have first solemnly sworne to keepe the Lawes carefully.

And those be, that he shall not waste the publicke revenue, that he shall not of his own proper authoritie, impose any taxes, customes, or tributes: that he shall not make peace or warre, nor determine of State-affaires, without the advise of the Councill of State. Briefly, that he should leave to the Parliament, to the States, and to the Officers of the Kingdome, their authoritie intire, and all things else which have been usually observed in the Kingdome of *France*. And when he first enters any Citie or Province, he is bound to confirme their priviledges, and swears to maintaine their Lawes and Customes. This is straitly observed in the Cities of *Tholouse*, and *Rochel*, and in the Countries of *Daulphinie*, *Province*, and *Britaine*: The which Townes and Provinces have their particular and expresse Covenants and agreements with the Kings, which must needs be voyde, if the condition expressed in the Contract be not of force, nor the Kings tied to the performance.

There is the forme of the Oath of the ancient Kings of *Burgundie* yet [In Annal. Burgund.](#) extant in these words: *I will protect all men in their rights, according to Law and justice.*

In *England*, *Scotland*, *Sweden*, and *Denmarke*, there is almost the same custome as in *France*: but in no place there is used a more discreet care in their manner of proceeding, than in *Spaine*. For in the Kingdome of *Arragon*, after the finishing of many Ceremonies, which

are used between him, which represents the *Justitia major* of Arragon, which comprehends the majestie of the Common-wealth, seated in a higher seate, and the King, which is to be crowned, who swears fealtie, and does his homage: and having reade the Lawes and conditions, to the accomplishment whereof he is sworne.

Finally, the Lords of the Kingdome use to the King these words in the vulgar Language, as is before expressed, *page 60. Wee which are as much worth as you, and have more power than you, choose you King upon these and these conditions, and there is one between [141] you and us, which commands over you.* But least the King should thinke he swore onely for fashion sake, and to observe an olde custome, every third yeare in full assemblie of the Estates, the very same words, and in the same manner are repeated unto him.

Nos qui valemus tanto como vos, y podemos mas que vos, vos elegimos kei estas è y estat conditiones, entra vos y nos un que manda mas que vos.

And if under pretext of his royall dignitie he become insolent, violating the Lawes, and neglect his publick faith and promise given, then by the priviledge of the Kingdome, he is judged, excommunicated, as execrable as *Julian* the Apostata was by the primitive Church: which excommunication is esteemed of that validitie, that instead of praying for the King in their publick oraysons, they pray against him, and the subjects are by the same right acquit from their oath of Alleageance: as the vassall is exempted from obedience and obligation by oath to his Lord which stands excommunicated; the which hath been determined and confirmed both by act of Councell and Decree of State in the Kingdome of *Arragon*.

In Concil. Tolet. 4. c. 74. & in Tolet. 6. lib. 2. feud. tit. 28. sect. 1.

In like manner, in the Kingdome of *Castile* in full assembly of the Estates, the King being readie to be crowned, is first in the presence of all advertised of his dutie: and even then are reade the Articles discreetly composed for the good of the Common-wealth, the King swears he will observe and keepe them carefully and faithfully; which being done, then the Constable takes his oath of alleageance, after the Princes and Deputies for the Townes swear each of them in their order; and the same is observed in the Kingdomes of *Portugall*, *Leon*, and the rest of *Spaine*. The lesser principallities have their institution grounded on the same right. The contracts which the *Brabancers* and the rest of the *Netherlanders*, together with those of *Austria*, *Carinthia*, and others, had with their Princes, were always conditionall. But especially the *Brabancers*, to take away all occasion of dispute, have this expresse condition: which is that in the receiving of their Duke, there is read in his presence the ancient Articles, wherein is comprized that which is requisite for the publick good; and thereunto is also added, that if he doe not exactly and precisely observe them, they may choose what other Lord it shall seeme good unto them; the which they doe in expresse words protest unto him. He having allowed and accepted of these Articles, doth in that publick assemblie promise and solemnly sweare to keepe them. The which was [102] observed in the reception of *Philip* the second King of *Spaine*. Briefly, there is not any man can denie, but that there is a contract mutually obligatorie between the King and the Subjects, which requires the people to obey faithfully, and the King to governe lawfully, for the performance whereof the King swears first, and after the people.

La Joyeuse entree.

Ludovicus Guicciard. in Discript. Belgiae.

I would aske here wherefore a man doth sweare, if it be not to declare, that what he delivers he sincerely intends from his heart? Can any thing be judged more neere to the law of nature, than to observe that which we approve? Furthermore, what is the reason the King swears first, and at the instance, and required by the people, but to accept a condition either tacite or expressed? Wherefore is there a condition opposed to the Contract, if it be not that in fayling to performe the condition, the contract according to law remaines voyde? And if for want of satisfying the condition by right, the contract is of no force: who shall dare to call that people perjured, which refuseth to obey a King which makes no account of his promise, which he might and ought to have kept,

L. 1. D. Ac pact. l. non minorum 20. D. de transact

and wilfully breakes those lawes which he did sweare to observe? On the contrary, may we not rather esteeme such a King perfidious, perjured, and unworthy of his place? For if the Law free the vassall from his Lord, who dealt feloniously with him, Lib. 2. feudor. tit. 26. §. 24. & tit. 47. Dionys. Halic. lib. 2. although that to speake properly the Lord sweareth not fealtie to his vassall, but he to him: if the Law of the twelve Tables doth detest and hold in execration the protector that defraudeth him that is under his tuition: if the civill Law permit an infranchised servant to bring his action against his patron, for any grievous usage: if in such cases the same Law delivers the slave from the power of his Master, although the obligation be naturall onely and not civill: is it not much more reasonable that the people be loosed from that oath of alleageance which they have taken, if the King (who may be not unfitly resembled by an Attorney sworne to looke to his Clients cause) first breake his oath solemnly taken? And what if all these ceremonies, solemne oaths, nay sacramentall promises had never been taken? Doth not nature her selfe sufficiently teach that Kings were on this condition ordained by the people, that they should governe well? Judges that they should distribute justice uprightly? Captaines in the warre, that they should lead their Armes against their enemies: If on the contrary, they themselves forrage and spoile [103] their subjects, and instead of governors become enemies, as they leave indeed the true and essentiall qualities of a King, so neither ought the people to acknowledge them for lawfull Princes. But what if a people (you will reply) subdued by force, be compeld by the King to take Cicer. 1. Offic. an oath of servitude? And what if a robber, pirate, or tyrant, (I will answer) with whom no bond of humane societie can be effectually, holding his dagger to your throate, constraine you presently to become bound in a great sum of money? Is it not an unquestionable Maxime in Law, that a promise exacted by violence cannot binde? especially if any thing be promised against common reason, or the law of nature? Is there any thing more repugnant to nature and reason, than that a people should manicle and fetter themselves; and to be obliged by promise to the Prince, with their own hands and weapons to be their own executioners? There is therefore a mutuall obligation between the King and the people, which whether it be civill or naturall onely, whether tacite, or expressed in words, it cannot by any meanes be annihilated, nor by any Law be abrogated, much lesse by force made voyde. And this obligation is of such power, that the Prince which wilfully violates it, is a tyrant: and the people which purposely breakes it, may be justly termed seditious.

Hitherto we have treated of a King, it now rests wee doe somewhat more fully describe a Tyrant. Wee have shewed that he is a King, which lawfully governes a Who may truly be called tyrants? Kingdome, either derived to him by succession, or committed to him by Election. It followes therefore that he is reputed a tyrant, which as opposite to a King, either gains a kingdome by violence, or indirect meanes, or being invested Aristo. lib. 5. polit. c. 10. therewith by lawfull election or succession, governes it not according to law and equitie, or neglects those contracts and agreements, to the Bartol. in tract. de tyrannide. observation whereof he was strictly obliged at his reception. All which may very well occurre in one and the same person. The first is commonly called a tyrant without title: the second a tyrant by practise. Now it may well so come to passe, that he which possesseth himselfe of a kingdome by force, to governe justly, and he on whom it descends by a lawfull title, to rule unjustly. But for so much as a kingdome is rather a right than an inheritance, and an office than a possession: he seemes rather worthy the name of a tyrant, which unworthily acquits himselfe of his charge, than he which entered into his place by a wrong dore. In [104] the same sence is the Pope called an intruder which entered by indirect means into the papacy: and he an abuser which governs il in it.

*Pithagoras* sayes, *That a worthy stranger is to be preferr'd before an unworthy Citizen, yea though he be a Kinsman.* Let it be lawfull also for us to say, that a Prince which gained his Principality by indirect courses, provided hee governe according to law, and administer justice equally, is much to be preferred before him, which carrieth himselfe tyrannously,

although hee were legally invested into his government with all the Ceremonies and Rites thereunto appertaining.

For seeing that Kings were instituted to feede, to judge, to cure the diseases of the people: Certainly I had rather that a Thiefe should feede me, than a Shepherd devoure me: I had rather receive justice from a Robber, than out-rage from a Judge: I had better be healed by an Empirick, than poysoned by a Doctor in Physicke. It were much more profitable for me to have my estate carefully managed by an intruding Guardian, than to have it wasted and dissipated by one legally appointed.

And although it may be that ambition was his first solicitor, to enter violently into the government, yet may it perhaps appeare he affected it the rather to give testimonie of his equity and moderation in governing, witness *Circus, Alexander*, and the *Zenophon, Pluta* [...] chus in Alexand. in Aemi [...] co, Caesare. Liv us, lib. 1. Su [...] conius in Caesare, c. 75. *Romans*, which ordinarily accorded to those people they subdued, permission to governe themselves according to their owne lawes, customes, and priviledges, yea sometimes incorporated them into the body of their owne state: on the contrary, the Tyrant by practice seemes to extend the priviledge of his legall succession, the better to execute violence and extortion, as may be seene in these dayes, not only by the examples of the *Turkes* and *Moscovites*, but also in divers Christian Princes: therefore the act of one which at the first was ill, is in some reasonable time rectified by justice: whereas the other like an inveterate disease, the elder it growes, the worse it affects the Patient.

Now if according to the saying of Saint *Augustine*, those kingdomes August. in lib. 4, c. 4. de c. vi. [...] where justice hath no place, are but a rapsodie of freebooters; they are in that, both the Tyrant without title, and he by practise alike, for that they are both thieves, both robbers, and both unjust possessors, as he certainly is no lesse an unjust detayner which takes another mans goods against the **[105]** owners will, than hee which employes it ill when it was taken before.

But the fault is without comparison, much more greater of him which possesseth an estate for to ruine it, than of the other which made himselfe Master of it to preserve it.

Briefely, the Tyrant by practise vainely colouring his unjust extortions with the justice of his title, is much more blameable then the Tyrant without title, who recompenceth the violence of his first intrusion in a continued course of a legall and upright government.

But to proceed, there may be observed some difference amongst Tyrants without title. Tyrants without title: For there are some which ambitiously invade their neighbours Countreyes, to enlarge their owne, as *Nimrod, Minus*, and the *Canaanites* have done. Although such are term'd Kings by their owne people, yet to those on whose confines they have encroached without any just right, or occasion, they will be accounted Tyrants.

There be others which having attained to the government of an elective Kingdome, that endeavour by deceitfull meanes, by corruption, by present, and other bad practises, to make it become hereditary. For witness whereof, wee neede not make search into elder times; these are worse than the former, for so much as secret fraud, as *Cicero* saith, *is ever more odious than open force.*

There be also others which are so horribly wicked, that they seeke to enthrall their own native Countrey like the viperous brood which goaw through the entralls of their mother: as be those Generals of Armies created by the people, who afterwards by the meanes of those forces make themselves masters of the State, as *Caesar* at *Rome* under pretence of the Dictatorship, and divers Princes of *Italy*.

There be women also which intrude themselves into the government of those kingdoms which the lawes only permit to the males, and make themselves Queenes and Regents, as *Athalia* did in *Judab*, *Semiramis* in *Assyria*, *Agripina* in the *Roman Empire* in the Reign of her sonne *Nero*, *Mammae* in *Alexander Severus* his time, *Semiamira* in *Heliogabalusses*; and certaine *Brunichildes* in the kingdome of *France*, who so educated their sonnes [as the Queens of the house *Medicis* in these latter times] during their minority, that [106] attaining to more maturity, their only care was to glut themselves in pleasures and delights: so that the whole management of affaires remain'd in the hands of their Mothers, or of their Minions, servants, and Officers. Those also are Tyrants without title, who taking advantage of the floath, weakenesse, and dissolute courses of those Princes which are otherwise lawfully instituted, and seeking to enwrap them in a sleepy dreame of voluptuous idlenesse (as under the *French Kings*, especially those of the *Merovingian* line, some of the Mayres of the Palace have beene advanc'd to that dignity for such egregious services) transferring into their owne command all the royall authority, and leaving the King only the bare name. All which Tyrants are certainly of this condition, that if for the manner of their government they are not blameable: Yet for so much as they entered into that jurisdiction by tyrannous intrusion, they may justly be termed Tyrants without title.

