

DE JURE
REGNI

APUD
SCOTOS.

OR

A Dialogue, concerning the due
Privilege of Government in the
Kingdom of Scotland,

Betwixt

GEORGE BUCHANAN

And

THOMAS MAITLAND,

By the said

GEORGE BUCHANAN.

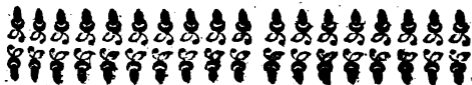
And translated out of the Original
Latine into English.

By PHILALETHES.



Printed in the Year 1680.





The TRANSLATOR

To the

R E A D E R.

Candide Reader,

I Have presumed to trouble your attention with the Ceremony of a Preface, the end and designe of which is not to usher in my Translation to the world with curious embellishments of Oratory (that serving only to gratify, or enliven a Luxuriant fancy) but alternately to apologize for it, in case a Zoilus, or a Memus, shall happen to peruse the same. Briefly, then I reduce all that either of these will (as I humbly perceive) object against this my Work, to these two Generals, Prevarication and Ignorance. First, they will call me a Prevaricator or prevaricating Interpreter, and that upon two accounts. 1. Because I have (say they) sophisticated the genuine sense and meaning of the

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learn

learned Author, by interpreting and foisting in spurious words of mine own. Secondly, That I have quite alienated the literal sense in other places by a too Paraphrasticall exposition. To the first I answer, that none are ignorant, that the Original of this piece is a lofty Laconick stile of Latine: Now I once having undertaken Provinciam Interpretis, behoved to render my interpretation somewhat plain, and obvious, which I could never do in some places, without adding some words (claritatis gratiâ) but alwayes I sought out the scope (as far as my shallow capacity could reach) and suited them therunto. Wherein I am hopfull, that no ingenuous impartial Reader not prepossessed with prejudice against the matter contained in the Original, and consequently against the Translation thereof, will find much matter of quarrell upon that account, if he will but take an overly view of the Original, and so compare the Translation therewith. For I have been very sparing in adding ought of my own. To the second branch of the first challenge I answer briefly; there are none who have the least smattering of common sense, but know wel enough, that it is morally impossible
for

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for an Interpreter to make good Language of any Latine piece, if he shall alwayes verbum verbo redere; I mean, if he adhere so close to the very rigour of the Original, as to think it illicite to use any Paraphrase, although the succinctness and summary comprehensiveness of the Original stile even cry aloud for it, as it were; but to silence in a word these Critical Snarlers, where ever I have used any Paraphrase, I likewise have set down the exposition ad verbum (to the best of my knowledge) as near as I could.

The Second Challenge is of Ignorance, & that because I have passed by some Latine verses of Seneca, which are at the end of this Dialogue, containing the Stoicks description of a King, without translating them into English. Now, true it is I have done so, not because I knew not how to interpret them (for I hope, Candide Readers at least will not so judge of me) but because I thought it not requisite to meddle with them, unless I could have put as specious a lustre upon them, as my pen would have pulled off them (for otherwise I would have greatly injured them) which could never be done without a sublime veine of Poesy, wherein I ingenuously profess ignorance:

so that if the last challenge be thus understood,
translat, because

Nec fonte labra prolui Cabalino,
Nec in bicipiti somniasse Parnasso,
Memini ut repente sic Poeta prodirem.

And hence it is, that all the Latine verses,
which occur in this Dialogue, are by me
translated into Prose, as the rest: But I fear
I have wearied your patience too long already,
and therefore I will go no further, I wish you
satisfaction in the Book, and so

Vive & Vale.

A DIA-



A

DIALOGUE

Treating of the

JUS, OR RIGHT,

which the Kings of Scotland have for exercising their
Royal Power.

GEORGE BUCHANAN, *Author.*

George Buchanan to King James, the
Sixth of that name King of Scots, wisheth all health and happiness.

I Wrote several years ago, when amongst us Affaires were very turbulent, a Dialogue of the Right of the Scots Kings, wherein I endeavoured to explain from the very beginning (if I may so say) what Right, or what Authority both Kings and People have one with another.

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ther.

The Epistle dedicatory
ther. Which book, when for that time
it seemed somewhat profitable, as shut-
ting the mouths of some, who more by
importunat clamours at that time, than
what was right, inveighed against the
course of affaires, requiring they might
be levelled according to the rule of right
reason; but matters being somewhat
more peaceable, I also having laid down
my armes, very willingly devoted my
self to publick concord. Now having late-
ly fallen upon that disputation, which I
found amongst my papers, and perceiv-
ing therein many things which might be
necessary for your age (especially you
being placed in that part of humane af-
fares) I thought good to publish it, that
it might be a standing witness of mine af-
fection towards you, and admonish you
of your duty towards your Subjects.
Now many things perswaded me that this
my endeavour should not be in vain: es-
pecially your age not yet corrupted by
prave opinions, and inclination far a-
bove your years for undertaking all heroic-
call and noble attempts. **spontaneously**
mak-

To the King.

making haste thereunto, and not only your promptitude in obeying your Instructors and Governours, but all such as give you sound admonition, and your judgment and diligence in examining affaires, so that no mans authority can have much weight with you, unless it be confirmed by probable reason. I do perceive also, that you by a certain natural instinct do so much abhorre flattery, which is the nurse of Tyranny, and a most grievous plague of a Kingdome, so as you do hate the Court solacismes & barbarismes no less, than those that seeme to censure all elegancy, do love and affect such things, & every where in discouse spread abroad, as the savce thereof, these titles of Majesty, Highness, and many other unfavoury compellations. Now albeit your good natural disposition, & sound instructions, wherein you have been principled, may at present draw you away from falling into this errour, yet I am forced to be somewhat jealous of you, lest bad company, the fawning foster-mother of all vices, draw aside your soft and tender mind into the

The Epistle to the King.

worst part; especially seeing I am not ignorant, how easily our other senses yeeld to seduction. This book therefore I have sent unto you to be not only your monitor, but also an importunat and bold Exactor, which in this your tender and flexible years may conduct you in safety from the rocks of flattery, and not only may admonish you, but also keep you in the way you are once entred into: and if at any time you deviat, it may reprehend and draw you back, the which if you obey, you shall for your self and for all your Subjects acquire tranquillity and peace in this life, and eternal glory in the life to come. Farewell, From Stirveling, the tenth day of January in the year of mans salvation one thousand five hundred seventy nine.

A DIA-

A

DIALOGUE

Concerning that

JUS, or RIGHT

of Government amongst
the SCOTS.

Persons,

GEORGE BUCHANAN,

And

THOMAS MAITLAND.

T *Thomas Maitland* being of late returned home from *France*, and I seriously enquiring of him the state of affaires there, began (for the love I bear to him) to exhort him to continue in that course he had taken to honour, and to entertain that excellent hope in the progress of his studies. For if I, being but of an ordinary spirit, and almost of no fortune, in an illiterate age, have so wrestled with the iniquity of the times, as

The due Priviledge of

that I seeme to have done somewhat : then certainly they who are born in a more happy age, & who have maturity of years, wealth and pregnancy of spirit, ought not to be deterred by paines from noble aesignes, nor can such despair beeing assisted by so many helps. They should therefore go on with vigour to illustrate learning, and to commend themselves and those of their nation to the memory of after ages, & posterity, yea if they would but bestirre themselves herein somewhat actively, it might come to pass, that they would eradicate out of mens minds that opinion, that men in the cold regions of the world, are at as great distance from learning, humanity, & all endowments of the mind, as they are distant from the Sun. For as Nature hath granted to the *Africans*, *Egyptians*, and many other Nations more subtile motions of the mind, and a greater sharpness of wit, yet she hath not altogether so far cast off any nation, as to shut up from it an entry to vertue and honour. Hereupon, whilst he did speak meanly of himself (which is his modesty) but of me more affectionately than truly: at last the tract of discourse drew us on so far, that when he had asked, me concerning the troubled state of our countrey, and I had answered him as far as I judged convenient for that time; I began by course to ask him, what was the opinion of the *Frenches* or other Nations with whom he had conversed in *France*, concerning our affaires. For I did not
question

question, but that the novelty of affaires (as is usual) would give occasion and matter of discourse thereof to all. Why (saith he) do you desire that of me? For seeing you are well acquainted with the course of affaires, and is not ignorant what the most part of men do speak, and what they think, you may easily guess in your own conscience, what is, or at least should be the opinion of all. *B*: but, the further that forrain Nations are at a distance, they have the less causes of wrath, hatred, love and other perturbations, which may divert the mind from truth, and for the most part they so much the more judge of things sincerely, and freely speak out what they think: that very freedome of speaking and conferring the thoughts of the heart doth draw forth many obscure things, discovers intricacies, confirme doubts and may stop the mouth of wicked men, and teach such as are weak. *M*: Shall I be ingenuous with you? *B*: why not? *M*: Although I had a great desire after so long a time, to visite my native Country, Parents, Relations, and friends, yet nothing did so much inflame my desire, as the clamour of a rude multitude: For albeit I thought my selfe well enough fortified either by my own constant Practice, or the morall precepts of the most learned, yet when I came to fall upon the present case, I know not how I could conceale my pusillanimity. For when that horrid villany not long since here perpetrated, all with one

voice did abominat it, the Author hereof not being known; the multitude, which is more acted by precipitancy, than ruled by deliberation, did charge the fault of some few upon all; and the common hatred of a particular crime did redound to the whole Nation, so that even such as were most remote from any suspicion were inflamed with the infamy of other mens crime. When therefore this storme of calumny was calmed, I betook my self very willingly into this port, wherein notwithstanding I am afraid, I may dash upon a rock. B. Why, I pray you? M. Because the atrociousness of that late crime doth seeme so much to inflame the minds of all already exasperat, that now no place of Apology is left. For, how shall I be able to sustain the impetuous assaults, not only of the weaker sort, but also of those who seeme to be more sagacious; who will exclaime against us, that we were content with the slaughter of an harmeles youth, an unheard of cruelty, unless we should shew another new example of atrocious cruelty against women, which sexe very enemies do spare when cities are taken in by forte. Now from what villany will any dignity or Majesty deterre those, who thus rage against Kings? or what place for mercy will they leave, whom neither the weakness of sexe, nor innocency of age will restrain? Equity, Custome, Lawes, the Respect to Sovereignty, Reverence of Lawful Magistracy,

the Scots Government.

ey, which hence forth they will either retain for shame, or coëree for fear, when the power of supream authority is exposed to the ludibry of the basest of the people, the difference of equity and iniquity, of honesty and dishonesty being once taken away, almost by a publick consent, there is a degeneracy into cruel barbarity. I know I shall hear these, and more atrocious than these spoken how soon I shall returne into *France* again; all mens ears in the mean time being shut from admitting any Apology or satisfaction. B. But I shall easily liberat you of this fear, and our Nation from that false crime. For, if they do so much detest the atrociousness of the first crime, how can they rationally reprehend severity in revenging it? or if they take it ill, that the Queen is taken order with, they must needs approve the first deed; choose you then, which of the two would you have to seeme cruel. For neither they nor you can praise or reproach both, provided you understand your selves. M. I do indeed abhorre and detest the Kings murther, and am glad that the Nation is free of that guilt, and that it is charged upon the wickedness of some few. But this last fact I can neither allow nor disallow; for it seemes to me a famous and memorable deed, that by counsel and diligence they have searched out that villany, which since the memory of man is the most hainous, and do pursue the perpetrators in a hostile manner. But in that they have taken order
with

with the chief Magistrat, and put contemp-
upon Sovereignty, which amongst all Nations
hath been alwayes accounted great and sacred.
I know not how all the Nations of *Europe* will
relish it, especially such as live under Kingly
Government; surely the greatness and novelty
of the fact doth put me to a demurre, albeit I
am not ignorant what may be pretended on the
contrary, and so much the rather, because some
of the Actors are of my intimate acquaintance.

B. Now I almost perceive, that it doth per-
haps not trouble you so much, as those of for-
rain Nations, who would be judges of the ver-
tues of others to whom you think satisfaction
must be given. Of these I shall set down three
sorts especially, who will vehemently inveigh
against that deed. The first kind is most per-
nicious, wherein those are, who have manci-
pated themselves to the lusts of Tyrants, and
think every thing just and lawfull for them to
do, wherein they may gratify Kings, and mea-
sure every thing not as it is in it self, but by the
lust of their Masters. Such have so devoted
themselves to the lusts of others, that they have
left to themselves no liberty either to speak or
do. Out of this Crew have proceeded those,
who have most cruelly murdered that inno-
cent Youth, without any cause of enmity, but
through hope of gain, honour, and power at
Court to satisfy the lust of others. Now
whilst such feign to be sorry for the *Queens* case,
they are not grieved for her misfortunes, but
look

look for their own security, and take very ill to have the reward of their most hainous crime, (which by hope they swallowed down) to be pulled out of their throat. I judge therefore that this kind of men should not be satisfied so much by reasoning, as chastised by the severity of Lawes, and force of Armes. Others again are all for themselves; these men, though otherwise not malicious, are not grieved for the publick calamity (as they would seeme to be) but for their own domestick damages, and therefore they seeme to stand in need rather of some comfort, than of the remedies of perswasive reasoning and Lawes. The rest is the rude multitude, which doth admire at all novelties, reprehend many things, and think nothing is right, but what they themselves do or see done: For how much any thing done doth decline from an ancient custome, so farre they think it is fallen from justice and equity. And because these be not led by malice and envy, nor yet by self-interest, the most part will admitt information, and to be weaved from their error, so that being convinced by the strength of reason, they yeeld: Which in the matter of Religion, we find by experience very often in these dayes, and have also found it in preceeding ages. There is almost no man so wilde, that can not be tamed, if he will but patiently hearken to instruction. M. Surely we have found oftentimes that very true B. When you therefore deale with this kind of

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B *The due Priviledge of*
of People so clamorous and very importunat ,
ask some of them , what they think concerning
the punishment of *Caligula, Nero or Domitian* ,
I think there will be none of them so addicted
to the name *King* , that will not confess , they
were justly punished. *M.* Perhaps you say
right , but these very same men will forthwith
cry-out , that they complain not of the punish-
ment of Tyrants , but are grieved at the sad ca-
lamities of lawfull Kings. *B.* Do you not
then perceive how easily the People may be pa-
cified? *M.* Not indeed, unless you say some other
thing. *B.* But I shall cause you understand it
in few words , the People (you say) approve
the murder of Tyrants , but compassionat the
misfortune of Kings , would they not then
change their opinion, if they clearly understood
what the difference is betwixt a Tyrant and a
King? Do you not think that this might come
to pass, as in many other cases? *M.* If all
would confess that Tyrants are justly killed ,
we might have a large entry made open to us
for the rest , but I find some men , and these not
of small authority, who while they make Kings
liable to the penalties of the Lawes , yet they
will maintain Tyrants to be sacred persons ;
but certainly by a preposterous judgment , if I
be not mistaken, yet they are ready to maintain
their Government , albeit immoderat and into-
lerable , as if they were to fight for things both
Sacred & Civil. *B.* I have also met with several
Persons oftentimes , who maintain the same
very

very pertinaciously; but whether that opinion be right or not, we shall further discuss it hereafter at better conveniency. In the mean time, if you please, let us conclude upon this, upon condition, that unless hereafter it be not sufficiently confirmed unto you, you may have liberty to retract the same. *M.* On these termes indeed I will not refuse it. *B.* Let us then conclude these two to be contraries a *King* and a *Tyrant*. *M.* Be it so. *B.* He therefore that shall explain the Original and cause of Creating Kings, and what the duties of Kings are towards their people, and of people towards their Kings, will he not seeme to have almost explained on the other hand, what doth pertain to the nature of a Tyrant. *M.* I think so. *B.* The representation then of both being laid out, do you not think that the people will understand also, what their duty is towards both? *M.* It is very like they will. *B.* Now Contrary wise, in things that are very unlike to one another, which yet are contained under the same *genus*, there may be some similitudes, which may easily induce imprudent persons into an error. *M.* Doubtless, there may be such, and especially in the same kind, where that which is the worst of the two doth easily personate the best of both, and studies nothing more, than to impose the same upon such as are ignorant. *Buc.* Have you not some representation of a King and of a Tyrant impressed in your mind?

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For if you have it, you will save me much pains.
M. Indeed I could easily exprefs what *Idea* I have of both in my mind, but I fear, it may be rude and without forme, therefore, I rather desire to hear what your opinion is, lest whilst you are a refuting me, our discourse become more prolix, you being both in age and experience above me; and are well acquainted not only with the opinions of others, but also have seen the customes of many, and their Cities. **B.** I shall then do it, and that very willingly, yet will I not unfold my own opinion so much, as that of the Ancients, that thereby a greater authority may be given to my discourse, as not being such as is made up with respect to this time, but taken out of the opinions of those, who not being concerned in the present controversy, have no less eloquently than briefly given their judgment, without hatred, favour, or envy, whose case was far from these things; and their opinions I shall especially make use of, who have not frivolously trifled away their time, but by virtue and counsel have flourished both at home and abroad in well governed Common wealths. But before I produce these witnesses, I would ask you some few things, that seeing we are at accord in some things of no small importance, there may be no necessity to digress from the purpose in hand, nor to stay in explaining or confirming things that are perspicuous and well known. **M.** I think.

think we should do so, & if you please, ask me.

B. Do you not think that the time hath been, when men did dwell in cottages, yea and in caves, and as strangers did wander to and fro without Lawes, or certain dwelling places, and did Assemble together as their fond humours did lead them, or as some comodity, and comon utility did allure them? *M.* forsooth I beleve that: seeing it is consonant to the course and order, of nature, and is testified by all the histories of all Nations almost, for *Homer* doth describe the representation of such a wilde and barbarous kind of life in *Sicily*, even in the time of the *Trojans*. Their Courts (saith he) do neither abound with Councils nor Judges, they dwell only in darksome caves, and every one of them in high mountains ruleth his own house, wife and Children, nor is any of them at leisure to communicat his domestick affaires to any other. About the same time also *Italy* is said to be no better civilized, as we may easily conjecture from the most fertile regions almost of the whole world, how great the solitude and wastness there was in places on this side of *Italy*.