Concerning Tyrants by practise, it is not so easie to describe them as [Tyrants by practise.](#) true Kings. For reason rules the one, and selfe-will the other: the first prescribes bounds to his affections, the second confines his desires within no limits, what is the proper rights of Kings may be easily declared, but the outrageous insolencies of Tyrants cannot without much difficulty be express'd. And as a right angle is uniforme, and like to it selfe one and the same. so an oblique diversifies it selfe into various and sundry species: In like manner is justice and equity simple, and may be deciphered in few words: but injustice and injury are divers, and for their sundry accidents not to be so easily defin'd; but that more will be omitted then express'd. Now although there be certaine rules by which these Tyrants may be represented (though not absolutely to the life:) yet notwithstanding there is not any more certaine than by conferring and comparing a Tyrants fraudulent sleights with a Kings vertuous actions.

A Tyrant lops off those eares which grow higher then the rest of the corne, especially where vertue make them most conspicuously eminent, oppresseth by calumnies, and fraudulent practises, the principall officers of the State, gives out reports of intended conspiracies against himself, that he might have some colourable pretext to cut them off, witnesse *Tiberius*, *Maximinus*, & others, which spared not their own kinsmen, cozens, and brothers.

[107]

The King on the contrary doth not onely acknowledge, his brothers to be as it were consorts unto him in the Empire: But also holds in the place of brothers all the principall Officers of the Kingdom, & is not ashamed to confesse that of them (inquality as deputed from the generall Estates) he holds the Crown.

The tyrant advanceth above and in opposition to the ancient and worthy Nobility, mean and unworthy persons; to the end that these base sellowes being absolutely his creatures, might applaud and apply themselves to the fulfilling of all his loose and unruly desires. The King maintains every man in his Rank, honours and respects the Grandies as the Kingdomes friends, desiring their good as well as his own.

The tyrant hates and suspects discreet and wise men, and fears no opposition more than vertue, as being conscious of his owne vitious courses, and esteeming his owne security to consist principally in a generall corruption of all estates, introduceth multiplicity of Tavernes,

Gaming-houses, Maskes, Stageplayes, Brothel-houses, and all other licencious superfluities, that might effeminate and bastardize noble spirits, as *Cyrus* did, to weaken and subdue the *Sardiens*: The King on the contrary allureth from all places honest and able men, and encourageth them by pensions and honours; and for seminaries of vertue, erects Schooles and Universities in all convenient places.

A tyrant as much as in him lies, prohibites or avoids all publick [Machiavil in principe.](#) Assemblies, feares Parliaments, Diets and meetings of the generall Estates, flies the light, affecting (like the Bat) to converse onely in darknesse; yea, he is jealous of the very gesture, countenance, and discourse of his subjects. The King because he converses alwayes as in the presence of Men and Angels, glories in the multitude, and sufficiency of his Councillors, esteeming nothing well done which is ordered without their advice, and is so farre from doubting or distasting the publick meeting of the generall Estates, as he honours and respects those Assemblies with much favour and affection.

A tyrant nourisheth and feedeth factions and dissentions amongst his subjects, ruines one by the help of another, that he may the easier vanquish the remainder, advantaging himselfe by this division, like those dishonest Surgeons which lengthen out their cures. Briefly after the manner of that abominable *Vitellius*, he is not ashamed to say, that the karkasse of a dead enemy, [108] especially a subjects, yeelds a good savour. On the contrary, a good King endeavours alwayes to keep peace amongst his subjects, as a father amongst his children, choakes the seeds of troubles, and quickly heals the scarre; the execution even of justice upon rebels, drawing teares from his compassionate eyes; yea, those whom a good King maintains and defends against a forrain enemy, a tyrant (the enemy of nature) compels them to turn the points of their swords into their own proper intrails. A tyrant fills his Garrisons with strange Souldiers, builds Citadels against his subjects, disarms the people, throwes down their forts, makes himselfe formidable with guards of strangers, or men onely fit for pillage and spoyle, gives pensions out of the publick Treasury to spies and calumniating informers, disperst through all Cities and Provinces. Contrariwise, a King repositeth more his safety in the love of his subjects, than in the strength of his Fortresses against his enemies, taking no care to inroll Souldiers, but accounts every subject as a man at arms to guard him, & builds forts to restrain the irruptions of forraine enemies, and not to constrain his subjects to obedience, in whose fidelity he putteth his greatest confidence. Therefore it is that tyrants, although they have such numberlesse guards about them to drive off throngs of people from approaching them, yet [Prov. 14. 28.](#) cannot all those numbers secure them from doubts, jealousies and distrusts, which continually afflict and terrifie their timerous consciences yea in the midst of their greatest strength, the tyrannizer of tyrants, fear, mamaketh prize of their souls, and there triumphs in their affliction. A good King in the greatest concourse of people, is freest from doubts or fears, nor troubled with solicitous distrusts in his solitary retirements, all [Bartol. in tract de tyrannide.](#) places are equally secure unto him, his own conscience being his best guard. If a tyrant want civill broyles to exercise his cruell disposition in, he makes warres abroad; erects idle and needlesse trophees to continually employ his tributaries, that they might want leasure to think on other things, as *Pharaoh* did the *Jews*, and *Polierates* the *Samiens*; therefore he alwayes prepares for, or threatens war, or at least [A \[...\] gid, Rom. de reg. prin.](#) seemes so to doe, and so stil rather draws mischief on, than puts it further off. A King never makes war, but compeld unto it, and for the preservation of the publick; he never desires to purchase advantage by treason, he never entreth into any war that exposeth the Common-wealth to more danger than it affordeth probable hope of commodity.

[109]



A Tyrant leaves no designe unattempted by which he may fleece his Subjects of their substance, and turne it to his proper benefit, that being continually troubled in gaining meanes to live, they may have no leasure nor hope how to regaine their liberty: On the contrary, the King knowes that every good Subjects purse will be ready to supply the Common-wealths occasion, and therefore believes he is possest of no small treasure, whilst through his good government his Subjects flow in all abundance.

A Tyrant extorts unjustly from many to cast prodigally upon two or three Minions, and those unworthy; hee imposeth on all: and exacteth from all, to furnish their superfluous and riotous expences: he builds his owne, and followers fortunes on the ruines of the publike: he drawes out the peoples blood, by the veines of their means, and gives it presently to carouse to his Court-leeches. But a King cuts off from his ordinary expences, to ease the peoples necessities, neglecteth his private state, and furnisheth with all magnificence the publike occasions; briefly is prodigall of his owne blood, to defend and maintain the people committed to his care.

If a Tyrant as heretofore *Tiberius, Nero, Commodus* and others, did suffer his Subjects to have some breathing time from unreasonable exactions, and like sponges to gather some moysture, it is but to squeeze them out afterwards to his owne use: on the contrary, if a King doe sometimes open a vaine, and draw some blood, it is for the peoples good, and not to be expended at his own pleasure in any dissolute courses. And therefore as the holy Scripture compares the one to a *Shepherd*, so doth it also resemble the other to a roaring *Lion*, to whom notwithstanding the *Foxe* is oftentimes coupled. For a Tyrant as saies [Prov. 8. 15.](#) *Cice*, is culpable in effect of the greatest injustice that may be imagined, [Cicer. de offic. lib. 1.](#) and yet he carrieth it so cunningly, that when hee most deceives, it is then that hee maketh greatest appearance to deale sincerely. And therefore doth hee artificially counterfeit Religion and devotion, wherein saith *Aristotle*, hee expresseth one of the most absolute subtleties that Tyrants can possibly practise: hee doth so compose [Arist. lib. 5. polit. c. 11.](#) his countenance to piety, by that meanes to terrifie the people from conspiring against him; who they may well imagine to be especially favoured of God, expressing in all appearance so reverently to serve him. He fains also to be exceedingly affected to the publike good; not so much for the love of it, as for feare of his owne safety.

Furthermore he desires much to be esteemed just, and loyall in some [110] affaires, purposely to deceive and betray more easily in matters of greater consequence: much like those thieves which maintaine themselves by thefts and robberies, cannot yet long subsist in their trade, without exercising some parcell of justice in their proceedings. Hee also counterfeits the mercifull, but it is in pardoning of such malefactors, in punishing whereof he might more truly gaine the reputation of a pittifull Prince.

To speake in a word, that which the true King is, the Tyrant would seeme to be, and knowing that men are wonderfully attracted with, and inamoured of vertue, hee endeavours with much subtilty to make his vices appeare yet masked with some shadow of vertue: but let him counterfeit never so cunningly, still the Fox will be known by his taile: and although he fawne and flatter like a Spannell, yet his snarling and grinning will ever bewray his currish kind.

Furthermore, as a well-ordered Monarchy partakes of the principall commodities of all other governments: So on the contrary, where tyranny [Tho. Aquin. in secund. secund. q. 12. a \[...\] t. 11.](#) prevailes, there all the discommodities of confusion are frequent.

A Monarchy hath in this, conformity with an Aristocracy, that the most able and discreet are called to consultations: Tyranny and Oligarchy accord in this, that their counsels are composed of the worst and most corrupted. *And as in the Councell Royall, there may in a fort*

*seeme many Kings to have interests in the government, so in the other on the contrary, a multitude of Tyrants always domineers.*

The Monarchy borrowes of the popular government the assemblies of the Estates, whither are sent for Deputies the most sufficient of Cities and Provinces, to deliberate of, and determine matters of State: the tyranny takes this of the Ochlocracie, that if shee be not able to hinder the convocation of the Estates, yet will she endeavour by factious subtilties and pernicious practices, that the greatest enemies of Order and Reformation of the State be sent to those Assemblies, the which we have known practised in our times. In this manner assumes the Tyrant the countenance of a King, and tyranny the semblance of a Kingdome, and the continuance succeeds commonly according to the dexterity wherewith it is managed: yet, as *Aristotle* says, *we shal hardly reade of any tyranny that hath out-lasted a hundred yearee: briefly the King principally regards the publique utility, and a Tyrants chiefest care is for his private commodity.*

But seeing the condition of men is such, that a King is with much [111] difficulty to be found, that in all his actions only agreeth at the publique good, and yet cannot long subsist without expression of some speciall care thereof, we will conclude that where the Commonwealths advantage is most preferr'd, there is both a lawfull King and Kingdome; and where particular designes and private ends prevaile against the publique profit, there questionlesse is a Tyrant and tiranny.

Thus much concerning Tyrants by practise, in the examining whereof wee have not altogether fixed our discourse on the loose disorders of their wicked and licentious lives, which some say is the character of a bad man: but not alwayes of a bad Prince. If therefore the Reader be not satisfied with this description, besides the more exact representations of Tyrants which he shall finde in histories: he may in these our dayes behold an absolute modell of many living and breathing Tyrants: whereof *Aristotle* in his time did much complaine. Now at the last we are come as it were by degrees to the chiefe and principall point of the question. We have seene how that Kings have beene chosen by God, either with relation to their Families or their persons only, and after installed by the people: In like manner what is the duty of the King, and of the Officers of the Kingdome, how farre the authority, power, and duty both of the one & the other extends, and what and how sacred are the Covenants and contracts w<sup>ch</sup> are made at the inauguration of Kings, and what conditions are intermixt, both tacite and express'd; finally who is a Tyrant without title, and who by practise, seeing it is a thing unquestionable that we are bound to obey a lawfull King, which both to God and people carrieth himselve according to those Covenants whereunto he stands obliged, as it were to God himselve, seeing in a fort he represents his divine Majestie: It now followes that we treat, how, and by whom a Tyrant may be lawfully resisted, and who are the persons that ought to be chiefly actors therein, and what course is to be held, that the action may be managed according to right and reason: we must first speak of him w<sup>ch</sup> is commonly called a Tyrant without title. Let us suppose then that some *Ninus* having neither received outrage nor offence, invades a people over whom he hath no colour of pretension: that *Caesar* seekes to oppresse his Countrey, and the *Roman* Common-wealth: that *Popiclus* endeavours by murders and treasons to make the elective Kingdome of *Polonia* to become [112] hereditary to him and his posterity: or some *Brunichilde* draws to her selfe and her Protadius the absolute government of *France*: or *Ebroinus* taking advantage of *Theodericks* weaknesse and idlenesse, gaineth the intire administration of the State, and oppresseth the people, what shall be our lawfull refuge herein?

Bartol. in. tract. de tiranct de regim. Civt.

To whom it belongs to resist & suppresse Tyrats without title.

Otto Frising. Chron. l. 3. c. 7.

[...] lib. [...]. c. 1. [...] T [...] u [...] on. lib. 4. c. 51. lib. 5. c. 1 [...] . lib. 8. c. 29.