B. But whether do you think the vagrant and solitary life, or the associations of men civilly incorporat, most agreable to nature? *M.* The last without all peradventure, which *utility* the mother almost of justice and equity did first convocat, and commanded to give signes or warnings by sound of trumpet

pet and to defend themselves within walls, and to shut the gates with one key. *B.* But, do you think that utility was the first and main cause of the association of men? *M.* Why not, seeing I have heard from the learned, that men are born for men. *B.* Utility indeed to some seems to be very efficacious, both in begetting and conserving the publick society of mankind; but if I mistake not, there is a far more venerable, or ancient cause of mens associating, and a more antecedant & sacred bond of their civil community, otherwise, if every one would have a regard to this own private advantage, then surely that very utility would rather dissolve than unite humane society together. *M.* Perhaps that may be true, therefore I desire to know what other cause you will assigne. *B.* A certain instinct of nature, not only in man, but also in the more tamed sort of beasts, that although these allurements of utility be not in them, yet do they of their own accord flock together with other beasts of their own kind, But of these others we have no ground of debate: Surely we see this instinct by nature so deeply rooted in man, that if any one had the affluence of all things, which contribute either for maintaining health, or pleasure and delight of the mind, yet he will think his life unpleasant without humane converse. Yea, they who out of a desire of knowledge, and an endeavour of investigating the truth, have
with

with drawn themselves from the multitude, and retired to secret corners, could not long endure a perpetual vexation of mind, nor, if at any time they should remit the same, could they live in solitude, but very willingly did bring forth to light their very secret studies, and as they had laboured for the publick good, they did communicate to all the fruit of their labour. But if there be any man who doth wholly take delight in solitude, and flee from converse with men, and shun it, I judge it doth rather proceed from a distemper of the mind, than from any instinct of nature, such as we have heard of *Timon the Athenian*, and *Bellerophon the Corinthian*, who (as the Poet saith) was a wandering wretch on the *Ælean* coast, eating his own heart, and fleeing the very footsteps of men. *M.* I do not in this much dissent from you, but there is one word *nature* here set down by you, which I do often use rather out of custom, than that I understand it, and is by others so variously taken, and accommodat to so many things, that for the most part I am at a stand to what I may mainly apply it. *B.* Forsooth at present I would have no other thing to be understood thereby, than that *LIGHT* infused by *GOD* into our Minds, for when God formed that Creature more *Sacred*, and capable of a *Celestial* Mind, and which might have dominion over the other creatures, he gave not only eyes to his Body, whereby he might evite things

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contrary to his condition, and follow after such as might be usefull, but also he produced in his Mind a certain LIGHT, whereby he might discern things filthy from honest; this Light some call *Nature*, others *the Law of Nature*, for my own part, truly I think it is of a *Heavenly stamp*, and I am fully perswaded, that *Nature* doth never say one thing; and *Wisdom* another. Moreover, God hath given us an abridgment of that *LAW*, which might contain the whole in few words, viz, that *We should love Him with all our Souls, and our Neighbours as our selves*; all the books of Holy Scripture which treat of ordering our conversation, do contain nothing else but an explication of this Law. M. You think then that no Orator or Lawyer, who might congregat dispersed men, hath been the Author of humane society, but God only? B. It is so indeed, and with *Cicero*, I think there is nothing done on earth more acceptable to the great God, who rules the World, than the associations of men legally united, which are called *Civil Incorporations*, whose several parts must be as compactly joyned together, as the several members of our Body, & every one must have their proper function, to the end there may be a mutual cooperating for the good of the Whole, & a mutual propelling of injuries, and a foreseeing of advantages, and these to be communicat for engaging the benevolence of all amongst themselves. M. You do not then make utility, but that

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Divine Law rooted in us from the beginning, to be the cause (indeed the far more worthy and Divine of the two) of mens incorporating in Political Societies.

B. I mean not indeed that to be the Mother of Equity and Justice, as some would have it, but rather the handmaid, and to be one of the Guards in Cities well constitute.

M. Herein I also agree with you.

B. Now as in our Bodies consisting of contrary Elements, there are diseases, that is, perturbations, and some intestine tumults, even so there must be of necessity in these greater Bodies, that is in Cities, which also consist of various, (yea and for the most part) contrary humours, or sorts of men, and these of different ranks, conditions and natures, and which is more, of such as can not remain one hour together approving the same things: And surely such must needs soon dissolve and come to nought; if one be not adhibited, who as a Physician may quiet such disturbances, and by a moderat and wholesome temperament confirme the infirme parts and compesce redundant humours, and so take care of all the members, that the weaker may not languish for want of nutrition, nor the stronger become luxuriant too much.

M. Truly, it must needs be so.

B. How then shall we call him who performeth these things in a Civil Body?

M. I am not very anxious about his name, for by what name soever he be called, I think he must be a very Excellent and Divine Person,

B

son,

son, wherein the wisdom of our Ancestors seemeth to have much foreseen, who have adorned the thing in it self most illustrious with an illustrious name. I suppose you mean *King*, of which word there is such an *emphasis*, that it holds forth before us clearly a function in it self very great and excellent. *B.* You are very right, for we designe *GOD* by that name. For we have no other more glorious name, whereby we may declare the excellency of his glorious nature, nor more suteable, whereby to signify his Paternal care and Providence towards us. What other names shall I collect, which we translate to denote the function of a King? Such as *Father Aeneas*, *Agamemnon*, *Pastor of the People*, also a *Leader*, *Prince*, *Governour*. By all which names such a signification is implied, as may shew that Kings are not ordained for themselves, but for the *People*. Now as for the name we agree well enough: If you please, let us conferre concerning the function, insisting in the same footsteps we began upon. *M.* Which, I pray? *B.* Do you remember what hath been lately spoken, that an Incorporation seemeth to be very like our body, Civil commotions like to diseases, and a King to a *Physician*? If therefore we shall understand what the duty of a *Physician* is, I am of the opinion, we shall not much mistake the duty of a *King*. *M.* It may be so, for the rest you have reckoned are very like, and seem to me very near in kin. *B.* Do not

not expect that I will here describe every petty thing, for the time will not permit it, neither doth the matter in hand call for it: but if briefly these agree together, you shall easily comprehend the rest. M. Go on then, as you are doing. B. The scope seemeth to be the same to us both. M. Which? B. The health of the body, for curing of which they are adhibited. M. I understand you, for the one ought to keep safe the humane body in its state, and the other the Civil body in its state, as far as the nature of each can bear, and to reduce into perfect health the body diseased. B. You understand very well, for there is a twofold duty incumbent to both, the one is to preserve health, the other is to restore it, if it become weak by sickness. M. I assent to you. B. For the diseases of both are alike. M. It seemeth so. B. For the redundance of things hurtfull, and want or scarcity of things necessary are alike noxious to both, and both the one and other body is cured almost in the same manner, namely either by nourishing that which is extenuat and tenderly cherishing it, or by affwaging that which is full and redundant by casting out superfluities, and exercising the body with moderat labours. M. It is so, but here seems to be the difference, that the humours in the one, and manners in the other are to be reduced into a right temperance. B. You understand it well, for the Body Politic as well as the Natural hath its own proper

18 *The due Priviledge of*

temperament, which I think very rightly we may call *Justice*. For it is that which doth regard every member, and cureth it so as to be kept in its function. This sometimes is done by letting of blood, sometimes by the expelling of hurtfull things, as by egestion; and sometimes exciting cast-down and timorous minds, and comforting the weak, and so reduceth the whole body into that temperament I spoke of: and being reduced, exerciseth it with convenient exercises, and by a certain prescribed temperature of Labour and rest, doth preserve the restored health as much as can be. *M.* All the rest I easily assent to, except that you place the temperament of the body Politick in *Justice*: seing temperance even by its very name and profession doth justly seem to claime these parts. *B.* I think it is no great matter on which of them you conferre this honour. For seing all vertues, whereof the strength is best perceived in action, are placed in a certain mediocrity and equability, so are they in some measure connected amongst themselves, and cohere, so as it seems to be but one office in all, that is, the moderation of lusts. Now in whatsoever kind this moderation is, it is no great matter how it be denominat: albeit that moderation, which is placed in publick matters, and mens mutual commences, doth seem most fitly to be understood by the name of *Justice*. *M.* Herein I very willingly assent to you. *B.* In the creation of a King, I think the

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Ancients have followed this way, that if any among the Citizens were of any singular excellency, and seemed to exceed all others in equity and prudence, as is reported to be done in bee-hives, they willingly conferred the government or kingdom on him. *M.* It is credible to have been so. *B.* But what if none such as we have spoken of, should be found in the City? *M.* By that law of Nature, whereof we formerly made mention, equals neither can; nor ought to usurpe dominion: for by nature I think it just, that amongst these that are equal in all other things, their course of ruling and obeying should be alike. *B.* What if a People, wearied with yearly ambition be willing to elect some certain Person not altogether endowed with all Royal Vertues, but either famous by his Noble descent, or warlike valour? will you not think that he is a lawfull King? *M.* Most lawfull, for the People have power to conferre the Government on whom they please. *B.* What if we shall admit some acute man, yet not endowed with notable skill, for curing diseases? shall we presently account him a Physician, as soon as he is chosen by all? *M.* Not at all, for by learning and the experience of many arts, and not by suffrages is a man made a Physician. *B.* What maketh Artists in other Arts? *M.* I think there is one reason of all. *B.* Do you think there is any Art of Reigning or not? *M.* Why not. *B.* Can you give me

B ; a rea-

a reason why you think so? *M.* I think I can, namely that same which is usually given in other Arts. *B.* What is that? *M.* Because the beginnings of all Arts proceed from experience. For whilst many did rashly and without any reason undertake to treat of many things, and others again through exercitation and consuetude did the same more sagaciously, noticing the events on both hands, and perpending the causes thereof, some acute men have digested a certain order of Precepts, and called that Description an Art. *B.* Then by the like animadversion may not some Art of Reaigning be described, as well as the Art of Physick? *M.* I think there may. *B.* Of what Precepts shall it consist? *M.* I do not know at present. *B.* What if we shall find it out by comparing it with other Arts? *M.* What way? *B.* This way: there be some Precepts of Grammar, of Physick, and Husbandry. *M.* I understand. *B.* Shall we not call these Precepts of Grammarians and Physicians Arts and Lawes also, and so of others? *M.* It seems indeed so. *B.* Do not the Civil Lawes seem to be certain Precepts of Royal Art? *M.* They seem so. *B.* He must therefore be acquaint therewith, who would be accounted a King. *M.* It seemes so. *B.* What if he have no skill therein? Albeit the People shall command him to reigne, think you that he should be called a King? *M.* You cause me here hesitate: For if I would

would consent with the former discourse, the suffrages of the People can no more make him a King, than any other Artift. B. What think you shall then be done? for unless we have a King chosen by suffrages, I am afraid we shall have no lawfull King at all. M. And I fear also the same. B. Will you then be content that we more accuratly examine what we have last set down in comparing Arts one with another?

M. Be it so, if it so please you.

B. Have we not called the Precepts of Artifts in their severall Arts, Lawes? M. We have done so. B. But I fear we have not done it circumspectly enough. M. Why?

B. Because he would seem absurd who had skill in any Art, and yet not to be an Artift. M. It were so:

B. But he that doth performe what belongs to an Art, we will account him an Artift, whether he do it naturally, or by some perpetual and constant tenour and faculty.

M. I think so. B. We shall then call him an Artift, who knowes wel this rational and prudent way of doing any thing wel, providing he hath acquired that faculty by constant practice.

M. Much better than him who hath the bare Precepts without use and exercitation.

B. Shall we not then account these Precepts to be Art? M. Not at all, but a certain similitude thereof, or rather a shadow of Art.

B. What is then that Governing Faculty of Cities, which we shall call Civil Art or Science? M. It seemes you would call it Pru-

B 4 *dence:*

dence: out of which, as from a fountain or spring, all Lawes, provided they be usefull for the preservation of humane society, must proceed and be derived. *B.* You have hit the nail on the head, if this then were compleat and perfect in any person, we might say he were a King by nature, and not by suffrages, and might resigne over to him a free Power over all things: but if we find not such a man, we shall also call him a King, who doth come nearest to that eminent excellency of Nature, embracing in him a certain similitude of a true King. *M.* Let us call him so, if you please. *B.* And because we fear he be not firme enough against inordinat affections, which may, and for the most part use to decline men from truth, we shall adjoyn to him the Law, as it were a Colleague, or rather a bridler of his lusts. *M.* You do not then think that a King should have an arbitrary Power over all things. *B.* Not at all: for I remember, that he is not only a King, but also a man, erring in many things by ignorance, often failing willingly, doing many things by constraint: yea a creature easily changeable at the blast of every favour or frown, which natural vice a Magistrat useth also to increase: so that here I chiefly find that of the Comedy made true, *All by licence become worse.* Wherefore the most prudent have thought it expedient to adjoyne to him a Law, which may either shew him the way, if he be ignorant, or bring him back again into

into the way, if he wander out of it: by these, I suppose, you understand, as in a representation, what I judge to be the duty of a true King. M. Of the cause of creating Kings, of their name and duty you have fully satisfied me. Yet I shall not repine, if you please to add ought thereto: Albeit my mind doth hasten to hear what yet seemes to remain, yet there is one thing which in all your discourse did not a little offend me, which I think should not be past over in silence, *viz.* that you seem somewhat injurious to Kings, and this very thing I did suspect in you frequently before, whilst I often heard you so profusely commend the ancient Common-Wealths, and the City of *Venice*. B. You did not rightly herein judge of me. For I do not so much look to the different forme of Civil Government (such as was amongst the *Romans*, *Massilians*, *Venetians* and others, amongst whom the authority of Lawes were more powerfull, than that of men) as to the equity of the forme of Government; nor do I think it matters much, whether King, Duke, Emperour, or Consul be the name of him who is the Chiefest in Authority, provided this be granted, that he is placed in the Magistracy for the maintenance of equity, for if the Government be lawfull, we must not contend for the name thereof. For he whom we call the Duke of *Venice* is nothing else but a lawfull King: and the first Consuls did not only retain the honours of

B ; Kings

Kings, but also their empire and authority, this only was the difference, that not one, but two of them did reigne (which also you know was usual in all the *Lacedemonian* Kings,) who were created or chosen not constantly to continue in the government, but for one year. We must therefore alwayes stand to what we spoke at first, that Kings at first were institute for mainraining equity. If they could have holden that sovereignty in the ease they had received it, they might have holden and kept it perpetually; but this is free and loosed by Lawes. But (as it is with humane things) the state of affaires tending to worse, the Sovereaign Authority which was ordained for publick utility degenerated into a proud Domination. For when the lust of Kings stood in stead of Lawes, and men being vested with an infinite and immoderate power, did not contain themselves within bounds, but connived at many things out of favour, hatred, or self-interest, the insolency of Kings made Lawes to be desired. For this cause therefore Lawes were made by the People, and Kings constrained to make use not of their own licentious wills in judgment, but of that Right or Priviledge which the people had conferred upon them. For they were taught by many experiences, that it was better, that their liberty should be concredited to Lawes than to Kings, whereas the one might decline many wayes from the Truth, but the other being deafe both to intreaties and threats might

might still keep one and the same tenor. This one way of Government is to Kings prescribed, otherwise free, that they should conform their actions and speech to the Prescripts of Lawes, and by the sanctions thereof divide rewards and punishments, the greatest bonds of holding fast together humane society. And lastly, even as saith that famous Legislator, *A King should be a speaking Law, and the Law a dumb King.* M. At first you so highly praised Kings, that you made their Majesty almost glorious and sacred, but now, as if you had repented in so doing, I do not know within what strait bonds you shut them up, and being thrust into the prison (I may say) of Lawes, you do scarce give them leave to speak. And as for my part, you have disappointed me of my expectation very farre. For I expected, that (according to the most famous Historians) you should have restored the thing which is the most glorious both with God and man, into its own splendor, either of your own accord, or at my desire, in the series of your discourse, which being spoiled of all ornaments, you have brought it into subjection, and that Authority, which through all the world is the chiefest, you having hedged-in round about and made it almost so contemptible, as not to be desired by any man in his right wits. For what man in his right wits would not rather live as a private man with a mean fortune, than being still in action about other mens affaires,

to be in perpetual trouble, and neglecting his own affaires, to order the whole course of his life according to other mens rules? But if that be the termes of Government every where propos'd, I fear there will be a greater scarcity of Kings found than was of Bishops in the first infancy of our Religion. Nor do I much wonder, if Kings be regarded according to this plate-forme, being but men taken from feeding cattel, and from the plough, who took upon them that glorious dignity. *B.* Consider I pray you, in how great an error you are, who does think that Kings were created by People and Nations not for Justice, but for pleasure, and does think there can be no honour, where wealth and pleasures abound not; wherein consider how much you diminish their grandour. Now that you may the more easily understand it; compare any one King of those you have seen apparelled like a Childs puppet brought forth with a great deale of pride and a great many attendants, meerly for vain ostentation, the representation whereof you miss in that King whom we describe. Compare, I say, some one of those, who were famous of old, whose memory doth even yet live, flourisheth & is renowned to all posterity. Indeed they were such as I have now been describing. Have you never heard what an old woman, petitioning *Philip* King of *Macedon* to hear her cause, answered him, he having said to her, he had no leisure, to which she

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replied, then cease (said she) to be King? Have you never heard, (I say) that a king victorious in so many batells, and Conqueror of so many nations, admonished to do his duty by a poor old wife, obeyed, & acknowledged that it was the duty of kings so to do? Compare then this *Philip* not only with the greatest Kings that are now in *Europe*, but also with all that can be remembred of old, you shall surely find none of them comparable to those either for prudence, fortitude, or activity: few equal to them for largeness of dominions. If I should enumerat *Agefilaus*, *Leonidas* and the rest of the *Lacedemonian* Kings (O how great Men were they) I shall seem to utter but obsolete examples. Yet one saying of a *Lacedemonian* maid I cannot pass over with silence, her name was *Gorgo* the daughter of *Cleomedes*, she seeing a servant pulling off the stockings of an *Asian* *Ghuest*, and running to her father cryed out, father, the *Ghuest* hath no hands; from which speech of that maid you may easily judge of the *Lacedemonian* discipline, and domestick custome of their Kings. Now those who proceeded out of this rustick, but couragous way of life, did very great things: but those who were bred in the *Asiatick* way, lost by their luxury and sloth the great dominions given them by their Ancestors. And, that I may lay aside the Ancients, such a one was *Pelagius* not long ago among the people of *Galicia*, who was

the first that weakned the *Saractin* forces in *Spain*, yet him and all his the grave did inclose, yet of him the *Spanish* Kings are not ashamed, accounting it their greatest glory to be descended of him. But seeing this place doth call for a more large discourse, let us returne from whence we have digressed. For I desire to shew you with the first what I promised, namely that this forme of government hath not been contrived by me, but seemes to have been the same to the most famous men in all ages, and I shall briefly shew you the spring from whence I have drawn these things. The books of *M: Tullius Cicero* which are intituled of *Offices*, are by common consent of all accounted most praise worthy, in the second book thereof these words are set down *verbatim*. It seemes as *Horodotus* saith that of old well bred Kings were created, not amongst the *Medes* only, but also amongst our Ancestors for executing of justice, for whilst at first the people were oppressed by those that had greatest wealth, they betook themselves to some one who was eminent for vertue, who whilst he kept off the weakest from injuries, establishing equity, he hemmed in the highest with the lowest by equall lawes to both. And the reason of making lawes was the same as of the Creation of Kings, for it is requisite that justice be alwayes equall, for otherwise it were not justice. If this they did obtain from one good and just man, they were therewith
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well pleased; when that did not occur, laws were made, which by one and the same voice might speak to all alike. This then indeed is evident, that those were usually chosen to govern, of whose justice the people had a great opinion. Now this was added, that these Rulers or Kings might be accounted prudent, there was nothing that men thought they could not obtain from such Rulers. I think, you see from these words, what *Cicero* judgeth to be the reason of requiring both Kings and laws. I might here commend *Zenophon* a witness requiring the same, no less famous in war-like affairs, than in the study of Philosophy, but that I know you are so well acquaint with his writings, as that you have all his sentences marked. I pass at present *Plato* and *Aristotle*, albeit I am not ignorant how much you have them in estimation. For I had rather adduce for confirmation men famous in a middle degree of affairs, than out of Schools. Far less do I think fit to produce a Stoick King, such as by *Seneca* in *Thyestes* is described: Not so much because that idea of a King is not perfect, as because that examples of a good Prince may be rather impressed in the mind, than at any time hoped for. But lest in those I have produced there might be any ground of calumny, I have not set before you Kings out of the *Schythian* solitude, who did either ungird their own horses, or did other servile work, which might be
very

very far from our manner of living ; but even out of Greece , and such , who in these very times , wherein the Grecians did most flourish in all liberall sciences , did rule the greatest nations , or wel governed Cities : and did so rule , that whilst they were alive were in very great esteeme amongst their people , and being dead left to posterity a famous memory of them selves. M. If now you ask me what my judgment is , I scarce dare confess to you either mine inconstancy or timidity , or by what other name it shall please you to call that vice. For as often as I read these things you have now recited in the most famous Historians , or hear the same commended by very wise men , whose authority I dare not decline : and that they are approved by all good and honest men to be not only true , equitable & sincere , but also seeme strong and splendid Again as oft as I cast mine eyes on the neatness and elegancy of our times , that antiquity seemeth to have been venerable and sober , but yet rude , and not sufficiently polished , but of these things we may perhaps speak of hereafter at more leisure. Now if it please you , go on to prosecute what you have begun. B. May it please you then that we recollect briefly what hath been said ? so shall we understand best what is past , and if ought be rashly granted , we shall very soon retract it. M. Yes indeed B : First of all then we agree , that men by nature are made to live in society

together, and for a communion of life. M. that is agreed upon. B: That a King also chosen to maintain that society is a man eminent in vertue: M: it is so. B: And as the discords of men amongst themselves brought in the necessity of creating a King, so the injuries of Kings done against their Subjects were the cause of desiring lawes. M: I acknowledge that. B: we held lawes to be a prooffe of the Art of government, even as the precepts of Physick are of the medicinal Art. M: it is so, B: But it seems to be more safe (because in neither of the two have we set down any singular and exact skill of their severall arts) that both do, as speedily as may be, heal by these prescripts of Art. M: It is indeed safest. B: Now the precepts of the Medicinal Art are not of one kind. M: How? B: For some of them are for preservation of health, others for restauration thereof. M. Very right. B. What say you of the governing Art? M: I think, there be as many kinds. B: Next then it seems, that we consider it. Do you think, that Physicians can so exactly have skill of all diseases, and of their remedies, as nothing more can be required for their cure? M: Not at all, for many new kinds, of diseases arise almost in every age, and new remedies for each of them, almost every yeer are by mens industry found out, or brought from far countries. B: what think you of the lawes of
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Commonwealths *M:* Surely their case seemes to be the same. *B:* Therefore neither Physicians, nor Kings can evite or Cure all diseases of Commonwealths, by the precepts of their Arts, which are delivered to them in writ. *M:* I think indeed they cannot. *B:* what if we shall further try of what things lawes may be established in Commonwealths, and what cannot be comprehended within lawes. *M:* That will be worth our pains. *B:* There seems to be very many and weighty things, which cannot be contained within lawes. First, all such things as fall into the deliberation of the time to come. *M:* All indeed. *B:* next, many things already past, such are these wherein truth is sought by conjecturs, confirmed by witnesses, or extorted by torments. *M:* Yes indeed. *B:* In unfolding then these questions what shall the King do? *M:* I see here there is no need of a long discourse, seeing Kings do not so arrogat the supream Power in those things which are institute with respect to the time to come, that of their own accord they call to council some of the most prudent. *B:* What say you of those things which by conjectures are found out, and made out by witnesses, such as are the crimes of murder, adultery and witchcraft; *M:* These are examined by the skill of Lawyers, Discovered by diligence, and these I find to be for the most part left to the judgment of Iudges. *B:* And perhaps very right;

right ; for if a King would needs be at the private causes of each Subject , when shall he have time to think upon peace & war , and those affaires which maintain and preserve the safety of the commonwealth ? And lastly when shall he get leave to rest ? *M:* neither would I have the cognition of every thing to be brought unto a King , neither can one man be sufficient for all the causes of all men , if they be brought unto him ; that counsel no less wise than necessary doth please me exceeding well, which the father in law of Moses gave him in dividing amongst many the burden of hearing causes , whereof I shall not speak much , seeing the history is known to all. *B:* But I think , these judges must judge according to law. *M:* They must indeed do so. But as I conceive , there be but few things , which by lawes may be provided against , in respect of those which cannot be provided against. *B:* There is another thing of no less difficulty , because all these things which call for lawes , cannot be comprehended by certain prescriptions. *M:* How so ? *B:* Lawyers , who attribute very much to their own Art , and who would be accounted the Priests of justice , do confess that there is so great a multitude of affaires , that it may seeme almost infinit , and say that daily arise new crimes in Cities , as it were severall kinds of ulcers , what shall a lawgiver do herein , who doth accommodat lawes both to things pre-

present and preterit? *M*: Not much, unless he be some divine-like person. *B*: An other difficulty doth also occurre, and that not a small one, that in so great an Inconstancy of humane frailty, no Art can almost prescribe any things altogether stable and firme. *M*: There is nothing more true than that. *B*: It seemeth then most safe to trust a skillfull physician in the health of the patient, and also the Kings in the state of the Common wealth. For a Physician without the rule of Art will often times cure a weak patient either consenting thereto, or against his will: and a king doth either perswade a new law yet usefull to his subjects, or else may impose it against their will. *M*: I do not see what may hinder him therein. *B*: Now seeing both the one and the other do these things, do you think that besides the law, either of them makes his own law? *M*: It seemes that both doth it by Art. For we have before concluded not that to be Art which consists of precepts, but vertue contained in the mind, which the Artist usually makes use of in handling the matter which is subject to Arts. Now I am glad (seeing you speak ingenuously) that you being constrained, as it were, by an interdiction of the very truth, do so far restore the King from whence he was by force dejected. *B*: Stay, you have not yet heard all. There is an other inconvenient in the authority of lawes. For the law being as it were a pertina-

nacious, and a certain rude exactor of duty, thinks nothing right, but what it self doth command. But with a King, there is an excuse of infirmity and temerity, and place of pardon left for one found in an error. The law is deaf, cruel and inexorable. A young man Pleads the frailty of his years, a woman the infirmity of her sexe, another his poverty, drunkenness, affection. What saith the law to these excuses? Go Officer or Serjeant, conveene a band of men, hood-wink him, scourge him, hang him on a tree. Now you know how dangerous a think it is, in so great a humane frailty, to have the hope of safety placed in innocency alone. *M:* In very truth you tell me a thing full of hazard. *B:* Surely as oft as these things come into mind, I perceive some not a little troubled. *M:* You speak true. *B:* When therefore I ponder with my self what is before past as granted, I am afraid lest the comparison of a Physician and of a King in this case seeme not pertinently enough introduced. *M:* In what case? *B:* when we have liberat both of the servitude of precepts, and given them almost a free liberty of curing. *M:* What doth herein especially offend you? *B:* When you hear it, you will then judge, Two causes are by us set down, why it is not expedient for a people that Kings be loosed from the bonds of lawes, namely love and hatred, which drive the minds of men to and fro in jud-

judging. But in a Physician it is not to be feared, lest he faile through love, seeing he expecteth a reward from his patient being restored to health. But if a patient understand that his Physician is solicted by intreaties, promises and money against his life, he may call another Physician, or if he can find none other, I think it is more safe to seek some remedy from books how deaf soever, than from a corrupt Physician. Now because we have complained of the cruelty of lawes, look if we understand one another sufficiently.

M: How so? *B:* We judged an excellent King, such as we may more see in mind than with bodily eyes, not to be bound by any lawes. *M:* By none. *B:* Wherefore? *M:* I think, because, according to *Paul*, he should be a law to himself and to others, that he may express in life what is by law enjoyed. *B:* You judge rightly; and that you may perhapst the more admire, severall ages before *Paul*, *Aristotle* did see the same, following nature as a leader, which therefore I say, that you may see the more clearly what hath been proved before, to wit, that the voice of God and nature is the same. But that we may prosecute our purpose. What shall we say they had a respect unto, who first made lawes? *M:* Equity I think, as hath been said before. *B:* I do not now demand chat, what end they had before them, but rather what patterne they proposed to themselves?

M:

M: Albeit perhaps I understand that, yet I would have you to explain it, that you may confirme my judgment, if I rightly take it up, if not, you may amend my error. *B:* You know, I think, what the dominion is of the mind over the body. *M:* I seem to know it. *B:* You know this also, whatever we do not rashly, that there is a certain idea thereof first in our minds, and that it is a great deale more perfect than the works to be done, which according to that patterne the chiefeft Artists do frame and as it were express. *M:* That indeed I find by experience both in speaking and writing, and perceive no less words in my mind, than my minds in things wanting. For neither can our mind shut up in this dark and troubled prison of the body perceive the subtilty of all things, nor can we so endure in our mind the representations of things however foreseen in discourse with others, so as they are not much inferiour to these which our intellect hath formed to it self. *B:* What shall we say then which they set before them, who made lawes? *M:* I seem almost to understand what you would be at. Namely, that they in counsell had an Idea of that perfect King, and that they did express a certain Image, not of the body but of the mind, according to that foresaid Idea as near as they could. And would have that to be in stead of lawes which is to think might be good and equitable

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M: You rightly understand it, For that is the very thing I would say. But now I would have you to consider what manner of King that is which we have constitute at first, was he not one firme and stedfast against hatred, love, wrath, envy, and other perturbations of the mind? *M:* We did indeed imagine him to be such a one: or beleevd him to have been such to those Ancients. *B:* But do lawes seeme to have been made according to the idea of him? *M:* Nothing more likely. *B:* A good King then is no less severe and inexorable, than a good law. *M:* He is even as severe: but since I can change neither, or ought to desire it, yet I would slaken both somewhat, if I can. *B:* But God desires not that mercy be shewed even to the poor in judgment, but commandeth us to respect that one thing which is just and equal, and to pronounce sentence accordingly. *M:* I do acknowledge that, and by truth am overcome. Seing therefore it is not lawfull to loose Kings from the bonds of lawes, who shal then be the lawgiver? Whom shall we give him as a Pedagogue? *B:* Whom do you think fittest to performe this duty? *M:* If you ask at me, I think the King himself. For in all other Arts almost we see their precepts are given by the Artists; whereof they make use, as it were of comments, for confirming their memory, and putting others in mind of their duty. *B:* On the contrary

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I see no difference : let us grant that a King is at liberty and solved from the lawes ; shall wee grant him the power to comand lawes ? For no man will willingly lay bonds and fetters upon himself. And I know not whether it be better to leave a man without bonds , or to fetter him with slight bonds , because he may rid himself thereof when he pleases.

M: But when you concredit the helme of government rather to lawes than to Kings, beware I pray you, lest you make him a Tyrant , whom by name you make a King, who with authority doth oppress and with fetters and imprisonment doth bind, and so let him be sent back to the plough again , or to his former condition yet free of fetters. *B:* Brave words : I impose no lord over him, but I would have it in the peoples power, who gave him the authority over themselves, to prescribe to him a modell of his government , and that the King may make use of that justice , which the people gave him over themselves. This I crave. I would not have these lawes to be by force imposed , as you interpret it , but I think that by a common council with the King , that should be generally established , which may generally tend to the good of all. *M:* You will then grant this liberty to the people ? *B:* Even to the people indeed , unless perhaps you be of another mind. *M:* Nothing seemes less equitable. *B:* Why so ; *M:* You know
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that saying, *A beast with many heads.* You know, I suppose, how great the temerity and inconstancy of a people is. *B:* I did never imagine that that matter ought to be granted to the judgment of the whole people in general, but that near to our custome a select number out of all estates may convene with the King in council. And then how soon an overturne by them is made, that it be deferred to the peoples judgment. *M:* I understand well enough your advice. But by this so carefull a caution you seem to help your self nothing. You will not have a King loosed from lawes, why? Because, I think, within man two most cruell monsters lust and wrath are in a continuall conflict with reason. Lawes have been greatly desired, which might repress their boldness, and reduce them too much insulting, to regard a just government. What will these Counsellours given by the people do? Are they not troubled by that same intestine conflict? Do they not conflict with the same evils as well as the King? The more then you adjoyn to the King as Assessors there will be the greater number of fools, from which you see what is to be expected. *B:* But I expect a far other thing than you suppose. Now I shall tell you why I do expect it. First, it is not altogether true what you suppose, viz. That the assembling together of a multitude is to no purpose, of which number there will perhaps be none of
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a profound wit: for not only do many see more and understand more than one of them apart, but also more than one, albeit he exceed their wit and prudence. For a multitude for the most part doth better judge of all things, than single persons apart. For every one apart have some particular vertues, which being united together make up one excellent vertue, which may be evidently seen in Physicians pharmacies, and especially in that antidot, which they call Mithredat. For therein are many things of themselves hurtfull apart, which being compounded and mingled together make a wholesome remedy against poyson. In like manner in some men slowness and lingering doth hurt, in others a precipitant temerity, both which being mingled together in a multitude make a certain temperament and mediocrity, which we require to be in every kind of vertue. *M:* Be it so, seeing you will have it so, let the people make lawes and execute them; and let Kings be as it were keepers of Registers. But when lawes seeme to clash, or are not exact and perspicuous enough in sanctions, will you allow the King no interest or meddling here, especially since you will have him to judge all things by written lawes, there must needs ensue many absurdities. And, that I may make use of a very common example of that law commended in the Schooles, If a Stranger scale a wall, let him die, What can

be more absurd than this, that the Author of a publick safety (who have thrust down the enemies prelling hard to be up) should be drawn to punishment, as if he had in hostility attempted to scall the walls.

B: That is nothing. **M:** You approve then that old saying, *the highest justice is the highest injury.* **B.** I do indeed. If any thing of this kind come into debate, there is need of a meek interpreter, who may not suffer the lawes which are made for the good of all to be calamitous to good men, and deprehended in no crime. **B.** You are very right, neither is there any thing else by me fought in all this dispute, (if you have sufficiently noticed it) than that Ciceronian Law might be venerable and inviolable *Salus populi suprema Lex esto.* If then any such thing shall come into debate, so that it be clear what is good & just, the kings duty will be to advert that the Law may reach that rule I spoke of, but you in behalf of Kings seems to require more, than the most imperious of them assume. For you know that this kind of questions is usually deferred to judges, when Law seemeth to require one thing, and the Lawgiver another: even as these lawes which arise from an ambiguous right or from the discord of Lawes amongst themselves. Therefore in such cases most grievous contentions of Advocats arise in Judicatories,

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and Orators precepts are diligently produced.

M. I know that to be done which you say. But in this case no less wrong seemes to be done to Lawes than to Kings. For I think it better to end that debate presently from the saying of one good man, than to grant the power of darkning rather than interpreting Lawes to subtile men, and sometimes to crafty Knaves; for whilst not only contention ariseth betwixt Advocat for the causes of parties contending, but also for glory, contests are nourished in the mean time, right or wrong, equity or iniquity is called in question: & what we deny to a King, we grant to men of inferiour rank, who study more to debate than to find out the truth.

B. You seeme to me forgetfull of what we lately agreed upon. *M.* What is that? *B.* That all things are to be so freely granted to an excellent King, as we have described him, that there might be no need of any Lawes. But whilst this honour is conferred to one of the people, who is not much more excellent than others, or even inferiour to some, that free and loose licence from lawes is dangerous. *M.* But what ill doth that to the interpretation of law. *B.* Very much. Perhaps you do not consider, that in other words we restore to him that infinit and immoderat power, which formerly we denied to a King, namely that according to his own hearts lust he may turn all things upside down.

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M. If I do that, then certainly I do it imprudently. *B.* I shall tell you more plainly, that you may understand it. When you grant the interpretation of Lawes to a King, you grant him such a licence, as the Law doth not tell what the Lawgiver meaneth, or what is good and equall for all in generall, but what may make for the Interpreters benefit, so that he may bend it to all actions for his own benefit or advantage, as the *Lesbian rule*. *Ap. Claudius* in his *Decemviratus*, made a very just law, that in a liberall cause or Plea, sureties should be granted for liberty. What more clearly could have been spoken. But by interpreting the same Author made his own Law useles. You see; I suppose how much liberty you give a Prince by one cast, namely that what he pleaseth the Law doth say, what pleaseth him not, it doth not say. If we shall once admit this, it will be to no purpose to make good Lawes for teaching a good prince his duty; and hemme in an ill King. Yea, let me tell you more plainly, it would be better to have no Lawes at all, than that freedom to steal should be tolerat, and also honoured under pretext of Law. *M.* Do you think that any King will be so impudent, that he will not at all have any regard of the fame and opinion that all men have of him? Or that he will be so forgetfull of his Subjects, that he will degenerat into their Pravity, whom
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he hath restrained by ignominy, imprisonment, confiscation of goods, & in a word with very grievous punishments? *B.* Let us not believe that these things will be, if they had not been done not long ago & that to the exceeding great hurt of the whole world. *M.* Where do you tell these things were done? *B.* Do you ask, where? As if all the Nations in Europe did not only see, but seele also how much mischief hath the immoderat power, and unbridled Tyranny of the pope of Rome brought upon humane affaires. Even that power which from small beginning & seemingly honest he had got, every man doth know that no less can be feared by unwary persons. At first, Lawes were proposed to us, not only drawn out of the innermost secrets of nature, but given by God himself, explaind by the Prophets from the holy Spirit, at last by the Son of God, & by the same God confirmed, committed to the writings of those praise worthy men, expressed in their life, & sealed with their blood. Neither is there in the whole Law any other place more carefully, commendably, or more clearly delivered, than that of the Office of Bishops. Now seeing it is Lawfull to no man to add any thing to these Lawes, to abrogat or derogat ought therefrom, or to change any thing therein, there did remain but one interpretation, & whilst the Pope did arrogat it, he not only

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did oppress the rest of the Churches, but claimed a Tyranny the most cruell of all that ever were, daring to command not only men but Angels also, plainly reducing Christ into order, if this be not to reduce him into order, that what thou wilt have done in heaven, in earth & amongst the damæd in hell, be ratified: what Christ hath commanded, let it be ratified, if thou wilt; for if the Law seeme to make but little for your behoofe, interpreting it thus you may back-bend it, so that not only by your mouth, but also according to the judgment of your mind Christ is constrained to speak. Christ therefore speaking by the mouth of the Pope, *Pipin* is set in *Childericks* place of government, *Ferdinandus* of *Arragon* substitute to *John King* of *Navarre*: the Son arose in armes against his father, and subjects against their King. Christ is full of poison, then he is forced by witches, so that he killeth *Henry* of *Luxemburg* by poison. M. I have heard these things often before, but I desire to hear more plainly somewhat of that interpretation of lawes, B. I shall offer you one example, from which you may easly understand, how much this whole kind is able to do. The Law is, A Bishop must be the husband of one wife, than which Law what is more clear, & what may be said more plain? One wife, (saith the Law) one Church, (saith the Pope) such is his interpretation. As if that Law were made
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not to repress the Lust of Bishops but their avarice. Now this explanation, albeit it saith nothing to the purpose, yet doth contain a judgment honest and pious, if he had not vitiated that Law again by another interpretation. What doth therefore the Pope devise for excuse? It varieth (saith he) in regard of persons, cases, places & times. Some are of that eminent disposition, that no number of Churches can satisfy their pride. Some Churches again are so poor, that they cannot maintain him who was lately a begging Monk, if he now have a mitre, if he would maintain the name of a Bishop. There is a reason invented from that crafty interpretation of the Law, that they may be called Bishops of one Church, or other Churches given them in Commendam, and all may be robbed. Time would faile me, if I should reckon up the cheats, which are daily excogitated against one Law. But albeit these things be most unbeseeming as well the name of a Pope, as of a Christian, yet their tyranny rests not here. For such is the nature of all things, that when they once begin to fall they never stay untill they fall headlongs into destruction. Will you have me to shew you this by a famous example? Do you not remember upon any of the Roman Emperours blood who was more cruell and wicked than *C. Caligula*? M. There was none that I know of. B. Now what was his most nefari-

ous villany think you? I do not speak of those deeds which Popes do reckon up in some reserved cases, but in the rest of his life. *M.* I do not at present remember. *B.* What do you think of that, that having called upon his horse, he invited him to sup with him? Set a golden grain of barley before him, and made him Consul? *M.* Indeed it was most impiously done. *B.* What think you of that, how he made the same horse his colleague in the Priesthood? *M.* Do you tell me that in good earnest? *B.* Indeed in good earnest, nor do I admire that these things seeme to you feigned. But that Roman Jupiter of ours hath done such things, that those things done by *Caligula* may seem true to Posterity. I say Pope *Iulius* the third, who seemes contended with *C. Caligula* a most wicked wretch for preheminance of impiety. *M.* What did he of that kind? *B.* He made his Ape-keeper, a man almost more vile than the vilest beast, his Colleague in the Papary. *M.* Perhaps there was another cause of choosing him. *B.* Some are reported indeed, but I have picked out the most honest. Seeing then so great a contempt not only of the Priesthood, but also a forgetfulness of humanity arise from this freedom of interpreting Lawes, beware you think that to be a small Power. *M.* But the Antients seeme not to have thought it so great a business of interpreting, as you would have