First, The law of nature teacheth, and commandeth us to maintaine and defend our lives and liberties, without which life is scant worth the enjoying, against all injury and violence. Nature hath imprinted this by instinct in Dogs against Wolves, in Bulls against Lions, betwixt Pigeons and Spar hawkes, betwixt Pullen and Kites, and yet much more in man against man himselfe, if man become a beast: and therefore he which questions the lawfulness of defending ones selfe, doth as much as in him lies question the law of nature. To this must be added the law of Nations, which distinguisheth possessions, and Dominions, fixes limits, and makes our confines, which every man is bound to defend against all invaders. And therefore it is no lesse lawfull to resist, *Alexander* the great, it without any right or being justly provoked, he invades a Countrey with a mighty Navy; as well as *Diomedes* the Pirate which scoures the Seas in a small vessell. For in this case *Alexanders* right is no more than *Diomedes* his, but only hee hath more power to doe wrong, and not so easily to be compelled to reason as the other. Briefely, one may as well oppose *Alexander* in pillaging a Countrey, as a Theefe in purloining a cloake, as well him when he seekes to batter downe the walls of a Citie, as a robber that offers to break into a private house. There is besides this, the civill law, or municipal laws of severall Countreyes which governs the societies of men, by certaine rules, some in one manner, some in another; some submit themselves to the government of one man, some to more; others are ruled by a whole Communalty, some absolutely exclude women from the Royall Throne, others admit them, these here chuse their King descended of such a family, those there make election of whom they please, besides other customes practised amongst severall Nations. If therefore any offer either by fraud or force to violate this law, wee are all bound to resist him, because he wrongs that society to which wee owe all that we have, and would runne our Countrey, to the preservation whereof, all men by nature; by law and by solemne oath are strictly obliged: insomuch that feare or negligence, or bad purposes, make us omit [113] this dutie, wee may justly be accounted breakers of the Lawes, betrayers of our Countrey, and contemnners of Religion. Now as the Law of Nature, of Nations, and the civill commands us to take Armes against such Tyrants: so is there not any manner of reason that should perswade us to the contrary; neither is there any oath, covenant, or obligation, publike or private, of power justly to restraine us: therefore the meanest private man may resist and lawfully oppose such an intruding tyrant. The Law [L. ult. D. ad leg. Jul. Majestatis.](#) *Julia* which condemnes to death those that raise rebellion against their Countrey or Prince, hath here no place: for he is no Prince which without any lawfull title invadeth the Common-wealth, or Confines of an other: nor he a rebell which by armes defends his Countrey: but rather to this had relation the Oath which all the youth of *Athens* were accustomed to take in the Temple of *Aglaura*: I will fight for Religion, for the Lawes, for the Altars, and for our possessions, either alone or with others, and will doe the utmost of my endeavour, to leave to posteritie our Countrey, at the least in as good estate as I found it. To as little purpose can the Lawes made against seditious persons be [Bartol. in trac. de Guelph. & Gibellin.](#) alledged here; for he is seditious which undertakes to defend the people, in opposition of order and publick Discipline; But he is no raiser, but a suppressor of sedition, which restraineth within the limits of reason, the subvertor of his Countries welfare, and publicke Discipline.

On the contrary to this, hath proper relation the Law of *Tyrnacides*, [Plin. lib. 4. Alexand. ab Alex. lib. 6. cap. 4.](#) which honours the living with great and memorable recompences, and the dead with worthy Epitaphes, and glorious Statues, that have been their Countries Liberators from Tyrants; as, *Harmodius* and *Aristogiton* at *Athens*, *Brutus* and *Cassius* in *Greece*, and *Aratus* of *Sycione*. To these by a publicke Decree were erected Statues, because they delivered their Countries from the tyrannies of *Pisistratus*, of [Ziphilm. in vita August.](#) *Caesar*, and of *Nicocles*. The which was of such respect [Plutarch. in Arato.](#) amongst the Ancients, that *Zerxes* having made himselfe Master of the Citie of *Athens*, caused to be transported into *Persia* the Statues of *Harmodius* and *Aristogiton*: afterwards *Selcucus* caused them to be returned into their [Valer. Maxim. lib. 2, c. ultim.](#)

former place: and as in their passage they came by *Roades*, those famous Citizens entertained them with publick and stupendious solemnities, and during their abode there, they placed them in the choicest sacresties of their gods. But the Law made against forsakers, and traytors, [114] takes absolutely hold on those which are negligent and carelesse to deliver their Countrey oppressed with tyrannie, and condemnes them to the same punishment, as those cowardly Souldiers, which when they should fight, either counterfeit sicknesse, or cast off their Armes and run away. Every one therefore both in generall and particular, ought to yeeld their best assistance unto this: as in a publicke fire, to bring both hookes, and buckets, and water: wee must not ceremoniously expect that the Captaine of the Watch be first called, nor till the Governour of the Towne be come into the streets; but let every man draw water and climb to the house-top; it is necessary for all men that the fire be quenched. For if whilst the *Gaules* with much silence and vigilancie seeke to scale and surprise the *Capitoll*, the Souldiers be drowsie with their former paines, the Watch buried in sleepe, the dogges fayle to barke: then must the geese play the Sentinells, and with their gagling noyse give an alarum. And the Souldiers and Watch shall be degraded, yea, and put to death: the geese for perpetuall remembrance of this deliverance, shall be alwayes sed in the *Capitoll*, and much esteemed.

L. 3. & l. Omne delictum. §. ult. D. de remilit.

This of which wee have spoken, is to be understood of a tyranny not yet firmly rooted, to wit, whilst a tyrant conspires, machinates, and layes his plots and practises. But if he be once so possessed of the State, and that the people being subdued, promise and sweare obedience: the Common-wealth being oppressed, resigne their authoritie into his hands, and that the Kingdome in some formall manner, consent to the changing of their Lawes: for so much certainly as then he hath gained a title which before he wanted, and seemes to be as well a legall as actuall possessor thereof, although this yoke were laid on the peoples necke by compulsion, yet must they quietly and peaceably rest in the will of the Almighty, who at his pleasure transferres Kingdomes from one Nation to another. Otherways there should be no Kingdome whose jurisdiction might not be disputed: and it may well chance that he which before was a tyrant without title, having obtained the title of a King, may free himselfe from any tyrannous imputation by governing those under him with equitie and moderation. Therefore then as the people of *Jurie* under the authoritie of King *Ezechias* 2 Kings 24, and 25. Ierem. 37. did lawfully resist the invasion of *Senacherib* the *Assyrian*: So on the contrary was *Zadechias* and all his subjects [115] worthily punished, because that without any just occasion after they had done homage and sworne fealtie to *Nebuchadnezzar*, they rise in rebellion against him. For after promise of performance it is too late to repent: and as in battles every one ought to give testimony of his valour, but being taken prisoner, must faithfully observe Covenants: so it is requisite that the people maintaine their rights by all possible meanes: but if it chance that they be brought into the subjection of anothers will, they must then patiently support the dominion of the Victor. So did *Pompey Cato*, and *Cicero*, and others, performe the parts of good Patriots then when they tooke armes against *Caesar*, seeking to alter the government of the State; neither can those be justly excused whose base feare hindred the happie successe of *Pompey* and his partakers noble designer. *Augustus* himselfe is said to have reproved one who rayled on *Cato*, affirming that he carried himselfe worthily and exceedingly affected to the greatnesse of his Countrey in couragiously opposing the alteration which his contraries sought to introduce in the Government of the State, seeing all innovations of that nature are ever Authors of much trouble and confusion.

Furthermore, no man can justly reprehend *Brutus*, *Cassius*, and the rest, who killed *Caesar*, before his tyrannicall authoritie had taken any firme rooting. And so were there Statues of brasse erected in honour of them by publick decree at *Athens*, and placed by those of *Harmodius* and *Aristogiton*, then when after the dispatching of *Caesar* they retired from *Rome*, to avoyde *Mar: Antonie* and *Augustus* their revenge. But *Cinna* was certainly guiltie of sedition, who after a legall transferring of the peoples power into the hands of *Augustus*, is

said to conspire against him. Likewise when the *Pepins* sought to take the Crowne of *France* from the *Merovingians*; as also when those of the line of *Capet* endeavoured to supplant the *Pepins*, any might lawfully resist them without incurring the crime of sedition: but when by publick counsell and the authoritie of the Estates, the kingdome was transferred from one familie to another, it was then unlawfull to oppose it. The same may be said if a Woman possesse her selfe of the Kingdome, which the Salick Law absolutely prohibites, or if one seeke to make a Kingdome meerly elective, hereditary to his offspring, while those Lawes stand in force, and are unrepealed by [116] the authoritie of the generall Estates, which represent the body of the people. Neither is it necessary, in this respect, to have regard whether faction is the greater, more powerfull or more illustrious. Alwayes those are the greater number who are led by passion, than those that are ruled by reason, and therefore tyranny hath more servants than the Common-wealth. But *Rome* is there according to the saying of *Pompey*, where the Senate is, and the Senate is where there is obedience to the Lawes, love of libertie, and studious carefulnesse for the Countries preservation. And therefore though *Brennus* may seeme to be master of *Rome*: yet notwithstanding is *Rome* at veies with *Camillus*, who prepares to deliver *Rome* from bondage. It behoves therefore all true *Romans* to repaire to *Camillus*, and assist his Enterprise with the utmost of their power and endeavours. Although *Themistocles*, and all his able and worthiest [Plutarch. in vita Themist.](#) companions leave *Athens*, and put to Sea with a navie of two hundred Gallies, notwithstanding it cannot be said that any of these men are banished *Athens*. But rather as *Themistocles* answered; These two hundred Gallies are more usefull for us than the greatest Citie of all *Greece*: for that they are armed and prepared for the defence of those which endeavour to maintaine and uphold the publick State.

But to come to other examples; it follows not that the Church of God must needs be alwayes in that place where the Arke of the Covenant is: for the *Philistines* may carry the Arke into the Temples of their Idols. It is no good argument, that because wee see the *Roman Eagles* waving in Ensignes, and heare their Legions named, that therefore presently wee conclude that the Armie of the *Romane* Common-wealth is there present: for there is onely and properly the power of the State where they are assembled to maintaine the libertie of the Countrey against the ravenous oppression of Tyrants, to infranchise the people from servitude, and to suppress the impudency of insulting flatterers, who abuse the Princes weaknesse by oppressing his Subjects for the advantaging of their own fortunes, and containe ambitious minds from enlarging their desires beyond the limits of equitie and moderation. Thus much concerning Tyrants without title.

But for Tyrants by practise, whether they at first gained their authoritie by the sword, or were legally invested therewith by a generall consent: It behooves us to examine this point with much [117] wary circumspection. In the first place we must remember, that all Princes are born men, and therefore reason and passion are as hardly to be separated in them, as the soule is from the body whilest the man liveth: We must not then expect Princes absolute in perfection, but rather repute our selves happy if those that govern us be indifferently good. And therefore although the prince observe not exact mediocrity in State-affaires, if sometimes passion over-rule his reason, if some carelesse omission make him neglect the publick utility, or if he doe not alwayes carefully execute justice with equality, or repulse not with ready valour an invading enemy; he must not therefore be presently declared a tyrant. And certainly, seeing he rules not as a God over men, nor as men over beasts, but is a man composed of the same matter, and of the same nature with the rest: as we would questionlesse judge that prince unreasonably insolent, that should insult over and abuse his subjects, as if they were bruit beasts; so those people are doubtlesse as much void of reason, which imagine a prince should be compleat in perfection, or expect divine abilities in a nature so frail and subject to imperfection. But if a prince purposely ruine the Common-weale, if he presumptuously pervert and resist legall proceedings, or lawfull rights,

What may lawfully be done against Tyrants by practise.

if he make no reckoning of faith, covenants, justice nor piety, if he prosecute his subjects as enemies; briefly, if he expresse all or the chiefest of those wicked practices we have so merly spoken of; then we may certainly declare him a tyrant, which is as much as an enemy both to God and men. We doe not therefore speak of a prince lesse good, but of one absolute bad; not of one lesse wise, but of one malicious and treacherous; not of one lesse able judiciously to discusse legall differences, but as one perversly bent to pervert justice and equity; not of an unwarlick, but of one furiously disposed to ruine the people, and ransack the State. For the wisdom of a Senate, the integrity of a Judge, the valour of a Captain, may peradventure inable a weak prince to govern well: But a tyrans could be content that all the Nobility, the Councillors of State, and Commanders for the warres, had but one head, that he might rake it off at one blow: those being the proper objects of his distrust and feare, and by consequence the principall subjects on whom he desires to execute his malice and cruelty. A foolish prince, although (to speak according to right [118] and equity) he ought to be deposed, yet may he perhaps in some sort be born withall: But a tyrant the more he is tollerated, the more he becomes intollerable.