It seeme to be. Which by this one argument may be understood, because the Roman Emperours granted it to Lawyers: which one reason doth overturne your whole tedious dispute, nor doth it only refute what you spoke of the greatness of that power, but that also which you most shun, it perspicuously declar-eth what power they granted to others of answering rightly, was not denied to themselves, if they had been pleased to exerce that office, or could have done it by reason of greater affaires. *B:* As for those Roman Emperours, whom the Souldiers did choose indeliberatly, & without any regard to the common good of all, These fall not under this notion of Kings which we have describ-ed so that by those that were most wicked were they chosen who for the most part were most wicked, or else laid hold upon the Government by violence. Now I do not reprehend them for granting power to Lawyers to interpret the Law. And albeit that power be very great, as I have said before, it is notwithstanding more safely concredited to them to whom it cannot be an instrument of Tyranny. Moreover it was concredited to many whom mutuall reverence did hold within the bounds of duty, that if one decline from equity, he might be refuted by another. And if they should have all agreed together into fraud, the help of the judge was above them, who was not obliged to hold for Law

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what ever was given by Lawyers for an answer. And over all was the Emperour, who might punish the breach of Lawes. They being astricted by so many bonds were hemmed in, and did fear a more grievous punishment, than any reward of fraud they could expect: you see, I suppose then that the danger to be feared from such kind of men was not so great. *M.* Have you no more to say of a King? *B.* First, if you please, let us collect together, what is already spoken, so that the more easily we may understand, if any thing be omitted. *M.* I think we should do so. *B.* We seemed to be at accord sufficiently concerning the origine & cause of creating Kings, & making Lawes, but of the Lawgiver not so: but at last, though somewhat unwillingly I seeme to have consented, being enforced by the strength of truth. *M.* Certainly you have not only taken from a King the power of commanding Lawes, but also of interpreting them, even whilst I as an Advocat strongly protested against it. Wherein I am afraid, if the matter come to publick hearing, lest I be accused of prevarication, for having so easily suffered a good cause, as it seemed at first, to be wrung out of my hands. *B.* Be of good courage: for if any accuse you of prevarication in this case, I promise to be your defence. *M.* Perhaps we will find that shortly. *B.* There seems to be many kinds of

of affaires which can be comprehended within no Lawes , whereof we laid over a part on ordinary judges , & a part on the Kings council by the Kings consent. M. I do remember we did so indeed. And when you was doing that, wot you what came into my mind? B. How can I , unless you tell me? M. Me thought you made Kings in a manner like stone seals, which for the most part so seeme to lean on the tops of pillars as if they did sustain the whole fabrick: whereas in effect they bear no more burden, than any other stone. B. What? good Advocat of Kings , do you complain that I lay on them a little burden, seeing both day and night they do nothing else, than seek out others to bear burden with them, or upon whom they may altogether lay the burden, & so disburden themselves. And in the mean time you seeme to take it in ill part that I afford them help labouring under their burden. M. I also very willingly admit these auxiliaries, but such would I have as may serve, but not command, such as may shew the way, but not Lead in the way, or more truly draw, or rush them forward as some warlike engine, and leave a King no other power but to assent to them. Therefore I presently expect that having ended our discourse concerning a King, you would step aside to speak of Tyrants, or some where else. For you have inclosed a King within so narrow bounds, that I am

afraid, left, if we tarry longer therein, you drive him out of his greatest wealth, & highest dignity, & banish him as it were into some desert Island, where, being spoiled of all his honour he wax old in poverty & misery.

B. You feared, as you pretend, the crime of prevarication; but I am afraid, left in calumniating you wrong the King, whom you endeavour to defend. First, I would not have him to be idle, unless you would appoint idle master builders, secondly, you deprive him of good Ministers & friends, whom I have adjoyned unto him not as keepers, but would have them called by him to bear a part of his labour, & these being driven away you surround him with a band of Knaves, who make him to be teared by his subjects, neither do you think he will be formidable, unless we allow him a great power of doing wrong. I would have him to be by his subjects beloved, not to be guarded by the terrour, but goodwill of his subjects, which armes alone do make Kings invincible, unless you gainsay this, I trust I shall shortly prove it. For I shall lead him out of these you call straits into light: & by one Law shall give him so much authority and enlargement, that if he desire more, he may seeme impudent.

M. Indeed I long to hear that.

B. I shall then fall upon that matter, that I may satisfy your desire as soon as I can.

A little before we have confessed, that no

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Law can be so accurately cautioned concerning any affair, but that malicious subtilty may invent some fraud. This perhaps will be the better understood by the example already proposed. By the Law it is ordained, that no parents transmit their benefices to their bastards. Here in effect the Law seemes clear, yet a cheat is found out; that the father substitute some other man, & that he may deliver that same benefice to the bastard of the former possessor. Thereafter, when as it was carefully ordained by Law, that the son should by no means enjoy that benefice which his father had possessed before: yet by this caution it was never a white the better. For against that Law a paction was found out amongst Priests, that each of them should substitute the Son of the other in his office. And when that was also forbidden, the Law was also eluded by another kind of cheat: a pretender was let up against the father, who might pretend he had a right to that benefice. Whilst the father seemingly is a contending with this supposed Sycophant, the Son doth petition the Pope for the benefice, if so be that the right unto that benefice belong not to either of the parties contending for it, and so the son by his fathers prevarication doth enjoy his fathers benefice, and over cometh both the parties, who willingly & freely yeeld up their plea. Thus you see how many Kinds of cheats are invented against

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against one Law. *M.* I see it. *B.* Do not Lawgivers seeme to do altogether the same herein which Physicians do, who whilst they endeavour by applying a plaister to compesce the eruptions of flegme, or of some other hurtfull humour, the humour restrained in one place seeks issue in many places at once: & as a certain hydra having one head cut off, many heads start up in place of one. *M.* Nothing more like. *B.* what was incumbent for a Physician to do at first for freeing the whole body at once of peccant humours. Ought not the Politick physician to do the same in this case, for freeing the whole common wealth of evill manners? *M.* I think that to be the right way of cure, albeit it be difficult. *B.* And if this can be obtained, I think there would be need of few Lawes. *M.* It is indeed so. *B.* Doth not he alone seeme to conferre more for the publick good who can apply this remedy, than all the conventions of all estates met for making of Lawes? *M.* Doubtless far more. But that I may make use of the Comick Poets words, who is able to undertake so weighty a charge. *B.* What if we shall lay it over on the King? *M.* Merrily spoken indeed. What was soon done and easy you have committed to the whole people: but if any thing be difficult and intricat, you will lay it over upon the King alone, as if you thought him not sufficiently bound tying him round about with
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so many fetters, unless you lay upon him a most grievous burden under which he may also succumbe. *B.* It is not so, but we contend for a business easy for him to be done, we beseech, he would suffer himself to be exorable. *M.* What is that, I pray? *B.* That as fathers ought to carry towards their Children, so in all his life he would behave himself towards his subjects whom he ought to account as children. *M.* What is that to the purpose in hand? *B.* Surely this one is certainly the chiefest remedy against corrupt manners, and lest you suppose that it is an invention of mine, hear what *Claudianus* saith. Thou King must as a father rule thy Subjects, and no less have a care of all than of they self; let not thy own desire only move thee, but also the publick desires of thy people. If thou commandest ought to be done by all, and to be obeyed, obey the same first thy self. Then will the people become the more observant of equity, nor will refuse to bear any burden, when they see their King himself obedient to what he commands. The whole world doth act conforme to the example of a King. The Lawes of Kings prevaile not so much to incline mens minds unto obedience, as the conversation of the Rulers. For the fluctuating multitude doth alwayes change as their prince doth. Do not Imagine that the Poet pregnant for understanding & learning did in vain believe so great force

to be herein, for people are so addicted to the imitation of Kings, in whom any image of honesty doth shine or appeare, and so endeavour to expresse their manners, that whose vertue they admire, they endeavour also to imitat some of their vices in speech, apparell in deport. But in conforming themselves to the King in gesture, manners of speech they not only desire to imitat him, but also by flattery they insinuat themselves into the minds of great ones, & by these arts they hunt after riches, honour, and preferment, because they know we have it by nature, that we love not only our selves, and our own concernes, but embrace our own likeness though vicious in others. Now that which we demand not wickedly and arrogantly, but by intreaty endeavour to obtain, hath a far greater force, than the threatnings of Lawes, the ostentation of punishments, or armies of souldiers. This reduceth a People without force into modesty, conciliateth to a King his subjects good-liking, increaseth and maintaineth the publick tranquillity, and the wealth of every one severally. Let therefore a King carefully consider, that he is set on the theatre of the world, and for a spectacle proposed to all, so as no word or deed of his can be concealed, The vices of Kings can never be kept secret. For the supream light of fate suffers nothing to ly hid in obscurity, and fame enters into all
secret

secret places, and finds out obscure corners. O how much doth it concerne Kings to be circumspect on all hands; seeing neither their vices nor their vertues can be concealed, nor yet without a great universall change of affaires. But if any do yet doubt, what great importance there is in the conversation of a Prince, for the emendation of the publick discipline, let him take but a view of the small beginning of the State of *Rome*. That rude people consisting of shepherds and countrey in habitants, I shall not say worse, naturally fierce, having got a very couragious King, and having pitched once their tents, for soliciting the peace of the neighbouring nations, and provoking them to fight, how much do you think of hatred and fear was bred in their neighbours? When again that very same people had set over them a pious and just King, they were so suddenly changed, that being wholly devoted to the worship of their Gods and to acts of justice, that to wrong them their neighbours judged it a crime, even those very neighbours, I say, whose lands before they had laid waste, whose cities they had burnt, and their children and Kinsmen they had carried away into bondage. Now if in that barbarity of manners, & rudeness of times *Numa Pompilius*, (who a little before was brought out of another nation at enmity with them, and made King) could do so much: what shall wee expect, or rather, what

what shall we not expect of those princes, who being supported by affinity, vassalls, and much wealth left them by their Ancestors, obtain the Government? And are born and brought up in expectation thereof. Now how much should it stirre up their minds unto vertue, that they hope to have the praise not of one day, as Stage-players do, the scene being once past, but the goodwill, admiration, and perpetuall remembrance of their life to all posterity, and know that honours in heaven are prepared for them? I wish I could express in words the representation of that honour which in mind I have conceived. Now that I may somewhat propose unto your view the same by some of the first draughts and lineaments thereof, consider with your self, how the braisen serpent erected by Moses in the desert of *Arabia*, did heal the wounds made by other serpents by a very look of the people thereon. Imagine that out of the whole people there were some stung by serpents, and running together for present cure, others astonished at the newness of the miracle, and all celebrating with all kind of praise the immense and incredible goodness of God: when they perceive that the pain of that deadly wound was not taken away, either by medicaments, with the torment of the patient, by the Physicians labour and assiduous carefulness of friends, nor by any long space of time, but reduced unto health

health in a moment. Compare now a King with that serpent, and so compare him, that you may reckon a good King amongst the greatest benefits of God who alone without any expence of thine, and without thy paines and labour, doth relieve a Kingdome of all its troubles, setleth perturbations, and in a short space bringeth the inveterat ulcers of minds unto a cicatrice or scar: neither is he only a procurer of health to those who behold him near at hand, but also to such as are a far off, and have no hope to see him, in whose image so great a force is presented to the minds of his subjects, that it doth easily performe what the prudence of Lawyers, the science of Philosophers, and the experience of so many ages in collecting their severall arts could never performe. Now what greater honour, dignity, eminency or majesty can be told or excogitat to be in any man, that by speech, converse, sight, fame, and a tacite species presented to the mind, he may reduce the most luxurious to modesty, the violent to equity, and those that are furious unto a right mind. Can you ask of God a greater benefit than this so much for the good of mans concernes? If I mistake not, this is the true representation of a King, not that of a King guarded with weapons of war, ever fearing others, or making others afraid, by his hatred towards his people measuring his peoples hatred against him. This representa-
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tion which we have given, *Seneca* in his *Thyestes* hath expressed in very pleasant colours, which verse I doubt not but you know, seeing it is most elegant. Do I now seeme to speak basely and contemptuously of a King? and bind him fast loaded with the fetters of Lawes within a goale, as you did lately say? And not rather do bring him forth into light, and assemblies of men, and set him upon the publick theatre of mankind, accompanied not with the arrogant company of archers and armed men, and rogues cloathed in silk, but guarded in safety by his own innocency, not with the terrour of armes, but by the love of his people: and not only at freedome and set aloft, but honoured, venerable, sacred, and eminent, and coming forth with the good wishes and fortunat acclamations of the people, and whithersoever he goeth, turning the faces, eyes and hearts of all towards him. What acclamation, or what triumph can be compared with this daily Pomp? Or if God in humane likeness should come down into earth, what greater honour could be given him by men, than that which would be given to a true King, that is to the lively image of God? For neither can love bestow, nor flattery invent a greater honour than this. What do you think of this representation of a King? *M.* So splendide & magnificent indeed it is, that it seemes nothing can be said or imagined more magnificent.

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But in these corrupt times of ours, it is hard to find this magnanimity, unless carefull education make an honest and good nature and disposition. For the mind being principled with good instructions and acts from infancy, and by age and daily practice confirmed, endeavours by vertue to attain to true glory; in vain it is tempted by the allurements of lusts, or weakned by the impressions of aduersity. For thus learning doth perfect naturall parts, and good breeding doth strengthen the mind: so that it findeth occasion of exercising vertue amongst the very recreations of pleasures, and these things which usually terrify weak ones, by reason of difficulty, vertue doth account them as a matter of praise. Seeing then there is so great importance in learning for all conditions of life; with what great care and solicitude should men foresee, that the tender minds of Kings be rightly principled, even from their very infancy. For seeing many are the benefits of good Kings towards their Subjects, and contrary wise, many calamities proceed from wicked Princes, than nothing doth seeme to have a greater influence upon every rank of men, than the cariage and conversation of Kings and others, who joyntly rule publick affaires. For what is done well or ill by private persons, is for the most part hid from the multitude: or by reason of such mens obscure condition their example belongeth to few.

But

But all the words and deeds of those, who hold the holme of publick affaires; cannot be concealed, beeing written as it were in a publick monument, as *Horace* saith, but are set before all men for imitation. For they do not turne mens affections to themselves by studying to please them, but by very kindly allurements of utility. And whither soever the inclinations of Kings do drive, they make the publick discipline wheele about with them. But I am afraid, that our Kings will not be intreated to performe what you have now mentioned. For they are so marred by the allurements of pleasures, & deceived with the false shew of honour, that I think they do almost that which some Poets report to have befallen the *Trojans* who were in company at sea with *Paris*. For the true *Helena* being left in *Egypt* with *Protheus* a holy and truly religious man, they did contend so Pertinaciously the space of ten years for her likeness, that it was the end of a most pernicious war, and of the most flourishing Kingdome in those times. For impotent Tyrants embracing that false representation of a Kingdome, when they have once obtained it by right or wrong, cannot lose it without destruction. Now if any do admonish them, that the true *Helena* for whom they imagine to fight, is else where concealed, they would call him mad.

B. I am indeed glad that you somewhat understand the beauty of that true daughter of *Jupiter*

Jupiter from this her likeness, such as it is, albeit you do not see her self. But if these lovers of that *Helena*, to their great damage, did see the perfect image of the true *Helena*, pourtrayed with her lively colours by some *Protegenes* or *Appelles*, I do not question but they would admire her and fall in love with her. And if they did not command their affections to enjoy that other, they might fall into those grievous punishments, which *Persius* in his *Satyres* doth imprecate on Tyrants. O Supream Father of the Gods, be pleased thus to punish cruell Tyrants, when any execrable lust, dipt in raging Poyson doth stirre up their spirits, let them see what vertue is, and let them pine away for sorrow, because they despised her. And therefore seeing we are fallen in to make mention of Tyrants, may it please you, that straight way we proceed to speak of them? M. Yea, unless you think some other thing should be first spoken. B. I suppose we shall not deviate, if we proceed in the same footsteps for finding out a tyrant, wherein we did insist in seeking out a King. M. I think so. For by that means we shall very easily understand what difference there is betwixt them, if set one against another they be duely considered. B. And first of all that we may begin at a Tyrants name, of what Language, it is uncertain. I therefore think it now necessary for us to seek therein the Greek, or Latine

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Etymo-

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Etymology. Now what the Ancients did call Tyranny, I think is not unknown to any who are well versed in humane literature. For Tyrants were called both by the Greeks and Latines, who had the full power of all things in their hands, which power was not afflicted by any bonds of Lawes, nor obnoxious to the cognition of judges. Therefore in both languages, as you know, not only the noble heroes, and most famous men, but the chiefest of the Gods, and so Jupiter also is called *Tyrannus*: and that even by those who both think and speak honourably of the Gods. M. I know indeed that well enough; and the rather I much admire, whence it is come to pass, that that name now for so many ages is accounted odious, and also amongst the most grievous reproaches.

B. It seemes certainly to have fallen out in this word, which happeneth to be in many others; for if you consider the nature of words, it hath no evil in it. And albeit some words have a more pleasant sound in the ears of hearers, and others a more unpleasant, yet of themselves they have no such thing, so as to stirre up the mind to wrath, hatred, or hilarity, or otherwise to creat pleasure or pain and trouble. If any such thing befall us, that happens to fall out usually, not from the word, but from the consuetude of men, and image thereof conceived by the hearers. Therefore a word which amongst some men

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the Scots Government.

is honest, amongst others cannot be heard with some pface of, *with reverence.* *M:* I remember that the like is befallen the names of *Nero* and *Judas*, whereof the one amongst the *Romans*, and the other amongst the *Jewes* was accounted by great men very famous and honourable. But thereafter by no fault of these names, but of these two men, it hath come to pass, that even the most flagitious men will not have these names to be given their children: they being buried under such infamy. *B:* The same also is conspicuous to have befallen the word *Tyrant*, for it is credible, that the first Magistrats, who were thus called, were good men, or from hence, that this name was sometime so honourable, that it was attribut to the Gods. But those that came afterward made it so infamous by their wicked deeds, that all men abhorred it as contagious and pestilencious, and thought it a more light reproach to be called an hang-man than a Tyrant. *M:* Perhaps it was the same as befell the Kings in *Rome* after the *Tarquini* were deposed in the name *Dictator* after *M. Antonius* and *Dolabella* were Consuls. *B:* Just so. And on the Contrary, base and vulgar names have been made famous by the vertue of men called thereby. As amongst the *Romans*, *Camillus*, *Metellus*, *Scropha*: and amongst the *Germans*, *Henry*, *Genferick*, *Charles*. Thus you shall the better understand, if taking