Furthermore, as the Princes pleasure is not alwayes law, so many times it is not expedient that the people doe all that which may lawfully be done: for it may often times chance, that the medicine proves more dangerous than the disease. Therefore it becomes wise men to try all wayes before they come to blowes, to use all other remedies before they suffer the sword to decide the controversie. If then those which represent the body of the people, foresee any inovation or machination against the State, or that it be already imbarcked into a course of perdition, their duty is, first to admonish the Prince, and not to attend, that the disease by accession of time, and accidents, becomes unrecoverable. For tyranny may be properly resembled unto a Feaver Hectick, the which at the first is easie to be cured, but with much difficulty to be known; but after it is sufficiently known, it becomes incurable. Therefore small beginnings are to be carefully observed, and by those whom it concernes diligently prevented.

If the Prince therefore persist in his violent courses, and contemne frequent admonitions, addressing his designes onely to that end, that he may oppresse at his pleasure, and effect his own desires without feare or restraint, he then doubtlesse makes himself liable to that detested crime of *Tyranny*: and whatsoever either the law, or lawfull authority permits against a tyrant, may be lawfully practised against him. Tyranny is not onely a will, but the chiefe and as it were the complement and abstract of vices. A Tyrant subverts the State, pillages the people, layes stratagemes to intrap their lives, breaks promise with all, scoffes at the sacred obligation of a solemne oath, and therefore is he so much more vile than the vilest of usuall malefactors, by how much offences comitted against a generality, are worthy of greater punishment than those which concern onely particular and private persons. If Theeves and those that commit sacriledge, be declared infamous; nay, if they justly suffer corporall punishment by death, can we invent any that may be worthily equivalent for so outrageous a crime?

Furthermore, we have already proved, that all Kings receive [119] their Royall authority from the people, that the whole people considered in one body, is above and greater than the King: and that the King and Emperour are onely the prime and supreme governours and ministers of the Kingdome and Empire; but the people the absolute Lord and owner thereof. It therefore necessarily followes, that a tyrant is in the same manner guilty of rebellion against the Majesty of the people, as the Lord of a see which feloniously transgresse the conditions of his investitures, & is liable to the same punishment, yea and certainly deserves much more greater than the equity of those lawes inflict on the delinquents. Therefore as *Barclus* sayes, He may either be deposed by those which are, Lords in [In tract. de tyran. & in tract. de Regim. civit.](#) Sovereignty over him, or else justly punished according to the Law *Julia*,

which condemnes those which offer violence to the publick. The body of the people must needs be the Sovereigne of those which represent it, which in some places are the Electors, Palatines, Peeres; in other, the Assembly of the generall Estates. And if the tyranny have gotten such sure footing, as there is no other meanes but force to remove him; then is it lawful for them to call the people to Arms, to inroll and raise forces, and to imploy the utmost of their power, and use against him all advantages and stratagemes of warre, as against the enemy of the Common-wealth, and the disturber of the publick peace. Briefly, the same sentence may be justly pronounced against him, as was against *Manlius Capitolinus at Rome*. *Thou wast to me Manlius, when thou didst tumble down the Ganles that sealed the Capitole: But since thou art now become an enemy, like one of them, thou shalt be precipitated down from the same place from whence thou formerly tumbledst those enemies.* Valerius lib. 6. c. 3.

The Officers of the Kingdome cannot for this be rightly taxed of sedition: for in a sedition there must necessarily concur but two parts, or sides, the which peremptorily contest together, so that it is necessary that the one be in the right, and the other in the wrong: That part undoubtedly hath the right on their side, which defends the Lawes, and strives to advance the publick profit of the Kingdome. And those on the contrary are questionlesse in the wrong, which breake the Lawes, and protect those that violate justice, and oppresse the Common-wealth. Those are certainly in the right way, as saith *Bartolus*, which endeavour to suppress tyrannicall government, and those in the wrong which oppose [120] lawfull authority. And that must ever be accounted just, which is intended only for the publique benefit, and that unjust, which aimes chiefly at private commodity. Wherefore *Thomas Aquinas* saith, *That a tyrannicall rule having no proper addresse for the publique welfare, but only to satisfie a private will with increase of particular profit to the ruler, cannot in any reasonable construction be accounted lawfull, and therefore the disturbance of such a government cannot be esteemed seditious, much lesse traytors;* for that offence hath proper relation only to a lawfull Prince, who indeed is an inanimated or speaking law; therefore seeing that he which employes the utmost of his meanes and power to annihilate the lawes, and quell their vertue and vigour, can no wayes be justly intituled therewith: So neither likewise can those which oppose and take armes against him, be branded with so notorious a crime. Also this offence is committed against the Common wealth: but for so much as the Common-wealth is there only where the lawes are in force, and not where a Tyrant devoures the State at his owne pleasure and liking, he certainly is quit of that crime which ruins the Majesty of the publique State, and those questionlesse are worthily protectors and preservers of the Common-wealth, who confident in the lawfulness of their authority, and summoned thereunto by their duty, do courageously resist the unjust proceedings of the Tyrant. Bart. in tract de Guclph. & Gibell. arg. 1. 3. Sect. cum igitur D. de vi & vior. Tho. Aquin. s. [...]. c. s. [...]. cand. q. 12 [...]. It. 11. in s. [...]. re. [...]. D. ad leg. [...]. j. [...]. st. [...]. c. p. [...]. ad. 4.

And in this their action wee must not esteeme them as private men and Subjects, but as the representative body of the people, yea and as the Sovereignty it selfe, which demands of his Minister an account of his administration. Neither can we in any good reason account the Officers of the Kingdome disloyall, who in this manner acquit themselves of their charge.

There is ever, and in all places, a mutuall and reciprocall obligation betweene the people and the Prince, the one promiseth to be a good and wise Prince, the other to obey faithfully, provided he govern justly. The people therefore is obliged to the Prince under condition: the Prince to the people simply and purely. Therefore if the Prince faile in his promise, the people is exempt from obedience, the contract is made void, the right of obligation of no force. Then the King if he governe unjustly is perjur'd, and the people likewise forsworne if they obey not his lawfull commands: but that people is truly acquit from all perfidiousnesse, [121] which publickly renounce the unjust dominion of a Tyrant, or he striving unjustly by

strong hand to continue the possession, doe constantly endeavour to expulse him by force of armes.

It is therefore permitted the Officers of a Kingdome, either all, or some L. 106. D. de reg. jur. good number of them to suppress a Tyrant; And it is not only lawfull for them to doe it, but their duty expressly requires it: and if they doe it not, they can by no excuse colour their baseness. For the Electors Palatines Peers and other Officers of State must not thinke they were established only to make pompeous paradoes and shewes, when they are at the Coronation of the King, habited in their robes of State, as if there were some Masque or Interlude to be represented, or as if they were that day to act the parts of *Roland Oliver*, or *Renaldo* and such other personages on a Stage, or to counterfeit and revive the memory of the Knights of the round Table: and after the dismissing of that dayes assembly, to suppose they have sufficiently acquit themselves of their duty, untill a recess of the like solemnity. Those soleme Rites and Ceremonies were not instituted for vaine ostentation, nor to passe as in a dumme show to please the spectators, nor in childrens sports as it is with *Horace*, to create a King in jest, but those Grandees must know, that as well for office and duty as for honour, they are called to the performance of those Rites, and that in them the Common wealth is committed and recommended to the King, as to her supream and principall tutor, and protector, and to them as Coajutors and assistants to him. And therefore as the Tutors or Guardlans (yea even those that are appointed by way of Vlp. l. 3. D. de adm. et peric. tut. et curat. honour) are chosen to have care of, & observe the actions and importments of him which holds the principall ranke in the tutor-ship, and to looke how he carrieth himselfe in the administration of the goods of his pupill: so likewise are the L. 27. D. cod. former ordained to have an eye to the courses of the King, for with an equivalent authority as the others for the pupill, so are they to hinder and prevent the dammage and detriment of the people, the King being properly reputed as the prime Guardian, and they his Coadjutors.

In like manner as the faults of the principall tutor who manages the L. 14. D. de administ. et peric. tut. l. 3. D. de suspec. tut. et cur. affaires, are justly imputed to the coadjoynts in the tutorship, if when they ought and might, they did not discover his errors, and cause him to be deposed, especially failing in the main [122] points of his charge, to wit, in not communicating unto them the affaires of his administration, in dealing unfaithfully in his place, in doing any thing to the dishonour or detriment of his pupill, in imbessilling of his goods or estate, or if hee be an enemy to his pupill: briefly, if either in regard of the worthlessness of his person, or weaknesse of his judgment, he be unable well to discharge so weighty a charge. So also are the Peeres and principall Officers of the Kingdome accountable for the government thereof, and must both prevent, and if occasion require, suppress the tyranny of the Prince, as also supply with their care and diligence his inability and weaknesse.

Finally, If a Tutor omitting or neglecting to doe all that for his pupill, which a discreet Father of a family would and might conveniently performe, cannot well be excused, and the better acquitting him selfe of his charge, hath others as concealers and associates, joynd with him to oversee his actions: with much more reason may and ought the Officers of the Crown restraine the violent irruptions of that Prince, who instead of a father, becomes an enemy to his people; seeing to speake properly, they are as well accountable for his actions wherein the publike hath interests, as for their owne.

Those officers must also remember, that the King holds truly the first l. 10. et 33. D. de adm. et peric. tutor et Cur. place in the administration of the State, but they the second, and so following according to their ranks; not that they should follow his courses, if he transgresse the lawes of equity and justice, not that if he oppresse the Common-wealth, they should connive to his wickednesse. For the Common-wealth was as well committed to their care as to his, so that it is not sufficient for them to discharge their owne duty in particular, but it



behoves them also to containe the Prince within the limits of reason. Briefly they have both joyntly and severally promised with solemn oaths, to advance and procure the profit of the Common-wealth: although then that he forswear himselfe, yet may not they imagine that they are quit of their promise, no more then the Bishops, and Patriarks if they suffer an hereticall Pope to ruine the Church: yea they should esteeme themselves so much the more obliged to the observing of their oath: by how much they finde him wilfully dispos'd to rush on in his perfidious courses. But if there be collusion betwixt him and them, they are prevaricators, if they dissemble [123] they may justly be called forsakers, and traytors: If they deliver not the Common-wealth from tyranny, they may be truly ranckt in the number of Tyrants: as on the contrary they are protectors, tutors, and in a sort Kings, if they keepe and maintain the State safe and intire, which is also recommended to their care and custody.

Although these things are sufficiently certain of themselves, yet may they be in some sort confirmed by examples. The Kings of *Canaan* which pressed the people of *Israel* with a hard, both corporall and spirituall servitude (prohibiting them all meetings and use of armes) were certainly Tyrants by practice, although they had some pretext of title. For, *Eglon & Jabin* had peaceable reigned almost the space of twenty yeares, God stirred up extraordinarily *Ehud*, which by a politique stratagem killed *Eglon*, and [Judg. 4. & 3.](#) *Debora* which overthrew the Armle of *Jabin*, and by this service delivered the people from the servitude of Tirants, not that it was unlawfull for the ordinary Magistrates, the Princes of the Tribes, and such other Officers to have performed it, for *Debora* doth reprove the sluggish idlenesse of some, and flatly detests the disloyalty of others for that they failed to performe their duty herein. But it pleased God, taking commiseration of the distresse of his people, in this manner to supply the defects of the ordinary Magistrates.

*Rehoboam* the sonne of *Solomon* refused to disburthen the people of [1 King. 12. 6.](#) &c. some unnecessary imposts and burthens: and being petitioned by the people in the generall Assembly of the States, *he grew insolent, and relying on the counsell of his Minions, arrogantly threatens to lay beavier burthens on them hereafter.* No man can doubt, but that according to the tenour of the contract first passed betweene the King and the people, the prime and principall Officers of the Kingdome had authority to repress such insolence They were only blameable in this, that they did that by faction and division, which should more properly have beene done in the generall Assembly of the States: in like manner in that they transferred the Scepter from *Juda* (which was by God onely confin'd to that Tribe) into another linage: and also (as it chances in other affaires) for that they did ill and disorderly manage a just and lawfull cause. Prophane histories are full of such examples in other Kingdomes.

[124]

*Brutus* Generall of the Souldiers, and *Lueretius* Governour of the Citie of *Rome*, assemble the people against *Tarquinius Superbus*, and by their authority [Titus Livi. lib. 1.](#) thrust him from the royall Throne: Nay, which is more, his goods are confiscated: whereby it appears that if *Tarquinius* had beene apprehended, undoubtedly hee should have beene according to the publique lawes corporally punished.

The true causes why *Tarquinius* was deposed, were because he altered the custome whereby the King was obliged to advise with the Senate on all weighty affaires, that he made Warre and Peace according to his owne fancie, that he treated confederacles without demanding counsell or consent from the people or Senate: that he violated the Lawes whereof he was made Guardian: briefly that he made no reckoning to observe the contracts agreed between the former Kings, and the Nobility and people of *Rome*. For the *Roman* Emperours, I am sure you remember the sentence pronounced by the Senate against *Nero*, wherein he was judgedemie to the Common-wealth, and his body condemned to be

ignominiously cast on the dung-hill: and that other pronounced against *Vitellius*, which adjudge him to be shamefully dis-membred, and in that miserable estate trayled through the Citie, and at last put to death: another against *Maximinus* who was dispoild of the Empire, and *Maximus* and *Albinus* established in his place by the Senace. There might also be added many others drawne from unquestionable Historians.

The Emperour *Trajan* held not himselfe exempt from lawes, neither desired he to be spared if he became a Tyrant: for in delivering the Sword unto the great Provost of the Empire, he sayes unto him; *If I command as I should, use this sword for mee: but if I doe otherwayes, unsheath it against me.* In like manner the *French* by the authority of the States, and solicited thereunto by the Officers of the Kingdome, deposed *Childerick* the first, *Sigisbert*, *Theodoricke*, and *Childericke* the third, for their tyrannies, and chose others of another Family to sit on the Royall Throne. Yea they deposed some because of their idlenesse and want of judgment, who exposed the State in prey to Panders, Curtesans, Flatterers, and such other unworthy mushromes of the Court, who governed all things at their pleasure: taking from such rash *Phaetous* the bridle of government, left the whole body of the State and [125] people should be consumed through their unadvised folly.

Amongst others, *Theodoret* was degraded because of *Ebroinus* *Dagobert* for *Plectude* and *Thiband* his Pander, with some others: the Estates esteeming the command of an effeminate Prince as insupportable as that of a woman, and as unwillingly supporting the yoke of tyrannous Ministers managing affaires in the name of a loose and unworthy Prince, as the burden of a tyrant alone. To be briefe, no more suffering themselves to be governed by one possessed by a Devill, than they would by the Devill himselfe. It is not very long since the Estates compeld *Lewis* the eleventh (a Prince as subtile, and it may be as wilfull as any) to receive thirtie six Overseers, by whose advise he was bound to governe the affaires of State. The descendants from *Charlemaine* substituted in the place of the *Merovingiens* for the government of the kingdome, or those of *Capet*, supplanting the *Charlemains* by order of the Estates, and rainging at this day have no other nor better right to the Crowne, than what wee have formerly described; and it hath ever been according to Law permitted the whole body of the people represented by the counsell of the Kingdome, which are commonly called the Assembly of the States, to depose and establish Princes, according to the necessities of the Common-wealth. According to the same rule wee reade that *Adolph* was removed from the Empire of *Germany* Anno 1296. because for covetousnesse without any [Anno 1296.](#) just occasion, he invaded the Kingdome of *France*, in favour of the *English*, and *Wenceslaus* was also deposed in the yeare of our Lord 1400. Yet were not these Princes exceeding bad ones, but of the number of those which are accounted lesse ill. *Elizabeth* the [1400.](#) wife of *Edward* the second King of *England*, assembled the Parliament [Froisard. li. 1. cap. 1.](#) against her husband, who was there deposed, both because he tyrannized in generall over his Subjects, as also for that he cut off the heads of many noble men, without any just or legall proceeding. It is not long since *Christierne* lost the Crowne of *Denmarke*, *Henry* that of *Sweden*, *Mary Steward* that of *Scotland*, for the same, or neere resembling occasions: and the most worthy Histories relate divers alterations and changes which have hapned in like manner, in the Kingdomes of *Polonia*, *Hungarie*, *Spaine*, *Portugall*, *Bohemia*, and others. [Reade the manner of the deposing of Richard the second.](#)

But what shall we say of the Pope himselfe? It is generally held that the Cardinalls because they doe elect him, or if they fayle in [126] their dutie, the Patriarkas which are next in ranke to them, may upon certaine occasions maugre the Pope, call a Councell, yea, and in it judge him: As when by some notorious offence he scandalizeth the universall Church: if he be incorrigible, if reformation be as necessary in the head as the members, if contrary to his oath he refuse to call a generall Councell. And we reade for certaine that divers Popes have [Ant: de But. confil quod positum est inter consil. Paul. de Castro, vel antiq. nu. 412. incip viso puncto.](#) [Mar. Laud \[...\] ns. in tract. de Card. 1. l. 2. q.](#)

been deposed by generall Councells. But if they obstinately abuse their authoritie, there must (saith *Baldus*) first be used verball admonitions; secondly, herball medicaments or remedies; thirdly, stones or compulsion; for where vertue and faire meanes, have not power to perswade, there force and terror must be put in ure to compell. Now if according to the opinions of most of the learned, by decrees of Councils, and by custome in like occasions, it plainly appeares that the Councell may depose the Pope, who notwithstanding vaunts himselfe to be the King of Kings, and as much in dignitie above the Emperour, as the Sunne is above the Moone, assuming to himselfe power to depose Kings and Emperours when he pleaseth. Who will make any doubt or question, that the generall Assembly of the Estates of any kingdome, who are the representative body thereof, may not onely degrade and dethrone a tyrant: but also even disauthorize and depose a King, whose weaknesse or folly is hurtfull or pernicious to the State.

But let us suppose that in this our Ship of State, the Pilot is drunke, the most of his associates are asleepe, or after large and unreasonable tipling together, they regard their imminent danger in approaching a rocke with idle and negligent jollitie; the Ship in the meane season in stead of following her right course, that might serve for the best advantage of the owners profit, is ready rather to split her selfe. What should then a Masters-mate or some other under-Officer doe, who is vigilant and carefull to performe his dutie? Shall it be thought sufficient for him to pinch or poule them which are asleepe? without daring in the meane time to put his helping hand to preserve the Vessell, which runnes on a course to destruction, least he should be thought to intermeddle with that which he hath no authoritie nor warrant to doe? What mad discretion, nay rather notorious impietie were this? Seeing then that Tyranny, as *Plato* saith, is a drunken frensie or frantick drunkennesse, if the Prince endeavour to ruine the Common-wealth, and [127] the principall Officers concur with him in his bad purposes, or at the least are lulld in a dull and drowsie dreame of securitie, and the people (being indeed the true and absolute owner and Lord of the State) be through the pernicious negligence and fraudulent connivency of those Officers brought to the very brim of danger and destruction, and that there be notwithstanding amongst those unworthy Ministers of State, some one that doth studiously observe the deceitfull and dangerous encroachments of tyranny, and from his soule deteste it. What opposition doe wee suppose best befits such a one to make against it? Shall he consent himselfe to admonish his associates of their dutie, who to their utmost abilitie endeavour the contrary? Besides, that such an advertisement is commonly accompanied with too much danger, and the condition of the times considered, the very solliciting of reformation will be held as a capitall crime: so that in so doing he may be not unfitly resembled to one that being in the midst of a desert, environed with theeves, should neglect all meanes of defence, and after he had cast away his Armes, in an eloquent and learned discourse commend justice, and extoll the worth and dignitie of the Lawes. This would be truly according to the Proverbe, *To run mad with reason*. What then? Shall he be dull and deafe to the groanes and cries of the people? Shall he stand still and be silent when he sees the theeves enter? Shall he onely hold his hands in his bosome, and with a demure countenance, idly bewaile the miserable condition of the times? If the Lawes worthily condemne a Souldier, which for feare of the enemies counterfeits sicknesse, because in so doing he expresseth both disloyaltie and treachery. What punishment can we invent sufficient for him, who either maliciously or basely betrayes those whose protection and defence he hath absolutely undertaken and sworne? Nay rather then let such a one cheerefully call one, and command the Mariners to the performance of their dutie: let him carefully and constantly take order that the Common-wealth be not indamaged, and if need so require, even in despite of the King, preserve the Kingdome, without which the kingly title were idle and frivolous, and if by no other meanes it can be effected, let him take the King and binde him hand and foote, that so he may be more conveniently cured of his

35. Ph [...] lip.  
Deci [...] s in  
quodan. co. [...]  
i [...] o cujus  
verbs suerunt.  
Andr. B [...] h. in  
d. con [...] l. lib.  
l. [...] . 6. [...] de  
major. & obed.

Simile.

Plato lib. 8. & 9.  
de repub.

Simile.

L. 3. & 1. Omne  
delictum [...] ult.  
D. de re milit.

frensie and madnesse. For as wee have already said, all the administration of the Kingdome, is not by the people absolutely resigned into the [128] hands of the King; as neither the Bishopricke, nor care of the universall Church, is totally committed to the Pope: but also to the care and custody of all the principall Officers of the Kingdome. Now for the preserving of peace and concord amongst those which governe, and for the preventing of jealousies, factions, and distrusts amongst men of equall ranke and dignitie, the King was created as prime and principall Superintendent in the government of the Common-wealth. The King swears that his most speciall care shall be for the welfare of the Kingdome; and the Officers of the Crowne take all the same oath. If then the King, or divers of them falsifying their faith, ruine the Common-wealth, or abandon her in her greatest necessitie, must the rest also fashion themselves to their base courses, and quit all care of the States safetie; as if the bad example of their companions, absolved them from their oath of fidelitie? Nay, rather on the contrary, in seeing them neglect their promise, they shall best advantage the Common-wealth In carefully observing theirs: chiefly because for this reason they were instituted, as in the steads of *Ephori*, or publick Controllers, and for that every thing gains the better estimation of just and right in that it is mainly and principally addressed to that end for which is was first ordained.

C. Nullus in  
Carthagin.  
Council.  
Doctores  
pontificii.

Furthermore, if divers have joyntly vowed one and the same thing, is the obligation of the one annihilated by the perjurie of the other? If many become bound for one and the same summe, can the banquerouting of one of the obligees quit the rest of their ingagement? If divers tutors administer ill the goods of their pupill, and that there be one amongst them that makes conscience of his actions, can the bad dealing of his companions acquit him? Nay rather on the contrary, he cannot free himselfe from the infamie of perjurie, if to the utmost of his power he doe not truely dilcharge his trust, and perform his promise: neither can the others defalliancy be excused, in the bad managing of the tutorship, if they likewise accuse not the rest that were joyned with them in the administration, for it is not onely the principall tutor that may call to an account those which are suspected to have unjustly or indiscreetly ordered the affaires of their pupill, but even those which were formerly removed, may also upon just occasion discharge and remove the delinquents therein. Therefore those which are obliged to serve a whole Empire or Kingdome, as the [129] Constable, Marshals, Peeres, and others, or those which have particular obligations to some Provinces, or Cities, which make a part or portion of the Kingdome, as Dukes, Marquisses, Earles, Sheriffes, Mayors, and the rest, are bound by the dutie of their place, to succour the Common-wealth, and to free it from the burden of Tyrants, according to the ranke and place which they hold of the people next after the King. The first ought to deliver the whole Kingdome from tyrannous oppression: the other as tutors, that part of the Kingdome whose protection they have undertaken: the dutie of the former is to suppress the Tyrant: that of the latter, to drive him from their confines. Wherefore *Mattathias* being a principall man in the State, when some basely connived, others perniciously consorted with *Antiochus* the tyrannous oppressors of the Jewish Kingdome, he courageously opposing the manifest oppression, both of Church and State, encourageth the people to the taking of Armes, with these words; *Let us restore the decayed estate of our people, and let us fight for our people, and for the Sanctuarie.* Whereby it plainly appeares, that not for Religion onely; but even for our Countrey, and our possessions, wee may fight, and take armes against a tyrant, as this *Antiochus* was. For the *Machabites* are not by any questioned, or reprehended for conquering the Kingdome, and expelling the tyrant, but in that they attributed to themselves the royall dignitie, which onely belonged by Gods speciall appointment to the tribe of *Juda*.

L. 3. D. de  
administ. &  
peric. tutor. &  
cur. lib. 3. D. de  
suspect. tus. &  
cura.

1 Machab. 3. 43.

Humane Histories are frequently stored with examples of this kinde. *Arbactus* Governour of the *Medes* killed effeminate *Sardanapalus*, spinning amongst women, and sportingly distributing all the treasures of the Kingdome amongst those

Justin. lib. 1.  
Diodor. lib. 2.  
cap. 37.

his loose companions. *Vindex* and *Galba* quit the partie of *Nero*, yea though the Senate connived, and in a sort supported his tyrannie, and drew with them *Gallia*, and *Spaine*, being the Provinces whereof they were Governours.

But amongst all, the Decree of the Senate of *Sparta* is most notable, and ought to passe as an undeniable Maxime amongst all Nations. The *Spartans* being Lords of the City *Bizantium*, sent *Olearchus* thither for Governour and Commander for the warres; who took Corn from the Citizens, and distributed it to his Souldiers. In the mean time the families of the Citizens died for hunger: [130] *Anaxilaus*, a principall man of the Citie, disdainng that tyrannous usage, entred into treaty with *Alcibiades* to deliver up the Town, who shortly after was received into it. *Anaxilaus* being accused at *Sparta* for the delivery of *Bizantium*, pleaded his cause himselfe, and was there acquit by the Judges: for (said they) warres are to be made with enemies, and not with Nature. Nothing being more repugnant to Nature, than that those which are bound to defend a City, should be more cruell to the inhabitants, than their enemies that besiege them.