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away the name of Tyrant, you consider the thing, notwithstanding that this kind of government hath continued in its former honour and respect amongst many famous Nations, as the *Æsymneta* amongst the *Greccians*, and the *Dictators* amongst the *Romans*: for both were lawfull Tyrants. Now Tyrants they were, being more powerfull than the lawes; but lawfull they were; as being chosen by consent of the people. M: What am I hearing? Tyrants and yet lawfull? Indeed I did expect a far other thing from you: but now you seeme to confound the difference of all Kings and Tyrants. B: Indeed both Kings and Tyrants amongst the Ancients seeme to have been altogether one and the same; but I suppose in diverse ages: for I think the name of Tyrants was more ancient. Thereafter when they became weary of the name, in their place succeeded Kings by a more plausible name, and more gentle government, and when they also began to degenerate, the moderation of lawes was prohibited, which might set limites to the boundless lusts of their government. Now men according to the exigence of times, at their usuall way, seeking out new remedies became weary of the old way of government and sought out new wayes. Now our present purpose is to handle both kinds of government, namely that wherein as well the government of Kings as of lawes is the n. pow

powerfull : and the worst kind of Tyranny, wherein all things are contrary to a Kingdome, and have undertaken to compare them one with another. *M:* It is so. And I earnestly expect you would fall upon that. *B:* At first then we had agreed, that a King was created for maintaining humane society, and we determined his office and duty, that by the prescript of lawes he should allow every man his own. *M:* I do remember that. *B:* First then, he that doth not receive a government by the will of the people, but by force invadeth it, or intercepteth it by fraude, how shall we call him? *M:* I suppose, a Tyrant. *B:* There be also many other differences, which I shall briefly run through, because any man may easily collect them from *Aristotle*: for the government of Kings is according to nature, but that of Tyrants is not. A King doth rule his subjects, and reigne over them by their own consent. Tyrants reigne over them nill they, will they. A Kingdome is a principality of a Free man among free men: Tyranny is a principality of a Master over his slaves. For defence of a Kings safety the subjects watch and ward, For a Tyrant forrainers do watch to oppress the Subjects. The one beareth rule for the Subjects welfare, the other for himself. *M.* What do you say of those who have gotten into their hand the supream authority by force and without the peoples consent,

sent, and yet for many years did so rule, that the people were not weary of their government? for what could be wanting in *Hiero* the *Syracusan King*, or in *Cosmo de Medices* the *Florentine Duke* to make them just Kings, except the peoples suffrages? **B.** Indeed we cannot exeeeme them out of the number of Tyrants. For it was nobly spoken by a notable Historian, albeit you may indeed rule your countrey and friends by violence and force, and correct their faults, yet it is unseasonable. Then again, such do seeme to do just like robbers, who cunningly dividing their ill gotten goods, do seek the praise of justice by injury, and of liberality by robbery, yet do not obtain what they hunt for; by the odiousness of one ill deed they lose all the thanks of their ostentative bounty, and so much the less assurance of their civill disposition do they give their Subjects, and that because they do not that for their Subjects good, but for their own government, namely, that they the more securely may enjoy their own lusts and pleasures, and establish a sovereignty over the posterity to come, having somewhat mitigated the peoples hatred. Which when they have once done, they turne back again to their old manners. For the fruit which is to follow may easily be known by the sower thereof. For he hath the same strength and power to revoke all things at his pleasure, and to transfere unto
 him

himself the strength of all lawes, even as if he would abrogat all lawes. But this kind of Tyrants had been perhaps tolerable, if without the common destruction of all it could have been taken away, even as we do endure some bodily diseases rather than throw our life into the hazard of a doubtful cure. But they who bear rule, not for their Countrey's good, but for their own self interests, have no regard to the publick utility, but to their own pleasure and lust, they place the stability of their authority in the peoples weakness, and think that a Kingdom is not a procuration concredited to them by God, but rather a prey put into their hands. Such are not joynd to us by any civil bond, or bond of humanity, but should be accounted the greatest enemies of God and of all men. For all the actions of Kings should aime at the publick safety of their Subjects, and not at their own wealth. By how much Kings are raised above other men, so much should they imitat the celestiall bodies, which having no good offices of ours given to them, yet do infuse on humane affaires a vital and bountifull vertue of heat and light. Yea the very titles wherewith we have honoured Kings (if you remember) might put them in mind of their munificence. M: Me thinks I remember, namely, that they should use a paternal indulgence towards their Subjects committed to them as towards children; the

care of a Shepherd in procuring their profit: as Generals in maintaining their safety, as Governours in excellency of vertues, and as Emperours commanding those things which might be usefull. *B.* Can he then be called a father, who accounts his Subjects slaves? or a Shepherd, who doth not feed his flock, but devoureth them? or a Pilot, who doth alwayes study to make shipwreck of the goods in his ship, and who (as they say) makes a leek in the very ship wherein he sailes? *M.* By no means. *B.* What is he then, who doth not rule for the peoples good, but still doth all for himself, who doth not strive with good men in vertue, but contendeth to exceed the most flagitious wretch in vices? who lea-
 deth his subjects into manifest snares? *M.* Indeed such shall not be by me accounted either a generall, or Emperour, or Governour. *B.* If you then shal see any usurping the name of a King, and in no kind of vertue excellling any of the people, but inferiour to many therein, not fatherly affectionat towards his subjects, but rather oppressing them by arrogant domineering, and that thinketh the people is concredited to him for his own gain and not for their safeguard; Will you imagine that such a man is truely a King, albeit he goes vapouring with a great many in guard about him, and openly be seen with gorgeous apparrell; and make a shew of punishments; can he conciliat the people,
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and catch their applause by rewards, games, pompous shewes, and even mad underminings, and what ever is thought to be magnificent; will you, I say, account such a man a King? *M.* Not indeed, If I would understand my self aright, but void of all humane society. *B.* Within what limites do you circumscribe humane society; *M.* Within the very same limites wherein by your preceeding discourse you seemed to include it, namely within the hedge of lawes. Which whosoever transgress, be they Robbers, Thieves, or Adulteres, I see them publickly punished, and that to be accounted a just cause of their Punishment, because they transgressed the limites of humane society. *B.* What say you of those, who would never once enter within these hedges? *M.* I think they should be accounted enemies to God and men, and reckoned amongst wolves, or some other kind of noisome beasts, rather than amongst men: which whosoever doth nourish, he nourisheth them for his own destruction and others: & whosoever killeth them, doth not only good to himself, but to all others. But if I had power to make a law, I would command (which the *Romans* were wont to do with monsters) such kind of men to be carried away into solitary places, or to be drowned in the depths of the sea afar from the sight of any land, lest by the contagion of their carcases they

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might

might infect other men. And rewards to the killers of them to be discerned not only by the whole people, but by every particular person: as useth to be done to those who have killed wolyes or namely that these Spirits beares, or apprehended their whelpes. For if such a monster should be borne, & speak with a mans voice, & have the face of a man, & likeness of other parts, I would have no fellowship with him; or if any man divested of humanity should degenerat into such cruelty, as he would not meet with other men but for their destruction, I think he should be called a man no more than Satyres, Apes, or bears, albeit they should resemble man in countenance, gesture and speech. *B.* Now, if I mistake not, you understand what a King, and what a Tyrant the wisest Ancients meant in their writings. Will it please you then that we propose some idea of a Tyrant also, such as we gave in speaking of a King? *M.* Yes, that I do earnestly desire, if it be not a trouble to you. *B.* You have not forgot, I suppose, what by the poets is spoken of the Furies, and by our divines of the nature of evill Spirits, are enemies of mankind, who whilst they are in perpetuall torments, yet do rejoyce in the torments of men. This is indeed the true idea of Tyranny. But because this idea can only be discerned in the imagination, but not by any of the senses, I shall set before you another idea, which not only the mind may

may discern, but the senses also perceive, and as it were represented to the very eye. Imagine you see a ship tossed by waves in the sea, and all the shoares round about not only without haven or harbour but also full of most cruell enemies, and the Master of the Ship in contest with the Company, and yet to have no other hope of safety than in their fidelity, and the same not certain, as Knowing well that he puts his life into the hands of a most barbarous kind of men, and void of all humanity, whom by money he may hold trusty, and who for greater gain may be conduced to fight against him. Such indeed is that life which Tyrants embrace as happy. They are afraid of enemies abroad, and of their Subjects at home, and not only of their subjects, but of their domesticks, Kinsfolk, brethren, wives, children, and near relations. And therefore they have alwayes war, either a forrain war with their neighbours, civil war with their Subjects, or a domestick war within doores, or else they are still in fear thereof. Neither do they expect aid any where but by a mercenary way, they dare not hire good men, nor can they trust bad men; what then in all their life can be to them pleasant? *Dionysius* would not let his daughters once become women to trim him, fearing to let the razor come to his throat. *Temoleon* was killed by his own brother, *Alexander Pheræus* by his own

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wife,

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wife, and Sp: *Cassius* by his own father. He that still hath such examples set before his eyes, what a torture do you imagine he carryeth about in his breast? Seeing he thinks that he is the mark set for all mankind to shoot at. Neither is he only while awake tormented with these tortures of conscience, but also is awakned out of his sleep by terrifying sights both of the living and dead, and agitated by the fire brands of hellish furies. For the reason which nature doth grant for rest to all creatures, and also to men for relaxation of their cares, to him is turned into horrors and punishment. M. Forsooth you have handled these things very acutely, but I know not if truely also, but yet, if I mistake not, they make not so much for our purpose. For they who have the power to choose what Kings they please, in them is the power to bind by lawes, such as they have chosen. But you know that our Kings are not chosen, but born Kings. To whom I have alwayes thought it to be no less hereditary, that their will and pleasure should stand for law, than the Kingdome it self. Nor am I rashly induced to be of this opinion, but convinced by severall great Authors, with whom I am not ashamed to be mistaken, (if at all I be in any mistake or error.) For not to make mention of others, Lawyers do affirme, that by the Royall law which is made for the government of Kings, all the peoples power

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is so transmitted into them, that their will and pleasure should be accounted for lawes. And indeed from this law did those threatenings of a certain Emperour arise, that he would quite take away from lawyers all their science, wherein they so much boast, by one Edict. *B.* You do very well, that whilst you cite a most wicked Author of one of the greatest deeds, thought good to suppress his name. For that was *C*, *Caligula*, who wished but one neck for all the people of *Rome*. Now in that Emperour there was nothing of a man, far less of a King, beside his shape, you are not then ignorant how much authority may be due to him. But as for the Royal law, what it is, when, by whom, and in what words it was made the very lawyers make no mention. For that power was never in any of the Roman Emperours, seeing from them appeals were made to the people. But that ordinance, whereby *L: Flaccus* having oppressed the liberty of the people of *Rome*, established by the silence of other lawes; the Tyranny of *L: Sylla*, no man did ever hold for a law. For of that ordinance such was the strength, that whatever *L: Sylla* had done, should be ratified, Which law never any free people was so infatuated, as willingly to permit to be imposed on them. Or if any such were, he were indeed worthy to serve perpetually Tyrants, and be punished for his folly. But

if any such law have been, let us think it was an example proposed to us for caution, but not for imitation. M. Indeed you admonish well. But that admonition belongeth to them in whose power it is to creat such Kings as most please them, but to us it doth not at all belong, who do not by suffrages elect the best Kings, but accept of those that by chance are given us. That also of a certain lawyer seemes properly to quadrat with us, who have given to our Kings *Ancestors* that right and authority over us and our posterity, that they and their posterity should perpetually hold their empire and authority over us. I wish then you had admonished them (I mean our *Ancestors*) who once had it in their own power entirely to admit such Kings as they pleased. But now that counsell of yours too late serves only for this, not to amend the faults that are not in our power, but deplore our *Ancestors* folly, and acknowledge the misery of our condition. For what can be left to those that are made slaves, but to be punished for other mens folly? And that our punishment may be made more light, let us asswage them by patience: let us not provoke their wrath, by tumultuating importunely, whose dominion over us we cannot cast off, nor diminish their power, nor flee from their force or weakness. Now that Royal law, to which you are so much an Adversary, was not made in favours of Tyrants, as you would have

have it seeme to be, because it was approved by *Iustinian* a very Just Prince. With whom so plain flattery would not have had place. For with a foolish Prince that of the Poet would prevaile *whom doth false honour help, or lying infamy terrify, but a lewd man and a lyar?* B. Indeed *Iustinian*, as history reports, was a great mighty man albeit some do report him to have been cruelly ingrate to *Bellisarius*. But let him be such as you judge he was, yet you may remember, that it is recorded by some almost of that same age with him, that *Tribonius*, a chief man amongst the compilers of these lawes, was a very wicked man, and so might easily be induced to gratify also a very bad Prince. But even good Princes do not hate this kind of flattery. For *Even those who will not kill any man, do yet desire to have it in their power, and there is nothing which he dare not believe of himself, seeing his power equall to that of the Gods is commended.* But let us returne to our own Princes: to whom you say the Kingdome doth come by inheritance and not by suffrages. Now of our own only I speak, for if I shall digress to speak of forrain Princes, I fear lest our discourse become more prolix than we intended. M. I think you should do so. For forrain affaires do not much belong to our dispute in hand. B. That I may therefore begin at the first Principles. This is sufficiently agreed upon, that our Princes were cho-

chosen for their vertue, who should governe others. *M.* So do the writers of our affaires record. *B.* Nor is this less known, that many who have reigned cruelly and wickedly have been called to account by their Subjects: some adjudged to perpetuall imprisonment, others punished partly by exile, and partly by death, against whose killers no inquisition was ever made, even when their Sons or kinsmen were assumed into their stead. But who ever had killed good Kings, were most severely punished, so as no where else was murther more severely revenged. And because it would be tedious to rehearse every one, I shall produce some few of these last Kings, whose memory is most recent. The nobility did so grievously punish the murther of *James* the first, (having left as heir his son of six years of age) that by a new and exquisite kind of punishment they put to death severall persons of very eminent families, and peers of the land, both for wealth and vassalage eminent: On the contrary, who did condole the death of *James* the third, a man flagitious and cruell? far less revenge it? But in the death of *James* the fourth his Son, the suspicion of the crime was punished with death, neither were our Ancestors piously inclined towards good Kings, but also gentle & mercifull towards wicked Kings. For when one of King *Culen's* Enemies had killed him in his journey, whilst he is coming to give an
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account of his administration, he was severely punished by a sentence of the Estates of Parliament. And likewise was punished as an enemy he who had killed *Evenus* in prison, who had been adjudged to perpetuall bonds. And the violent death or parricide of him they punished, whose wicked and vicious life all men had hated, *M.* I do not so much enquire at present what some time hath been done, as by what right Kings reigne amongst us. *B.* That we may therefore returne thereunto, as in our first Kings until *Kenneth* the third, who first settled the Kingdome in his own family, it is very clear what was the peoples power in creating their Kings, and taking order with them, even so it is necessary we know, that he either did that against the peoples will, or by perswasion obtained it *M.* That cannot be denied. *B.* Moreover, If by force he compelled the people to obey him, then how soone the people began to have confidence in their own strength, they might have cast off that violent yoke of Government imposed upon them: Seeing all Lawes received by Kings and people do pronounce, and nature it self doth call for it, that whatever is done by force and violence, may be undone by the like violence. *M.* What if the people being by fraud eircumvented, or by fear forced did surrender themselves into that slavery: what for excuse can be pretended, but that they per-

perpetually continue in that case, into which it was once agreed they were to be in? B. If you debate with me from that agreement, what excuse there is for undoing the same. I shall on the other hand lay down some reasons why pactions and agreements may be dissolved. And first of all, such as are made through force or fear, in all common-wealths, concerning these there is a sure Law, drawn from Natures spring, Lawes allow restitution to be fully made to such as are by fraud circumvented, and think that it should be kept for pupills, and such other persons, who by just Law they would have to be defended. What Assembly therefore of men can require more justly to have restitution, than a whole people, to whom the wrong is done, which indeed is not done against one part of the commonwealth, but floweth far abroad into all the members of that politick body? M. I know this Law to be made use of in the cases of private persons, nor is it unjust. But there is no necessity we should debate herein, seeing it is far more credible (which is recorded by Historians) that that right was by the peoples will granted to Kings. B. It is also credible that so great a matter was not obtained without some great cause. M. I do easily assent thereto. B. What do you think was the chief cause thereof? M. What other, except that which is recorded? wearisomness of ambition, tumults,

mults, murders, intestine wars, often with
 with the utter destruction of the one party,
 and alwayes with very great dammage of
 both. For such as did obtain the government,
 endeavoured to cut-off their brethren, and
 almost all their near kinmen, that they
 might leave the government the more peace-
 able to their children, even as we hear is
 done amongst the *Turks*, and as we see
 amongst the chief of Clanns in our *Islands*,
 and in *Ireland*. *B.* To which of the two do
 you think was that contention most pernici-
 ous, to the people or to the Princes? *M.*
 Certainly to the Kings, seeing the greatest
 part of the people securing themselves doth
 usually stand spectators of Princes contests,
 and yeeld alwayes as a prey to the victors.
B. It seemes then that Princes rather for them-
 selves, than for the good of the people desired
 to establish the Kingdom in their own family.
M. That is very probable. *B.* Now that
 they might obtain that which did so much
 concerne the perpetual dignity, wealth and
 safety of their family, it is probable, that
 they did dispense or remit to one another some-
 what of their right: and that they might the
 more easily obtain the peoples goodwill,
 liking and consent, they on their part gave
 them some ease. *M.* I believe that. *B.*
 You will certainly confess it incredible, that
 for so great a benefit bestowed on their Kings,
 they should endure to be in a worse case than
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formerly they were in. *M.* It is altogether incredible. *B.* Neither would Kings have desired it with so great ambition, if they had known it would prove hurtfull to their children, and unprofitable to the people. *M.* Not at all. *B.* Imagine then that some one in Parliament of the free people did freely ask the King, what if to any King should succeed a Son that is a fool, or mad? Will you set such over us to rule us, who cannot rule or governe themselves? *M.* I think there was no need to make use of that exception, seeing by the Lawes it is provided against such a case. *B.* Well said indeed. Let us then see, if Kings had obtained from the people a free power over the lawes, whether that had been unprofitable, especially to those who desired to foresee the good of their own family in time coming. *M.* Why shall we think that that power would be unprofitable? *B.* Because nothing doth so much contribute for the continuance of a Government, as that temperament of Government, seeing it is both honourable for Kings, and Moderat, and safe for the people. The mind of man hath somewhat sublime and generous imbred therein by nature, that it will obey none, unless he governe profitably: Nor is there any thing more prevalent for maintaining humane society, than the mutuall exchange of benefits, and therefore *Theopompus* seemes to have wisely answered his wife
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upbraiding him that by adding the *Epbory* he had diminished the power of his authority, and had left the Kingdome to his Sons less than he had gotten it. It is, saith he, so much the more firme and sure. *M.* What you relate of continuance, I perceive is most true. For I think the Kingdomes of the *Scots* and *Danes* are the most ancient of all that are in *Europe*, nor do they seeme by any other means to have attained that antiquity, than by the moderation of the supream authority, whilst in the mean time the Kingdomes of the *Frenches*, *Englises* and *Spaniards* have past so often out of one family into another. But I do not know if our Kings have been so wise as *Theopompus*. *B.* As they have not been so prudent, do you imagine that the people were so foolish, as to neglect an occasion so opportune put into their hand? or that they were so struck with fear, or seduced by flatteries, as to give themselves over into slavery willingly? *M.* Perhaps it was not. But if the people (which indeed might be) were so blind, that they did not see what might concerne their own good, or being careles would not see what might be for their benefit, so as to contemne it, should they not then be justly punished for their folly? *B.* It is not probable, that any such thing was done, seeing we may see the contrary to be observed even to our dayes. For besides that wicked Kings, as often as they

they intended tyranny over their Subjects, were alwayes restrained, some vestiges of the ancient customes do yet continue in some ancient families. For the Old Scots even to our very dayes do choose their heads of clans, and having chosen them, do give them a council of Elders, to which councill whosoever gives not obedience, is deprived of all honour, and dignity. What therefore is with very great care observed in the parts, would they be negligent of for the security and safety of all? And would they wilfully redact themselves into bondage to him, who was to possess a lawfull Kingdome in stead of some benefit? and would they freely give over their liberty acquired by vertue, defended by armes, not interrupted for so many ages, to one not expecting it, without force, without war? For the calamity of *John Baliol* doth shew that that power was never granted to our Kings, besides the punishments so often taken for their Maladministration. Who about two hundred and sixty years ago was by the nobility rejected, because he had subjected himself and his Kingdome to the authority of *Edward* King of *England*, and *Robert* the first was substitute in his stead. The same doth also shew that perpetual custome continued from the beginning of our Government. M. What custome do you speak of? B. When our Kings are publickly inaugurat, they solemnly promise to all the

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People, that they will observe the Lawes, rites and old statutes of their predecessors, & use the same power which they have received from them, that whole order of ceremonies doth shew, & the first entry of our Kings into every City, from all which it may be easily understood, what kind of power they did receive from our predecessors, to wit, none other than that they swear to maintain the Lawes being chosen by suffrages. This condition of reigning did God propose to *David*, and his posterity, and promiseth they should reigne so long, as they should obey the Lawes he had given them, those things indeed they do, as is probable that our Kings received from our Ancestors a power not immense, but within certain limites bounded and limited. And further there was the confirmation of a long time, and the usurpation of a perpetual right by the people, never reprehended by a publick decree. *M.* But I fear it cannot be easily obtained of Kings as being perswaded by that probability to condescend to these Lawes however sworn unto, or usurped by the people: *B.* I also believe, it is no less hard to perswade the people to pass from the right received from their Ancestors, approved by the use of so many ages, and practised by one continuall tenour. I do not think it needfull to proceed by conjectures what the people is to do, since I see what they have done already. But if by the obstinat

pertinacy of both the busines come to armes, he that prevaileth will give what Law and right he pleaeth to the vanquished: but this will not longer continue than he who is vanquished, having again gathered together his forces, shall take up Armes again. In all which contentions men usually still fight with very great damage of the People, but with the utter overthrow of Kings. For from this spring do flow all the destructions of all Kingdoms. *M.* It must needs be so. *B.* I have perhaps gone back further than was needfull, to the end you might clearly understand what kind of Government there was amongst us of old. For if I had reasoned with you according to the rigour of the Law, I might have gained my poynt in a far more compendious way. *M.* Albeit you have almost satisfied me already, yet I shall willingly hear what that is. *B.* I would then have you first of all to answer me this question. Do you not approve the definition of Law set down by Lawyers, who say that Law is, that which the People knew when demanded by him to whom the prerogative of demanding belongeth. *M.* Indeed I do approve it. *B.* We have agreed, that the faults of Lawes being found out, they may be amended or abrogat by the Lawgivers. *M.* We did so. *B.* I suppose you perceive now, that such as are borne Kings are by the Lawes and Suffrages of the People created, no les than those whom we said were elected
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in the beginning. And that in receiving of Lawes there will not be remedies wanting in the People, who are the Lawgivers, not onely against force and fraud, but also against negligence. *M.* I perceive that clearly. *B.* Only here is the difference, that the Law concerning our Kings was made severall ages before, and when any doth enter into the Kingdome, there useth to be no new Law made, but the old Law is approven, and ratified. But amongst those who have their meeting of Estates at the election of every King, the Law useth to be made, the King created and approved, and so to enter into his Government. *M.* It is so. *B.* Now if you please, let us briefly recapitulat what we are at accord in from the very beginning. So that if ought be rashly approven, it may be retracted. *M.* I am content. *B.* First of all then, it seemes that a King is created for the peoples sake, and that nothing more excellent is given us of God than a good King, and more pestilentious than a wicked King. *M.* Very right. *B.* We have also said that a wicked King is called a Tyrant. *M.* We have said so. *B.* And because there is not such plenty of good men, so as to choose those who may prove good Kings, nor so great a happines of birth, as that good Luck may offer us those that are good: if we have not such as we would wish, yet we have such as either consent hath approved, or chance hath offered. Now the hazard that occureth

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either in choosing new Kings, or in approving such as are given us by birth, was the cause that we desired Lawes, which might modify the Government of Kings. Now these Lawes should be nothing else but the express image (as far as may be) of a good Prince. *M.* We are at accord in that also.

B: It now remaineth, as I suppose, for us to speak of the punishment of Tyrants. *M:* That only seemes to remain unspoken of. *B:*

If then a King break all the bonds of Lawes, and plainly behave himself as a publick enemy, what think you should be done in this case? *M:* Indeed I am at a stand here.

For albeit the reasons you have given seeme to convince me, that we ought to have no society with that King, yet so great is the strength of a constant custome that in my opinion it hath the strength of a Law: Which custome doth so closely cleave to men in their minds, that if at any time it hath brought in an errour, better it is to tolerat it, than to marre the constitution of the whole body, whilst we endeavour to cure a disease that is but small by custome. For such is the nature of some diseases, that better it is to endure the pain they bring, than to call for doubtful remedies, in the applying whereof, albeit the cure may be wrought, yet they bring such sharp paines in their cure, as that the cure of the disease is more pernicious than the disease it self. Next, that which troubles me more is, I see that Government
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which you call Tyranny confirmed by the Word of God, and what you abhorre as the utter overthrow of Lawes, God doth call the Law of the Kingdome; the authority of that passage of Scripture doth move me more than all the arguments of Philosophers. If you do not explain this to me, the comments of men will not be of so great account with me, but that I may instantly fall away to the Adversaries side. B: You are, as I perceive, in the common errour, and that very grievous, who do endeavour to confirme Tyranny by Tyranny. For how great the Tyranny of custome is in the minds of men, wherein it hath taken deepest root, and too often we have found it in this our age, *Herodotts* an ancient writer doth give us warning by an old example, but I need not old examples. Be well advised. Consider with your self how many things there be of great moment, wherein you following the dictates of reason have fallen from a custome inveterat so many ages past, so that now you might have learned by domestick experiments, that there is no custome more full of dangers than that which in a publick way they command us to follow. I bid you look well to it round about, how many ruines, and how great slaughters will you see therein? but if it be more clear (as we say) than the very light, I need not tarry longer in proving or illustrating a thing so perspicuous. Now as for that passage of Scripture, which from the history of the

Kings you rather signify than explain, beware, I pray you, you think that the things which God doth abhorre in the life of Tyrants, are by him allowed to Kings. Now lest this be, I bid you first consider what that people sought of the Lord: then what causes of a new petition they had. Lastly, what the Lord did answer them. First, they ask a King, but what a King? a Lawfull King? such a one they had. For *Samuel* was given them by the Lord, whose prerogative it was to set a King over them. He had for many years judged them Lawfully according to prescript of Gods Law: but whilst in his old age his sons did judge, they did many things wickedly, and judged contrary to the Lawes. I see no reason why they should ask the change, or rather amendment of the Government, or expect the same from the Lord, who not long before had quite rooted out the whole family of *Heli*, almost for the like cause. What do they then ask? A King, such as their neighbouring nations had, who at home might be a judge to them, and abroad a leader of their Armies. Now in effect such were Tyrants. For as the people of *Asia* are of a more servile disposition than those of *Europe*; so did they the more easily obey the commands of Tyrants. There is no mention made for ought I know, by any Historian of any Lawfull King in *Asia*. Moreover, it doth easily appear that a Tyrant, and not a King is there described, in regard the

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Lord in Deuteronomy had prescribed to them a forme not only different from this in that place cited by you, but also plainly contrary thereto, according to which forme *Samuel* and the other judges had judged so many years, which whilst they did reject, the Lord complains, that he was by them rejected. *M:* But the Lord doth not call him Tyrant, but ever King. *B:* He calles him indeed King: for it is peculiar to the Lord, to use the common speech of the people, as often as he speaketh to a people. And therefore he maketh use of that word with the vulgar people: but lest an ambiguous use thereof might deceive, he doth eloquently expound what the use of that word was amongst neighbouring Nations. *M:* As that may be true, yet that of the *Apostle Paul* doth urge us more narrowly, who commandeth us to pray for the safety of Princes: he is so far from permitting us to revile Government, much less to dethrone such as are invested therewith, or to kill them being thrown down. But what Princes doth he recommend to our prayers? the most cruell that ever were, *Tiberius, Caligula, Claudius, Nero.* For *Pauls* Epistles were almost contemporary with them. *B.* That you make so much account of the authority in *Paul*, so as one sentence of his hath more weight with you than the writings of all Philosophers and Lawyers, I think you do well: but see that you consider well his judgment, or meaning: for you must not examine the words only, but in what time,

to whom, and why he wrote. First then let us see what *Paul* did write. For he writeth to *Thim* Chap. 3. Put them in mind to be subject to Principalities and powers, and to be ready to every good work. I suppose, you see, what end of obedience and subiection he appoints. He likewise to *Timothy* Chap. 2. Doth write, that we should pray for all men, even for Kings, and other Magistrats, that, saith he, we may live a peaceable life in all godliness and honesty. And here you see what end of praying he appoints: namely not for the Kings safety, but the churches tranquillity, from which it will be no difficult thing to conceive also the forme of prayer. Now in his Epistle to the *Romans*, he doth define a King near to a Logick subtilty, for saith he, he is a Minister to whom the sword is given by God, for punishing the wicked, and for cherishing and relieving the good. For saith *Chrysostome*, these things are not by *Paul* written of a Tyrant, but of a true and Lawfull Magistrat, who is the vice-gerent of the true God on earth, whom whosoever resisteth, doth certainly resist the ordinance of God. Now albeit we ought to pray for wicked Princes, we should not thence conclude, that their vices should not be punished: nor will it more follow that we should not punish the rapines of *Robbers*, for whom we are also commanded to Pray. And if we should obey a good Prince, it will not therefore follow that we should not resist a wicked Prince. But if you consider the reason which did

did move *Paul* to write these things look that the place or argument make not much against you. For he wrote this to chastise the rashness of some, who did deny the authority of Magistrates to be necessary for *Christians*. For since the power of Magistrates is ordained against wicked men, that we may all live righteously, and an example of divine Justice might remain amongst men, they affirmed that there was no use thereof amongst men, who abhorre so much the contagion of vices, as that they are a Law to themselves. *Paul* doth not therefore speak of those who bear rule as Magistrates, but of Magistracy it self, that is, of the function and office of those who rule: nor yet of one or other Kind of Magistracy, but of every forme of a Lawfull Magistracy. Nor doth he debate with those who think that wicked Magistrates should be restrained, but with those men who deny all authority of Magistrates, who absurdly interpreting *Christian* liberty, did affirme it to be an indignity for those that were made free by the Son of God, and ruled by the Spirit of God, to be under the power of any man. That *Paul* might refute their error, he sheweth, that Magistracy is a thing not only good, but also sacred, namely an ordinance of God, and for that end institute, that the assemblies and incorporations of men might be so continued, that they might acknowledge Gods benefites towards them, and might forbear to wrong one another. God commanded them to be keepers of his Lawes

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who were constitute in dignity. Now if we
confess Lawes to be good (as indeed they are)
and the keepers thereof worthy of honour,
we will be forced to confess that the office of
the keepers is a good and profitable thing. But
Magistracy is terrible, but to whom? to the
good, or bad? to the good it is not a terrour;
it being to them a defence from injury: but to
wicked men it is a terrour: it is not so to you,
who are ruled by the Spirit of God. But you
will say to me, what need have I then to be
subject to Magistracy, if I be the Lords free-
man? yea, that you may approve your self to
be the Lords freeman, obey his Lawes: for
the Spirit of the Lord, by whom you boast
to be led and governed, is both the Law-
giver, and approver of Magistrats, and also
the author of obedience to Magistrats. We
therefore in this will easily agree together,
that there is need of Magistracy even in the
best common-wealths, and that we should
every way honour the same. But if any man
think otherwise, we account him mad, infam-
ous and worthy of all punishment. For he
doth plainly contraveen the will of God re-
vealed to us in the Scriptures. But as for *Ca-*
ligula, Nero, Domitian, and such like Tyrants,
why they should not be punished as breakers
of divine and humane Law, you have nothing
here from *Paul*, who treats of the power of
Magistrats, but not of the wicked Ministers
of that power, nor will they be at all Magi-
strats, if you examine that Kind of Tyrants ac-
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According to *Pauls* rule. But if any will debate that wicked Princes are also ordained by God, look that this his discourse be not captious. For (as they say in proverb) God may put a hard wedge to cleave a hard knot, so doth he set up a wicked man for punishing of wicked men: but no man in his right wits dare affirme, that God is therefore the Author of evill, or wickedness, even as no man is ignorant that he is the Author of punishing wicked men. A good Magistrat also for the most part chooseth a wicked man to be an hangman for punishing guilty persons. And albeit indeed that a Magistrat doth assume such an hangman for that office, yet no impunity is granted him of all his misdeeds. Nor will the Magistrat have him to be so above the Lawes, as that he cannot be questioned thereby. I will not stay longer upon this similitude, lest Court flatterers cry out that I speak basely of the supream Magistrat. But however they exclaime, certainly this they cannot deny, that the hangmans function is a part of the publick office, and perhaps of the Royall office, or at least by the testimony of very Kings: who complain that their Majesty and person is wronged, as oft as any of their publick Ministers is wronged, or violence done to them. Now the punishment of wicked Malefactors, and what ever else of that kind, doth belong to the Kings office. What say you of Majors or Provosts in Towns? what of Generals of Armies? what of Baillies. What of Sherifs? doth not *Paul* command us to be subject to them? doth

he hold them for private persons? Now an account useth to be taken for mal-administration of all, not only of Inferiour Magistrats. but also of such as are equal to Kings. I would therefore have them, who from *Pauls* words do dreame that so great a power is given to Kings, to shew me from him, that Kings only are here to be understood by the name of power, and therefore they only are to be exemmed from the punishment of Lawes: or if, when we say powers, other Magistrats be also understood by the same Author, who are ordained by God for the same use: I would have them also to shew me where all Magistrats are loosed from the Lawes, and pronounced free from the fear of punishment: or if this immunity be granted to Kings only, but denyed to others who are set in authority. *M.* But *Paul* will have all to be subject to the higher powers. *B:* He commandeth so indeed, but by this name of Power he must needs comprehend other Magistrats, unless perhaps we imagine that *Paul* doth think no power at all to be in those Commonwealths, which have not Kingly Government, but plainly an anarchy therein. *M:* I do not believe that, nor is it probable: and the rather I am of this opinion, because the current of all the most learned Interpreters on the place make for you: who think that *Pauls* dispute there was against those that affirmed that no Lawes and Magistrats did at all belong to them. *B:* What say you to that which I lately spoke. Do you think, that
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those Tyrants before mentioned of all men the most cruell, are meant by the Apostle?

M: Yes, but what produce you against me to hinder me from the belief thereof? especially seeing Jeremy doth earnestly advise the Jewes, and that by command of God, to obey the King of *Assyria*, and by no means to reject his authority, and thence they inferre by the like reason, that obedience should be given to other Tyrants also how cruell soever. B:

That I may answer first to what you last spoke, you must take notice, that the Prophet doth not command the Jewes to obey all Tyrants, but the King of *Assyria* alone: Now if you would conclude the forme of a Law from that which is commanded to be done to one single person, first you are not ignorant (for Logick hath taught you that) what a great absurdity you will make, next you will be in danger to be assaulted by the opposers of Tyranny with the like weapons: for you must either shew what singular thing there is in that matter, or propose it to be imitat by all every where, or if you cannot do this, you must acknowledge, that whatever is enjoyned concerning any one person by any speciall command of God, it doth alike belong to all. If you shall once admit this (which you must needs do) it will be instantly objected, that *Ahab* was killed by Gods command, and a reward was also promised and performed to him that should kill him. When ever therefore you betake your self to that refuge, you must obey all

Tyrants : because God by his Prophet did command his people to obey one Tyrant. It will be instantly replyed, that all Tyrants ought also to be killed, because *Ahab* at the command of God was killed by the Captain of his host. Therefore I advise you to provide a more firme defence from Scripture for Tyrants, or then laying the same aside at present you may have your recourse to the Philosophers schoole. *M*: I shall indeed think upon it. But in the mean time let us returne from whence we have digressed. What do you bring from Scripture, why Tyrants may be Lawfully killed. *B*: First of all I profer this, that seeing it is expressly commanded to cut off wickedness and wicked men, without any exception of rank or degree, and yet in no place of sacred scripture are Tyrants more spared than private persons. Next, that the definition of powers delivered by *Paul* doth not wholly belong to Tyrants, because they accommodat not the strength of their authority for the benefit of the people, but for fulfilling their own lusts. Further we should diligently consider how much Power *Paul* doth grant to Bishops, whose function he doth highly and truly praise, as being some way like unto Kings, as far as the nature of both their functions can admit. For Bishops are Physicians of internall diseases, as Kings are Physicians of externall distempers, and yet he would neither of them to be free from, or not liable to the jurisdiction of the other. And even

as Bishops are subject to Kings in the exercise of their Civil Government, so ought Kings to obey the spirituall admonitions of Bishops. Now albeit the amplitude and dignity of Bishops be so great, yet no law divine or humane doth exeeme them from the punishment of crimes. And to pass by others. The very Pope, who is accounted the Bishop of Bishops, who so exalts himself a bove all Kings, that he would be accounted a certain God amongst men, yet is he not exempted from the punishment of Lawes, no not by his own Canonists, a kind of men very devoted to him. For seeing they would think it absurd that God (for they do not hesitat to call him thus) should be obnoxious to mens censure, and think it unjust that the greatest crimes and most filthy abominations should pass unpunished in any, and yet they have found out a way whereby crimes may be punished, and the Pope accounted sacred & inviolable. For the priviledge of the Pope is one thing, and of that man who is Pope is another, say they, and whilst they exeeme the Pope (whom they deny can erre) from the cognition of the Lawes, yet do they confesse him to be a man obnoxious to vices and punishment of vices: nor have they more subtilly than severely declared their judgment herein. It would be tedious to rehearse, what Popes (to speak after their usuall way) what men personating Popes, who not only alive were forced to renounce their popedome, but being dead were pulled out of their graves,

and thrown into Tiber. But to omit old histories. The recent memory of pope *Paul* the fourth is fresh in our mind, for his own *Rome* did witness a publick hatred against him by a new kind of decree. For they yented their fury (he being by death taken away) against his nearest kinsfolk ; his statues and painted images or pictures. Nor should this interpretation seeme more subtil, whereby we separate the power from the person in power, than Philosophy doth acknowledge, and the Ancient Interpreters do approve, nor is the rude multitude and strangers to subtil disputing ignorant thereof ; for the meanest tradsmen take it for no blot upon their trade, if a Smith or Baker be hanged for robbery, but are rather glad that their society is purged of such villains. But if there be any of another mind, I think it is to be feared, that he seemes to be rather grieved at those mens punishment with whom he is associat in their villany, than for the infamy of their society. I am of the opinion, if Kings would abandon the counsell of wicked men and flatterers and measure their own greatness rather by duties of vertue, than by the impunity of evill deeds, they would not be grieved for the punishment of Tyrants, nor think that Royall Majesty is lessened by whatsomever destruction of Tyrants, but rather be glad that it is purged from a most filthy blot of wickedness : especially seeing they use to be highly offended with robbers, and that very justly, if any of them in their male-

malefices pretend the Kings name. *M:* Forsooth, they have just caule, But laying these things aside I would have you go on to the other head you proposed. *B:* What heads do you mean? *M:* Namely in what time, and to whom *Paul* wrote those things, for I desire to know what the knowledge thereof doth make for the argument in hand. *B:* I shall herein obey you also. And first I shall speak of the time, *Paul* wrote these things in the very infancy of the Church, in which time it was not only necessary to be blameless, but none was to give occasion to such as sought occasion of reproaching, and unjust causes of staining the Professors of Christianity: Next he wrote to men of severall nations, and so gathered together into one society out of the whole body of the Roman Empire, amongst whom there were but few very rich, yea almost none, who either had ruled, or could rule, or were in any great account amongst their fellow Citizens, they were not so many in number, and these almost but strangers, and for the most part but lately freed of bondage, and others but tradesmen and servants. Amongst them there were many who did further pretend Christian Liberty, than the simplicity of the Gospell could suffer. Now this Company of people out of the promiscuous multitude, which did won their living, though meanly, by hard labour, was not to be so carefull of the state of the Common wealth, of the majesty of the Empire, and of the conversation.