This was the opinion of the *Lacedemonians*, certainly just Rulers, Neither can he be accounted a just King, which approves not this sentence of absolution: for those which desire to govern according to the due proportion of equity and reason, take into consideration as well what the Law inflicts on tyrants, as also what are the proper rights and bounds both of the Patritian and Plebeian orders. But we must yet proceed a little further: There is not so mean a Mariner, but must be ready to prevent the ship-wrack of the vessell, when either the negligence or wilsulnesse of the Pilot casts it into danger. Every Magistrate is bound to relieve, and as much as in him lies, to redresse the miseries of the Common-wealth, if he shall see the Prince, or the principall Officers of State his associates, by their weaknesse or wickednesse, to hazard the ruine thereof. Briefly, he must either free the whole kingdome, or at least that portion especially recommended to his care, from their imminent and incroaching tyranny. But hath this duty proper relation to every one: Shall it be permitted to *Hendonius Sabinus*, to *Ennus Suranus*, or to the Fencer *Spartanus*; or to be briefe, to a meere private person, to present the bonnet to slaves, put Armes into the hand of subjects, or to joyn battell with the prince, although he oppresse the people with tyranny? No certainly: The Common wealth was not given in charge to particular persons considered one by one; but on the contrary, particulars even as Papists, are recommended to the care of the principall Officers and Magistrates; and therefore they are not bound to defend the Common-wealth, which cannot defend themselves. God nor the people have not put the sword into the hands of particular persons: Therefore if without commandment they draw the sword, they are seditions, although the cause seem never so just. [L. 2. de Sedi \[...\].](#)

[131]

Furthermore, the prince is not establishd by private and particular persons, but by all in generall considered in one intire body; whereupon it followes, that they are bound to attend the commandment of all, to wit, of those which are the representative body of a kingdom, or of a Province, or of a Citie, or at the least of some one of them, before they undertake any thing against the prince. For as a pupill cannot bring an action, but being avowd in the name of his Tutor, although the pupill be indeed the true proprietor of the estate, [L. 8. 1. 9. D. de aucto. & constict. & cur.](#) and the tutor onely owner with reference to the charge committed unto him: so likewise the people may not enterprise actions of such nature, but by the command of those, into whose hands they have refigned their power and authority, whether they be ordinary Magistrates, or extraordinary, created in the Assembly of the Estates; whom, if I may so say, for that purpose, they have girded with their sword, and invested with authority, both to govern and defend them, establishd in the same kind as the Pretor at *Rome*, who determined all differences between masters and their servants, to the end [Sencea lib. 1. de Benefic.](#) that if any controversie happened between the King and the subjects, they

should be Judges and preservers of the right, lest the subjects should assume power to themselves to be judges in their own causes. And therefore if they were opprest with tributes, and unreasonable imposts, if any thing were attempted contrary to covenant and oath, and no Magistrate opposed those unjust proceedings, they must rest quiet, and suppose that many times the best Physitians both to prevent and cure some grievous disease, do appoint both letting blood, evacuation of humors, & lancing of the flesh; and that the affaires of this world are of that nature, that with much difficulty one evill cannot be remedied without the adventuring if not the suffering of another, nor any good be atchieved, without great pains. They have the example of the people of *Israel*, who during the reigne of *Solomon*, refused not to pay those excessive taxes imposed on them, both for the building of the Temple, and fortifying of the Kingdome, because by a generall consent they were granted for the promulgation of the glory of God, and for an ornament and desence of the publick State.

They have also the example of our Lord and Saviour Jesus Christ, who though he were King of Kings, notwithstanding [132] because he conversed in this world in another quality, to wit, o a private and particular man, paid willingly tribute. If the Magistrates themselves manifestly favour the tyranny, or at the least doe not formally oppose it; let private men remember the saying of *Job*, *That for the sinnes of the people God permits hypocrates to reigne*, whom it is impossible either to convert or subvert, if men repent not *Iob. 34.* of their wayes, to walk in obedience to Gods commandments; so that there is no other weapons to be used, but bended knees and humble hearts. Briefly, let them bear with bad princes, and pray for better, perswading themselves, that an outrageous tyranny is to be supported as patiently, as some exceeding dammage done by the violence of tempests, or some excessive over-flowing waters, or some such naturall accidents unto the fruits of the earth, if they like not better to change their habitations, by retiring themselves into some other countries. So *David* fled into the mountaines, and attempted nothing against the Tyrant *Saul*, because the people had not declared him any publick Magistrate of the Kingdome.

Jesus Christ, whose kingdome was not of this world, fled into Egypt, and so freed himselfe from the pawes of the Tyrant. Saint *Paul* teaching of the duty of particular Christian men, and not of Magistrates, teacheth that *Nero* must be obeyed. But if all *Rom. 13.* the principall Officers of State, or divers of them, or but one, endeavour to suppress a manifest tyranny, or if a Magistrate seek to free that province, or portion of the kingdome from oppression, which is committed to his care and custody, provided under colour of freedome he bring not in a new tyranny, then must all men with joynt courage and alacrity, run to Armes, and take part with him or them, and assist with body and goods, as if God himselfe from heaven had proclaimed warres, and meant to joyn battell against tyrants, and by all wayes and means endeavour to deliver their Countrey and Common-wealth from their tyrannous oppression. For as God doth oftentimes chastise a people by the cruelty of tyrants: so also doth he many times punish tyrants by the hands of the people. It being a most true saying, verified in all ages: *For the iniquities, violences, and wickednesses of Princes, Kingdomes are translated from one Nation to another: but tyranny was never of any durable continuance.* *Ecclus 10.*

[133]

The *Centurians* and men at armes did freely and courageously execute the commandments of the High Priest *Jehoiada*, in suppressing the tyranny of *Athalia*. In like manner all the faithfull and generous *Israelites* tooke part and joynd with the *Machabites*, as well to re-establish the true service of God, as also to free and deliver the State from the wicked and unjust oppression of *Antiochus*, and God blessed with happy successe their just and commendable enterprize. What then? cannot God when he pleaseth stirre up particular and private persons to ruine a mighty and powerfull tyranny? Hee that gives power and ability to some even out of the dust without any title or colourable pretext of lawfull authority

to rise to the height of rule and dominion, and in it tyrannize and afflict the people for their transgressions? cannot he also even from the meanest multitude raise a liberator? Hee which enthral'd and subjected the people of *Israel* to *Jabin*, and to *Eglon*, did hee not deliver & enfranchise them by the hand of *Ebud*, *Barac* and *Debora*, whilst the Magistrates & Officers were dead in a dul & negligent extasie of security? What then shall hinder, you may say the same God who in these dayes sends us Tyrants to correct us, that he may not also extraordinarily send correctors of tyrants to deliver us? What if *Adab* cut off good men, if *Jezebel* subborn false witnesses against *Naboth*, may not a *Jehu* be rais'd to exterminate the whole line of *Arab*, to revenge the death of *Naboth*, and to cast the body of *Jezebel* to be torne and devoured of dogs? Certainly as I have formerly answered, the Almighty is ever mindfull of his justice, and maintains it as inviolably as his mercy.

But for as much as in these latter times, those miraculous testimonies by which God was wont to confirme the extraordinary vocation of those famous Worthies, are now wanting for the most part: let the people be advis'd, that in seeking to crosse the Sea dry foote, they take not some *Impostor* for their guide, that may lead them head-long to destruction (as we may read happened to the *Jewes*;) and that in seeking freedome from tyranny, he that was the principall instrument to dis-inthrall them, became not himselfe a more insupportable Tyrant than the former: briefly, lest endeavouring to advantage the Common-wealth, they introduce not a common misery upon all the undertakers, participating therein with divers States of *Italy*, who seeking to suppress the present evill, added an accession of greater, and more intollerable servitude.

[134]

Finally, that we may come to some period of this third question; Princes are chosen by God, and establish'd by the people: As all particulars considered one by one are inferiour to the Prince: so the whole body of the people and Officers of State which represent that body, are the Princes superiours. In the receiving and inauguration of a Prince, there are Covenants and contracts passed between him and the people, which are tacite and expressed, naturall or civill: to wit, to obey him faithfully whilst he commands justly, that he serving the Common-wealth, all men shal serve him, that whilst he governs according to law, all shall be submitted to his government, &c. The Officers of the Kingdome are the Guardians and Protectors of these Covenants and contracts. He that maliciously or wilfully violates these conditions, is questionlesse a Tyrant by practice. And therefore the Officers of State may judge him according to the lawes: and if he support his tyranny by strong hands, their duty binde them, when by no other meanes it can be effected, by force of armes to suppress him.

Of these Officers there be two kindes, those which have generally undertaken the protection of the Kingdome: as the Constable, Marshalls, Peers, Palatines, and the rest, every one of which, although all the rest doe either connive or consort with the tyranny, are bound to oppose and repress the Tyrant: and those which have undertaken the government of any Province, Citie, or part of the Kingdome, as Dukes, Marquesses, Earles, Consuls, Mayors, Sheriffes, &c. they may according to right expell and drive tyranny and Tyrants from their Cities, Confines, and governments.

But particular and private persons may not unsheath the sword against Tyrants by practise, because they were not establish'd by particulars, but by the whole body of the people. But for Tyrants which without title intrude themselves for so much as there is no contract or agreement betweene them and the people, it is indifferently permitted all to oppose and depose them; and in this rank of Tyrants may those be rang'd, who, abusing the weakenesse and sloath of a lawfull Prince, tyrannously insult over his Subjects. Thus much for this, to which for a more full resolution may be added that which hath beene formerly discoursed in the second question.





### The fourth question. ↩

*Whether neighbour Princes may, or are bound by law to aide the Subjects of other Princes, persecuted for true Religion, or oppressed by manifest tyranny.*

VVEe have yet one other question to treat of, in the discussing whereof there is more use of an equitable judgement then of nimble apprehension: and if charity were but in any reasonable proportion prevalent amongst the men of this age, the disputation thereof were altogether frivolous: but seeing nothing in these dayes is more rare nor lesse esteemed than charity; we will speak some-what of this our question. We have already sufficiently proved that all Tyrants, whether those that seeke to captivate the minds and soules of the people with an erroneous and superstitious opinion in matter of Religion, or those that would enthrall their bodies and estates with miserable servitude and excessive impositions, may justly by the people be both suppress and expulst. But for so much as Tyrants are for the most part so cunning, and Subjects seldome so caucelous, that the disease is hardly known, or at the least not carefully observed before the remedy prove almost desperate, nor thinke of their owne defence before they are brought to those straights: that they are unable to defend themselves, but compeld to implore the assistance of others: Our demand therefore is, if Christian Princes lawfully may and ought to succour those Subjects which are afflicted for true Religion, or opprest by unjust servitude, and whose sufferings are either for the kingdome of Christ, or for the liberty of their own state? There are many, which hoping to advance their owne ends, and encroach on others rights, that will readily embrace the part of the afflicted, and proclaime the lawfulnessse of it: but the hope of gaine is the certaine and only aime of their purposes: And in this manner the *Romans*, *Alexander* the great, and divers others, pretending to suppress Tyrants, have oftentimes enlarged their own limits. It is not long since, we saw King *Henry* the Second make Wars on the Emperour *Charles* the Fifth, under colour of defending and delivering the Protestant Princes. As also *Henry* the [136] Eighth King of *England* was in like manner ready to assist the *Germans*, if the Emperour *Charles* should molest them. But if there be some appearance of danger, and little expectance of profit, then it is that most Princes doe vehemently dispute the lawfulnessse of the action. And as the former cover their ambition and avarice with the vaile of charity and piety: so on the contrary doe the other call their feare and cowardly basenesse integrity and justice, although that piety (which is ever carefull of anothers good) love no part in the counsels of the first: nor justice (which affectionately desires the easing of a neighbours grieffe) in cooling the charitable intendments of the later. Therefore without learning either to the one side or the other, let us follow those rules which piety and justice trace us out in matter of Religion.

First, All accord in this, *That there is one only Church, whereof Jesus Christ is the head*, the members whereof are so united and conjoyn'd together, that if the least of them be offended or wrongd, they all participate both in the harme and sorrow, as throughout holy Scripture plainly appears. Wherefore the Church is compared to a body: Now it oftentimes happens that the body is not only overthrowen by a wound in the arme, or thigh, but even also much endangered, yea and sometimes kill'd by a small hurt in the little finger. Vainly therefore doth any man vaunt that this body is recommended to his care and custody, if he suffer that to be dismembred and puld in pieces which he might have preserved whole and intire. The Church is compared to an edifice: on which side soever the building is undermin'd, it many times chanches that the whole tumbles downe, and on what rafter or piece of timber soever the flame takes hold, it indangers the whole house of burning, he must needs be therefore worthy of scome who should deferre to quench the fire which had caught his house top, because he dwels most in the Cellar: would not all hold him for a mad man which

should neglect by countermining to frustrate a myne, because it was intended to overthrow that wall there, and not this here.