tion and duty of Kings, as of the publick tranquillity, and their domestick affairs, nor could they justly claime any more, than to ly lurking under the shadow of what ever Government they were under. If that people had attempted to lay hold upon any part of Government they should have been accounted not only foolish, but, mad. Nor should they come out of their lurking holes to breed trouble to those that did hold the helme of publick affaires in hand. Immature licentiousnes was also to be repressed, an unfit interpreter of Christian liberty. What then doth *Paul* write? doubtless, new precept nobut only these usuall precepts, namely, that Subjects should obey their Rulers, servants their Masters, and wives their husbands, nor should we think the Lords yoke, how light soever doth liberat us of the bonds of our duty, but with a more attentive mind than before to be bound thereunto, so that we should omit nothing through all the degrees of duties in our relations, that might any wayes make for acquiring the favour and goodwill of men. And so it should come to pass, that the name of God should be well spoken of amongst the Gentiles because of us, and the glory of the Gospell more largely propagate. For Performing of these things, there was need of publick peace, the keepers whereof were Princes and Magistrats, albeit wicked. May it please you, that I set before you a manifest representation hereof? I imagine that one of our Doctors doth write to the
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Christians, that live under the Turks, to men, I say, of mean fortune, sore dejected in mind, weak and few in number, and exposed to the injuries of all and every one. What else, I ask you, would he advise them, than what *Paul* did advise the Church that then was at *Rome*, or what *Jeremy* advised the exiles in *Assyria*? Now this is a most sure argument that *Paul* had a regard to those mens condition to whom he did write, and not to all others, because he diligently sets home the mutuall duties of husbands towards thier wives, of wives towards thier husbands, of Parents towards thier children, and of children towards their parents, of servants towards thier Masters, and of Masters towards thier servants. And albeit he writes what the duty of a Magistrat is, yet he doth not give them any particular compellation, (as he had done in the preceeding relations.) For which cause we shall judge that he gave no other precepts for Kings and others in Authority: especially seeing thier lust was to be much more restrained, than of private persons? What other cause may we imagine, than that at that time there were no Kings or Magistrates in the Church to whom he might write? Imagine that *Paul* doth now live in our dayes, wherein not only the people, but Princes also Profess Christianity. At the same time, let there be some Prince, who doth conceive that not only should humane Lawes, but also divine Lawes be subject to his lust and pleasure, and who will have not only his decrees, but also his

his very nods to be accounted for Lawes, like that man in the Gospel, who neither did feare God, nor reverence man, who distributes the Church revenues amongst villains and rascals, if I may so say; and doth mock the sincere worshipers of God, and accounts them but fools and mad men, or fanaticks: what would *Paul* write of such to the Church? If he were like himself, he would certainly deny that he should be accounted a Magistrat. He would interdict all Christians to have any communion with him, either in dyet, speech, or converse, and Leave him to the people to be punished by the Lawes, and would think they did nothing but their duty, if they should account him not to be their King, with whom they were to have no fellowship by the Law of God. But there will not be wanting some Court slaves, or Sycophants, who finding no honest refuge, become so impudent, as to say, that God being angry against a people doth set *Tyrants* over them: whom as hangmen he appoints for punishing them. Which to be true I do confess; yet it is true, that God many times doth stirre up from amongst the lowest of the people some very mean, and obscure men to revenge tyrannicall pride and weakness: For God, (as before is said) doth command wicked men to be cut-off; and doth except neither degree, sexe, or condition, nor yet any man. For Kings are not more acceptable to him than beggars. Therefore, we may truly averre, that God being alike the
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her of all, to whose providence nothing lyes hid, and whose power nothing can resist, will not leave any wickedness unpunished. Moreover, another will stand up and ask some example out of Scripture of a King punished by his Subjects: which albeit I could not produce, yet it will not presently follow, that because we do not read such a thing therein to have been done, that it should be accounted for an high crime and malefice. I may rehearse amongst many Nations very many and sound Lawes, whereof in holy write there is no example. For as the consent of all Nations doth approve, that what the Law doth command, is accounted just, and what it forbideth, is unjust, so since the memory of man it was never forbidden, that what should not be contained in Lawes, should not at all be done. For that servitude was never received, nor will the nature of things so fruitfull of new examples suffer the same to be received, that whatever is not by some Law commanded, or recorded by some famous example, should be accounted for a great crime and malefice. If therefore any man shall ask of me an example out of the sacred Scriptures, wherein the punishment of wicked Kings is approven, I shall again ask him, where is the same reprehended? But if nothing done without some example doth please: how many Civil statutes shall we have continued with us? how many Lawes? for the greatest Part thereof is not taken out of any old example, but established

blished against new deceits and that without example. But we have already answered those that require examples more than was needfull: Now if the Jewish Kings were not punished by their Subjects, they make not much for our purpose in hand. For they were not at first created by the people, but were by God given them. And therefore very justly, he who was the Author of that honour, was to punish their misdeeds. But we debate, that the people, from whom our Kings enjoy what ever priviledge they claime, is more powerfull than their Kings: and that the whole people have that same priviledge over them, which they have over every one in particular of the whole people. All the rights and priviledges of forrain nations, who live under Lawfull Kings do make for us: all the Nations which are Subject to Kings chosen by themselves, do commonly agree herein, that whatever priviledge the people hath given to any, the same they may require again very justly. All commonwealths have still retained this priviledge. Therefore *Lentulus*, having conspired with *Catiline* for overturning the commonwealth of *Rome*, was compelled to renounce his Prætorship, and the *Decemviri*, the makers of the *Roman* Lawes, were taken order with, even whilst they enjoyed the supream authority: Some Dukes of *Venice*, and *Chilpericus* King of france, laying aside their Royall honours, as private men spent their dayes in Monasteries. And not long ago,

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Christiernus King of the Danes, twenty years almost after he was deprived of his Kingdome did end his life in prison. Now the Dictatorship (which was a Kind of Tyranny) was in the peoples power. And this priviledge hath been constantly observed, that publick benefices granted amiss, and the liberty granted to ingrate persons set at liberty (whom Lawes do very much favour) might be taken back again. These things we have spoken of forrain Nations, lest we alone seeme to have usurped any new priviledge against our Kings. But as to what doth properly belong to us, the matter might have been handled in few words. *M:* What way? For this I am very desirous to heare. *B:* I might enumerat twelve or more Kings, who for great crimes and flagitious deeds have been either adjudged to perpetuall imprisonment, or escaped the just punishment of their wickedness either by exile or voluntary death. But lest any blame me for relating old and obsolete stories, if I should make mention of *Ciden*, *Even*, and *Ferchard*, I shall produce some few within the memory of our forefathers. All the Estates in a publick convention judged *James* the third to have been justly killed, for his great cruelty and flagitious wickedness towards his Subjects, and did caution that none of them who had aided, consented, or contributed money, or had been active thereinto be called thereafter into question therefore. That they therefore did judge the deed to be duely and orderly done,

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it being once down, doubtless they desired it might be set down for an example in time coming, surely no less, than *L. Quintus* sitting in judgment did Commend *Servilius Ahalis* for having killed before the bench *Sp. Mellus* turning his back and refusing to compare into judgment, and that he was not guilty of blood shed, but thought him to be nobilitat by the slaughter of a *Tyrant*, and all posterity did asirme the same. What Subject hath ever approved the slaughter of one affecting Tyranny? what do you suppose would he have done with a *Tyrant* robbing the goods of his Subjects and shedding their blood. What hath our men done? do not they seeme to have made a Law, who by a publick decree without any punishment have past by a flagitious crime committed, if such like shall happen in time coming? for at most there is no difference whether you judge concerning that which is done, or make a Law concerning what is to be done. For both wayes a judgment is past concerning the Kind of the crime, and concerning the punishment or reward of the actor. *M.* These things will perhaps have some weight amongst us. But I know not how other Nations abroad will take them. You see I must satisfy them. Not as in a judiciall way I were to be called in question for the crime, but openly amongst all concerning the same, not mine (for I am far from any suspicion thereof) but of my countrey men. For I am afraid, lest forrain Nations will rather blame the

the decrees, wherewith you suppose you are sufficiently protected, than the crime it self full of cruelty and hatred, But you know, if I mistake not, what is usually spoken according to the disposition and opinion of everyone on both hands, concerning the examples you have proposed. I would therefore (because you seeme to have expedit what is past, not so much from the decrees of men, as from the springs of Nature) you would briefly expound if you have ought to say for the equity of that Law. B. Albeit that may seeme unjust to stand at the bar to plead amongst forrainers for a Law approved from the very first times of our *Scots Government* by Kings, by the constant practice of so many ages ago, necessary for the people, not unjust for Kings, but Lawfull, but now at last accused of illegality; yet for your sake I shall try it. And as if I were debating with those very men who would trouble you, I first ask this. What do you think here worthy of reprehension? Is it the cause? why is it sought for? or is it the Law it self which you reprehended? for the Law was sought for repressing the unjust lusts of Kings. Whoever doth condemne this, must likewise condemne all the Lawes of all Nations, for all Lawes were desired for the very same cause. Do you reprehend the Law it self? do you think it Lawfull that Kings be exempted of, or not lyable to the Lawes? let us then see if that be also expedient. And for proving that it is not expedient for the people,

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there needs not many words. For in the former discourse we have rightly compared a King to a *Physician*, as it is not expedient for people that impunity be permitted to a *Physician* for killing whom he pleaseth, so it is not for the good of all, that a promiscuous licence be granted to Kings for making havock of all. We have no cause then to be offended with a people, whose chief power it is in making Lawes, if as they desire a good King to be set over them, even so a Law to be set over a King none of the best. But if this Law be not for the Kings use, or profit, let us see if the people should be dealt with to remit somewhat of their priviledge, and of abrogating it not for the space of three dayes, but according to our usuall way we indict a Parliament to meet within fourty dayes. In the mean time, that we may reason together concerning the Law, tell me, doth he seeme to respect the good of a mad man, who looseth his bonds? *M.* Not at all. *B.* What do you think of him who giveth to a man sick of a feaver, so as he is not far from madness, a drink of cold water though earnestly craving it, do you think he deserveth well of that sick man? *M.* But I speak of Kings of a sound mind. I deny that there is any need of medicine for such as are in health, nor of Lawes for Kings of a sound mind. But you would have all Kings to seeme wicked, for you impose Lawes upon all. *B.* I do not think that all Kings are wicked. Nor do I think all the people to be wicked,

wicked, and yet the Law in one voice doth speak to the whole people. Now wicked men are afraid at that voice, good people do not think it belongs to them. Thus good Kings have no cause to be offended at this Law, and wicked Kings, if they were wise, would render thanks to the Law giver, who hath ordained what he understood would not be profitable for them, nor to be Lawfull for them to do. Which indeed they will not do, if so be they shall once returne again to their right mind. Even as they who are restored to health do render thanks to their Physician, whom before they had hated, because he would not grant their desires whilst they were sick. But if Kings continue in their madness, who ever doth most obey them, is to be judged their greatest enemy. Of this sort are flatterers, who by flattering their vices do cherish and increase their disease, and at last together almost with Kings are utterly ruined. *M.* I cannot indeed deny, but that such Princes have been & may be restrained by Law-bonds. For there is no monster more violent and more pestiferous than man, when (as it is in the Poets fables) he is once degenerat into a beast. *B.* You would much more say so, if you consider how many wayes a man becomes a beast, and of how many severall monsters he is made. Which thing the old Poets did acuely observe and notably exprefs; when they say that *Promethews* in the framing of man did give him some particle out of every living creature. It

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would

would be an infinite work for me to relate the natures of all one by one. But certainly two most vile monsters do evidently appear in man, wrath and lust. But what else do Lawes act or desire, but that these monsters be obedient to right reason? and whilst they do not obey reason, may not Lawes by the bonds of their sanctions restrain them? who ever then doth loose a King or any other from these bonds doth not loose one man, but throwes in against reason two monsters exceeding cruell, and armeth them for breaking asunder the barrs of Lawes: so that *Aristotle* seemeth to have rightly and truly said, that he who obeyeth the Law, doth obey both God and the Law: but he that obeyeth the King, doth obey both a man and a beast. M. Albeit these things seeme to be said appositely enough, yet I think we are in a mistake two wayes. First, because the last things we have spoken seem not to agree well enough with the first. Next, because, as we may well know we seem not to have yet come to the main point of our debate. For a litle before we were at agreement that the voice of the King and Law ought to be the same, here again we make him Subject to the Lawes. Now though we grant this to be very true, what have we gained by this conclusion? for who shall call to an account a King become a Tyrant? for I fear a priviledge without strength will not be powerfull enough to restrain a King forgetfull of his duty, and unwilling to be drawn unto
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judgment, to answer for maladministration.

B. I feare ye have not well pondered what we have before debated concerning the royall power. For if ye had well considered it, you had easily understood what you now have said, that betwixt them there is no contradiction. But that you may the more easily take it up, first answer we, when a Magistrat or clerk doth utter the words of a proclamation before an *Herauld*. Is not the voice of both one and the same? I say of an herauld and of a clerk?

M. It is the same indeed. *B.* Which of the two seeme greatest? *M.* He who first doth utter the words.

B. What is the King who is the Author of the Edict. *M.* Greater than both.

B. Then according to this similitude let us set down the King, the Law, and the people. The voice is the same both of King and Law. Which of the two hath the authority from the other? The King from the Law, or the Law from the King? *M.* The King from the Law.

B. From whence collect you that? *M.* Because the King was not sought for to restrain the Law, but the Law to restrain the King. And from the Law he hath that, whereby he is a King, for without the Law he would be a *Tyrant*.

B. The Law then is more powerfull than the King: and is as a Governess, and moderatrix both of his lust and actions. *M.* That is already granted.

B. What? Is not the voice of the people and the Law the same? *M.* The very same. *B.*

Which of the two is most powerfull, the
F 2 people

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people or the Law? *M.* I think, the whole
people. *B.* Why do you think so? *M.*
Because the people is as it were the parent of
the Law, certainly the Author thereof, they
being able to make or abrogat it, as they
please. *B.* Seeing then the Law is more po-
werfull than the King, and the people more
powerfull than the Law, we must see before
which we may call the King to answer in judg-
ment. Let us also discuss this. Are not the
things which for some others sake are institute,
of less account than those for whose sake they
are required or sought? *M.* I would have
that more clearly explained. *B.* Follow me
thus; is not a bridle made for the horse sake?
M. It is so. *B.* Are not sadles, girdings
and spurrs made for horses? *M.* They are.
B. Now if there were no horse, there should
be no use of such things. *M.* None at all.
B. A horse is then better than all these. *M.*
Why not? *B.* Why? a horse, for what use
is he desired? *M.* For very many uses, and
first of all for obtaining victory in war. *B.*
We therefore do esteeme the victory to be of
more worth than horses, armes and other
things, which are prepared for the use of war.
M. Of more worth indeed it is. *B.* What
did men especially regard in creating a King?
M. The peoples good, as I suppose. *B.*
But would there be no need of Kings, if
there were no societies of men? *M.* None at
all. *B.* The people then is better than the
King. *M.* It must needs be so. *B.* If the
people

people to be better, they are also greater. When a King then is called to judgment before a people, the lesser is called in to judgment before the greater. *M.* But when shall we hope for that happiness, that the whole people agree unto that which is right. *B.* That indeed is scarce to be hoped for. And to expect it, is certainly needless: otherwise a Law could neither be made, nor a Magistrat created. For neither is almost any Law alike to all, nor is there almost any man in that popular favour, so as to have no man either an enemy to him, or envious or slanderer of him; this now is desired, that the Law be usefull for the greatest part, and that the greatest part have a good opinion of him that is to be chosen. What if the greatest part of the people may enjoyne a Law to be made, and creat a Magistrat, what doth hinder, but that they also may judge him, and appoint judges over him? Or if the *Tribunes* of the people of *Rome*, and the *Lacedemonian Ephori* were sought to modify the power of Magistracy, should it seeme unjust to any man, if a free people, either upon the like or different account, did foresee their own good in suppressing the bitterness of Tyranny? *M.* Now I seeme almost to preceive what a people can do: but it is a matter of difficulty to judge what they will do, or appoint to be done. For the greatest part almost doth require old and usuall customes, and hateth novelty, which the rather is to be admired, seeing there is so great an incon-

stancy in meat, apparell, buildings, and in all household furniture. *B.* Do not think that these things are spoken by me, that I would have any new thing in this Kind to be done; but that I might shew you it hath been of old, that a King should answer in judgment before Judges, which you did believe to be almost incredible, or at least a novelty. For to pass over, how often it hath been done by our *Ancestors*, as partly before we have said, and you may also easily collect from history; did you never hear of those who contended for the Kingdome to have appealed to *Arbiters*?

M. I have indeed heard it to have been sometimes done amongst the *Persians*. *B.* And our writers affirme that the same was done by *Grimas* and *Milcolumbus*. But lest you alleadge that that Kind of *Arbiters* were wount to be assumed by the Contenders own consent, let us come to the ordinary Judges. *M.* Here I am afraid you may as far prevail, as if a man should spread nets in the sea to catch whales.

B. Why so, I pray you? *M.* Because all apprehending, restraint, and punishment is carryed on by the more powerfull against the weaker. But before what judges will you command a King to compear? Before them over whom he hath the supream power to judge? whom he can compece by this one word, *ſ Forbid*; *B.* What if some greater power be found which hath that right priviledge or jurisdiction over Kings, which Kings have over others? *M.* I desire to hear that.

that. *B.* We told you, if you remember, that this power is in the people. *M.* In the whole people indeed, or in the greatest part thereof. I also yeeld thus further, that it is in those to whom the people, or the greatest part of them shall transmit that power. *B.* You do well, in holding in my pains. *M.* But you know that the greatest part of the people is corrupted either through fear, or reward, or through some hope of a bribe and impunity, so as they preferre their own benefit and pleasures or lusts to the publick utility, and also safety. Now there are very few who are not hereby moved: according to that of the Poet. Good people are indeed rare, scarce so many in number, as there be gates in *Thebes*, or issues of the *River Nilus*. Now all the rest being a naughty rable fatned with blood and rapine enjoy their venal liberty, and envy the liberty of others. Now that I may pass from those with whom the name of wicked Kings also is sacred. I also omit those, who, albeit they are not ignorant what is Lawfull and just or right, yet preferre a quiet sloughfulness to honest hazards, and hesitating in their minds do frame their consultations on the expectation of the event: or follow the good fortune of either party. but not the cause. How great this multitude will be, you see. *B.* Great indeed: but yet not very great. For the wrong of *Tyrants* may reach many, but their good deeds very few. For the advarice of the vulgar is insatiable, as a fire is the more vehemently

mently kindled by adding fewall chreto ! But what is by force taken away from many , doth rather increase the hunger of some few , than satiat their lust. And further the fidelity of such men for the most part is unstable. As saith the Poet. Fidelity doth stand and fall with fortune. But if they would also continue firme in their judgment, they should not be accounted in the number of good subjects , for they are the violators , or rather betrayers of humane society : which vice if not sufferable in a King , is far less tolerable in a private person. Who then are to be accounted the right subjects ? they who give obedience to the Lawes, maintain and defend humane society , who rather undergo all paines and Labours , and all hazards for common safety , than spend their time sluggishly in idleness void of all honesty : who set before their eyes not their present enjoyments , but the remembrance of eternity. But if there be any whom fear and self interest recall from hazards , yet the splendor of some notable atchievment , and the beauty of vertue will raise up dejected minds : and those who dare not be Authors or Leaders , will not decline to become associats. If therefore subjects be reckoned, not by number , but by dignity and worth , not only the better part , but also the greater part will stand for their liberty , honesty and safety. But if the whole common people dissent , this sayes nothing to our present debate : for we demand not what is to be done , but what may Lawfully

fully be done. But now let us come to the ordinary judiciall sentences: *M:* That I just now look for. *B:* If any private man contend that his inheritance, or some part of his land is unjustly detained by the King, what do you think should this privat man do? shall he pass from his land, because he cannot set a judge over the King? *M:* Not at all, but he may command not the King, but his proxy to compare in judgment. *B:* Now see what strength that refuge hath whereof you make use. For it is all one to me, whether the King compare, or his proxy, or Advocat, for both wayes, the litis-contestation will redound to the Kings loss: the dammage or gain will redound to him not to his Advocat by the event of the sentence. In end he is found guilty, that is, he whose cause is agitat. Now I would have you consider not only how absurd it is, but also unjust to pass sentence against a King for a petty inheritance for lights in a house, or for ease droppings thereof, and no sentence to be past for parricide, witchcraft, or treason. To make use of the severity of the Law in lesser matters, and the greatest licence and impunity to be permitted in the greatest crimes. So that that old proverb seemes plainly true, Lawes are very like spiders webs, which hold flies fast, but let bigger beasts pass through. Nor is that complaint and indignation of some just, who say that it is neither honest nor equitable, that judgment should pass against a King by a man of an inferour rank, seeing they see it

received and admitted in debate about money or land; and the greatest peers next to the King for the most part compear before the Judges, who are inferiour to them in riches, nobility, and valour. And not much above the vulgar rank: and far more below the guilty, than the greatest Peers are below Kings. Nor yet for all this do these Noble men, or Peers think it any derogation to their dignity. Now if we shall once admit this, that no man can be sifted before a judge, unless the judge be every way superior to the person arraigned, the inferiour rank must attend and wait on untill the King either please, or be at leisure, to cognosce concerning the guilty noble man, but what if their complaint be not only unjust, but also false? For no man coming before a judge doth come before an Inferiour person, especially seeing so great an honour is by God himself conferred upon the order of Judges, that he calleth them not only Kings but also Gods, and as much as can be, doth communicat to them his own dignity. Therefore those *Roman Popes*, who did graciously indulge Kings to kiss their feet, who did send for honours sake to such as came to meet them, their mules, who did tread upon the necks of Emperours, being called to answer in judgment, did obey, and being compelled by judges renounced their Popedome. *John* the twenty second being from flight brought back, was thrust into prison, and scarce at last relieved by money, and submitted to him that was put into his
place

place, and therefore he did approve the sentence of the Judges. What did the Synode of *Basile*, did it not appoint and ordain by the common consent of all the members thereof, that the Pope is subject to the Council of Priests. Now these fathers were perswaded upon what account they did so, which you may find out of the Acts of these Councils. Kings then who confess the Majesty of Popes to be so far above them, as that it doth overshadow them all with the top of its celsitude, I know not how they think therein their dignity to be diminished, wherein the Pope did not think he was disparaged to descend from so high a throne, namely to stand to the judgment and sentence of the Cardinals: hereby you may see how false their complaint is, who disdain to be arraigned at the bar of an Inferiour judge, for it is not *Filius*, *Sempronius*, or *Stichus* that doth in a judiciary way condemne and assoile, but the Law, to which Kings should yeeld obedience. The most famous Emperours *Theodosius* and *Valentinianus* accounted honourable. I shall here set down their own words, because they deserve the memory of all ages. It is (say they) a word well beseeming the Majesty of a King to confess he is a Prince tyed to the Lawes. And we declare that it is more to submit a principality to the Lawes than to enjoy an Empire. And what we now declare by this our edict, we will not suffer to be infringed. These things the very best Princes judged right and by Law established,