Againe, the Church is resembled to a ship, which as it sailes together, so doth it sinke together: insomuch that in a tempest, those which be in the fore-cast, or in the keele, are no more secure than those which remaine at the stern or on the decke: so that the proverb commonly saies, when men runne the like hazard in matter of danger, that they venture both in, one bottome. This [137] being granted, questionlesse whosoever hath not a fellow-feeling in commiserating the trouble, danger & distresse of the Church, is no member of that bodie, nor domestick in the family of Jesus Christ, nor hath any place in the Ark of the covenant of grace. He w<sup>ch</sup> hath any sense of Religion in his heart ought no more to doubt whether he be oblig'd to aid the afflicted members of the Church, than he would be assisted to himselfe in the like distresse: for the union of the Church unites us all into one bodie, and therefore every one in his calling must be ready to assist the needy, and so much the more willingly, by how much the Almighty hath bestowed a greater portion of his blessings on us: which were not conferr'd, that we should be made possessors of them, but that we should be dispensers thereof according to the necessity of his Saints.

As this Church is one, so is shee recommended, and given in charge to all Christian Princes in generall, and to every one of them in particular: For so much as it was dangerous to leave the care to one alone, and the unity of it would not by any meanes permit, that she should be divided into pieces, and every portion assign'd unto one particular: God hath committed it all intire to particulars, and all the parts of it to all in generall, not only to preserve and defend it, but also to amplifie and encrease it as much as might be. Insomuch that if a Prince which hath undertaken the care of a portion of the Church, as that of *Germany* and *England*, and notwithstanding neglect and forsake another part that is oppressed, and which he might succour, he doubtlesse abandons the Church, Christ having but one only Spouse, which the Prince is so bound to preserve and defend that she be not violated or corrupted in any part if it be possible. And in the same manner as every private person is bound by his humble and ardent prayers to God to desire the restoring of the Church: So likewise are the Magistrates tied diligently to procure the same with the utmost of their power and meanes which God hath put into their hands. For the Church of *Ephesus* is no other than that of *Colossus*: but these two are portions of the universall Church, which is the kingdome of Christ, the encrease and prosperity whereof ought to be the continuall subject of all private mens prayers and desires; but it is the duty of all Kings, Princes, and Magistrates, not only to amplifie and extend the limits and bounds of the Church in all places, but only to preserve and defend it against all men whatsoever. Wherefore [138] there was but one Temple in *Judea* built by *Solomon*, which represented the unitie of the Church. And therefore ridiculous and worthy of punishment were that Church-warden which had care onely of some small part of the Church, and suffered all the rest to be spoiled with raine and weather. In like manner, all Christian Kings when they receive the sword on the day of their Coronation, solemnly sweare to maintaine the Catholick or universall Church, and the ceremony then used doth fully expresse it, for holding the sword in their hands, they turne to the East, West, North, and South, and brandish it, to the end that it may be knowne that no part of the world is excepted. As by this ceremony they assume the protection of the Church, it must be questionlesse understood of the true Church, and not of the false: therefore ought they to employ the utmost of their abilitie to reforme and wholly to restore that which they hold to be the pure and truely Christian Church, to wit, ordered and governed according to the direction of the Word of God. That this was the practise of godly Princes, we have their examples to instruct us. In the time of *Ezechias* King of *Juda*, the Kingdome of *Israel* had been a long time before in subjection to the *Assyrians*, to wit, ever since the King *Osea* 2 Chron 30. his time; And therefore if the Church of *Juda* onely, and not the whole universall Church had been committed to the custodie of *Ezechias*: and if in the preservation of the Church the

same course were to be held, as in the dividing of lands, and imposing of tributes, then questionlesse *Ezechias* would have contained himselfe within his own limits, especially then when the exorbitant power of the *Assyrians* lorded it every where. Now wee reade that he sent expresse Messengers throughout *Israel*, to wit, to the subjects of the King of *Assyria*, to invite them to come to *Jerusalem* to celebrate the paschall feast: yea and he ayded the faithfull *Israelites* of the tribes of *Ephraim* and *Manasses*, and others the subjects of the *Assyrians*, to ruine the high places which were in their quarters.

Wee reade also that the good King *Josias* expeld Idolatry, not onely out of his own Kingdome, but also even out of the Kingdome of *Israel*, which was then wholly in subjection to the King of *Assyria*. And no marvell, for where the glory of God, and the kingdome of Christ are in question, there no bounds or limits can confine the zeale and fervent affection of pious and godly Princes. Though the opposition be great, and the power of the opposers greater, yet [139] the more they feare God, the lesse they will feare men. These generous examples of divers godly Princes have since been imitated by sundry Christian Kings, by whose meanes the Church (which was heretofore restrained within the narrow limits of *Palestine*) hath been since dilated throughout the universall world. *Constantine* and *Licinius* governed the Empire together, the one in the Orient, the other in the Occident, they were associates of equall power and authoritie. And amongst equalls, as the Proverb is, there is no command. Notwithstanding, because *Licinius* doth every where banish, torment, and put to death the Christians, and amongst them divers of the nobilitie, and that for and under pretence of Religion. *Constantine* makes warre against him, and by force compels him to give free libertie of Religion to the Christians, and because he broke his faith and relapsed into his former cruelties, he caused him to be apprehended and put to death in the Citie of *Thessalonica*. This Emperours pietie was with so great an applause celebrated by the Divines of those times, that they suppose that saying in the Prophet *Isaiah*, to be meant by him; *That Kings shall be Pastors and nursing Fathers of the Church*. After his death the *Roman* Empire was divided equally between his sonnes, without advantaging the one more than the other. *Constans* favoured the orthodox Christians, *Constantius* being the elder, learned to the *Arrians*, and for that cause banished the learned *Athanasius* from *Alexandria*; the greatest professed adversary of the *Arrians*. Certainly, if any consideration in matter of confines be absolutely requisite, it must needs be amongst brethren. And notwithstanding *Constant* threatens to warre on his brother, if he restore not *Athanasius*, and had without doubt performed it, if the other had long deserved the accomplishment of his desire. And if he proceeded so farre for the restitution of one Bishop: had it not been much more likely and reasonable, for him to have assisted a good part of the people, if they implored his ayde against the tyranny of those that refused them the exercise of their Religion, under the authoritie of their Magistrates and Governours? So at the perswasion of *Atticus* the Bishop, *Theodisius* made warre on *Cosroes* King of *Persia* to deliver the Christians of his Kingdome from persecution, although they were but particular and private persons. Which certainly those most just Princes, who instituted so many worthy Lawes, and had so great and speciall care of justice, would not have done, if by that [140] fact they had supposed any thing were usurpt on another mans right, or the Law of Nations violated. But to what end were so many expeditions undertaken by Christian Princes into the holy Land against the *Saracens*? Wherefore were demanded and raised so many of those Saladine tenths? To what purpose were so many confederacies made, and croysadoes proclaimed against the *Turkes*, if it were not lawfull for Christian Princes, yea those furthest remote, to deliver the Church of God from the oppression of tyrants, and to free captive Christians from under the yoke of bondage? What were the motives that led them to those warres? What were the reasons that urged them to undergoe those dangers? But onely in regard of the Churches union, Christ summond every man from all parts with a unanimous consent, to undertake the defence thereof? For all men are bound to repulse common dangers with a joynt and common

*Par in parem  
non habet  
imperium.*

*Sozo. lib. 7. cap.  
18.*

opposition: all which have a naturall consent and relation with this wee now treat of. If this were lawfull for them against *Mahomet*, and not onely lawfull, but that the backward and negligent were ever made liable to all infamous contempt, and the forward and readie undertakers alwayes recompenced with all honourable respect and reward, according to the merit of their vertues: wherefore not now against the enemy of Christ & his Saints? If it be a lawfull warre to fight against the *Greekes* (that I may use that phrase) when they assayle our *Troy*: wherefore is it unlawfull to pursue and prevent that incendiary *Sinon*? Finally, if it have been esteemed an heriocall act to deliver Christians from corporall servitude, (for the *Turkes* enforce none in point of Religion) is it not a thing yet much more noble to infranchise and set at libertie soules imprisoned in the mists of error?

These examples of so many religious Princes, might well have the directive power of Law. But let us heare what God himselfe pronounces in many places of his Word by the mouth of his Prophets, against those which advance not the building up of his Church, or which make no reckoning of her afflictions. The *Gadites*, the *Reubenites*, and halfe tribe of *Manasses*, desire of *Moses* that he would allot them their portion on the other side of *Jordan*. *Moses* grants their request, but with this proviso and condition: That they should not onely assist their other brethren the *Israelites* to conquer the land of *Canaan*, but also that they should march the first, and serve as vauntgard to the rest, because they had their portions [141] first set them forth, and if they faile to performe this dutie, he with an anathema, destines them to destruction, and compares them to those which were adjudged rebels at *Codisbarnea*. And what? sayes he, your brethren shall fight, and you in the meane season rest quiet at home? Nay on the contrary, you also shall passe *Jordan*, and not returne into their houses, before first the Lord have driven his enemies out from before his face, and granted place to your brethren as well as you, then shall you be innocent before the Lord and his people *Israel*. He shews by this that those which God first blesseth with so great a benefit, if they help not their brethren, if they make not themselves shares in their labours, companions in their travells, and leaders in their dangers, they must questionlesse expect a heavie punishment to fall upon them.

Likewise when under the conduct of *Debora*, the *Nephtalites* and *Zabulonites* took armes against the tyrant *Jabin*: and that in the meane season the *Reubenites* which should have been first in the field took their ease and played on their pipes, whilst their flockes and herds fed at libertie: the *Gadites* held themselves secured with the rampire of the river; the *Danites* gloried in their command at Sea; And *Ashur*, to be briefe, was confident in the difficult accesse of their mountaines: The Spirit of the Lord speaking by the Prophetesse, doth in expresse termes condemne them all; *Curse yee Meros* (said the Angel of the Lord) *curse yee bitterly the inhabitants thereof: because they came not to the helpe of the Lord, to the helpe of the Lord against the mightie. But blessed above women shall Jael the wife of Heber the Kenite be, who though shee might have alledged the alliance which her husband had with the Canaanites, did notwithstanding kill Sisera the Generall of the enemies armie. And therefore Driah spake religiously, and like a true Patriarke, when he said, The Arke of the Lord, and Israel, and Judah abide in tents, and my Lord Joab, and the servants of my Lord are encamped in the open fields; Shall I then goe into mine house, to eate and to drinke, and to lie with my wife? a thou livest, and as thy soule liveth, I will not doe this thing.* *Judges 5. 23.* But on the contrary, impious and wicked were the Princes of *Israel*, who supposing themselves secured by the craggy mountaines of *Samaria*, and strong fortifications of *Sion*, tooke libertie to loose themselves in luxurious seasts, loose delights, drinking delicious wines, and sleeping in persum'd beds of Ivorie, despising in the meane season poore *Joseph*, to wit, the Lords flock (tormented and miserably vext [142] on all sides, nor have any compassion on their affliction. *The Lord God hath sworn by himself, sayth the Lord God of Hosts, I abhor the excellency of Jacob, and hate his pallaces: therefore will I deliver up the City, with all that is therein, and*

those that wallow thus in pleasures, shall be the first shall goe into captivity. Wickedly therefore did those *Ephraimites*, who in stead of congratulating and applauding the famous and notable victories of *Gideon* and *Jephtha*, did envie and traduce them, [...] *udg. 8 & 12.* whom notwithstanding they had forsaken in dangers.

As much may be said of the *Israelites*, who seeing *David* overcome the difficulty of his affaires, and remain a peaceable King, say aloud, *We are thy flesh and thy bones*: and some years after, seeing him imbroil'd again in troubles, cried out, *We have no part in David, neither have we inheritance in the son of Jesse.* Let us rank

also with these all those Christians in name only, w<sup>ch</sup> wil communicate at the holy table, and yet refuse to take the cup of affliction with their brethren, which look for salvation in the Church, and care not for the safety and preservation of the Church, & the members thereof. Briefly, which adore one and the same God the Father, acknowledge and avow themselves of the same household of faith, and professe to be one and the same body in Jesus Christ, and notwithstanding yeeld no succour nor assistance to their Saviour afflicted in his members. What vengeance doe you thinke will God inflict on such impiety? *Moses* compares those which abandon their brethren to the rebels of *Cadeshbarnea*: Now none of

those by the decree of the Almighty, entred into the land of Canaan. Let not those then pretend any interest in the heavenly Canaan, which will not succour Christ when he is crucified, and suffering a thousand times a day in his members, and as it were begging their almes from door to door. The Son of God with his owne mouth condemnes them to everlasting fire that when he was hungry gave him no meat; when he was thirsty gave him no drink; when he was a stranger, lodged him not; naked, and cloathed him not; sick, and in prison, and visited him not. And therefore let those expect punishments without end, which lend a deafe eare to the complaints and groan of our Saviour Jesus Christ, suffering all these things daily in his members; although otherwise they appeare both to others and themselves to be jolly Christians, yet shall their condition be much more miserable than that [143] of many Infidels. For why; were they the Jews onely, & Scribes and Pharises, to speak properly, that crucified Christ? or were they Ethnicks, Turks, or some certain pernicious Sects of Christians, which crucifie, torment, and persecute him in his members? No certainly, the Jewes hold him an imposter, the Ethnick a malefactor, the Turks an Infidell, the others an heretick, insomuch as if we consider the intention of these men, as the censuring of all offences ought to have principall relation thereunto, we cannot conclude that it is properly Christ that they persecute with such hatred, but some criminal person, which in their opinion deserves this usage: But they doe truly and properly persecute and crucifie Christ Jesus, which professe to acknowledge him for the *Messias*, God and Redeemer of the world, and which notwithstanding fail to free him from persecution and vexation in his members, when it is in their power to do it. Briefly, he w<sup>ch</sup> omits to deliver his neighbour from the hands of the *murderer*, when he sees him in evident danger of his life, is questionlesse guilty of the murther, as well as the murtherer. For seeing he neglected when he had means to preserve his life, it must needs necessarily follow, that he desireth his death. And in all crimes the will and intendment ought principally to be regarded. But

Aug. in Psa. 32  
Amb. lib. 1. dc  
Offic. Gratian in  
Decret.

questionlesse these Christian princes which do not releive and assist the true professors, which suffer for true religion, are much more guilty of murther than any other, because they might deliver from danger an infinite number of people, which for want of timely succours, suffer death and torments under the cruel hands of their persecuters: and to this may be added, that to suffer ones brother to be murdered, is a greater offence than if he were a stranger. Nay, I wi say further, those forsakers of their brethren in their time of danger distresse, are more vile, and more to be abhorred than the tyrants themselves that persecute them. For it is much more wicked, and worthy of greater punishment to kill an honest man that is innocent & fearing God (as those which consent with them in the faith must of necessity know the true professors to be) than a thiefe, an imposter, a magician or an heretick, as those which persecute the true Christians do commonly beleeve them to be, it is a

greater offence by many degrees to strive with God than man. Briefly, in one and the same action it is a much more grievous crime persidiously to betray, than ignorantly to offend. But may [144] the same also be said of them which refuse to assist those that are oppressed by tyranny, or defend the liberty of the Commonwealth against the oppression of tyrants? For in this case the conjunction or confederacy seemes not to be of so strict a condition between the one and the other, here we speak of the Commonwealth diversly governed according to the customes of the countries, and particularly recommended to these here, or those there, and not of the Church of God, which is composed of all, and recommended to all in generall, and to every one in particular. The Jew saith, our Saviour Christ is not only neighbour to the Jew, but also to the Samaritan, and to every other man. But we ought to love our neighbour as our selves; and therefore an Israelite is not onely bound to deliver an Israelite from the hands of theeves, if it be in his power, but every stranger also; yea, though unknown, if he will rightly discharge his duty: neither let him dispute whether it be lawfull to defend another, which beleewe, he may justly defend himself. For it is much more just, if we truly consider the concomitants, to deliver from danger and outrage another than ones selfe; seeing that what is done for pure charity, is more right and allowable, than that which is executed for colour, or desire of revenge, or by any other transport of passion: in revenging our own wrongs we never keep a mean, whereas in other mens, though much greater, the most intemperate will easily observe moderation. Furthermore, the heathens themselves may teach us what humane society, and what the law of nature requires of us in this busines; wherefore *Cicero* sayes, *That Nature being the common mother of mankind, prescribes and ordaines, that every man endeavour and procure the good of another whatsoever be he, onely because* [...] *3.Offic. he is a man: otherwise all bonds of society, yea and mankinde it self must needs goe to ruine.* And therefore as Justice built on these two Basis, or pillars, First, that none be wronged: secondly, that good be done to all if it be possible. So also is there two sorts of injustice; the first, in those which offer injury to their neighbours; the second, in them which when they have meanes to deliver the oppressed, doe notwithstanding suffer them to sink under the burthen of their wrongs: For whosoever doth wrong to another, either mov'd thereunto by anger, or any other passion, he may in a sort be truly said to lay violent hands on his companion; but he which hath meanes and defends not the afflicted, [145] or to his power wards not the blowes that are struck at him, is as much faulty, as if he forsook his parents, or his friends, or his countrey in their distresse. That which was done by the first, may well be attributed to choler, which is a short madnesse; the fault committed by the other, discovers a bad minde, and a wicked purpose, which are the perpetuall tormentors and tyrants of the conscience. The fury of the first may be in some sort excused, but the malice of the second admits no colour of defence. Peradventure you will say, I feare in aiding the one, I shall doe wrong to the other. And I answer, You seek a Cloak of justice wherewith to cover your base remisnesse: and if you lay your hand on your heart, you will presently confesse, that it is somewhat else, and not justice, that with holds you from performing your duty. For as the same *Cicero* sayes in another place, *Either thou wilt not make the wrong-doer thine enemy, or not take paines, or not be at so much charge, or else negligence, sloth, or the hindering of thine own occasions, or the crossing of other purposes, takes thee off from the defence of those who otherwise thou art bound to relieve. Now in saying thou onely attends thine own affaires, fearing to wrong another, thou fallest into another kind of injustice: for thou abandonest humane society, in that thou wile not afford any endeavour either of mind, body, or goods, for the necessary preservation thereof.* Read the Directions of the heathen Philosophers and Politicians who have written more divinely herein, than many Christians in these dayes. From hence also proceeds, that the *Roman* law designes punishment to the neighbour which will not deliver the slave from the outrageous fury of his master.

Amongst the *Aegyptians*, if any man had seene another assail'd and [Diodor, Siculus, l. 2. c. 2.](#) distress'd by thieves and robbers, and did not according to his power presently aid him, he was adjudgd worthy of death, if at the least he discover'd or delivered

not the delinquents into the hand of the Magistrate. If he were negligent in performing this duty for the first mulct, he was to receive a certaine number of blowes on his body, and to fast for 3. dayes together. If the neighbour be so firmly oblig'd in this mutuall duty of succour to his neighbour, yea to an unknowne person in case hee be assail'd by thieves: shall it not be lawfull for a good Prince to assist, not slaves to an imperious Master, or children against a furious Father; but a Kingdome against a Tyrant, the Common-wealth against the private spleene [146] of one, the people (who are indeed the true owners of the State) against a ministring servant to the publique. And if he carelessly or wilfully omit this duty, deserves he not himselfe to be esteem'd a Tyrant, and punished accordingly, as well as the other a robber, which neglected to assist his neighbour in that danger? *Theucidides* Theucid. lib. 1.

upon this matter saies, *that those are not only Tyrants which make other men slaves, but much more those who having meanes to suppress and prevent such oppression, take no care to performe it.* And amongst others, those which assumed the title of Protectors of *Greece*, and defenders of the Countrey: and yet stirre not to deliver their Countrey from oppression of strangers, and truly indeed. For a Tyrant in in some sort compeld to hold a straight and tyrannous hand over those, who by violence and tyranny, he hath constrain'd to obey him, because as *Tiberius* said, *he holds the Wolfe by the eares, whom he can neither hold without paine and force, nor let goe without danger & death.* To the end then that he may blot out oue sin with another sinne, he files up one wickednesse to another, and is forced to do injuries to others, lest hee should prove by remisnesse injurious to himselfe. But the Prince which with a negligent and idle regard lookes on the outrageousnesse of a Tyrant, and the massacring of Innocente, that he might have preserved, like the barbarous spectacles of the *Roman* sword-playes is so much more guilty than the Tyrant himselfe, by how much the cruel and homicidious directers and appointers of these bloody sports, were more justly punishable by all good laws than the poore and constrain'd actors in those murdering tragedies: and as he questionlesse deserves greater punishment, which out of insolent jollity murders one, than hee which unwillingly for feare of a further harme kills a man. If any object that it is against reason and good order to meddle in the affaires of another: I answer with the olde man in *Terrence*, *I am a man, and I believe that all duties of humanity are fit and convenient for me. If others seeking to cover their base negligence, and carelesse unwillingnesse, alledg that bounds and jurisdictions are distingnisht one from another, and that it is* Pompon. de reg. ju [...] .1 [...] g. 36. *not lawfull to thrust ones sickle into anothers harvest.* Neither am I also of

that opinion, that upon any such colour or pretence, it is lawfull for a Prince to encroach upon anothers jurisdiction or right, or uppon that occasion to usurp anothers countrey, and so carry another mans corne into his barne, as divers have taken such shadowes to maeke their bad intentions. I will [147] not I say, that after the manner of those arbitrators which *Cicero* speaks of, thou adjudge the things in controversie to thy selfe. But I require Ciccr. 2. offic.

that you repress the Prince that invades the kingdome of Christ, that you containe the Tyrant within his owne limits, that you stretch forth your hand of compassion to the people afflicted, that you raise up the Common-wealth lying groveling on the ground, and that you so carry your selfe in the ordering and managing of this, that all men may see your principall aime and end was the publique benefit of humane society, and not any private profit or advantage of your owne; For seeing that justice respects only the publique, and that which is without, and injustice fixes a man wholly on himselfe: it doubtlesse becomes a man truly honest so to dispose his actions, that ever private interests give place, and yield to publique commoditie.

Briefly to epitomize what hath bin formerly said if a Prince outrageously over-pass the bounds of piety & justice. A neighbor Prince may justly and religiously leave his owne Countrey, not to invade and usurp anothers, but to containe the other within the limits of justice and equity: and if he neglect or omit his duty herein, hee shewes himselfe a wicked and unworthy Magistrace. If a Prince tirannize over the people, a neighbour Prince ought to yield succours as freely and willingly to the people, as he would doe to the Prince his Brother if the people mutined against him: yea he should so much the more readily succour the

people, by how much there is more just cause of pity to see many afflicted, than one alone. If *Porsenna* brought *Tarquinius Superbus* backe to *Rome*, much more justly might *Constantine*, requested by the Senate, and *Roman* people, expell *Marentius* the Tyrant from *Rome*. Briefely, if man become a Wolfe to man, who hinders that man (according to the proverb) may not be instead of God to the needy? And therefore the Ancients have ranckt *Hercules* amongst the gods, because he punisht and tam'd *Procrustes*, *Busiris*, and other Tyrants, the plagues of man kind, and monsters of the earth. So whilst the *Roman* Empire retained her freedome, she was truly accounted the safe guard of all the world against the violence of Tyrants, because the Senate was the port and refuge of Kings, people, and Nations. In like manner *Constantine*, called by the *Romans* against *Mixentius*, had God Almighty for the leader of his Army: and the whole Church doth with exceeding commendations celebrate his enterprize, although [148] that *Maxentius* had the same authority in the West, as *Constantine* had in the East. Also *Charlemaine* undertooke War against the *Lombards*, being requested to assist the Nobility of *Italy*: although the Kingdome of the *Lombards* had been of a long continuance, and he had no just pretence of right over them. In like manner when *Charles* the bald, King of *France*, had tyrannously put to cleath the Governour of the Country between the River of *Seynt* and *Loyre*, with the Duke *Lambert*, and another Noble-man cald *Jametius*, and that other great men of the Kingdome were retired unto *Lewis* King of *Germany*, brother, (but by another mother) unto *Charles*, to request aid against him, and his mother called *Juclith*, one of the most pernicious women of the world, *Lewis* gare them audience in a full Assembly of the *German* Princes, by whose joynt advice it was decreed, that Warres should be made against *Charles* for the re-establishing in their goods, honours, and estates, those whom he had unjustly dispossesed.

Finally, as there hath ever been Tyrants disperst here and there, so also all histories testifie that there hath been neighbouring Princes to oppose tyranny, and maintain the people in their right. The Princes of these times by imitating so worthy examples, should suppress the Tyrants both of bodies and soules, and restraine the oppressors both of the Commonwealth, and of the Church of Christ: otherwise they themselves may most deservedly be branded with that infamous title of Tyrant.

And to conclude this discourse in a word, piety commands that the Law and Church of God be maintain'd: Justice requires that Tyrants and destroyers of the Commonwealth be compel'd to reason: Charity challenges the right of relieving and restoring the oppressed. Those that make no account of these things, doe as much as in them lies to drive pietie, justice and charity out of this world, that they may never more be heard of.