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blished, and some of the worst see the same. For *Nero* being apparelled in the dress of *Harpers*, is said to have not only observed their carriage and motions, but also when it came to be judged who had done best, that he stood solicitous betwixt hope and fear for the victory. For albeit he knew he would be declared victor, yet he thought the victory would be the more honest, if he should obtain it, not by the flattery of the judges, but by due debate: and he thought the observation of the Law did contribute not for the diminution of his authority, but for the splendor of the victory. *M*: Your discourse, I perceive, is not so insolent, as at first I took it, when you said, you would have Kings obedient to the Lawes: for it is not so much founded upon the authority of Philosophers, as of Kings, Emperours and Councils of the Church. *M*: But I do not well understand that you say, it is not man but the Law that judgeth. *B*: Call to mind what was said a little before: did we, not say, that the voice of the King and of the Law is the same? *M*: We did so. *B*: What the voice of the Clerk, and *Herauld* is, when the Law is published? *M*: The very same. *B*: But which of the two hath the authority from the other. whether the judge from the Law, or the Law from the judge? *M*: The judge from the Law. *B*: The strength of the sentence is then from the Law, and the pronounciation of the words of the Law is alone the judges. *M*: It seemes so. *B*: Yea, there

is

is nothing more certain, for the the sentences of judges pronounced according to the Law are ratified, else they are rescinded. *M:* There is nothing more true than that. *B:* You see then that the judges authority is from the Law, and not the Lawes authority from the judge. *M:* I see it is so. *B:* The Low and mean condition of him that proclaimeth the Law doth not diminish the dignity thereof, but the dignity of the Lawes is still the same, whether the King, a Judge, or an *Herauld* proclame it. *M:* It is so indeed. *B:* The Law then being once established, is first the voice of the King and then of others. *M:* It is so. *B:* Whilst then the King is condemned by a Judge, he seemes to be condemned by the Law. *M:* That is very clear. *B:* If by the Law, then he is condemned by his own voice, as seemes, no less than if it were written with his own hand. *B:* Why then do we so much weary our selves concerning a judge, seeing we have the Kings own confession, that is to say, the Law? Let us also consider this, which is but presently come into my minde. When a King in what cause soever doth sit in judgment as a judge, should he not lay aside the person of all others, and to have no respect to brother, Kinsman, friend or foe, but retain only the person of a judge? *M:* He ought so to do. *B:* Ought he not to remember that person only, whose proper act it is he is about. *M:* I would have you tell me that more clearly. *B:* Take heed then:
when

when any man doth secretly take away another mans goods, what do we say he hath done? *M:* I think, he hath stolen them. *B:* How do you call him for this deed? *M:* A Thief. *B:* How do you say he hath done, who makes use of his neighbours wife, as him own? *M:* We say he hath committed adultery. *B:* How shall we call him? *M:* An Adulterer. *B:* How do we call him that judgeth? *M:* A Judge. *B:* To others also after this manner from the actions they are about, names may berightly give. *M:* They may. *B:* When a King then is to pass a sentence, he is to lay aside all other persons. *M:* Indeed he should, especially those that may prejudice either of the parties in judging. *B:* How do you call him against whom the sentence is past, from that act of judgment? *M:* We may call him, guilty. *B:* And is it not equitable that a judge lay aside such persons as may prejudice the sentence? *M:* certainly he should, if so be, such persons be more regarded than the cause: yet such persons pertain not to a judge. Seeing God will have no respect to be had to the poor in judgment. *B:* If then any man, who is a painter or a Grammarian debate before a judge concerning the art of painting against a painter, he is not a Grammarian, for the science of grammer should not herein availe him. *M:* Nothing at all. *B:* Nor the art of painting availe the other, if the debate be concerning Grammer. *M:* Not a white more. *B:* A judge then in judgment must acknowledge

ledge but one name, to wit, of the Crime, or guilt, whereof the Adversary or plaintife doth accuse his party or defendant to be guilty. *M:* No more. *B:* What if a King

be guilty of parricide, hath he the name of a King, and what ever doth belong to a judge?

M: Nothing at all, but only of a parricide, for he commeth not into controversy concerning his Kingdome, but concerning his parricide.

B: What if two parricides be called to answer in judgment, the one a King, and the other a poor fellow, shall not there be a like way of procedure by the judge of both?

M: The very same with both, so that I think that of *Lucan* is no less true than elegantly spoken.

Viz *Cesar* was both my leader and fellow in passing over the *Rhine*. Whom a malefice doth make guilty, it maketh alike. *B:* True indeed.

The proces then is not here carried on against a King and a poor man, but against their parricides: For then the proces should be led

on concerning the King, if it should be asked which of the two ought to be King: Or if it come into question, whether *Hiero* be King or

a *Tyrant*, or if any other thing come into question which doth properly belong to the Kings function. Even as if the sentence be

concerning a painter, when it is demanded, hath he skill in the art of painting. *M:* What

if a King will not willingly compear, nor by force can be compelled to compear. *B:* Then

the case is common with him as with all other flagitious persons. For no Thief or warlock

will

will willingly compear before a judge to be judged. But I suppose, you know, what the Law doth permit, namely to kill any way a thief stealing by neight, and also to kill him if he defend himself when stealing by day. But if he cannot be drawn to compear to answer but by force, you remember what is usually done For we pursue by force and armes such robbers as are more powerfull than that by Law they can be reached. Nor is there almost any other cause of all the warres betwixt Nations people and Kings than those injuries which, whilst they cannot be determined by justice, are by armes decided. *M:* Against enemies indeed for these causes warres use to be carried on, but the case is far otherwise with Kings, to whom by a most sacred oath interposed we are bound to give obedience. *B:* We are indeed bound: but they do first promise that they shall rule in equity and justice. *M:* It is so. *B:* There is then a mutuall paction betwixt the King and his subjects. *M:* It seemes so. *B:* Doth not he who first recedes from what is covenanted, and doth contrary to what he hath covenanted to do, break the contract and covenant? *M:* He doth. *B:* The bond then being loosed, which did hold fast the King with the people, what ever priviledge or right did belong to him, by that agreement and covenant who looseth the same, I suppose is lost. *M:* It is lost. *B:* He then with whom the Covenant was made becometh as free as ever he was before the stipulation.

lation. *M:* He doth clearly enjoy the same privilege, & the same liberty. *B:* Now if a King do those things which are directly for the dissolution of society, for the continuance where of he was created, how do we call him? *M:* A Tyrant, I suppose. *B:* Now a Tyrant hath not only no just authority over a people, but is also their enemy. *M:* He is indeed an enemy. *B:* Is there not a just and Lawfull war wick an enemy for grievous and intolerable injuries? *M:* It is for sooth a just war. *B:* What war is that which is carried on with him who is the enemy of all mankind, that is, a Tyrant? *M:* A most just war. *B:* Now a Lawfull war being once undertaken wick an enemy, and for a just cause, it is Lawfull not only for the whole people to kill that enemy, but for every one of them. *M:* I confess that. *B:* May not every one out of the whole multitude of mankind assault with all the calamities of war, a Tyrant who is a publick enemy, with whom all good men have a perpetuall warfare. *M:* I perceive all Nations almost to have been of that opinion For *Thebe* is usually commended for killing her husband, *Timoleon* for killing his brother, and *Cassius* for killing his Son: and *Fulvius* for killing his own son going to *Catiline*, and *Brutus* for killing his own sons and kinsmen, having understood they had conspired to introduce Tyranny again: and publick rewards were appointed to be given, and honours appointed by severall Cities of greece to those that should kill Tyrants. So that (as is before said) they thought

thought there was no bond of humanity to be kept with Tyrants. But why do I collect the assent of some single persons, since I can produce the testimony almost of the whole world? For who doth not sharply rebuke *Domitius Corbulo*, for neglecting the safety of mankind, who did not thrust *Nero* out of his Empire, when he might very easily have done it? And not only was he by the *Romans* reprehended, but by *Tyridates* the *Persian* King, being not at all afraid, lest it should afterward befall an example unto himself. But the minds of most wicked men enraged with cruelty are not so void of this publick hatred against Tyrants, but that sometimes it breaketh out in them against their will, and so reeth them to stand amazed with terrour at the sight of such a just and Lawfull deed. When the Ministers of *Caius Caligula* a most cruel Tyrant were with the like cruelty tumultuating, for the slaughter of thier Lord and Master, and required those that had killed him to be punished, now and then crying aloud, who had killed the Emperour: *Valerius Asiaticus* one of the Senators standing in an eminent high place from whence he might be heard, cryed out aloud: I wish I had killed him. At which word these tumultuary persons void of all humanity stood as it were astonished, and so fore bore any more to cry out tumultuously. For there is so great force in an honest deed, that the very lightest shew there of, being presented to the minds of men, the most violent assaults are allayed, and fierce
 fury

jury doth languish, and madness nill it will ic doth acknowledge the soveraignty of reason. Neither are they of another judgment, who with their loud cryes mixe heaven and earth together. Now this we do easily understand either from hence, that they do reprehend what now is done, but do commend and approve the same seemingly more atrocious, when they are recorded in an old history; and thereby do evidently de monstrat that they are more obsequious to their own particular affections, than moved by any publick dammage. But why do we seek a more certain witness what Tyrants do deserve, than their own Conscience? thence is that perpetuall fear from all, and chiefly from good men: and they do constantly see hanging above their own necks the sword which they hold still drawn against others, and by their own hatred against others they measure other mens minds against them. But contrariwise good men, by fearing no man do often procure their own hazard, whilst they weigh the good will of others towards them, not from the vicious nature of men, but from their own desert towards others. *B:* You do then judge that to be true, that Tyrants are to be reckoned in the number of the most cruell brute beasts; and that Tyrannicall violence is more unnatuall than poverty, sickness, death, and other miseries which may befall men naturally. *M:* Indeed when I do ponder the weight of your reasons, I cannot deny, but these things are true. But whilst hazards and in-
con-

130 *The due Priviledge of*
conveniencies do occurre, when follow on the
back of this opinion, my mind as it were tyed
up with a bridle, doth instantly I know not
how, faile me, and bendeth from that too
stoicall and severe right way towards utility,
& almost falleth away. For if it shall be lawfull
for any man to kill a Tyrant, see how great a
gape you do open for wicked men to commit
any mischief, and how great hazard you creat
to good men; to wicked men you permit
licentiousness, and lets out upon all the per-
turbation of all things. For he that shall kill a
good King, or at least none of the worst, may
he not pretend by his wicked deed some shew
of honest and Lawfull duty? or if any good
Subject shall in vain attempt to kill a Prince
worthy of all punishment, or accomplish what
he intended to do, how great a confusion of all
things do you suppose most needs follow there
upon? Whilst the wicked do tumultuat, raging
that their head and leader is taken away from
them, neither will all good men approve the
deed, nor will all those who do approve, the
deed, defend the doer and author of their
liberty against a wicked crew. And many un-
der an honest pretext of peace will vaile their
own laziness, or rather calumniat the vertue of
others, than confess their own slothfulness.
Surely this remembrance of self interest, and
excuse of leaving the publick cause, and the
fear of dangers, if it doth not break the cour-
age, yet it weakneth the same, and compelleth
it to preferre tranquillity, albeit not very sure,

to an uncertain expectation of liberty. **B:** If you well remember what is before spoken, this your fear will be easily discussed. For we told you that there be some Tyrannies allowed by the free suffrages of a people, which we do honour with royall titles, because of the moderat administration. No man, with my will, shall put violent hand on any such, nor yet on any of those, who even by force or fraud have acquired sovereignty, providing they use a moderat way in their government. Such amongst the Romans were *Vespasianus*, *Titus*, *Pertinax*; *Alexander* amongst the Grecians, and *Hiero* in *Syracusa*. Who albeit they obtained the Government by force and armes, yet by their justice and equity deserved to be reckoned amongst just Kings, Besides, I do only shew what may be Lawfully done, or ought to be done in this case, but do not exhort to attempt any such thing. For in the first a due consideration of the case, and a clear explanation thereof is sufficient: but in the last there is need of good counsell in undertaking, of prudence in assaulting, and courage in acting. Now seeing these things are either promoted or overturned by the circumstances of time, person, place, and other instruments in carrying on the business: if any shall rashly attempt this, the blame of his fault can be no more imputed to me, than his fault to a Physician, who hath duely described the remedies of diseases, but were given by another to the patient unseasonably. **M:** One thing seemes yet to be wanting
to

to put an end to this dispute which if you shall add, I shall think I have received a very singular Kindness of you; the matter is this, let me understand, if there be any Church Censures against Tyrants? **B:** You may take it when you please out of the first Epistle of *Paul* to the *Corinthians*, where the Apostle doth forbid to have any fellowship either at meat or discourse with openly lewd and flagitious men. If this were observed amongst Christians, such lewd men, unless they did repent, might perish by hunger, cold, and nakedness. **M:** A grievous sentence indeed that is. But I do not know if a people, that allow so much liberty every way to their *Rulers*, will believe that Kings should be punished after this manner. **B:** surely the ancient Ecclesiastick writers without exception did thus understand that sentence of *Paul*. For *Ambrose* did hold out of the Assembly of the Christians *Theodosius the Emperour*, and *Theodosius* obeyed the said Bishop: and for what I know, Antiquity doth more highly extoll the deed of no other so much, nor is the modesty of any other Emperour more commended. But to our purpose, what difference is there betwixt the exclusion out of Christian fellowship, and the interdiction from fire and water? this last is a most grievous sentence imposed by *Rulers* against such as refuse to obey their commands: and the former is a sentence of Church men. Now the punishment of the contempt of both authorities is death: but the Secular judge denounceth the death of the body, the Ecclesiastick judge denounceth the destruction of the whole man. Therefore the Church will not account him worthy of death, whom it doth expell out of the fellowship of Christians, while he is alive, and banisheth him into the fellowship of Devils, when dead. Thus according to the equity of the cause I think I have spoken abundantly, if herewith any Forrainers be displeas'd, I desire they would consider how unjustly they deal with us. For whilst there be many Nations both great and wealthy in *Europe*, having all their own peculiar Lawes, they deale arrogantly who would prescribe to all that modell and forme of government which they themselves enjoy.

enjoy. The *Helvetians* government is a common wealth, *Germany* useth the name or Title of Empire, as a lawfull government. Some Cities in *Germany*, (as I am informed) are under the rule of Princes. The *Venetians* have a Seignory tempered of these. *Muscovia* hath a very Tyranny in stead of government. We have indeed but a little Kingdome, but we enjoy it these two thousand years free of the empire of forrain Nations. We did Creat at first Lawfull Kings, we did impose upon our selves and them equall and just Lawes, the long continuance of time doth shew they were usefull. For more by the obervation thereof than by force of armes hath this Kingdome stood intire hitherto: Now what iniquity is this, that we should desire either to abrogat, or neglect the Lawes, the good whereof we have found by experience for so many ages? Or what impudence is that in others, that where as they cannot scarce defend their own government, endeavour to weaken the state and good order of another Kingdome? What? are not our Lawes and statutes usefull not only to our selves, but also to our neighbours? For what can be more usefull for keeping peace with our nearest neighbours, than the moderation of Kings? for from immoderat lust upjust wars are for the most part rashly undertaken, wickedly prosecuted and carried on, and shamfully with much disgrace left off. And further, what more hurtfull can there be to auy Common wealth, than bad Lawes amongst their nearest neighbours, whereof the contagion doth usually spread far and wide? And why do they thus trouble us only, seeing so many Nations round about have their severall Lawes and statutes of their own, and no Nation hath altogether the same Lawes and statutes as others about them have? and why are they now offended at us, seeing we make no new Law, but continue to observe what we had by an ancient priviledge? and seeing we are not the only persons, nor the first persons, nor yet is it at this time that we make use of our Lawes. But our Lawes are displeasing to some. Perhaps their own Lawes displease them also. We do not curiously enquire what the Lawes of other Nations are. Let them Leave us our

own well known by the experience of so many years. Do we trouble their Councils? or in what business do we molest them? But you are seditious, say they, I could freely give them an answer: what is that to them? we are tumultuous at our own perill, and at our own damage. I might enumerate a great many seditions that are not hurtfull either to Commonwealths or Kingdoms. But I shall not make use of that defence. I deny any Nation hath ever been more moderate in seditions than we. Many contentions have fallen out for Lawes, and right of government, and administration of the Kingdome, yet the main business hath been still kept safe. Our contentions never were, as amongst many others, with the destruction of the people, nor with the hatred of our Princes, but only out of love to our own countrey, and desire to maintain our Lawes. How often in our time have great armies stood in opposition to one another? how oft have they retired and withdrawn from one another, not only without wound, but without any harme, yea without so much as a reproach? How often hath the publick utility settled the private grudges? how often hath the rumor of the enemies approach extinguished our intestine hatred and animosity? In all our seditions we have not been more modest than fortunat; seeing for the most part the party most just hath been alwayes most fortunat: and even as we have moderately vented our hatred, so have we to our profit and advantage condescended to an agreement. These things at present do occurre, which might seeme to compeesse the speeches of malevolents, refute such as are more pertinacious, and may satisfy such as are of a more temperat disposition. But by what right other Nations are governed, I thought it not much to our purpose. I have briefly rehearsed our own way and custome, but yet more amply than I intended, or than the matter did require: because I undertook this pains for you only. And if it be approved by you, I have enough. M: As for me, you have abundantly satisfied me: but if I can satisfy others also, I shall think I have received much good by your discourse, and my selfe eased of very much trouble.

